

First Special & Organizational Meeting
January 2, 2013

The First Special and Organizational Meeting of 2013 was called to order by the Clerk at 9:05 A.M.

The following County Legislators were present:

DISTRICT 1
Richard L. Huttleston

DISTRICT 5
Raymond P. Case

DISTRICT 2
Martha C. Sauerbrey

DISTRICT 6
Dale N. Weston

DISTRICT 3
Michael Roberts

DISTRICT 7
William H. Standinger, III
Ed Hollenbeck

DISTRICT 4
Loretta A. Sullivan
Tracy Monell

There were 4 people in attendance.

The Clerk asked Legislator Standinger to have a moment of Prayer. "I would ask we take a moment of silence for all the victims of violence in our world."

Legislator Standinger led all Legislators and those in attendance in the Pledge of Allegiance.

The Clerk announced that the first order of business was the election of a Chair. Legislator Huttleston nominated Legislator Weston, seconded by Legislator Roberts. Legislator Sauerbrey moved to close the nominations, seconded by Legislator Roberts. On roll call vote all members voted Aye and the Clerk cast one ballot and Legislator Weston was appointed Chair of the Tioga County Legislature for a one year term.

County Clerk Robert Woodburn swore Legislator Dale Weston in as Chair of the Tioga County Legislature for 2013.

Chair Weston spoke. "My thanks to everyone for attending this Organizational Meeting of the 2013 Tioga County Legislative Session and thank you fellow Legislators for my nomination to the position as Chairperson.

"As my first formal action of our initial Session I would like to welcome newly appointed Legislator Ray Case, Representative of the 5th District. Today I would like to outline some of the goals I hope we as Legislators can accomplish this year. The goals for 2013: (1) Explore ways to meet the mandated 2% property tax cap without sacrificing so much of our fund balance. (2) Decide on what steps should be taken to solve the problem of the reconstruction of records damaged in the 2011 flood. That is going to have to be worked on very very soon. (3) Complete space allocation studies, thereby improving the efficiency of governmental operations so as to function at lower costs. (4) Promote economic development by encouraging new businesses to locate in Tioga County. (5) Address the discrepancies between the Tioga/Chemung County line boundaries in the erroneous Town of Spencer tax map boundaries in order to return significant tax revenues to Tioga County. If we can accomplish those, it would be great. Thank you very much."

The Chair announced the next order of business was the election of a Deputy Chair. Legislator Roberts nominated Legislator Sauerbrey, seconded by Legislator Sullivan. Legislator Sullivan moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote all members voted Aye and the Chair cast one ballot and Legislator Sauerbrey was appointed Deputy Chair of the Tioga County Legislature for a one year term.

County Clerk Robert Woodburn swore Legislator Sauerbrey in as Deputy Chair of the Tioga County Legislature for 2013.

The Chair called for nominations for Public Information Officer. Legislator Sauerbrey nominated Cathy Haskell, seconded by Legislator Roberts. Legislator Sullivan moved to close the nominations, seconded by Legislator Sauerbrey. On roll call vote all Legislators voted for Cathy Haskell as Public Information Officer, and the Chair cast one ballot and Cathy Haskell was appointed Public Information Officer for a one year term.

The Chair called for nominations for Republican Majority Leader. Legislator Sauerbrey nominated Legislator Michael Roberts, seconded by Legislator Sullivan. Legislator Sullivan moved to close the nominations, seconded by Legislator Monell. On roll call vote all Legislators voted for Legislator Michael Roberts as Republican Majority Leader, and the Chair cast one ballot and Legislator Michael Roberts was appointed Republican Majority Leader for a one year term.

Chair Weston asked if there were any disclosures to be made.

Legislator Case stated. "I have no disclosures."

Legislator Hollenbeck stated. "I have no disclosures."

Legislator Huttleston stated. "I run a real estate appraisal business and I do no appraisals for the County because of the conflict of interest."

Legislator Monell stated. "I have no disclosures."

Legislator/Chair Weston stated. "I have no disclosures."

Legislator Roberts stated. "I have no disclosures."

Legislator Sauerbrey stated. "I work for the Tioga County Chamber of Commerce as President and CEO. We receive no taxpayer dollars in support of that organization."

Legislator Standinger stated. "I have no disclosures."

Legislator Sullivan stated. "I am a partner in a commercial heating business. We do no business with Tioga County."

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 1-13 TRIPS AUTHORIZED

RESOLVED: That the Chair and the Clerk of the County Legislature, the County Attorney, and County Legislators be, and they hereby are, authorized to make such trips as their duties may require and that their actual and necessary expenses for travel, meals and lodging incurred on such trips be a County charge.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 2-13 *DESIGNATION OF OFFICIAL
DEPOSITORIES*

RESOLVED: That, pursuant to the powers vested in this Legislature by Section 212 of the County Law, as amended, the following Banks within New York State be, and they hereby are designated as depositories for the deposit of all monies received by the County Treasurer, to an amount not to exceed the sum set opposite the name of each Bank as follows:

JP Morgan Chase Bank	\$25,000,000
Chemung Canal Trust Company	\$25,000,000
Citizens Bank, N.A.	\$25,000,000
Community Bank, N.A.	\$25,000,000
First Niagara Bank, N.A.	\$25,000,000
M&T Bank	\$25,000,000

Tioga State Bank \$25,000,000

National Bank and Trust Company, N.A. \$25,000,000

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 3-13 *DESIGNATE OFFICIAL NEWSPAPERS*

RESOLVED: That the Tioga County Courier and the Morning Times are hereby designated official newspapers for the publication of all local laws, notices and other matters required by law to be published pursuant to County Law §214, Subd. 2; and be it further

RESOLVED: That the Press and Sun Bulletin, a daily newspaper, is hereby designated as the official newspaper for purposes of publishing all local laws, notices and other matters required by law to be published at such times that there is insufficient time to publish in the above two newspapers.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Monell, Weston, Roberts, and Sauerbrey.

No – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

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Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 4-13 *DESIGNATION OF NEWSPAPER FOR
REPUBLICAN PARTY*

RESOLVED: That the Morning Times is hereby designated as the newspaper published in the County of Tioga for the Republican Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd. 1.

ROLL CALL VOTE

Yes – Legislators Standinger, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – Legislator Sullivan.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 5-13 *DESIGNATION OF NEWSPAPER FOR
DEMOCRATIC PARTY*

RESOLVED: That the Tioga County Courier is hereby designated as the newspaper published in the County of Tioga for the Democratic Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd. 1.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Monell, Weston, Roberts, and Sauerbrey.

No – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 6-13 *SET SALARY OF CHAIR*

RESOLVED: That the salary of the Chair of the Tioga County Legislature be set at \$31,160 per year, which includes the salary received as County Legislator of \$9,635 and an additional \$21,525 to serve as Chair.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 7-13 *FIX DATES AND TIMES OF
TIOGA COUNTY LEGISLATIVE
MEETINGS*

RESOLVED: That the Tioga County Legislature during 2013 shall meet regularly in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York at 12:00 P.M. on the Tuesday following Committees which are held during the first full work week of the month; and be it further

RESOLVED: That the, March, June, September and December 2013 Legislative meetings shall be held at 6:00 P.M.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO. 8-13 APPOINTMENT OF
ADMINISTRATIVE CORONER

WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2013; and

WHEREAS: Such Administrative Coroner will perform the supervisory duties of managing their budget, paying the bills, and various office functions of the Coroner's office; and

WHEREAS: The Administrative Coroner will have no supervisory authority over the other Coroners; therefore be it

RESOLVED: That W. Stewart Bennett, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2013 and be given a stipend of \$3,000.00 as set forth in the County budget.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 9-13 *APPOINT DIRECTORS
SOIL & WATER CONSERVATION
DISTRICT*

RESOLVED: That Legislators Dale Weston and Tracy Monell are hereby appointed Directors of the Tioga County Soil and Water Conservation District for a one year term of January 1, 2013 through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 10-13 *ANNUAL REVIEW OF PROCUREMENT POLICY*

WHEREAS: General Municipal Law §104-b requires an annual review of Tioga County's procurement policy and procedures; now therefore be it

RESOLVED: That the Tioga County Legislature affirms its annual review of its Procurement Policy.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 11-13 *APPOINT FREEDOM OF
INFORMATION OFFICER*

WHEREAS: In discussions with the current Freedom of Information Officer and the County Attorney it was felt that there has been a duplication of processes with the FOIL procedures and that the title of Freedom of Information Officer would be better suited to someone in the County Attorney's Office; now therefore be it

RESOLVED: That Diane Stephens, Confidential Secretary to the County Attorney, be and hereby is appointed Freedom of Information Officer for Tioga County; and be it further

RESOLVED: That in the event she is unable to act for any reason, the County Attorney or the Clerk of the Legislature is hereby designated to act in her stead; and be it further

RESOLVED: That in the event the Freedom of Information Officer makes a personal request for information, said request shall be approved by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 9:21 A.M.

*First Regular Meeting
January 15, 2013*

The First Regular Meeting of 2013 was held on January 15, 2013 and was called to order by the Chair at 12:01 P.M. All Legislative members were present.

Chair Weston asked Legislator Standinger to have a moment of prayer. "Lord, we thank you for this day and we ask you to guide us as we conduct the business of Government for the County of Tioga."

Legislator Standinger led all Legislators and those in attendance in the Pledge of Allegiance.

Legislator Huttleston read and presented the following recognition resolution to Sally Wheeland of the Public Health Department.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 12-13 *RECOGNITION OF
SALLY L. WHEELAND'S 27 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
HEALTH DEPARTMENT*

WHEREAS: Sally L. Wheeland, was appointed to the position of Public Health Nurse on November 12, 1985, in the Tioga County Health Department; the position she still holds; and

WHEREAS: In 2008 Sally was honored as the 2008 Public Health Works Honor Roll Winner through New York State Department of Health, the first recipient from Tioga County; and

WHEREAS: Sally has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 27 years to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Wheeland retired on December 31, 2012; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Sally L. Wheeland for her over 27 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Sally L. Wheeland.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. “Congratulations on retiring. The real losers are the residents in this County that you served for so many years, and I am quite sure that you have a lot more friends other than the Legislators and the Community in the number of people you served. I certainly appreciate everything that you have done and I am sorry to see you leave, but I am happy that you are going to have time to enjoy yourself.”

Sally Wheeland spoke. “Thank you for this honor. It has always been my honor and privilege to serve the people of Tioga County. I have had a job that I loved for 27 years. You do not get to do that very often and I appreciate it. Thank you.”

Marilyn Reynolds of the Health Department spoke. “I am deferring my speech. I am Sally’s Supervisor for 13 years, but the State wanted to acknowledge Sally’s years of service. “Dear Ms. Wheeland: New York State Department of Health extends to you this career achievement award for your 27 years of dedicated service to public health in Tioga County in your corner of the Southern Tier of New York State. Your commitment, tenacity, and drive are what brought you to work every day, sometimes under the most trying circumstances to selflessly help others in need and carry out the mission of Public Health.

“From responding to the rabid goat incident in 1996 to the floods of 2006 and 2011, to the cutting edge of investigation into Legionella’s, to public health preparedness planning, to countless immunization clinics, sexually transmitted

disease clinics, tuberculosis, H1N1 influenza, HIV and AIDS, pertussis, West Nile virus, Lyme disease. The list goes on and on. The knowledge you possess can only be attained by years of experience. Your ability to keep abreast of ever changing information and your uncanny ability to think on your feet made you the perfect person for the job. I believe Tioga County will have difficulty finding someone who can fill your shoes.

"I can say with certainty your retirement will be felt by the Central New York State Regional Office. I wish you the best in your next endeavor and thank you for the invaluable work that you have accomplished in your career. It has been an honor to work with you. Sincerely Dan Cassler who is the Director of Communicable Disease Program of Central New York State. This is a Career Achievement Award with the New York State signa on it to Sally Wheeland in recognition of her career, dedicated service to the people of Tioga County, New York and with the well earned respect and appreciation of her colleagues. With her knowledge, experience, commitment, character, and ability to accomplish the mission, she has been a cornerstone of Public Health Nursing in her community."

Johannes Peeters, Public Health Director, spoke. "She will be greatly missed by us. She has been a great asset and I enjoyed her for all the 13 years that I have known her. She is well respected by her peers also. Thanks."

Jamie Cornell of the Employee Recognition Committee presented the Employee of the year 2012. "I have had the privilege of serving on the Employee Recognition Committee for the last two years. Today we are here to acknowledge Teresa Ryder who has been selected as the 2012 Employee of the Year for Tioga County.

"Teresa began her career with Tioga County in 1980 as a Social Welfare Examiner at DSS. In 1984 she was promoted to Senior Social Welfare Examiner and in 1986 Teresa was promoted to Welfare Management Systems Coordinator at DSS, a Supervisory position that she currently retains.

"Teresa is extremely dedicated to her job. Over the years she has been responsible for leading the implantation of several agency wide system changes, numerous State computer programs, and she tackled the large undertaking of moving the Department of Social Services into the new Health and Human Services Building. Initiating these changes has often required increased commitment on Teresa's part in both time and training, which she tackles with resolve and determination to do her best at all times.

"Teresa is highly respected by her peers and her staff. She demonstrates extensive knowledge in her professional area and is often consulted by the State for her expertise, and she has been chosen as DSS Supervisor of the Year three times. Teresa resides in Nichols with her husband Jim. She has three grown children, Andrea, Kyle, and Lindsey, and nine cherished grandchildren. Teresa enjoys cooking and often shares her creations with her coworkers and likes to garden. Teresa says that her greatest joy is her family and she enjoys planning and hosting parties for her family and friends."

Gary Grant, Director of Administrator Services for the Department of Social Services, spoke. "I was here a couple of months ago when Teresa won the Employee of the Quarter and I said a few things, a lot of nice things about Teresa. I will not repeat them today, but I am happy to announce that they are all still true, so the award has not gone to her head and hopefully the Employee of the Year will be the same.

"A little story that I think kind of points out why Teresa is here today. Yesterday her three employees appeared in my office and Charles was their spokesperson. There is a rule in Systems that Teresa has that there will be coverage from 8:00 till 5:00, no exceptions. They all wanted to be here today so they wanted me to pull rank and allow them to come here, so we have no coverage for half an hour, but they promised to go back right away and get back to work. I think it points out a couple of things, number one the fact that the dedication and loyalty that her staff has to her, that they are here today in addition to a number of her peers and so on, truly to her credit, but also the focus that Teresa has, her leadership on instilling in to her staff the customer service aspect of the job. I place her and her staff against any in the State in terms of customer service that they provide to our customers internally and externally, and that is due to Teresa's leadership. Congratulations."

Teresa Ryder spoke. "I just want to thank everybody for coming out here and I enjoy my job. Thank you, thank you so much. It is a great honor."

Chris Bonner had privilege of the floor. He spoke regarding fracking and property owners.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		279.08
A1165	District Attorney		6,199.29
A1170	Public Defender		4,434.65

A1172	Assigned Counsel		18,223.95
A1185	Medical Examiners/Coroners		10,154.16
A1325	Treasurer		556.85
A1355	Assessments		14,775.37
A1362	Tax Advertising and Expense		5,689.76
A1410	County Clerk		226.10
A1420	Law		3,099.00
A1430	Personnel		1,845.73
A1450	Elections		34,430.87
A1490	Public Works Administration		465.46
A1620	Buildings	1,405.88	55,854.81
A1621	Buildings		25,268.56
A1680	Information Technology		16,097.66
A2490	Community College Tuition		43,909.50
A2960	Education of Handicapped Children		144,812.29
A3020	Public Safety Comm E911 System	279.00	4,702.36
A3021	Enhanced E911 Equipment	1,950.00	
A3110	Sheriff		18,216.56
A3140	Probation		136.11
A3146	Sex Offender Program		9,240.00
A3150	Jail	342.25	57,584.92
A3315	Special Traffic Programs	5,000.00	11,795.50
A3357	FY11 NYS Homeland Security	1,950.13	27,816.13
A3410	Fire		9,564.35
A3640	Emergency Mgmt Office		519.89
A3992	EMO C837990 Grant		8,720.00
A4010	Public Health Nursing		36,597.20
A4011	Public Health Administration		2,461.02
A4012	Public Health Education	134.40	349.86
A4042	Rabies Control		6,050.51
A4044	Early Intervention		35,169.01
A4047	Handicapped Education Admin		61.26
A4053	Preventive/Primary Health Services		75.00
A4054	Preventive Dental Services		916.58
A4064	Managed Care-Dental Services	305.60	9,695.00
A4070	Disease Control		2,319.60
A4090	Environmental Health		1,440.06
A4210	Alcohol and Drug Services		14,075.20
A4309	Mental Hygiene Co Admin		9,312.19
A4310	Mental Health Clinic		25,723.80
A4311	Rehabilitation Support Services		618.00
A4320	Crisis Intervention Services		14,761.45
A4321	Intensive Case Management		1,143.58

A6010	Social Services Administration	78,618.40
A6422	Economic Development	421.71
A6510	Veterans' Service	187.34
A6610	Sealer Weights & Measures	144.84
A7310	Youth Programs	24.97
A7310.41	Youth Programs, Refundable	11,513.37
A8760	NYS DOS LTCRS Grant	9,809.57
SOLID WASTE FUND		90,313.59
SPECIAL GRANT FUND		1,327.62
COUNTY ROAD FUND		70,396.99
CAPITAL FUND		230,669.62
CONSOLIDATED HEALTH INSURANCE		<u>29,627.43</u>
GRAND TOTAL		\$ 1,229,810.94

Legislator Sauerbrey made a motion to approve the minutes of December 11, 2012, seconded by Legislator Roberts, and carried.

Chair Weston made the following appointment to the Cornell Cooperative Extension Board:

Legislator William Standing 1/1/13 to 12/31/13

Chair Weston announced the following Standing Committees for 2013:

**STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2013**

	Chairman			
1. County Clerk, Historian, Real Property Veterans/Elections,	Standing	Huttleston	Case	Monell
2. Economic Development/ Planning/Tourism/ Agriculture	Case	Roberts	Sullivan	Sauerbrey
3. Finance/Legal & Safety	Sullivan	All Legislators		
4. Information Technology	Hollenbeck	Case	Sauerbrey	Standing
5. Legislative Worksessions/ Legislative support	Weston	All Legislators		
6. Health & Human Services	Huttleston	Hollenbeck	Case	Monell
7. Public Safety/ Probation & DWI	Sauerbrey	Huttleston	Roberts	Standing
8. Public Works/ Capital Projects	Roberts	Standing	Sullivan	Huttleston
9. Personnel/ADA	Monell	Sullivan	Hollenbeck	Sauerbrey

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 13-13 APPOINT MEMBER
BOARD OF ETHICS

WHEREAS: Valarie Kranz, minority appointment, on the Board of Ethics term has expired as of 12/31/12; and

WHEREAS: Valarie Kranz has agreed to serve another term on the Board of Ethics; now therefore be it

RESOLVED: That Valarie Kranz, minority appointment, be hereby appointed to the Board of Ethics for a term of 1/2/13 to 3/31/16.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 14-13 *APPOINT MEMBER TO THE
TIOGA COUNTY BOARD OF HEALTH
PUBLIC HEALTH*

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: Resolution #449-97 and Resolution #52-98 have reinstated the staggered term portion of the appointments for Board of Health members; and

WHEREAS: The appointed term for David Kwiatkowski, MD, on the Board of Health expired 12/31/12; and

WHEREAS: James R. Raftis, Jr., D.O., FACEP, has agreed to serve for a six-year term; therefore be it

RESOLVED: That James R. Raftis, Jr., D.O., FACEP, be appointed to the Tioga County Board of Health for a term of 1/1/2013 – 12/31/2018.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 15-13 *ACCEPTANCE OF APPLICATION FOR
FIREFIGHTERS ANDREW CHURCHMAN AND
SUSANNA LANE TO THE TIOGA COUNTY FIRE
INVESTIGATION TEAM*

WHEREAS: The Bureau of Fire provides high quality Fire Investigation Team support to the Fire Service in Tioga County, and

WHEREAS: This service is provided by local, highly trained volunteers, and

WHEREAS: Fire Investigation team members David Martinichio and Randy Hamilton are no longer active members of the Team; and

WHEREAS: Owego Firefighter Andrew Churchman and Waverly Firefighter Susanna Lane have applied for membership to the County Fire Investigation Team; and

WHEREAS: Firefighters Churchman and Lane currently possess training and skills needed by the Tioga County Fire Investigation Team; and

WHEREAS: Firefighters Churchman and Lane would replace David Martinichio and Randy Hamilton as active members of the Fire Investigation Team; therefore be it

RESOLVED: That Owego Firefighter Andrew Churchman and Waverly Firefighter Susanna Lane be added to the Tioga County Fire Investigation Team roster to replace David Martinichio and Randy Hamilton.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 16-13

*RESOLUTION CALLING FOR THE GOVERNOR
AND STATE LEGISLATURE TO COMPENSATE
COUNTIES FOR STATE-MANDATED
DISTRICT ATTORNEY'S SALARIES*

WHEREAS: Salaries of full time district attorneys are statutorily tied to those of New York State Judges and Justices in the Unified Court System; and

WHEREAS: When salaries increase for judges and justices, counties are mandated to raise the salaries of their district attorneys as required under Section 183-a of the Judiciary Law; and

WHEREAS: New York State has significantly increased judges' salaries over the next three years, forcing counties to increase pay for district attorneys; and

WHEREAS: This increased State mandate requires Tioga County to raise the salary of the district attorney from \$119,200 in 2011 to \$152,500 by 2014; and

WHEREAS: Although the State pays the entire salary and benefits of judges and justices, the State only provides supplemental appropriations to counties to partially cover the cost of State-mandated pay for local district attorneys; now therefore be it

RESOLVED: That the Tioga County Legislature calls upon the Governor and the State Legislature to reimburse counties for the entire amount of district attorneys' mandated pay and its associated retirement and social security costs, leaving counties responsible only for any portion of district attorneys' compensation that exceeds the State's mandated amount; and be it further

RESOLVED: That the Clerk of the Legislature shall forward certified copies of this resolution to Governor Andrew M. Cuomo, Senator Thomas Libous, Assemblyman Chris Friend, other New York Counties, and the New York State Association of Counties (NYSAC).

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Monell, Weston, Roberts, and Sauerbrey.

No – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 17-13 *ERRONEOUS ASSESSMENT*
TOWN OF OWEGO

WHEREAS: The 2013 Town and County tax bill of \$3,184.78 for property no. 2736 in the Town of Owego, assessed to the State of New York, erroneously includes a school tax levy of \$2,645.95; and

WHEREAS: School taxes for stateland properties are collected by the Treasurer's Office and the 2012-13 school taxes for property no. 2736 were paid by the State of New York on 12/04/12, and current year Town and County tax bills for stateland properties are mailed by the Treasurer's Office; be it therefore

RESOLVED: That the erroneous school tax amount of \$2,645.95 be deducted from 2013 Town and County tax bill no. 9101 for property no. 2736 in the Town of Owego and the correct amount of \$538.83 be billed to the State of New York for 2013 Town & County taxes; and be it further

RESOLVED: That the erroneous school tax and interest of \$2,472.85 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$173.10 be charged to the appropriate account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 18-13 *ERRONEOUS ASSESSMENT
TOWN OF TIOGA*

WHEREAS: An application for Refund & Credit of Real Property Taxes for the years of 2010, 2011, and 2012 indicates that parcel #1836 in the Town of Tioga assessed to Gerald R & Linda D Hyatt on the 2010-2012 tax rolls of the Town of Tioga is erroneous in that the parcel was assessed to the wrong landowner; and

WHEREAS: Gerald & Linda Hyatt have paid the taxes on parcel #1836 in the Town of Tioga for the years 2010, 2011, and 2012 to the Town of Tioga tax collector; be it therefore

RESOLVED: That a refund of \$107.23 for the erroneous taxes paid be issued to Gerald & Linda Hyatt; and be it further

RESOLVED: That the erroneous town tax of \$28.33 be charged back to the Town of Tioga, and the erroneous fire tax of \$7.12 be charged back to the Tioga Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$2.96 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$68.82 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 19-13 *ERRONEOUS ASSESSMENT*
TOWN OF OWEGO

WHEREAS: An application for Corrected Tax Roll indicates that property no. 12261 assessed to People of the State of New York on the 2013 tax roll of the Town of Owego is erroneous in that the parcel was transferred to the People of the State of New York before taxable status date and should have been wholly exempt for the 2012 assessment roll; be it therefore

RESOLVED: That a new bill be issued to People of the State of New York by the Town of Owego Clerk and Tax Collector to reflect the zero amount; and be it further

RESOLVED: That the erroneous town tax of \$35.95 be charged back to the Town of Owego, and the erroneous fire tax of \$18.14 be charged back to the Owego Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$4.93 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$369.28 be charged back to the Union-Endicott School District; and be it further

RESOLVED: That the erroneous county tax and school penalty of \$138.08 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 20-13 *ERRONEOUS ASSESSMENT*
TOWN OF OWEGO

WHEREAS: An application for Corrected Tax Roll indicates that property no. 10410 assessed to People of the State of New York on the 2013 tax roll of the Town of Owego is erroneous in that the parcel was transferred to the People of the State of New York before taxable status date and should have been wholly exempt for the 2012 assessment roll; be it therefore

RESOLVED: That a new bill be issued to People of the State of New York by the Town of Owego Clerk and Tax Collector to reflect the zero amount; and be it further

RESOLVED: That the erroneous town tax of \$3.81 be charged back to the Town of Owego, and the erroneous fire tax of \$1.92 be charged back to the Owego Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$.52 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$39.06 be charged back to the Union-Endicott School District; and be it further

RESOLVED: That the erroneous county tax and school penalty of \$14.60 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 21-13 *AUTHORIZE 2013-2014
LOCAL GOVERNMENTS RECORDS MANAGEMENT
IMPROVEMENT FUNDS APPLICATION*

WHEREAS: The Department of Information Technology plans to submit a document imaging proposal entitled "Board of Elections Document Imaging Project" through the Local Government Records Management Improvement Funds Grants; and

WHEREAS: The \$75,000 grant will be used to acquire software and equipment for an image document storage/retrieval system for the Board of Elections; and

WHEREAS: Information Technology will apply for the "Board of Elections Document Imaging Project" grant with no local matching funds for the 2013-2014 LGRMIF grant year; therefore be it

RESOLVED: That the document imaging proposal entitled "Board of Elections Document Imaging System" be hereby approved for submission to the New York State Archives for funding for software and equipment for the 2013-2014 LGRMIF grant year.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 22-13

*AWARD SUPPLEMENTAL CONTRACT
TO LABELLA ASSOCIATES*

WHEREAS: The replacement of the East River Rd. Bridge over Wappasening Creek was placed in FHWA and NYSDOT funding program three (3) years ago; and

WHEREAS: The NYSDOT is doing their review of the project and regulations have changed during the time from when we had the design completed; and

WHEREAS: There is a new Right-of-Way (ROW) procedure and other changes; therefore be it

RESOLVED: To award a supplemental agreement to Labella Associates, Rochester, NY in the amount of \$43,773.66 including a cost of \$21,000 for a sub-consultant to do all the necessary ROW work to satisfy FHWA in order to obtain Federal and State funding of the construction and inspection costs and to be paid out of East River Rd. Bridge Account H2013.02.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: INFORMATION TECHNOLOGY AND
COMMUNICATION SERVICES

RESOLUTION NO. 23-13 REMOVE 2012/2013 LGRMIF GRANT FUNDS

WHEREAS: Resolution 23-12 authorized The Grant Application for LGRMIF 2012/2013; and

WHEREAS: Records Management received notification that the grant submitted will not receive any funding for 2012/2013 grant cycle; and

WHEREAS: The amount budgeted needs to be removed. This will cause no effect on the budget; therefore be it

RESOLVED: That the following sums be removed:

A3060 State Aid-Records Management	-\$75,000.00
A1460.41 140 Records Management	-\$75,000.00

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 24-13 *TRANSFER OF FUNDS*
WORKERS' COMPENSATION

WHEREAS: Resolution 270-12 authorized the Chair of the Legislature to purchase workers' compensation specific excess Insurance from Safety National for the period of January 1, 2013 through December 31, 2013; and

WHEREAS: The 2013 renewal rate and terms for this policy were not finalized by Safety National until late December 2012; and

WHEREAS: The 2013 amount budgeted for this policy was \$126,000 but the actual cost for the options selected came in at \$130,015; and

WHEREAS: Funds are available in one of the Expense accounts; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1710.40 (450) \$ 4,015.00

To: Workers' Compensation Account S1722.40 (270) insurance-liability
\$ 4,015.00

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES
FINANCE COMMITTEE

RESOLUTION NO. 25-13 APPROPRIATION OF CAPITAL FUNDS
SOCIAL SERVICES

WHEREAS: The County of Tioga has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for the purchase of seven medium duty buses and a bus lift; and

WHEREAS: The County of Tioga and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and payment of the Federal and State shares for the Project; and

WHEREAS: Appropriation of funds requires legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: H 1750.00 Bus Company Contribution	\$ 45,600
H 3090.10 State Aid-Bus Companies- Capital	\$ 45,600
H 4090.10 Federal Aid-Bus Companies- Capital	\$364,800
To: H 5630.21 Bus Operations- Capital	\$456,000

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 26-13 *MODIFY FEE SCHEDULE*
PUBLIC HEALTH

WHEREAS: The current rate schedule for Tioga County Department of Public Health services is below the level to insure maximum reimbursement; and

WHEREAS: The Department of Public Health would be able to increase revenues with the adjusted rate; and

WHEREAS: Our independent auditors have recommended that the Public Health services rates be adjusted; and

WHEREAS: Changes to rates require approval by the Legislature; therefore be it

RESOLVED: That the fee schedule be modified as follows retroactive to January 1, 2013:

Skilled Nursing Care	\$225.00 per visit
Physical Therapy	\$135.00 per visit
Occupational Therapy	\$135.00 per visit
Speech Therapy	\$135.00 per visit

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 27-13 *ABOLISH TWO VACANT MOTOR EQUIPMENT
OPERATOR I (MEO I) POSITIONS
PUBLIC WORKS DEPARTMENT*

WHEREAS: Legislative approval is required to abolish or create any new position within a Tioga County Department; and

WHEREAS: As the result of Resolution 284-11, the Commissioner of Public Works has two (2) vacant Motor Equipment Operator I (MEO I) positions which were intended to be abolished in accordance with Res #284-11 once all employee probationary periods were completed; therefore be it

RESOLVED: That the Tioga County Legislature approves the abolishment of two (2) vacant MEO I positions effective January 16, 2013; and be it further

RESOLVED: That the Public Works Department's 2013 authorized headcount shall decrease from 40 to 38.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRING TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 28-13

*SALARY INCREASE FOR E911
DISPATCHER
SHERIFF'S OFFICE*

WHEREAS: Tioga County Resolution 211-99 requires legislative approval for any appointments made above an established base salary amount; and

WHEREAS: In accordance with Resolution 93-11, the Sheriff filled a vacant E911 Dispatcher position on 1/2/13 with Kenneth Hayes, who was an approved transfer applicant from the Broome County Sheriff's Office; and

WHEREAS: The Sheriff has budgeted for an E911 Dispatcher position and has requested Mr. Hayes' salary be increased to \$31,974, which is the 2013 maximum annual salary for CSEA Salary Grade VII, since Mr. Hayes is fully trained and brings with him 12 years of experience; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the annual salary of Kenneth Hayes, E911 Dispatcher, be increased to \$31,974 effective 1/16/13; and be it further

RESOLVED: That Mr. Hayes shall be ineligible to receive his 2nd year increment as an E911 Dispatcher due to being hired at the maximum salary for CSEA Salary Grade VII.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, Roberts, and Sauerbrey.

No – Legislator Monell.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 29-13 STANDARD WORK DAY AND
REPORTING RESOLUTION

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga 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 the following officials to the Clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials					
Election Commissioner	Bernadette Toombs	7	1/1/13-12/31/14	Y	N/A
Election Commissioner	John Langan	7	1/1/13-12/31/14	Y	N/A
Deputy Election Commissioner	Sandra Saddlemire	7	1/1/13-12/31/14	Y	N/A
Deputy Election Commissioner	Vera Layman	7	1/1/13-12/31/14	Y	N/A

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to have the following late-filed resolutions considered, seconded by Legislator Sullivan.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 30-13 *ERRONEOUS ASSESSMENT
TOWN OF BARTON*

WHEREAS: An application for corrected tax roll indicates that property no. 1776, assessed to Evelyn Mattson on the 2013 tax roll of the Town of Barton is erroneous in that a Senior Aged Exemption was removed in error, and the exemption should have applied for county tax purposes; and

WHEREAS: The 2013 Town and County tax bill for property no. 1776 has not yet been paid to the Town of Barton tax collector; be it therefore

RESOLVED: That a new bill be issued to Evelyn Mattson for property no. 1776 in the Town of Barton by the Town of Barton tax collector as follows:

	<u>Bill #887/Acct 1776</u>	<u>Corrected Bill #887/Acct 1776</u>
County	\$ 643.65	\$514.92
Recycle	28.28	22.62
Townwide	142.24	142.24
<u>Barton Fire</u>	<u>61.89</u>	<u>61.89</u>
	\$876.06	\$741.67

and be it further

RESOLVED: That the erroneous solid waste tax of \$5.66 be charged back to the Solid Waste fund; and be it further

RESOLVED: That the erroneous county tax of \$128.73 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 31-13 *INFORMATION TECHNOLOGY REMEDIATION AND STABILIZATION PROJECT*

WHEREAS: The Information Technology Assessment/Staffing Analysis Study prepared by Barry Strock Consulting Associates Inc. has been completed; and

WHEREAS: The analysis has recommended that a Remediation and Stabilization Plan be undertaken and implemented to move forward with the changes needed in the Information Technology Department; and

WHEREAS: e-evolve Information Technology Services, LLC has submitted a proposal and contract to undertake the development and implementation of such a plan for fees based on a series of deliverables, with the total of said fees not to exceed \$40,000.00; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign said contract with e-evolve Information Technology Services, LLC to provide the services outlined in the proposal and contract for total fees not to exceed \$40,000.00 and the following sums to be transferred:

From:	Contingency Account A1990.40-715	\$40,000
To:	Information Technology Account A1680.40-140	\$40,000

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Huttleston, Weston, Roberts, and Sauerbrey.

No – Legislator Monell.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:26 P.M.

Second Special Meeting
January 24, 2013

The Second Special Meeting of 2013 was called to order by the Chair at 10:53 A.M. Eight Legislative members were present, Legislator Sullivan being absent.

The Chair asked Legislator Standinger to have a moment of prayer. "Lord we ask you to ease the suffering of those who have lost loved ones and I ask that we all observe a moment of silence in memory of Matt Porcari, the Firefighter who recently passed on."

Legislator Standinger led all Legislators and those in attendance in the Pledge of Allegiance.

There were three persons in attendance.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 32-13 *RECLASSIFY VACANT POSITION;*
 WAIVE 90-DAY HIRING DELAY
 (MENTAL HYGIENE)

WHEREAS: One position of Clinical Social Worker (CSEA Salary Grade XVI) became vacant on January 18, 2013 due to the resignation of the incumbent; and

WHEREAS: The Director of Community Services has identified an opportunity to reassign the Adolescent Offender program to another employee, thereby allowing for the reclassification of the vacant position; and

WHEREAS: By removing the Adolescent Offender program from the scope of work, the duties left to be performed are in line with the title of Certified Alcohol & Drug Counselor (CSEA Salary Grade XI), a savings of \$11,687.00; and

WHEREAS: The Director of Community Services has been actively making cost-saving changes within the department when possible, including backfilling positions only when absolutely necessary; and

WHEREAS: It is necessary for the Certified Alcohol & Drug Counselor position to be filled as soon as possible; therefore be it

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant Clinical Social Worker position to Certified Alcohol & Drug Counselor effective January 25, 2013; and be it further

RESOLVED: That the Director of Community Services is authorized to fill the Certified Alcohol & Drug Counselor position as soon after February 1, 2013 as possible.

ROLL CALL VOTE

Yes – Legislators Standinger, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 33-13 AUTHORITY SALARY FOR BACKFILL
(MENTAL HYGIENE)

WHEREAS: Legislative approval is required for salaries offered for Non-Union positions; and

WHEREAS: The position of Clinical Program Director has been vacant since October 10, 2012, as a result of the promotion of the previous incumbent; and

WHEREAS: The Director of Community Services would like to promote an internal candidate, and the Personnel Department has found the employee eligible for provisional promotion; and

WHEREAS: The internal candidate has six years of experience with Tioga County; therefore be it

RESOLVED: That the Director of Community Services is hereby authorized to appoint Michael Cooke to the position of Clinical Program Director effective January 28, 2013 at an annual salary of \$55,000.00.

ROLL CALL VOTE

Yes – Legislators Standinger, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Sullivan

RESOLUTION ADOPTED.

The meeting was adjourned at 10:55 A.M.

Second Regular Meeting
February 12, 2013

The Second Regular Meeting of 2013 was held on February 12, 2013 and was called to order by the Chair at 12:05 P.M. All Legislative members were present.

Chair Weston asked Legislator Sullivan to have a moment of prayer. "Dear Lord, please continue to watch over us as we strive to serve the people of Tioga County. We ask that you guide us and grant us the blessings of wisdom, courage, and understanding so that our actions meet the needs of those we serve."

Legislator Sullivan led all Legislators and those in attendance in the Pledge of Allegiance.

Legislator Sauerbrey read and presented a recognition resolution to Christina Porcari posthumously for Matthew J. Porcari.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 34-13	<i>RECOGNITION RESOLUTION RECOGNIZING MATTHEW J. PORCARI POSTHUMOUSLY</i>

WHEREAS: Matthew J. Porcari passed away on January 21, 2013; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Porcari for his many years of dedicated service as a Volunteer Fireman, most currently Captain of Owego Fire Co. 3; and

WHEREAS: Matt joined the Department in 1995 and was accepted as an apprentice fighter at age 16 into Croton Hose Company No. 3 of Talcott Street, and was actively involved with training new recruits; and

WHEREAS: Prior to serving the past two years as Captain, Matt was a Lieutenant and Owego Firefighter for 19 years; and

WHEREAS: Matt was a "green tag" volunteer, which meant he successfully completed training and passed a physical to be recognized as an interior firefighter who is permitted to actively attack a fire inside a structure; and

WHEREAS: Matt is survived by his wife, Christina and their blended family; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize Matthew J. Porcari posthumously for his years of dedicated service to Tioga County as a Tioga County Volunteer Fireman of Owego Fire Co. 3; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to the family of Matthew J. Porcari.

ROLL CALL VOTE

Unanimously Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standingger.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Ed Franz, Chief of the Owego Fire Department, spoke. "For those of you who do not know me, I am Ed Franz, I am Chief of the Owego Fire Department. Christina has asked me to speak and thank all of you for this honor that you are giving her in remembrance of her husband. I have been 55 years in the Fire Department. This is my second term round as Chief and this has been one of the hardest things that we have had to deal with. On behalf of her, her entire family, the total Porcari family, again I would like to thank you for presenting this to Christina."

William Standinger had privilege of the floor. "I am a Legislator for District #7. I am here today to read something that I have enjoyed for many years and I think that probably everyone here including all our elected representatives from the State and Federal Government would do well to abide by.

"This framed document I got from my grandfather. After he passed I ended up getting it and placing it on my wall, and I would like to read it. It is called "The American's Creed".

"I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it; to support its constitution; to obey its laws; to respect its Flag; and to defend it against all enemies.

"This was written by a gentleman by the name of William Tyler Page in 1917. He was the Clerk of the House of Representatives in the US Congress. He prepared this document and it has been read many times at different ceremonies. Apparently it used to be read at high school graduations. I do not think my grandfather got it there because he never graduated. He believed in this and I think that we all should. My concern now is our State and Federal politicians do not necessarily take this to heart. There is also another document and I carry this every day that I am here at a meeting, the US Constitution. I am a firm believer in it. I hope everybody else is. Thank you."

Andrew Quinlan had privilege of the floor. "I have to comment before I read this on Mr. Standinger's 1917 grandpa. Well my father came over here as an immigrant and he was Fire Chief, the first Fire Chief in West Endicott, so he knew all about fires, our whole family, we are a family of nine, we know all about fires. In 1917 there probably was 70 maybe 100 million people, today there is over 300 million people in this United States. It is entirely changed. They did not change a lot of stuff, they just went by the 1917 thing. Today it is 2013, that is 90 some years ago. Did we have cars then? I do not know, I was not around.

"With all due respect I hope I can get five minutes of your time because I believe firmly in this and I will read it and you can take it home, put it under your pillow. I gave you each a copy and if I am out of line I am out of line, but I am a firm believer in the will of the people and the constitutional rights we are granted by our forbearers.

"We are a nation of laws. When elected officials too long in office become preemptive, forgetful, they can be removed from office. It is timely we initiate a course of action, which the laws of New York provide for public relief.

"In preface, ladies and gentlemen, were this to be a long fight or short, in the issue placed before you, wisdom will dictate your immediate cooperation. This is but an opening gun, which signals a two year fight that will tear down those who defy the people. Those who have short terms in office, from Waverly, Candor, Newark Valley, Owego, have the most to gain in their reelection bid were they to support here and now term limitations, an issue which will not go away. The public angers at career legislators, those who have fed at the trough year after year isolated in their power, being ritualistic rather than problem solvers. It is obvious State and Federal support will shrink, our county taxes then to increase, and you do nothing to create efficiencies. Many of us are in hardship. Be done with those legislators too long in office, we cannot afford them. Be done with the items of pork and nonconsequential expenditures loaded into our budget, signs of too many hands having access to our resources. We need a new look at county management. It suggests a new-old blend of views, especially including legislators from above municipalities. They are not fossilized.

"I have come before the Legislature requesting this body initiate by referendum modification in the terms of office. Term limitations introduce new thinking, better solutions to our burden of taxation placed upon us for want of ways to expand our tax base. You just do not wait for lightning to strike. Change has to happen through term limitations.

"Self-serving, in preempt manner Chairman Dale Weston has dismissed this issue. If this body is so fossilized as not to act, then it is up to our one term incumbents who seek reelection to move this popular issue sequestered by this Chairman. Otherwise, these one term incumbents will face challengers who, I assure you, the public will favor. It will not go away, but you can.

"According to a new account the Chairman justifies his do nothing position on term limitations, stating you the Board have consulted with the municipalities asking for their input. Is that true? I cannot think of you hoop jumping.

"Seemingly, the interpretation of the municipalities was that this proposed law, which actually is narrowly focused on the County Legislative Branch, was inclusive of municipalities. Why else did they respond, they of themselves did not have term limits, and in the same frame of reference did not wish for themselves such. Weston pulled a red herring trick. Weston knew nowhere are term limits sought for other than the County Legislators. He wanted cover. This is a scare tactic – worse, since Weston demonstrated he does not want direct public opinion, I propose to educate our leader by circulating a petition inclusive of the language calling for term limits. If we are ignored then by his not placing this term limitation matter on the ballot as a referendum for vote by the general public, he has abridged the rights of the people. This will ignite public wrath. The Legislators by their own folly will end entrenched careers with good men and woman contesting their positions.

"Reelections being spread over staggered years before two of those cycles are completed, dollars to doughnuts, some board members will disagree with their leader's position. They otherwise to be one of those to take hat and coat, bid final goodbye and buggy ride home.

"Prior to deciding on this present sequence of action I have consulted with our State Board of Elections. I wanted to check other ways to go and did review the people power empowerment act introduced by Governor Andrew Cuomo when he was Attorney General. The latter legislation also goes in the same direction, differently but likewise seeks to improve management of our affairs. However in Tioga the shoe that best fits the foot is term limitations, illustrated by the fact counties large and small, one being Steuben County, have embraced term limitations. I quote various officials and their published remarks, my purpose the same in my quest for county leadership that is dynamic with job creating ability and not one with housekeeping vision.

"Under a two year old headline "Voices Against Term Limits are falling silent", I quote from the article commenting on the spate of new efforts to enact term limits: Westchester and Putnam County Legislators approved term limits and others are lining up to do the same. In this age of cynicism about politicians, who is going to make the argument for career politicians as opposed to voter choice? Those anti-term limit voices have been muted.

"From Rockland County: Term limits provide for that check against entrenched interests gaining an overwhelming edge in the people's government, affords additional chances for fresh perspectives, and more to the point, promotes a level playing field for newcomers to serve the public.

"Said another commentator: "I've had so many constituents calling me about term limits that this ignored petition truly is the people's will.

"This is what I say: This government is hanging itself by its own manufacture – a fancy distortion of truth begun when Chairman Weston dragged in unaffected municipalities, giving the impression to cover his inaction, they would be involved. Behaviorally I rate this County with a C minus and a D in its public meetings. Attending the usual County meeting is so dull as to make counting one's toes exciting.

"Organize your friends to call their Legislators as to term limits, it is here to stay. Thank you very much ladies and gentlemen."

Marte Borko had privilege of the floor. "Good afternoon. It seems like not too long ago I was sitting where you are and what I learned in my four years of sitting where you are is that the greatest asset that this County has really are its employees, whether it be the Legislative Clerk, the Economic & Development Department, Social Services, Public Works, Buildings & Grounds that built the structures that you are sitting around, is that the people that work for this County are great people and do a great job to represent us.

"I also had the pleasure of working for 35 years in the County of Orange as an educator and during that time administrators, presidents, vice presidents came and went. Now it is my understanding that Andy's proposal is for two terms. I personally do not think that two terms is sufficient given the fact that Tioga County has a four year, three year, three year, three year, four year, three year, three, three, four. I think that it should be 10 years, that every 10 years that that would be your maximum amount of time in service, and then if a period of election goes by and you want to re-run again, then you serve again, but I tend to agree with Andy when one can become entrenched. Thank you."

Chris Bonner had privilege of the floor. He spoke regarding term limits and about the Constitution of the United States.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		115.79
A1172	Public Defender		12,244.64
A1325	Treasurer		643.47
A1355	Assessments		599.73
A1410	County Clerk		9,531.14
A1420	Law		3,132.97
A1430	Personnel		119.44
A1450	Elections		36,505.76
A1460	Records Management		118.00
A1490	Public Works Administration		722.32
A1620	Buildings	628.36	56,713.83
A1621	Buildings		19,566.27
A1680	Information Technology		57,037.41
A1920	Municipal Association Dues		6,422.00
A2490	Community College Tuition		7,161.00
A2960	Education Handicapped Children		134,709.80
A3020	Public Safety Comm E911 System		16,598.66
A3110	Sheriff		26,731.24
A3140	Probation		721.07
A3150	Jail		111,255.85
A3315	Special Traffic Programs		982.84
A3357	State Homeland Security Grant 2011	931.92	
A3410	Fire	1,423.88	1,808.95
A3640	Emergency Mgmt Office		600.59
A4010	Public Health Nursing		44,567.72
A4011	Public Health Administration		35,898.51
A4012	Public Health Education		962.92
A4042	Rabies Control		1,501.81
A4044	Early Intervention		9,593.00
A4053	Preventive/Primary Health Services		131.00
A4054	Preventive Dental Services		510.21
A4064	Managed Care-Dental Services		1,271.25
A4070	Disease Control		1,262.20
A4090	Environmental Health		923.60
A4210	Alcohol and Drug Services		2,354.48
A4211	Council on Alcoholism		10,990.34
A4309	Mental Hygiene Co Admin		22,791.82
A4310	Mental Health Clinic		72,548.70
A4315	Mental Retardation		9,852.00

A4320	Crisis Intervention Services	7,885.33
A4321	Intensive Case Management	2,616.70
A6010	Social Services Administration	55,753.83
A6141	Energy Crisis Assistance Programs	9,618.40
A6422	Economic Development	696.68
A6610	Sealer Weights and Measures	192.41
A7510	Historian	40.00
A7989	Tourism	150,000.00
A8020	Planning	702.13
A9060	Health Insurance	2,191.44
SOLID WASTE FUND		88,255.23
SPECIAL GRANT FUND		1,799.41
COUNTY ROAD FUND		129,658.42
CAPITAL FUND		141,199.95
CONSOLIDATED HEALTH FUND		330,609.42
SELF-INSURANCE FUND		<u>142,163.38</u>
GRAND TOTAL		\$ 1,785,569.22

Legislator Sullivan made a motion to approve the minutes of January 2, 15, and 24, 2013, seconded by Legislator Standinger, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 35-13

*AUTHORIZATION TO SUBMIT APPLICATION
AND ADMINISTER A NEW YORK STATE
HOUSING TRUST FUND CORPORATION –
2013 NEW YORK MAIN STREET PROGRAM
GRANT FOR VILLAGE OF WAVERLY
DOWNTOWN REVITALIZATION PROGRAM*

WHEREAS: The NYS Housing Trust Fund Corporation through their 2013 New York Main Street Program (NYMS) has made available a funding opportunity for rehabilitation of building stock to foster small business development, expand housing, stimulate reinvestment, enable adaptive reuse, address Americans with Disabilities Act (ADA), address code enforcement issues, energy efficiency and to preserve and revitalize mixed-use (commercial, civic and residential) business districts through building rehabilitation, façade improvement and streetscape improvement grants; and

WHEREAS: the NYMS Program criteria allows units of government to be eligible applicants and to act as a Local Program Administrator (LPA); and

WHEREAS: The Tioga County Tourism Study (2004) recommends that our revitalization efforts follow the National Trust's Main Street Center 4-point Approach, one of which is – Design: Enhancing the historic commercial district's physical appearance through building rehabilitation, compatible new construction, public improvements and design management systems; and

WHEREAS: The Village of Waverly has continually envisioned this revitalization of their "main street" downtown area to be kept historically sensitive, as is stated in both their 1981 Comprehensive Development Plan and the more recent 2005 Downtown Action Plan. Subsequently, Village of Waverly officials partnered with residents, the New York Community Action Team, the Community and Rural (Regional) Development Institute at Cornell University and New York Main Street Alliance to bring that Downtown Action Plan to life. This NYMS grant will be the next effort to address these plans regarding downtown revitalization goals; and

WHEREAS: Tioga County approved resolutions for the 2010 AND 2011 NYMS Program and for the Village of Owego and Village of Nichols in which programs were approved and are in process; and

WHEREAS: The Village of Waverly approved a resolution in support of this application to the 2013 NYMS Program by Tioga County and is desirous of the County conducting this activity for them; and

WHEREAS: Several property owners in the Village of Waverly downtown business district target area have expressed an interest in utilizing this funding to make building improvements; and

WHEREAS: This grant source requires applicants to administer and ensure successful completion of all assisted projects by evaluating and assuring compliance with all local, state and federal laws and regulations, and allows up to a 7.5% administrative fee as administrative revenue for providing such services; and

WHEREAS: The NYMS Program grant application will be submitted for a total of up to \$250,000 for building rehabilitation and façade improvements with 25% cash match provided by property owners, plus Tioga County Department of Economic Development & Planning will receive revenue for staff time to provide administrative services, therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes submission and administration of said grant to New York State Housing Trust Fund, NYMS Program in the amount of up to \$250,000 with cash match provided by property owners with up to 7.5% in administrative revenue to be received for providing such services.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 36-13 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for household hazardous waste programs; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: It is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 37-13 *AMEND AND REAPPOINT MEMBERS
PUBLIC TRANSIT ADVISORY COUNCIL
SOCIAL SERVICES*

WHEREAS: The position of County Manager no longer exists; therefore be it

RESOLVED: That the title be removed from the list of members on the Public Transit Advisory Council; and be it further

RESOLVED: That the following members be and hereby are reappointed to the Public Transit Advisory Council for a four year term of January 1, 2013 through December 31, 2016:

Director of Aging Services
Representative Tioga County Tourism
Rider County Transit System
Rider County Transit System
Representative NYS DOT
Representative Broome Metropolitan Transit
Representative Non-Profit Human Services Agency
Representative Community at large

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 38-13 APPOINT - FIRE ADVISORY BOARD

RESOLVED: That upon recommendation of the Tioga County Fire Chiefs, the following members be and are hereby appointed to the Tioga County Fire Advisory Board for the year 2013:

OFFICERS: CHAIRMAN STEVE FEDOROWICZ
 VICE CHAIRMAN DON HOWARD
 SECRETARY CHARLES KLETT

Membership:

<u>DEPARTMENT</u>	<u>DELEGATE</u>	<u>ALTERNATE</u>
APALACHIN	MIKE GEORGE	DON AMES
BERKSHIRE	KEN BEAN	RON SHARP
CAMPVILLE	MARK DANIEL	PAT MERCER
CANDOR	JON ROMAN Jr.	TOM KING
HALSEY VALLEY	RON FRISBIE	DAVE BUMP
LOCKWOOD	DAVE CURTIS	BOB LONG
NEWARK VALLEY	GEORGE WAHL	JOHN HANEY
NICHOLS	RAY THETGA JR.	ROB MINER
OWEGO	ROBERT WILLIAMS	ED FRANZ
RICHFORD	JOHN KEENER	ZACH ARMSTRONG
SOUTHSIDE	CHARLES KLETT	FRANK OKRASINSKI
SPENCER	SCOTT GILLETTE	DEREK GRIER
TIOGA CENTER	MILTON KEMP	ART MAYER
WAVERLY	DON HOWARD	JEFF WHEELER
WELTONVILLE	RON HOLBROOK	DOREEN HOLBROOK
BUREAU of FIRE	JOHN V. SCOTT	
	LARRY SINGLETON	
	CONNIE FEDOROWICZ	
	KEVIN FORD	
	STEVE FEDOROWICZ	
EMO	RICHARD LeCOUNT	

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standing.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE
AG COMMITTEE

RESOLUTION NO. 39-13 SET PUBLIC HEARING FOR 2013 ANNUAL
AGRICULTURAL DISTRICT INCLUSIONS

WHEREAS: The Tioga County Legislature, as per resolution 296-03 designated January 2nd through January 31st as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and said law requires that the Tioga County Legislature hold a public hearing before making a decision on inclusion of lands; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2013 on February 21st, 2013 at 10:00 AM in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, NY.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 40-13 APPROPRIATION OF FUNDS
PUBLIC HEALTH

WHEREAS: New York State Child Passenger Safety Program funding has been awarded to the Tioga County Public Health Department; and

WHEREAS: The funding is specifically designated for the purchase of program deliverables; and

WHEREAS: Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A3401.12 State Aid – Health Education	\$13,300
To: A4012.20-130 Health Education: Equipment	\$ 3,250
A4012.40-60-640 Health Education: Supplies	\$10,050

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 41-13 *FUND SHERIFF'S GRANT – NYS WM 2011 GRANT*

WHEREAS: The Sheriff's Office has been awarded a NYS Homeland Security Grant identified as (LE11-1008-E00) in the amount of \$34,138; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Homeland Security Grant (LE11-1008-E00) be appropriated as follows:

From: State Aid-Sheriff LE11-1008-E00 A3397.11 \$34,138

To: Sheriff LE11-1038-E00 Grant-Equipment A3121.20.130 \$34,138

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: COUNTY CLERK COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 42-13 *AUTHORIZE INCREASE IN ADMINISTERING
MORTGAGE TAX BY
THE TIOGA COUNTY CLERK AS APPROVED BY NEW
YORK STATE DEPARTMENT OF TAXATION AND
FINANCE*

WHEREAS: Section 262 (Article 11) of the New York State Tax Law mandates that recording officers are entitled to receive for the county all necessary expenses for the purpose of administration of the mortgage tax in their office and approved allowance by the New York State Department of Taxation and Finance; and

WHEREAS: The Tioga County Clerk has requested proper compensation that are reasonable and necessary allowances to cover county expenditures for collection, disbursements of the mortgage tax; and

WHEREAS: The Tioga County Clerk's Office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$96,882.00 per year; and

WHEREAS: The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to increase the mortgage expense to be \$96,882.00 for the period of April 2013 – April 2014; be it therefore

RESOLVED: That the County Clerk be authorized to collect or withhold from its disbursements \$8,073.50 for the months of April 2013 through month of April 2014, for a total annum amount of \$96,882.00.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 43-13 *AGREEMENT BETWEEN NEW YORK STATE
DEPARTMENT OF HEALTH AND TIOGA COUNTY
PUBLIC HEALTH*

WHEREAS: On April 1, 2013, the New York State Department of Health will be contracting out to a fiscal agency for the billing of Early Intervention; and

WHEREAS: Tioga County Health Department is required and will need to reimburse the New York State Department of Health for its portion of the cost; and

WHEREAS: New York State Department of Health will submit vouchers to Tioga County at the end of each calendar quarter; and

WHEREAS: Tioga County will need to reimburse the State of New York for its share of the services that were provided to infants and children enrolled in the Early Intervention program thirty (30) days after receiving these vouchers; and

WHEREAS: An Agreement will be required for the County to be reimbursed per Article 25 Title 11A of the Public Health Law; therefore be it

RESOLVED: That the Agreement be reviewed by the County Attorney; and be it further

RESOLVED: That the Chair sign this Agreement.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 44-13 *CREATE AND FILL PART-TIME TEMPORARY
POSITIONS
(PUBLIC HEALTH)*

WHEREAS: The New York State Department of Health has advised the Tioga County Public Health Department that they intend to issue additional Home Health Agency certifications to other facilities in the near future; and

WHEREAS: Up until now, Tioga County Public Health Department was the only Certified Home Health Agency (CHHA) in Tioga County; and

WHEREAS: It is expected the addition of CHHA's in Tioga County will greatly diminish the referrals to the Tioga County Public Health Department, perhaps gradually even eliminating referrals all together; and

WHEREAS: In response to the news of this situation, some Nurses and Home Health Aides at the Public Health Department have left for other employment; and

WHEREAS: The Public Health Director must ensure that existing CHHA patients receive the necessary services, but expects recruiting replacements for the full-time vacancies to be questionable based on the circumstances; and

WHEREAS: The Public Health Director has devised a stop-gap measure that will ensure the continuation of services while limiting the impact which may eventually occur for the full-time CHHA staff; and

WHEREAS: Said solution is to create a pool of part-time temporary positions to be utilized on an as needed basis until such time the future of Tioga County's CHHA is determined; therefore be it

RESOLVED: That the Public Health Director is hereby authorized to create and fill four (4) part-time temporary Home Health Aides at a 2013 hourly rate of \$18.65 plus six (6) part-time temporary Registered Professional Nurses at a 2013 hourly rate of \$27.80, none of which shall work in excess of 17 hours per week; and be it further

RESOLVED: That the hourly rates indicated above are an exception to Resolution 278-11, and this exception is being granted in light of the extenuating circumstances regarding the CHHA; and be it further

RESOLVED: That these ten (10) positions may be filled effective on or after February 13, 2013 in lieu of filling the currently vacant Home Health Aide (3) and Registered Professional Nurse (1) and Public Health Nurse (1) positions; and be it further

RESOLVED: That if, in the future, Tioga County's CHHA is dissolved, these ten (10) temporary part-time positions shall be abolished upon the dissolution of the CHHA.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standing.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts made a motion to have the following late-filed resolutions considered, seconded by Legislator Case and carried.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 45-13 *RESOLUTION OPPOSING THE PROCESS
OF ENACTMENT AND CERTAIN PROVISIONS
CONTAINED WITHIN THE NEW YORK SAFE ACT*

WHEREAS: The right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

WHEREAS: The right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Tioga County; and

WHEREAS,: The lawful ownership of firearms is, and has been, a valued tradition in Tioga County, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

WHEREAS: The people of Tioga County derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

WHEREAS: Members of the Tioga County Legislature, being elected to represent the people of Tioga County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS: Members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS: The enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS: It is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

WHEREAS: Having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

WHEREAS: Our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

WHEREAS: Seeking, and considering, such public input is a standard to which we hold ourselves in the Tioga County Legislature; and

WHEREAS: This legislation has 60 sections, of which only three take effect immediately; and

WHEREAS: In our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS: The mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, and are confusing even to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and

WHEREAS: Requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS: There will be a significant financial impact due to the approximately 10,000 Tioga County permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS: This legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS: Those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of; and

WHEREAS: Few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS: Limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS: The only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS: Requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS: The New York State Combined Ballistic Identification System, which wasted \$44 million in taxpayer money and resulted in zero convictions, illustrates the propensity of government to waste taxpayer resources when legislation is not properly reviewed; and

WHEREAS: Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

WHEREAS: This legislation severely impacts the possession and use of firearms now employed by the residents of Tioga County for defense of life, liberty, and property; and

WHEREAS: This legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS: Tioga County Sheriff Gary Howard has said "the state already has laws prohibiting individuals from possessing fully automatic rifles, along with limitations on high-capacity magazines for ammunition"; and

WHEREAS: Tioga County Sheriff Gary Howard has said that he “does not believe there needs to be any change to current gun-control laws because it’s not the honest people who commit crimes”; and

WHEREAS: While there are some areas of the legislation that the Tioga County Legislature finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra’s Law and Mark’s law, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

WHEREAS: This legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS: This legislation effectively turns countless New York State law-abiding gun owners into criminals; and

WHEREAS: The manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Tioga County Legislature, now therefore be it

RESOLVED: That the Tioga County Legislature does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and further be it

RESOLVED: That the Tioga County Legislature considers such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives; and further be it

RESOLVED: That the Tioga County Legislature strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and further be it

RESOLVED: That the Tioga County Legislature requests the members of the New York State Senate and Assembly who represent all, or part of, Tioga County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and further be it

RESOLVED: That a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Senator Thomas Libous, Congressman Thomas Reed, Congressman Richard Hanna, and Assemblyman Christopher Friend.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 46-13 *RESOLUTION IN OPPOSITION TO ANY ATTEMPT
BY THE NEW YORK STATE LEGISLATURE TO ENACT
LEGISLATION WHICH BUNDLES ISSUES RELATING
TO GUN CONTROL AND AMENDMENT OF THE
FREEDOM OF INFORMATION LAW*

WHEREAS: The Legislature is aware that two bills have been introduced in the New York State Senate, Bill Numbers S.2131 and S.2132, which propose amendments to the New York State Freedom of Information Law exempting disclosure of gun permit holders in certain instances; and

WHEREAS: This Legislature supports legislation that would exempt from disclosure records pertaining to gun permit holders for law enforcement purposes; and

WHEREAS: This Legislature is also aware of efforts to enact stricter gun control legislation, but has not had an opportunity to review and consider this legislation; and

WHEREAS: This Legislature believes that the issues surrounding disclosure of gun permit holders and those of enacting stricter gun control are separate issues, which should not be bundled together in one law; now therefore be it

RESOLVED:

1. That the Tioga County Legislature hereby approves of legislation which would exempt from disclosure those individuals who hold gun permits.
2. That the Tioga County Legislature opposes any effort by the New York State Legislature to enact stricter gun control measures without an opportunity of the residents of this state to debate the merits of such legislation.
3. That the Tioga County Legislature opposes any effort by the New York State Legislature to bundle together stricter gun control legislation with legislation that would exempt the records pertaining to gun permit holders from disclosure under the New York State Freedom of Information Law as it is set out in the Public Officers Law.
4. That certified copies of this resolution be sent to Senators Charles E. Schumer, Kirsten Gillibrand, and Thomas Libous; Congressmen Thomas Reed and Richard Hanna, and Assemblyman Christopher Friend.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:39 P.M.

Public Hearing
Annual Agricultural District Inclusion
February 21, 2013

The Public Hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2013 was called to order by the Chair at 10:00 A.M. Eight Legislative members were present, Legislator Huttleston being absent.

There were five people in attendance.

The Clerk read the legal notice as published in the official newspapers.

Elaine Jardine, Planning Director spoke. "This year we had six requests totaling just about 300 acres for 2013 annual inclusions. My prior employee, Faith Pipher, has verified that all of these parcels are inactive agriculture and therefore meet the test for this program."

There being no further comments, the hearing was adjourned at 10:02 A.M.

Third Special Meeting
February 21, 2013

The Third Special Meeting of 2013 was held on February 21, 2013 and was called to order by the Chair at 10:05 A.M. All Legislative members were present.

Chair Weston asked Legislator Sullivan to have a moment of prayer. "Dear Heavenly Father we ask for your guidance today and every day that we conduct the business of Tioga County, help us to make the right decisions for the people that we represent."

Legislator Sullivan led all Legislators and those in attendance in the Pledge of Allegiance.

There were five people in attendance.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 47-13 *CREATE AND FILL TEMPORARY
SEASONAL HIGHWAY WORKER
POSITION; WAIVE
90-DAY HIRING DELAY
PUBLIC WORKS*

WHEREAS: There will be a need for the Highway Department to employ one seasonal Highway Worker for 2013; and

WHEREAS: The Commissioner of Public Works has budgeted money to cover expenditures of such employment; and

WHEREAS: A delay in filling the Seasonal Highway Worker Position beyond March will hinder the Public Works Department's ability to complete various projects during the 2013 season; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works a waiver from the 90-day hiring freeze upon the creation of one (1) Highway Worker position at an hourly rate of \$9.40/hr. effective 03/01/13 for a temporary duration not to exceed 11/30/13.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 48-13 *AUTHORIZE TEMPORARY
 APPOINTMENT AND SALARY ADJUSTMENT
 FOR DREW GRIFFIN*

WHEREAS: The Director of Information Technology and Communication Systems retired June 30, 2012; and

WHEREAS: An Acting Director was named, but has now resigned from Tioga County effective close of business March 1, 2013; and

WHEREAS: The Legislature is desirous of ensuring the affairs of the Information Technology Department are handled in an orderly manner and that an individual be designated to act in an official capacity; and

WHEREAS: Drew Griffin, Software Support Liaison, is capable of performing duties associated with the Director’s position on an acting basis; therefore be it

RESOLVED: That Drew Griffin be temporarily appointed to the position of Director of Information Technology and Communication Systems and receive an annual salary increase of \$5,000 effective March 2, 2013; and be it further

RESOLVED: That the County Attorney is granted a waiver of the 90-Day Hiring Delay and is allowed to fill this position effective February 25, 2013; and be it further

RESOLVED: That this temporary part-time position shall automatically be abolished upon conclusion of the Paralegal's leave of absence unless a subsequent resolution is passed to do otherwise.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:08 A.M.

Third Regular Meeting
March 12, 2013

The Third Regular Meeting of 2013 was held on March 12, 2013 and was called to order by the Chair at 6:00 P.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

Chair Weston asked to have a moment of prayer. "Our Father, please share with each Legislator the problems that must be solved and provide the wisdom needed to face the grave decisions they must make. Thank you."

Chair Weston led all Legislators and those in attendance in the Pledge of Allegiance.

The following Proclamation on Public Health Week was noted.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: The people of Tioga County benefit every day from the efforts of the public health workforce when eating at restaurants, drinking tap water, learning about prevention of deadly diseases or receiving vaccinations; and

WHEREAS: Public health activities protect Tioga County residents from infectious and chronic diseases, environmental and workplace hazards, unintentional injuries and violence; and

WHEREAS: Educating people about the benefits of healthy behaviors is an essential element in attaining good health and preventing premature illness and death; and

WHEREAS: Public health efforts alone cannot accomplish the goal of a healthier Tioga without cooperation and partnership with communities and individuals; and

WHEREAS: Each of us needs to do our part by taking personal responsibility to improve behaviors by not using tobacco, making time for regular, safe physical activity and eating more fruits and vegetables in order to prevent disease; and

WHEREAS: National Public Health Week provides an opportunity for our county to learn about public health concerns and success stories that are vital to healthy communities, such as immunizing against infectious disease, maintaining good nutritional standards and providing good prenatal care; and

WHEREAS: The residents of Tioga County recognize the essential role public health plays in their everyday lives; therefore be it

RESOLVED: That the Tioga County Legislature does hereby ask all residents of our county to join in declaring the week of April 1, 2013 to April 7, 2013 be designated as Public Health Week in Tioga County.

Legislator Standinger read and presented the following recognition resolution to Jeffery Brown of the Public Works Department.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 50-13

*RESOLUTION RECOGNIZING
JEFFERY BROWN'S
36 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY*

WHEREAS: Jeffery Brown started his employment with Tioga County as a temporary Laborer August 30, 1976 and became a permanent Laborer with the Department of Public Works July 18, 1977. He was appointed to the position of MEO I September 11, 1978; he was promoted to MEO II October 4, 1982; promoted to MEO III April 14, 1986; he was promoted to HEO I January 01, 1991; promoted to HEO Site Leader August 28, 1995; and was promoted to Working Supervisor August 15, 2011 and has remained in this position for the remainder of his career; and

WHEREAS: Jeffery Brown has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 36 years to the Department of Public Works. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Brown will retire on March 30, 2013; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Jeffery Brown for his 36 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Jeffery Brown.

ROLL CALL VOTE

Unanimously Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standinger spoke. "I know Jeffery through his teaching of the Hunter's Safety, which I also do. I am sure he is as dedicated at his job as he was on the Hunter's Safety teaching. I think it is an admirable thing, 36 years is a long time."

Ken Del Bianco, Commissioner of Public Works, spoke. "I have a few words to say about Jeff and first of all it is a special night because not only are we honoring him, but it is Jeffery's birthday and so I would like to sing happy birthday to him. I would not do that for almost any other employee, but Jeff is kind of a jokester and he is a prankster, and he is king of the one liner, in fact as I was speaking to him in the back there, he was saying oh you wore a tie and it is so nice it does not have a gravy stain on it.

"We are here to honor Jeff. I just want to say he started right out of high school here and he has been here ever since, that is 36 years, that is a long time. He is 55 tonight. That is a lot of sleep interruptions, looking out the window, seeing if it is snowing, gaging how much rain has fallen on the roof to see if he has to go out and check the trouble spots that we have, and waiting for that call from the Sheriff's Department, a lot of sleepless nights. It is not only him, it is his wife also and she is here. We want to honor her too. He gets paid for that and there is overtime and things like that, but money cannot buy that kind of dedication, there has got to be something inside you and Jeffery certainly has that. It has to be something special to have that dedication and I just want to

say that I have really enjoyed working with him. I am going to miss him and the Department is going to miss him too."

Chair Weston read the 2012 State of the County Address.

Chair Weston spoke. "Tonight I am here to deliver the State of the County.

Areas of note within Tioga County in 2012 and 2013 goals.

I. Overall Review of the County

- There is a strong need for mandate relief for Counties. We all need to send the message to Albany that mandate relief is essential if we are going to stay under a 2% tax cap
- Mandates from the State are responsible for consuming an increasing proportion of county budgets and are a major contributor to increases in county property taxes. Medicaid mandate will cost Tioga County taxpayers around \$8.5 million in 2013.
- Retirement costs to the County for 2013 are expected to be around \$3.6 million.
- Distribution of VLT Aid to municipalities and Tioga County for 2013 will be approximately \$183,000.

II. County Government News:

- The Law Department reviewed 206 contracts for 2012, worked with the County's Labor Counsel, Roemer, Wallens, Gold & Mineaux and the Personnel Department in matters relating to the administration of the civil service, personnel related challenges, benefits administration issues and the administration of labor contracts and grievances.
- Throughout 2012 the County Attorney continued to address issues surrounding the 2011 flood including document recovery, insurance issues, audit of clean up bills, sale of the Barton Transfer Station and development of the Hazard Mitigation Plan and Department Continuity of Operations Plans.
- The Personnel Department conducted 36 Civil Service Examinations in which 249 candidates participated.
- Tioga County saved approximately \$800,000 during 2012 by moving 300+ employees into a High Deductible Health Plan.
- The Department of Social Services Child Protective Services received 1,043 reports involving 2,266 children.
- The Department of Social Services Preventive Unit served 74 families and 159 children in 2012.

- The Department of Social Services reported local revenues and recoveries totaled approximately \$1 M. Medicaid recoveries from accident settlements, estates, and liens totaled \$237,068.
- Child Support Enforcement Unit collected \$5.6 M for children in Tioga County.
- The Federally funded HEAP Unit processed 9,477 benefits to customers totaling \$2.9 M for the 2011-2012 season.
- In January 2012 Ride Tioga added commuter service to Ithaca via routes 38 and 79 in response to TCAT cutting this service.
- 81 Freedom of Information Requests were processed by the Legislative Clerk
- The completed Journal of Proceedings for 2012 was posted on the County website.
- The ATI Weekend Work Program conducted by Public Safety performed more than 3,928 man-hours of labor throughout the county during 2012.
- The Road Patrol Division recorded 455,745 miles of patrol, and handled 9,261 calls for service, a 1% increase from 2011.
- The Civil Office received and disbursed \$542,545.73 during the year, a slight increase from 2011, \$230,170 was in bail money received and disbursed.
- Pistol permit transactions increased a significant 41%, for a total of 1,043.
- Bureau of Fire provided at least 400 State Training hours of high quality fire service training and maintain at least a 90% rate of passing grades for the EMS training program.
- The Mental Health Clinic provided 16,539 services to citizens of Tioga County.
- Tioga County Alcohol and Drug Services continue to be the primary provider of outpatient and alcohol services within the County. During 2012, a total of 6229 services, including evaluation, education, and treatment intervention, were provided.
- Public Health nursing staff provided care and services to 959 patients who were admitted to the Tioga County CHHA in 2012.
- An unprecedented four elections were successfully conducted by the Tioga County Board of Elections in 2012.
- In 2012, the Public Defender's Office covered 1,508 cases for Drug Treatment Court, Felony, and Violations/Misdemeanor and Parole Hearings.
- The Veterans' Office had 576 total contacts in 2012 and lost 116 Veterans.
- A total of all fees collected by the County Clerk were 5.1 M, 3.2 M of it was for New York State and 1.8 M went to Tioga County.
- In 2012 a total of \$122,036 in restitution, fines, special surcharges, and fees were collected and disbursed for Tioga County government and crime victims.
- Probation officers completed 353 Investigations which were ordered during 2012 by the 18 courts serviced by the Probation Department.
- The Department of Public Works managed the reconstruction/rehabilitation of four bridges, as well as rehabilitation of Glen Mary Drive.

- Recovery from the flood of 2011 progressed in 2012 with total reconstruction of the basement of the Court House, stream bank stabilization, and replacement of elevators in the County Office Building, Court House and Court Annex.
- Curbside recycling revenues for 2012 were \$43,637.10, a 13.5% decrease from 2011.
- The fifth annual tire and scrap metal collection program was held in 2012 which amounted to approximately 12,000 tires cleaned up within Tioga County.
- At the end of 2011 the Tioga County Legislature permanently closed the Barton Transfer Station due to the flood of September 2011 and in June of 2012 sold the Barton Transfer Station to Taylor Garbage Services for \$172,000.

III. On the Economic Development front:

- Taylor Recycling Project brought a new state of the art single stream recycling facility to Apalachin
- A \$100,000 loan was given to Raymond Hadley Corp in Spencer to grow their business
- 11 Projects were completed under the NY Main Street Grant representing over \$440,000 in investment and improvement to properties in the Village of Owego
- A \$500,000 grant for community flood recovery was secured and was disbursed to 72 businesses in their efforts to get back in business
- Secured and distributed \$265,000 of NYS Office of Community Renewal funds to assist 12 farms impacted by the flood of 2011
- Economic Development & Planning completed two 8-year agricultural district reviews

IV. Overall good news for the County

- Tioga County received a clean audit opinion with no findings by the independent audit firm.
- County Sales Tax collections grew by 6% in 2012 to \$20.2 M; \$4.8 M was distributed to Towns and Villages
- Community College tuition billings cost \$2.1 M.
- 29 properties were sold at public auction in 2012 for \$117,000.
- FEMA reimbursements from the 2011 flood have totaled \$4.2 M year to date.
- According to the Department of Public Works, the County replaced/reconstructed four bridges, Gaskill Road Bridge over Little Nanticoke Creek, Dean Creek Road Bridge over Dean Creek and Sabin Road Bridge over Dean Creek, Gridleyville Crossing Road Bridge over Catatank Creek

- Sheriff’s Department operational costs came in under budget. Revenues finished 26% above our goal at \$803,731.
- The 90-day hiring delay was continued through 2012, resulting in a \$560,000 payroll savings for the County.

V. 2013 Goals

- Decide on what steps will be taken to solve records reconstruction
- Explore ways to meet the mandated 2% property tax without using so much of our fund balance
- Get the West Spencer Town tax map boundaries to align themselves with the County line boundaries
- Complete space allocation studies thereby improving efficiency of government to function at less costs
- Perform \$800,000 in FEMA funded mitigation work on our buildings to protect critical facilities in future flood events and complete back-up 911 building
- Afford displaced Departments such as Real Property back to their own office space
- And finally reorganize office space to allow Departments to share office staff, availability of records, etc. thus increasing efficiency of government work.

VI. 2013 Future Developments

- Construction will begin on the Army Reserve Center in Lounsberry
- Construction will begin on a new hotel and conference center at Tioga Downs in Nichols
- Property improvements will begin in the Village of Nichols under the \$250,000 Main Street Grant
- Construct Pennsylvania Avenue Bridge and replace Gaskill Road Bridge, Lillie Hill Road Bridge over Owego Creek, and the East River Road Bridge over Wappasening Creek in Nichols
- Spend \$1.2 million in NYS CHIPS funding on various road projects

In conclusion, I want to personally thank all of our department heads and employees for helping us during these challenging economics times. Through your hard work and diligence we have been able to, thus far, survive these economic hard times.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		104.47
A1165	District Attorney		2,154.88
A1170	Public Defender		2,455.13

A1172	Assigned Counsel		9,375.00
A1185	Medical Examiners/Coroners		2,867.92
A1325	Treasurer		3,442.06
A1355	Assessments		2,117.00
A1362	Tax Advertising/Expense		11,333.90
A1364	Expense of County Owned Property		4,988.00
A1410	County Clerk		256.02
A1411	Department of Motor Vehicles		212.36
A1420	Law		4,548.00
A1430	Personnel		4,511.50
A1450	Elections		412.85
A1490	Public Works Administration	356.33	377.64
A1620	Buildings	500.59	46,431.58
A1621	Buildings		18,477.82
A1680	Information Technology		30,471.48
A2490	Community College Tuition		60,611.98
A2960	Education Handicapped Children		240,514.98
A3020	Public Safety Comm E911 System		2,591.40
A3110	Sheriff		17,491.69
A3140	Probation		7,461.01
A3146	Sex Offender Program		9,240.00
A3150	Jail		47,598.13
A3315	Special Traffic Programs		1,021.58
A3357	FY11 NYS Homeland Security	2,845.20	
A3410	Fire	278.04	4,269.65
A3640	Emergency Management Office		589.84
A4010	Public Health Nursing		32,563.79
A4011	Public Health Administration		2663.65
A4012	Public Health Education		391.08
A4042	Rabies Control		695.94
A4044	Early Intervention		24,603.47
A4053	Preventive/Primary Health Services		306.43
A4054	Preventive Dental Services		2,998.10
A4064	Managed Care-Dental Services		10,083.46
A4070	Disease Control		3,376.27
A4090	Environmental Health		731.81
A4210	Alcohol and Drug Services		1,248.53
A4211	Council on Alcoholism		10,999.34
A4309	Mental Hygiene Co Admin		6,070.87
A4310	Mental Health Clinic		7,455.16
A4311	Rehabilitation Support Services		1,854.00
A4320	Crisis Intervention Services		10,000.00

A4321	Intensive Case Management	1,451.09
A4333	Psycho Social Club	25,000.00
A5630	Bus Operations	67,607.33
A6010	Social Services Administration	97,901.70
A6141	Energy Crisis Assistance Programs	7,116.22
A6422	Economic Development	253.81
A8020	Planning	564.46
A8025	Regional Planning 7-County Board	10,000.00
A9060	Health Insurance	2,191.44
SOLID WASTE FUND		89,384.97
SPECIAL GRANT FUND		3,595.23
COUNTY ROAD FUND		54,407.48
CAPITAL FUND		92,760.85
CONSOLIDATED HEALTH INSURANCE FUND		370,102.33
SELF-INSURANCE FUND		<u>1,546.00</u>
GRAND TOTAL		\$ 1,479,832.84

Legislator Monell made a motion to approve the minutes of February 12 and 21, 2013, seconded by Legislator Sullivan, and carried.

Committee meeting reports are on file in the Legislative Clerk’s Office and may be procured there by any interested person.

Chair Weston made the following appointments to the Workforce Investment Board:

- Shawn Yetter – 3/12/13-6/30/13 and 7/1/13-6/30/16
- Kathleen Horner – 7/1/13-6/30/16

Committee meeting reports are on file in the Legislative Clerk’s Office and may be procured there by any interested person.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 51-13	<i>ERRONEOUS ASSESSMENT TOWN OF SPENCER</i>

WHEREAS: A Supreme Court Stipulation & Agreement for correction of the 2011 assessment roll and refund overpayment of 2012 taxes stipulates that the assessment on property no. 1282, assessed to Raymond-Hadley Corporation on the 2012 tax roll of the Town of Spencer be reduced from \$1,320,000 to \$985,000, and property no. 319 assessed to Raymond-Hadley Corporation be reduced from \$680,000 to \$480,000; and

WHEREAS: A BUS. CTS exemption was applied to property no. 1282 on the 2011 assessment roll only, and the Real Property Director has instructed that the taxable assessment be calculated for the 2012 tax refund keeping the exemption and using the same calculations for the exemption as the assessor and has indicated that the reduced taxable value for property no. 1282 be \$528,550 for assessment year 2011-tax year 2012 only; and

WHEREAS: Taxes for properties no. 1282 and no. 319 were paid on 1/30/2012; be it therefore

RESOLVED: That the Tioga County Treasurer issue a refund of \$4,053.19 for overpayment of the 2012 taxes on properties no. 1282 (\$1,847.08) and no. 319 (\$2,206.11) to Hinman, Howard & Kattell, LLP as attorneys for Raymond-Hadley Corporation; and be it further

RESOLVED: That the erroneous town tax of \$780.67 be charged back to the Town of Spencer; and be it further

RESOLVED: That the erroneous solid waste tax of \$141.47 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$3,131.05 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 52-13 *ERRONEOUS ASSESSMENT*
TOWN OF SPENCER

WHEREAS: A Supreme Court Stipulation & Agreement for correction of the 2012 assessment roll and refund overpayment of 2013 taxes stipulates that the assessment on property no. 1282, assessed to Raymond-Hadley Corporation on the 2013 tax roll of the Town of Spencer be reduced from \$1,320,000 to \$985,000, and property no. 319 assessed to Raymond-Hadley Corporation be reduced from \$680,000 to \$480,000; and

WHEREAS: Taxes for properties no. 1282 and no. 319 were paid to the Town of Spencer Tax Collector on 1/28/13; be it therefore

RESOLVED: That the Town of Spencer Tax Collector issue a refund of \$6,037.22 for overpayment of the 2013 taxes on properties no. 1282 (\$3,780.31) and no. 319 (\$2,256.91) to Hinman, Howard & Kattell, LLP as attorneys for Raymond-Hadley Corporation; and be it further

RESOLVED: That the erroneous town tax of \$1,256.46 be charged back to the Town of Spencer; and be it further

RESOLVED: That the erroneous solid waste tax of \$201.16 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$4,579.60 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 53-13 *ERRONEOUS ASSESSMENT*
TOWN OF OWEGO

WHEREAS: An application for credit and refund of property taxes on property No. 4412, assessed to Carl & Carolyn Andreasen on the 2013 tax roll of the Town of Owego indicates that a 2012 DEC penalty was assessed erroneously; and

WHEREAS: The erroneous 2012 DEC penalty amount of \$88.33 was added as an omitted tax to the 2013 tax bill for property No. 4412; and

WHEREAS: The 2013 tax bill including the erroneous penalty amount for property No. 4412 was paid to the Town of Owego Tax Collector on 1/24/13; be it therefore

RESOLVED: That a refund of \$88.33 be issued to Carl & Carolyn Andreasen by the Tioga County Treasurer; and be it further

RESOLVED: That the erroneous town tax of \$18.62 be charged back to the Town of Owego; and be it further

RESOLVED: That the erroneous solid waste tax of \$2.69 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$67.02 be charged to the proper accounts in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 54-13 *ERRONEOUS ASSESSMENT*
TOWN OF TIOGA

WHEREAS: An application for corrected tax roll indicates that parcel No. 1836 in the Town of Tioga assessed to Gerald R & Linda D Hyatt on the 2013 tax roll of the Town of Tioga is erroneous in that since a survey of a neighboring parcel was done, the parcel no longer exists; and

WHEREAS: Gerald & Linda Hyatt paid the taxes on parcel #1836 in the Town of Tioga for the year 2013 to the Town of Tioga tax collector on 1/14/13; be it therefore

RESOLVED: That a refund of \$36.18 be issued to Gerald & Linda Hyatt by the Town of Tioga Tax Collector; and be it further

RESOLVED: That the erroneous town tax of \$9.68 be charged back to the Town of Tioga, and the erroneous fire tax of \$2.42 be charged back to the Tioga Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$1.01 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$23.07 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE
 RESOLUTION NO. 55-13 ERRONEOUS ASSESSMENT
 TOWN OF NEWARK VALLEY

WHEREAS: An application for corrected tax roll indicates that property no. 664 assessed to Ellen Fogle, and property no. 2058 assessed to Darlean Carpenter on the 2013 tax roll of the Town of Newark Valley are erroneous in that the assessor transposed the class codes, thereby adding the house that belongs on property no. 664 to property no. 2058, and incorrectly classifying property no. 664 as vacant land; and

WHEREAS: The 2013 town and county bills for these properties have not yet been paid to the Town of Newark Valley tax collector; be it therefore

RESOLVED: That a new bill be issued to Ellen Fogle for property no. 664, and a new bill be issued to Darlean Carpenter for property no. 2058 by the Town of Newark Valley tax collector as follows:

	<u>Fogle Bill #867/Acct 664</u>	<u>Carpenter Bill #649/Acct 2058</u>
County	\$ 844.22	\$ 83.12
Recycle	37.12	3.65
Townwide	334.94	32.98
Return School	1,422.93	199.42
Newark Valley Fire	<u>101.61</u>	<u>10.00</u>
	\$ 2,740.82	\$ 329.17

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: ED&P COMMITTEE
PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 56-13 *RESOLUTION TO SUPPORT SUSQUEHANNA
RAIN AND STREAM GAGES*

WHEREAS: There are currently a series of sixteen rain gages and eighteen stream gages in the Susquehanna River Basin all of which are federally funded; and

WHEREAS: Three rain gages and three stream gages are located within in Tioga County – 2 each in Owego and 1 each in Waverly; and

WHEREAS: All these stream and river gages are maintained and operated by the US Geological Survey to generate real-time data needed by the National Weather Service in forecasting river levels and consequently issuing timely, accurate early flood warnings; and

WHEREAS: Data collected from the gages are used by emergency managers, local officials, and citizens to make critical decisions to protect life and property; and

WHEREAS: The Susquehanna River is one of the most flood prone river basins of the country, with more than 80 percent of the over 1,400 municipalities in the basin region located within the designated flood-prone area; and

WHEREAS: Tioga County was subject to a devastating record flood in 2006, which was exceeded by the second, more damaging flood of record in 2011; and

WHEREAS: The 2011 flood event alone caused hundreds of millions in damage due to property loss, economic impacts, and infrastructure damage; and

WHEREAS: The community is still recovering from the 2011 flood; and

WHEREAS: We were fortunate not to have experienced loss of life during the 2011 flooding, due in substantial part to have sufficient advance warning to allow for orderly evacuations; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed said report and determined that the land to be included consists of viable agricultural land and its inclusion will serve the public interest by helping to maintain a viable agricultural industry within the district and therefore recommends County Legislature approval of inclusion of lands into their respective agricultural districts; and

WHEREAS: The Tioga County Legislature has held the required public hearing and no opposition was heard; therefore be it

RESOLVED: That the Tioga County Legislature approve the 2013 requests for inclusion of land listed in said report into the Spencer and North Tioga Agricultural Districts, and be it further

RESOLVED: That the Tioga County Legislature directs the Tioga County Planning Department to submit said report to the Commissioner of NYS Department of Agriculture and Markets for final certification.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 58-13

*RESOLUTION TO AUTHORIZE ACCEPTANCE
OF NYS DEPT OF AGRICULTURE & MARKETS
GRANT FOR COUNTY AGRICULTURAL AND
FARMLAND PROTECTION PLAN UPDATE*

WHEREAS: Per resolution 255-09 the Tioga County Legislature approved application to NYS Department of Agriculture & Markets to update Tioga County's 1999 Agricultural and Farmland Protection Plan; and

WHEREAS: Tioga County has received award notification and state contract for said grant from NYS DOS in the amount of \$15,000, with a total project cost of \$30,000; and

WHEREAS: The required local match is made up of \$7,000 cash match from Planning Department \$2,000, Tioga County SWCD \$3,000 and Tioga County Cornell Cooperative Extension \$2,000, as well as in-kind services totaling \$8,000 from all three parties; and

WHEREAS: The \$22,000 cash will be used to pay a consultant (to be selected and contracted) to develop the plan update; and

WHEREAS: Tioga County Planning Department will handle project management, coordination and administration of this grant; therefore be it

RESOLVED: That the Tioga County Legislature does hereby accept said grant funds in the amount of \$15,000, and approves expenditure of county cash match and in-kind services; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign all associated grant/contract paperwork and that said funds be appropriated to the following accounts:

From: NYS Ag Markets Grant Revenue Account A3905.00 \$15,000

To: NYS Ag Markets Grant Account A8752.40-140 \$15,000

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 59-13 *AUTHORIZE ACCEPTANCE OF A \$250,000.00 2012 NEW YORK STATE MAIN STREET PROGRAM GRANT FOR VILLAGE OF NICHOLS*

WHEREAS: The New York State Housing Trust Fund Corporation’s Office of Community Renewal (OCR) through the New York State Main Street Program has approved the award to Tioga County in the amount of \$250,000.00 for the Nichols Downtown Revitalization Program; and

WHEREAS: This grant has been approved for funding for \$217,375.00 interior and exterior renovations, \$15,000.00 in Streetscape Enhancements and \$17,625.00 in Administrative funding for the approved Nichols Downtown Revitalization Program, and

WHEREAS: The Village of Nichols and Tioga County supports the revitalization of commercial and residential uses that make up the downtown or “main street” areas of the Village of Nichols , and

WHEREAS: The Village of Nichols supports this program through approval of a Resolution on 11/28/12, and

WHEREAS: The Tioga County Legislature approved the application and administration of this grant through Resolution #146-12, therefore be it

RESOLVED: That the Tioga County Legislative Chair is authorized to sign any and all documents related to this grant and that the Tioga County Legislature hereby authorizes the acceptance of said grant and authorizes the following fund transfers:

From: CE3990.12 NYS 2012 Nichols Main Street Program	\$250,000.00
To: CE8510.12 NYS 2012 Nichols Main Street Program	\$250,000.00

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 60-13

*AUTHORIZE THE ACCEPTANCE OF THE
ROUND 2 STATEWIDE INTEROPERABLE
COMMUNICATIONS GRANT CONTRACT –
FIRE COORDINATORS OFFICE*

WHEREAS: The NYS Division of Homeland Security and Emergency Services has awarded Tioga County a Round-2 Interoperable Communications Grant in the amount of \$2,342,000.00; and

WHEREAS: The Tioga County Emergency Services Communications System is currently over 20 years old and is no longer able to adequately serve the needs and safety of the Police, Fire and Ambulance Services of Tioga County; and

WHEREAS: In 2011 Tioga County employed the consulting firm of Blue Wing Communications to perform a Radio Communication System Analysis, to perform research and make recommendations and produce a communications update plan for the future of Tioga County emergency communications; and

WHEREAS: Accepting this Interoperable Communications Grant will provide the initial infrastructure updates recommended in the Blue Wing Plan and provide critical interoperability improvements that will electronically link Tioga County to all of our New York State contiguous Counties and to enhance the safety of all Emergency Services Personnel by providing additional interoperable communications frequencies in multiple communications bands; and

WHEREAS: This Grant requires no matching funds to be obligated by Tioga County; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be permitted upon approval of the Tioga County Attorney to sign the contract accepting this New York State Round-2 Interoperable Communications Grant Contract in the amount of \$2,342,000.00.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
INFORMATION TECHNOLOGY

RESOLUTION NO. 61-13 *AUTHORIZE LEASE AGREEMENT BETWEEN TIOGA COUNTY AND TOMPKINS COUNTY FOR RECORDS STORAGE*

WHEREAS: Tioga County has microfilm and papers records that are currently housed at Iron Mountain located in Pennsylvania; and

WHEREAS: Tompkins County has recently obtained bunker space at the former Seneca Army Depot now owned by Finger Lakes Technologies Group and is willing to rent space to Tioga County to house microfilm and paper records for a yearly fee of One Hundred Dollars (\$100.00) at a significant cost savings to Tioga County; and

WHEREAS: The Tioga County Attorney has reviewed the contract and has approved to its form; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature sign this Agreement.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 62-13 *CONTINGENCY FUNDING FOR
JAIL MEDICAL EXPENSES*

WHEREAS: The Sheriff is experiencing higher Medical Expenses than expected in the Jail; and

WHEREAS: Budgeted funds to cover these expenses within the 2013 Jail Budget have been nearly exhausted, now therefore be it

RESOLVED: That the following contingency funds be appropriated as follows:

From: A1990.40-715 Contingency	\$60,000
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To: Jail Account A3150.40.370 (Medical Expense)	\$60,000
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ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 63-13 RE-ESTABLISH PRIOR YEAR
PUBLIC WORKS PROJECTS

WHEREAS: Prior year Public Works Projects need to be re-established for the remaining balance as of year end 2012 for completion in 2013; therefore be it

RESOLVED: That the following accounts and amounts be re-established:

<u>Bridge Projects</u>		<u>Amt to Establish</u>
H2009.02	East River Rd.	\$ 1,426,929.05
H2010.07	Lillie Hill RD	\$ 55,141.00
H2011.10	Gridleyville Crossing Bridge	\$ 25,000.00
H2012.05	Penn. Ave Bridge	\$ 680,000.00
H2012.06	Gaskill Road Bridge	\$ 731,360.00
H2013.02	East River Rd	(\$1,400,000.00)
H2013.03	Gaskill Road Bridge	(\$ 700,000.00)
<u>Capital Projects</u>		
H1624.20	Trop. Storm Lee Disaster-Capital	\$ 192,343.96
H1624.-20-121	Trop. Storm Lee Disaster-Capital	\$ 83,761.00
H1625.20	Trop. Storm Lee-Expenditure	\$ 61,160.77
<u>Capital Construction</u>		
H1620.20-923	Bldgs-Stand by Generator	\$ 125,000.00
H1620.20-926	Bldgs-HVAC Control System	\$ 60,000.00
H1620.20-927	Bldgs-Court House Ext. Renov.	\$ 366,439.00
H1620.20-990	Bldgs-E911 Backup Center	\$ 53,940.58
<u>Capital Equipment</u>		
H1620.21-929	Buildings-boiler	\$ 120,000.00
H1620.21-988	Bldgs-Court House Renov.	\$ 8,561.00
H5130.21-915	Road Machinery-Patrol Tk Rplc	\$ 14,296.34

And be it further

RESOLVED: That the corresponding revenue sources shall also be re-established in the 2013 modified budget.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 64-13 *APPROVE CHANGE ORDER
FOR ELEVATOR PROJECT*

WHEREAS: The elevators at the County Office Building & Court Annex were damaged in the flooding that took place after Tropical Storm Lee in September 2011; and

WHEREAS: The contract for repairs for the elevators was awarded to Elmira Structures, Inc. July 19, 2012; and

WHEREAS: There were some unforeseen conditions requiring more work to be done as follows:

- Additional work required for fire alarm system in the Elevator Shaft \$2500
- Requested testing be done to the Recall System of the Elevator Emergency System for County Office Building & Court Annex \$2,000
- Elevator Cab needs to be cleaned & the floor was deemed unsalvageable and will be replaced at the Annex \$2,000
- Jack Hole re-drill process due to unforeseen conditions at the County Office Building \$66,583
- Elevator pit items for code, thermostat for HVAC at Annex & County Office Building \$300
- Lead Paint disposal by third party due to lead levels \$1,834
- Lead paint removal at the County Office Building to allow for waterproofing \$5,866
- Fire alarm system at the County Office Building \$1,309

- Masonry restoration at the county Office Building to allow for water proofing \$1,369

For a total of \$83,761.00; and

WHEREAS: This project will be reimbursed by FEMA; therefore be it

RESOLVED: That the Tioga County Legislature authorize the change order for the elevators not to exceed \$83,761.00 to be paid out of H1624.20-121 Tropical Storm Lee Disaster-Capital.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 65-13

*APPROVE CHANGE ORDER
FOR CABLING PROJECT FOR
COURT HOUSE & COURT ANNEX*

WHEREAS: Tioga County leases space to the NYS Unified Courts System at the Court House & Court Annex; and

WHEREAS: On December 11, 2012 the Tioga County Legislature passed resolution 295-12 to award the cabling installation for the Courts to Matrix Communications; and

WHEREAS: After the project was awarded, the Courts System approved upgrading the door access controls at the Court Annex and Court House requiring an upgrade for the cabling to the access controls for the project; and

WHEREAS: The funding for the change order will be paid 100% by the Unified Court System; therefore be it

RESOLVED: That the Tioga County Legislature approve the Change Order to Matrix Communications in the amount of \$8,561 to be paid out of the Building Account-Court House Renovations H1620.21 use code 988.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 66-13

*AWARD DESIGN SERVICES TO
MCFARLAND JOHNSON FOR
CATATONK HILL RD BRIDGE
BIN: 3335130*

WHEREAS: The Catatonk Hill Rd. Bridge has been placed on the FHWA program; and

WHEREAS: The Commissioner of Public Works received a proposal for Design Services for this project from McFarland Johnson not to exceed \$89,387; and

WHEREAS: The Commissioner of Public Works has budgeted for this in Catatonk Hill Rd over Catatonk Creek account H2013.05; and

WHEREAS: This project will be funded as follows:

Federal: 80%
State: 15%
Local: 5%

Therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to McFarland Johnson, Binghamton, NY not to exceed \$89,387 to be paid out of account H2013.05 Catatonk Hill Rd over Catatonk Creek Bin: 3335130.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 67-13

*APPOINT DIRECTOR
SOIL AND WATER CONSERVATION
DISTRICT*

WHEREAS: Robert Aman's term on the Soil and Water Conservation District as a Farm Bureau Representative is set to expire on March 31, 2013; and

WHEREAS: The Farm Bureau has expressed interest for Robert Aman to continue as Farm Bureau's Representative on the Soil and Water Conservation District Board; therefore be it

RESOLVED: That Robert Aman of Candor, New York be hereby reappointed Farm Bureau Representative to the Soil and Water Conservation District Board for a term of April 1, 2013 through March 31, 2016.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 68–13 *APPOINT MEMBER
BOARD OF ETHICS*

WHEREAS: Colleen Craig's appointment on the Board of Ethics is set to expire on March 31, 2013; and

WHEREAS: Charles DiGiacomo has expressed an interest in filling the position once it becomes vacant; therefore be it

RESOLVED: That Charles DiGiacomo, Chair appointment, is hereby appointed to the Board of Ethics for a term of April 1, 2013 through March 31, 2016.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 69-13 APPOINT MEMBERS ALTERNATIVES TO INCARCERATION ADVISORY BOARD

RESOLVED: That the following members be appointed to the Alternatives to Incarceration Advisory Board for the following terms:

	TERM
Ex-Offender	4/1/13-3/31/14
Crime Victim	4/1/13-3/31/14
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/13-3/31/14

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: AGRICULTURE COMMITTEE

RESOLUTION NO. 70-13 APPOINT MEMBER TO THE TIOGA COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

WHEREAS: The Agricultural & Farmland Protection Board member serving in the Agri-Business position has not been able to attend Board meetings in recent years and has expressed agreement with replacing him prior to expiration of his term, and

WHEREAS: The Agricultural and Farmland Protection Board is desirous of filling this position and has found Gary Phelps of Gary's Berries willing to serve in this position replacing Kevin Perry; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints said member to the Agricultural and Farmland Protection Board to fulfill Kevin Perry's unexpired term of 1/1/10 – 12/31/13.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 71-13 *RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)*

WHEREAS: The term of Tioga County Local Development Corporation member Kristin Barnhardt expires as of March 31, 2013; and

WHEREAS: Kristin Barnhardt has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Kristin Barnhardt for another three-year term of 4/1/13 – 3/31/16.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 72-13 *RE-APPOINT MEMBER TO THE TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION (TCLDC)*

WHEREAS: The term of Tioga County Local Development Corporation member Marcia Kiechle expires as of March 31, 2013; and

WHEREAS: Marcia Kiechle has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Marcia Kiechle for another three-year term of 4/1/13 – 3/31/16.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 73-13 *RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)*

WHEREAS: The term of Tioga County Local Development Corporation member Sandy Layman expires as of March 31, 2013; and

WHEREAS: Sandy Layman has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Sandy Layman for another three-year term of 4/1/13 – 3/31/16.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 74-13 *RESOLUTION REAPPOINTING & NEW APPOINTMENT OF MEMBERS TO COMMUNITY SERVICES BOARD*

WHEREAS: Dr. Keith Nichols appointment to the Community Services Board will expire on March 31, 2013; and

WHEREAS: Candance Cerretani has agreed to become a new member, replacing Denise Brown; and

WHEREAS: The Community Services Board has recommended Dr. Keith Nichols reappointment; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That Dr. Nichols be reappointed to the Community Services Board, for term starting April 1, 2013 and ending March 31, 2017; and be it further

RESOLVED: Candance Cerretani be appointed a new member, for term starting April 1, 2013 and ending March 31, 2017.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 75-13

*MODIFY COMMITTEE MEMBERS CERTIFIED
HOME HEALTH AGENCY/LONG TERM HOME
HEALTH CARE PROGRAM/LICENSED HOME
CARE SERVICES AGENCY 2013*

WHEREAS: Resolution No. 74-09 made appointments to the Tioga County Health Department Professional Advisory/Utilization Review Committee for CHHA/LTHHCP; and

WHEREAS: The Tioga County Health Department was approved as a Licensed Home Care Services Agency in October of 2012; and

WHEREAS: Members continually leave and are replaced by name, and it is desirous to more effectively specify standard roles required for the committees rather than replace appointments by name as they leave; therefore be it

RESOLVED: That the following roles be specified and appointed to the Professional Advisory/Utilization Review Committee for CHHA/LTHHCP/LHCSA with 4 year terms from 4/1/13 to 3/31/17 as follows:

Appointee Role: Term of Appointment/4 Years: Certified Home Health Agency
Tioga Opportunities Representative
Consumer Representative
Medical Social Worker/Master of Social Work
Physical Therapist/Occupational Therapist
Medical Director/Consultant
Nurse #1
Nurse #2
Nurse #3
Director of Patient Services
Public Health Director
Dental Advisor
Dental Program Manager/RDH
Nurse (CHHA/LTHHCP)
Primary Care Provider

Appointee Role: Term of Appointment/4 Years: Long Term Home Health Care
Tioga Opportunities Representative
Consumer Representative
Medical Social Worker/Master of Social Work
Physical Therapist/Occupational Therapist
Medical Director/Consultant
Nurse #1
Nurse #2
Nurse #3
Director of Patient Services
Public Health Director
Dental Advisor
Dental Program Manager/RDH
Nurse (CHHA/LTHHCP)
Primary Care Provider

Appointee Role: Term of Appointment/4 Years: Licensed Home Care Services Agency

Tioga Opportunities Representative
 Consumer Representative
 Medical Social Worker/Master of Social Work
 Physical Therapist/Occupational Therapist
 Medical Director/Consultant
 Nurse #1
 Nurse #2
 Nurse #3
 Director of Patient Services
 Public Health Director
 Dental Advisor
 Dental Program Manager/RDH
 Nurse (CHHA/LTHHCP)
 Primary Care Provider

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 76–13 REAPPOINTMENT OF COUNTY HISTORIAN

WHEREAS: Emma Sedore was appointed Tioga County Historian on November 13, 2001; and

WHEREAS: She is a dedicated Historian; and

WHEREAS: Her term is set to expire March 31, 2013; therefore be it

RESOLVED: That Emma Sedore of Owego, New York, be hereby reappointed County Historian for a two-year term from April 1, 2013 until March 31, 2015.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:	LEGAL COMMITTEE PERSONNEL COMMITTEE
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RESOLUTION NO. 77-13	<i>AUTHORIZE EXTENSION OF LEAVE OF ABSENCE LAW DEPARTMENT</i>
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WHEREAS: In accordance with Tioga County Policy 1, Section VI, on 12/26/12, the County Attorney granted a leave of absence to Stephanie Carrigg, Paralegal, upon her acceptance of the position of Secretary to the District Attorney; and

WHEREAS: The 60 working days leave authorized by the County Attorney will expire March 25, 2013; and

WHEREAS: Ms. Carrigg has made a request to the County Attorney for an extension of the leave from the Law Department while serving in her new role in the District Attorney's Office; and

WHEREAS: The County Attorney is in favor of granting such an extension to Ms. Carrigg's leave of absence; therefore be it

RESOLVED: That in accordance with Tioga County Policy 1, Section VII, the Legislature hereby authorizes Ms. Carrigg's request for an extension to her leave of absence through November 29, 2013 or her return to her Paralegal position within the Law Department, whichever occurs first.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 78-13 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE
BACKFILL OF VACANT FULL-TIME, REGISTERED
PROFESSIONAL NURSE POSITION
PUBLIC HEALTH*

WHEREAS: The Public Health Department has been carrying a vacant full time Registered Professional Nurse position since January 4, 2013; and

WHEREAS: Additional nursing vacancies have occurred since that time due to resignations and retirement in addition to nursing positions left unfunded for 2013; and

WHEREAS: The Public Health Department is down to 40% of its staff without a decrease in workload; and

WHEREAS: The Public Health Department is continuing to work of divesting itself of the Certified Home Health Care Agency; and

WHEREAS: The Public Health Director wishes to ensure nursing services are carried out both effectively and efficiently; therefore be it

RESOLVED: That the Public Health Director is hereby granted a waiver from the 90-day hiring delay and is authorized to fill one (1) full-time, Registered Professional Nurse vacancy at an annual salary of \$44,046 (CSEA Salary Grade XIV) effective March 13, 2013, 23 days shy of being vacant 90 days.

ROLL CALL VOTE

Yes – Legislators Weston, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – Legislators Roberts and Monell.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION
 PERSONNEL COMMITTEE

RESOLUTION NO. 79-13 STANDARD WORK DAY AND
 REPORTING RESOLUTION

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga 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 the following officials to the Clerk of this body.

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Temporary Director of Information Technology & Communication Services	Drew Griffin	7	3/2/13-12/31/15**	Y	N/A

**Term end date defined for purposes of resolution, not binding for term of office.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to have the following late-filed resolution considered, seconded by Legislator Monell and carried.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 80-13 *AUTHORIZE SERVICE AGREEMENT BETWEEN TIOGA COUNTY AND COHESIVE FOR WEBSITE UPDATES*

WHEREAS: Tioga County has a need for ongoing updates to its website www.tiogacountyny.com and Cohesive has the skills and expertise to perform these updates in a timely and professional manner; and

WHEREAS: Tioga County ITCS recent staff changes have created a need to have this work performed by an outside service provider and Cohesive is willing to provide these services on a time & materials basis at \$60/hour billed in 10 minute increments; and

WHEREAS: The Tioga County Attorney has reviewed the service agreement and has approved to its form; therefore be it

RESOLVED: That Tioga County enter into a service agreement with Cohesive at a cost of \$60/hour and not to exceed \$16,000/year; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign this Agreement.

ROLL CALL VOTE

Yes – Legislators Weston, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – Legislator Roberts.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:31 P.M.

Fourth Special Meeting
March 21, 2013

The Fourth Special Meeting of 2013 was held on March 21, 2013 and was called to order by the Chair at 10:19 A.M. Seven Legislative members were present, Legislators Hollenbeck and Roberts being absent.

Chair Weston asked to have a moment of prayer. "I would like a moment of silence for the parents of the children of the Newtown massacre".

Chair Weston led all Legislators and those in attendance in the Pledge of Allegiance.

There were 2 people in attendance.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH AND HUMAN SERVICES

RESOLUTION NO. 81-13 *HIRE E-VOLVE LLC TO EVALUATE MENTAL
HYGIENE ELECTRONIC HEALTH RECORDS
RFP RESPONSES AND TRANSFER FUNDS*

WHEREAS: Mental Hygiene solicited Requests for Proposals (RFPs) for an Electronic Health Records System (EHRS); and

WHEREAS: Mental Hygiene has received five (5) proposals that must be evaluated, and a vendor must be selected; and

WHEREAS: The proposals contain complex technological information requiring the assistance of consultant to evaluate; and

WHEREAS: e-Volve Information Technology Services, LLC has submitted a proposal to assist Mental Hygiene in the evaluation and selection of a vendor for the EHRS for a fee based on an hourly rate of \$100.00, with the total of said fees not to exceed \$5,200.00; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign said contract with e-Volve Information Technology Services, LLC to provide the services outlined in the proposal and contract for total fees not to exceed \$5,200.00; and be it further

RESOLVED: That the following sums be transferred:

From: Contingency Account A1990.40-715 \$5,200.00

To: Mental Hygiene Co Admin Account A4309.40-140 \$5,200.00

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Standinger, Sullivan, Case, Huttleston, and Monell.

No – None.

Absent – Legislators Hollenbeck and Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH AND HUMAN SERVICES

RESOLUTION NO. 82-13 *HIRE E-VOLVE LLC TO ASSIST IN PROJECT
MANAGEMENT OF MENTAL HYGIENE
ELECTRONIC HEALTH RECORDS SYSTEM
INSTALLATION AND TRANSFER FUNDS*

WHEREAS: Mental Hygiene will be selecting a vendor to install an Electronic Health Records System (EHRS); and

WHEREAS: Mental Hygiene will require technical assistance in the management of the installation of the EHRS; and

WHEREAS: e-Volve Information Technology Services, LLC has submitted a proposal to assist Mental Hygiene in the project management of the installation of the EHRS for a fee based on an hourly rate of \$100.00, with the total of said fees not to exceed \$2,000.00; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign said contract with e-Volve Information Technology Services, LLC to provide the services outlined in the proposal and contract for total fees not to exceed \$2,000.00; and be it further

RESOLVED: That the following sums be transferred:

From: Contingency Account A1990.40-715 \$2,000.00

To: Mental Hygiene Co Admin Account A4309.40-140 \$2,000.00

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Standinger, Sullivan, Case, Huttleston, and Monell.

No – None.

Absent – Legislators Hollenbeck and Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 83-13

*HIRE E-VOLVE LLC TO PROVIDE
CONSULTING SERVICES FOR FEMA
DOCUMENT RESTORATION PROJECT*

WHEREAS: Many of the records of Tioga County were damaged during the flood of 2011; and

WHEREAS: Restoration of those documents will be undertaken through a competitive bid process, and the assistance of a consultant is necessary to assist the County through the bid process; and

WHEREAS: e-Volve Information Technology Services, LLC has submitted a proposal to provide consulting services for a fee based on an hourly rate of \$100.00, with the total of said fees not to exceed \$14,000.00; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval by the County Attorney, to sign a contract with e-Volve Information Technology Services, LLC to provide the services outlined in the proposal and contract for total fees not to exceed \$14,000.00 and that said sums be paid from Tropical Storm Lee Disaster Account H1625.20.

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Standinger, Sullivan, Case, Huttleston, and Monell.

No – None.

Absent – Legislators Hollenbeck and Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:21 A.M.

Fourth Regular Meeting
April 9, 2013

The Fourth Regular Meeting of 2013 was held on April 9, 2013 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Case to have a moment of prayer. Legislator Case asked for a moment of silence.

Legislator Case led all Legislators and those in attendance in the Pledge of Allegiance.

Chad Post presented Employee of the first quarter 2013 to Amy Poff, Benefits Manager. "I would first like to thank the Legislature on behalf of the Employee Recognition Committee for their continued support of the ERC program. Today we are here to recognize Tioga County Benefits Manager Amy Poff as Employee of the first quarter of 2013. Joining Amy at the Podium today is her Supervisor and Director of Personnel, Bethany O'Rourke.

"Amy has worked for the Tioga County Personnel Department since December of 1997 when she started as a Personnel Clerk. She then moved to the Benefits Manager position in early 1998. As Benefits Manager, Amy not only offers assistance to the employees and retirees of Tioga County, but also provides assistance to the Towns and Villages in the County as she administers the Self-Insured Workers' Compensation Plan as well as the Tioga County Consolidated Municipal Health Insurance Plan.

"In addition, from 2010 to 2012 Amy served as President of the New York State Association of Self-Insured Counties and coordinated two statewide conferences each year. Although her term as President has ended, Amy continues to serve on the Executive Board. Amy was previously honored as Employee of the quarter in 2000 and is well deserving of further recognition for her dedication to the County and for her exceptional service which she provides. For the past year, Amy has played an integral role in implementing a new health insurance plan for over 300 County employees. This involved educating employees, answering volumes of questions, and resolving problems for employees and retirees alike, which stem from the changes to the Excellus Blue Cross and Blue Shield computer systems.

"In her spare time, Amy enjoys spending time with her family. Amy, your name will be added to the winner's plaque outside the entry of this Auditorium. In addition, we would be pleased to present this plaque with a certificate to you for all your hard work and dedication."

Amy Poff spoke. "I just want to say thank you everybody for taking time out of their busy lives to say nice things about me."

Legislator Tracy Monell spoke. "Amy asked me that I not say anything, but I cannot do that. I think Amy is one of the unsung heroes of our County. The only time people call her for the most part is when they are irritated or mad, or upset about something, and she handles it with ease. She diffuses the situation, takes care of the issue, and then goes above and beyond what normally would occur for most people. We really appreciate you and thank you very much."

Chair Weston noted that we have four Proclamations that we are just going to note.

Child Abuse Prevention Month Proclamation

WHEREAS: The Tioga County Department of Social Services received 1,043 reports of alleged abuse/neglect involving 2,266 children in 2012; and

WHEREAS: Child abuse is a community problem and finding solutions depends on the involvement among people throughout the community; and

WHEREAS: The effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS: Effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS: Programs like Cornell Cooperative Extension, Lourdes PACT and Finger Lakes Parenting Network offer support and educational services to families so families can help their child achieve his/her full potential within the community; and

WHEREAS: The Family Resource Centers of Tioga County will host open houses in the month of April to increase awareness of Child Abuse Prevention Month.

WHEREAS: All citizens should become more aware of the negative effects of child abuse and prevention activities within the community, and become involved in supporting parents and families so that children can live in safe, nurturing homes; now therefore

THE TIOGA COUNTY LEGISLATURE, does hereby proclaim April 2013 as

Child Abuse Prevention Month

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to insure that all children are raised in safe, nurturing families, thereby strengthening the communities in which we live.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Giving babies the recommended immunizations by age two is the best way to protect them from 14 serious childhood diseases; and

WHEREAS: Currently, the United States has the safest, most effective vaccine supply in its history; and

WHEREAS: Vaccine-preventable diseases still circulate in the United States and around the world, so continued vaccination is necessary to protect everyone from potential outbreaks. Even when diseases are rare in the U.S., they can be brought into the country, putting unvaccinated children at risk; and

WHEREAS: Most parents vaccinate their children, resulting in high vaccine coverage rates in the U.S.; and

WHEREAS: It is important to vaccinate children on time, according to the childhood immunization schedule, to provide the best protection early in life, when babies are vulnerable and before they are likely to be exposed to diseases; and

WHEREAS: For 18 years, National Infant Immunization Week (NIIW) has encouraged parents, caregivers, and health care professionals to participate in educational, recognition, and media events to increase the awareness of the importance of immunizing children before their second birthday; and

WHEREAS: This year, National Infant Immunization Week will be celebrated as part of the first World Immunization Week, an initiative of the World Health Organization (WHO) where all six WHO regions, including more than 180 Member States, territories, and areas will simultaneously promote immunization, advance equity in the use of vaccines and universal access to vaccination services, and enable cooperation on cross-border immunization activities in April, 2013; and

WHEREAS: The week of April 20 – April 27, 2013, has been declared National Infant Immunization Week to help ensure that children should be protected against 14 vaccine-preventable diseases by the age of two; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the week of April 20 – April 27, 2013 as:

INFANT IMMUNIZATION AWARENESS WEEK IN TIOGA COUNTY

and encourages parents to make vaccinating their children a priority and to talk to family and friends about protecting their children with vaccines. We encourage businesses, government agencies, national organizations, community-based organizations, and service groups to spread the immunization message throughout their communities.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Stroke is a leading cause of serious long-term disability and the fourth leading cause of death in the United States, killing over 134,000 people nationwide and more than 30 citizens of Tioga County each year; and

WHEREAS: Stroke prevalence is projected to increase by 24.9% between 2010 and 2030 and the direct medical costs in the U.S. for treating stroke are expected to increase by 238% from \$28.3 billion in 2010 to \$95.6 billion by 2030; and

WHEREAS: Warning signs of stroke include sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and sudden severe headache with no known cause; and

WHEREAS: Americans are more aware of the risk factors and warning signs for stroke than in the past, but according to a recent survey, one-third of adults cannot identify any symptoms; and;

WHEREAS: New and effective treatments have been developed to treat and minimize the severity and damaging effect of strokes, but much more research is needed, therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate the month of May 2013 as:

AMERICAN STROKE MONTH IN TIOGA COUNTY

and urges all the citizens of our County to familiarize themselves with the risk factors associated with stroke, recognize the warning signs and symptoms, and on the first signs of a stroke dial 9-1-1 immediately so that we might begin to reduce the devastating effects of stroke on our population.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: The nurses who live and who work in Tioga County while serving in many roles are all members of one profession, and as such have shown strength, commitment, professional skill and compassion directed at improving the health of the residents of Tioga County; and

WHEREAS: The nursing profession is rapidly changing, requiring nurses to expand their role through critical thinking, and holistic analysis of patient care, to meet the new challenges; and

WHEREAS: Tioga County nurses serve in many capacities within Tioga County; e.g., immunization clinics, control of communicable disease, homecare, mental health, well child clinics, Department of Social Services, doctor’s offices, prenatal care programs, nursing homes, and more; and

WHEREAS: The week of May 6 through 12, 2013 is “NATIONAL NURSES WEEK” and the Tioga County Legislature wishes to express their support and recognition of the nurses working and living in Tioga County, therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate the week of May 6 – 12, 2013 as:

NATIONAL NURSES WEEK IN TIOGA COUNTY

and encourage businesses, government agencies, community-based organizations, service groups and our fellow citizens to recognize the many nurses who work and live in Tioga County as being nurses with strength, commitment and compassion.

Chris Bonner had privilege of the floor. He spoke regarding the Safe Act and government issues.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		194.17
A1165	District Attorney		6,437.28
A1170	Public Defender		174.30
A1172	Assigned Counsel		17,171.09
A1185	Medical Examiners/Coroners		200.00
A1325	Treasurer		2,366.18
A1355	Assessments		2,095.00
A1362	Tax Advertising/Expense		7,464.12
A1410	County Clerk		293.84
A1420	Law		3,533.00
A1430	Personnel		4,018.77
A1450	Elections		77.22
A1490	Public Works Administration	160.00	17.99
A1620	Buildings	37.48	48,015.80
A1621	Buildings		17,855.60
A1680	Information Technology		14,856.97
A2490	Community College Tuition		39,539.68
A2960	Education Handicapped Children		174,854.64
A3020	Public Safety Comm E911 System		3,687.73

A3110	Sheriff		22,325.50
A3140	Probation		829.28
A3146	Sex Offender Program		9,240.00
A3150	Jail		67,366.08
A3315	Special Traffic Programs		674.70
A3357	FY11 NYS Homeland Security		1,994.13
A3410	Fire		4,722.45
A3640	Emergency Mgmt Office		454.80
A4010	Public Health Nursing		31,773.45
A4011	Public Health Administration		2,609.41
A4012	Public Health Education		88.78
A4042	Rabies Control		3,220.15
A4044	Early Intervention	186.00	25,905.15
A4053	Preventive/Primary Health Svcs		160.00
A4054	Preventive Dental Services		6,030.20
A4064	Managed Care-Dental Services	245.00	26,080.95
A4070	Disease Control		4,055.89
A4090	Environmental Health		935.91
A4210	Alcohol and Drug Services		17,227.40
A4211	Council on Alcoholism		10,999.34
A4309	Mental Hygiene Co Admin		10,731.12
A4310	Mental Health Clinic		124,780.87
A4311	Rehabilitation Support Services		1,854.00
A4320	Crisis Intervention Services		49,139.13
A4321	Intensive Case Management		754.96
A4333	Psycho Social Club		25,000.00
A5630	Bus Operations		67,077.48
A6010	Social Services Administration		67,781.98
A6422	Economic Development		1,303.43
A6510	Veterans' Service		166.95
A6610	Sealer Weights/Measures		214.31
A7180	Snowmobile Grant Program		25,312.00
A8020	Planning		75.92
A9060	Health Insurance		2,739.30
SOLID WASTE FUND			91,740.21
SPECIAL GRANT FUND			4,974.61
COUNTY ROAD FUND			69,335.25
CAPITAL FUND			83,211.02
CONSOLIDATED HEALTH INSURANCE			343,022.13
SELF-INSURANCE FUND			<u>10,974.00</u>
GRAND TOTAL			\$ 1,560,364.10

Legislator Monell made a motion to approve the minutes of March 12 and 21, 2013, seconded by Legislator Roberts, and carried.

Chair Weston made the following appointment to Economic Development & Planning Director Search Committee

Legislator Case
Legislator Roberts
Legislator Sauerbrey
Chair Weston
Personnel Officer Bethany O'Rourke
Economic Development & Planning Director Douglas Barton
IDA Chairman Aaron Gowan

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 84-13 *HOME RULE REQUEST IN SUPPORT OF S3665/
A5902: EXTENDING THE CURRENT AND
IMPOSING ADDITIONAL SALES AND
COMPENSATING USE TAXES BY THE COUNTY
OF TIOGA*

WHEREAS: The continuation of previously authorized additional sources of revenue is required to enable counties, such as Tioga County to meet the ever-increasing costs of delivering essential governmental services to their citizens without undue reliance on local property taxes; and

WHEREAS: State Legislative authority is needed to extend the current sales and compensating use taxes for the County of Tioga at the same level and upon the same terms and conditions as now currently exist; now therefore be it

RESOLVED: That the Tioga County Legislature hereby requests the enactment of Senate bill number S3665 and Assembly bill number A5902 entitled "An Act to Amend the Tax Law in relation to extending the authorization of the County of Tioga to impose an additional one percent of sales and compensating use taxes".

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standingger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 85-13 *OPPOSING PROPOSED AMENDMENTS
TO THE ELECTION LAW*

WHEREAS: A series of proposed amendments to New York State Election Law have been introduced in the Senate and Assembly of the State of New York; and

WHEREAS: As proposed, said bills will have an even more harmful financial effect on County Boards of Elections budgets, and will certainly significantly increase the cost of elections; and

WHEREAS: Bills #A.689/#S.1461, propose to enact a new Title VI to the Election Law entitled "Early Voting"; and

WHEREAS: The proposed Early Voting amendment would require voting be allowed fourteen (14) days before a General Election and seven (7) days before a Primary Election, at a minimum of five (5) polling places in each County from 8:00 AM until 7:00 PM each day, including weekends; and

WHEREAS: Boards of Elections would be required to hire Bi-Partisan Election Inspectors to staff the polling sites; and

WHEREAS: In addition to the fourteen or seven day Early Voting term prescribed, the amendment also states: "Local Boards of Elections may purchase additional direct recording electronic machines to be used solely for early voting..."; and

WHEREAS: Bills #A.172/#S.609, as well as #A.2099/#S.1549 propose nearly identical amendments to Election Law; to provide for same-day registration of voters, at the polling place, during the hours that the polling place is open for voting; and

WHEREAS: While the procedure to register said prospective voter is unspecified, it is not unreasonable to infer some type of internet connection would be required; and

WHEREAS: Internet access for the conduct of an election or voter registration is not available at Polling Sites in Tioga County; and

WHEREAS: There already exists a provision for filing an absentee ballot, which affords an opportunity for an individual to vote when such voter is not able to appear in person on Election day to cast their ballot; and

WHEREAS: While the Early Voting amendment does concede to additional costs incident to its implementation, the same-day registration proposal contends no fiscal impact, which is a questionable assertion; and

WHEREAS: None of the proposed amendments to Election Law stipulate any financial assistance to implement their programs; and

WHEREAS: Compliments of the Federal Help America Vote Act of 2002 (HAVA), the cost of elections in Tioga County has increased over 180% since 2002; and

WHEREAS: These proposed amendments to State Election Law are again a case study of unfunded mandates imposed upon local governments; and

WHEREAS: Given the current climate within which local governments must operate, it is truly unfortunate and deceitful that the Legislature of the State of New York would continue to consider unfunded mandates; and

WHEREAS: The Legislature of Tioga County must voice its strong opposition to the proposed amendments to Election Law; now therefore, be it

RESOLVED: That the Legislature of Tioga County be and hereby voices its strong opposition to the proposed amendments to Election Law, to wit:

#A.689/#S.1461 – An Act to amend the Election Law, in relation to early voting

#A.172/#S.609 – An Act to amend the Election Law, in relation to allowing for polling place voter registration for any qualified person who is not registered to voter

#A.2099/#S.1549 – An Act to amend the Election Law, in relation to allowing for polling place voter registration for any qualified person who is not registered to vote; and be it further

RESOLVED: That the Clerk of the Legislature of Tioga County shall forward certified copies of this Resolution to Governor Andrew M. Cuomo, Assemblyman Sheldon Silver, Assemblyman Brian Kavanagh, Senator Thomas W. Libous, Assemblyman Christopher S. Friend, Congressman Richard L. Hanna, and Congressman Thomas W. Reed, other New York Counties, the League of Women Voters and the New York State Association of Counties (NYSAC).

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 86-13 *AUTHORIZE LEASE EXTENSION WITH NYSEG FOR THE TOWER ON BALLOU ROAD*

WHEREAS: Tioga County has a need to maintain the telecommunications tower located in the Town of Tioga on Ballou Road and identified as tax map number 117.00-1-10; and

WHEREAS: The property that the tower is located on belongs to NYSEG and NYSEG has agreed to a 10 year lease extension from 4/1/2013 to 3/31/2023; and

WHEREAS: The Tioga County Attorney has reviewed the lease extension and has approved to its form; therefore be it

RESOLVED: That Tioga County enter into the 10 year lease extension at \$1500/year plus 25% of annual revenue received from renting antenna space to Plexicomm LLC on the Ballou Road tower; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign this lease extension.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 87-13

*AWARD CONSTRUCTION CONTRACT
TO R.DEVINCENTIS CONSTRUCTION
FOR LILLIE HILL RD BRIDGE PROJECT
BIN: 3335510*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funding is available for the construction of the Lillie Hill Rd Bridge (BIN: 3335510) as part of the Bond Issue; and

WHEREAS: The Commissioner of Public Works received sealed bids on March 26, 2013 and the bids were as follows:

R. DeVincentis
Binghamton, NY \$1,258,000.00

Economy Paving
Cortland, NY \$1,306,651.01

Silverline Construction
Burdett, NY \$1,310,287.00

And

WHEREAS: LaBella Associates, Rochester, NY have completed the review of the bids and finds the low bidder R. DeVincentis Construction, Binghamton, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to R. DeVincentis Construction ,Binghamton, NY not to exceed \$1,258,000.00 to be paid out of Lillie Hill Rd. Bridge (BIN: 3335510) Account H2010.07.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 88-13 APPROVE CHANGE ORDER
FOR ELEVATOR PROJECT

WHEREAS: The elevators at the County Office Building & Court Annex were damaged in the flooding that took place after Tropical Storm Lee in September 2011; and

WHEREAS: The contract for repairs for the elevators was awarded to Elmira Structures, Inc. on July 19, 2012; and

WHEREAS: Due to inspection failure by the Fire Inspector the following change orders were submitted:

- 1290-08 Update Fire Safety System and patch holes in the hoist-way at the County Office Building Elevator. \$6,317.00
- 1290-09 Update Fire Safety System and replace the door hardware at the Mechanical Room at the Court Annex. \$18,971.00
- 1290-10 Provide new smoke detector, transformer and PAM relay at the top of the elevator shaft to operate smoke hatch at the County Office Building Elevator. \$1,866.00; and

WHEREAS: This project will be reimbursed by FEMA and/or insurance; therefore be it

RESOLVED: That the Tioga County Legislature authorize the change orders listed above for the elevators not to exceed \$27,154.00 to be paid out of H1624-20-121 Tropical Storm Lee Disaster-Capital.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 89-13

*APPROVE CHANGE ORDER
FOR ELEVATOR PROJECT
FOR COURT HOUSE*

WHEREAS: The elevator at the Tioga County Court House was damaged in the flooding that took place after Tropical Storm Lee in September 2011; and

WHEREAS: The contract for repairs for the elevator was awarded to Elmira Structures, Inc. on June 12, 2012; and

WHEREAS: Due to inspection failure by the Fire Inspector the following change order was submitted:

- 1283-10 Replace malfunctioning elevator pump and oil safety switch. \$3,280.00; and

WHEREAS: This project will be reimbursed by FEMA; therefore be it

RESOLVED: That the Tioga County Legislature authorize the change order listed above for the elevator not to exceed \$3,280.00 to be paid out of H1624-20-121 Tropical Storm Lee Disaster-Capital.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 90-13 APPOINT MEMBER TO YOUTH BOARD
YOUTH BUREAU

WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and

WHEREAS: The purpose of the Youth Board is to carry out the provision of Section 95 of the General Municipal Law of the State of New York and Resolution No. 140 of 1981 of the Tioga County Legislature; and

WHEREAS: The Tioga County Youth Board Bylaws provides for representatives to the Youth Board be appointed by the County Legislature; and

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 245-12 and vacancies exist and terms have expired; now therefore be it

RESOLVED: That the following listed representative be appointed as a member of the Tioga County Youth Board with the corresponding term of office consistent with the requirement of staggered rotation.

	<u>TERM</u>
Christina Ward (Replacing Angela Klopf)	04/01/13-12/31/16

ROLL CALL VOTE

Yes - Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, and Sullivan.

No - None.

Absent - None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 91-13 *AMEND TIOGA EMPLOYMENT
CENTER BUDGET*

WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce New York for employment and training services, is completely funded under the Federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center has been allocated additional funds under Dislocated Worker Supplemental funds by New York State Department of Labor; and

WHEREAS: The funding allocation is \$5,504.25 for Dislocated Worker Supplemental services, and must be fully expended by June 30, 2012; therefore be it

RESOLVED: That the Tioga Employment Center budget be amended as follows:

From: CD4791 – Federal Aid-Federal Employment Program	\$ 5,504.25
To: CD6293.10-10- Full Time Personnel	\$ 2454.00
CD6293.40-130- Contracts	\$ 3050.25

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES
FINANCE COMMITTEE

RESOLUTION NO. 92–13 APPROPRIATION OF CAPITAL FUNDS
SOCIAL SERVICES

WHEREAS: The County of Tioga has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for the repair of two 2009 Ford buses; and

WHEREAS: The County of Tioga and the State of New York have an Agreement (C003791) which authorizes the undertaking of the Project and payment of the Federal and State shares for the Project; and

WHEREAS: Appropriation of funds requires legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: H 1750.00 Bus Company Contribution	\$ 2,055
H 3090.10 State Aid-Bus Companies- Capital	\$ 2,055
H 4090.10 Federal Aid-Bus Companies- Capital	\$16,440

To: H 5630.21 Bus Operations- Capital \$20,550

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 93-13 *AMEND POLICY 23*
PROCUREMENT POLICY

WHEREAS: Policy 23 Procurement Policy needs to amend Section I Procurement Procedures last paragraph; therefore be it

RESOLVED: That Policy 23 Section I Procurement Procedures last paragraph be amended as follows:

“Pursuant to General Municipal Law 104-b (2) (f), Drew Griffin, Acting Information Technology and Communication Services Director, is the responsible person for overseeing the administrative details of Tioga County’s purchasing program”

And be it further

RESOLVED: That the remainder of Policy 23 Procurement Policy shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standingger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standingger.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 94-13 *AMEND POLICY 26
TIOGA COUNTY ETHICS LAW
LOCAL LAW NO. 5 OF THE YEAR
1990 AS AMENDED*

WHEREAS: Policy 26 Tioga County Ethics Law needs to amend Section VI (D) (6) regarding Municipal Law Section and Schedule A to include titles and update titles; therefore be it

RESOLVED: That Policy 26 Section VI (D) (6) be amended as follows:
“Under no circumstances shall the “Reporting Categories” be
Disclosed to the public, as stated in New York State General
Municipal Law Section 813 (18)(a)(1).”

RESOLVED: That Policy 26 Schedule A be amended as follows:

Change Title of Civil Defense, Director of to
Director of Emergency Preparedness
Add Title of Deputy Director of Emergency Preparedness
Add Title of Director of Community Services
Add Title of Assistant County Attorneys
Add Title of Deputy County Clerk
Add Title of 1st Assistant District Attorney
Add Title of Deputy Director of Economic Development
Add Title of Deputy Election Commissioners
Remove Environmental Health, Director of
Add Title of Assistant Fire Coordinators

Add Title of Director of Information Technology & Communication Systems
Add Title of Deputy Legislative Clerk
Remove Mental Health, Deputy Director for Administration
Remove Mental Health, Director of
Add Title of Director of Patient Services
Add Title of Assistant Public Defenders
Add Title of Deputy Commissioner of Public Works
Remove Social Services, Executive Assistant
Remove Solid Waste Commissioner Members (all)
Add Title of Stop DWI Coordinator
Add Title of Director of Veterans' Service Agency
Add Title of Youth Bureau Director

And be it further

RESOLVED: That the remainder of Policy 26 Tioga County Ethics Law shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standingger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standingger.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 95-13

*AMEND POLICY 53
TIOGA COUNTY WORK PLACE
VIOLENCE PREVENTION/SEXUAL
HARASSMENT POLICY*

WHEREAS: Policy 53 Tioga County Work Place Violence Prevention/Sexual Harassment needs to amend Section V-Risk Factors and remove reference to "Solid Waste"; therefore be it

RESOLVED: That Policy 53 Section V-Risk Factors be amended to remove any reference to "Solid Waste"; and be it further

RESOLVED: That the remainder of Policy 53 Tioga County Work Place Violence Prevention/Sexual Harassment shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. A of 2013 A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2014 and continuing through and including December 31, 2017.

County of Tioga

Local Law No. of the Year 2013.

A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2014 and continuing through and including December 31, 2017.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: PURPOSE

As set forth at Local Law No. 3 of 2003, the annual salary for the elected public office of County Treasurer shall not be increased during a term of office.

Accordingly, it is the purpose and intent of this Local Law to establish the salary for Office of County Treasurer for the four-year term of office commencing January 1, 2014 and continuing through and including December 31, 2017.

SECTION 2: ANNUAL SALARY

A) The annual salary for the Office of County Treasurer for the term of office beginning January 1, 2014 and continuing through and including December 31, 2017 is hereby established as follows:

1. County Treasurer	\$63,000.00
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SECTION 3: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This Local law shall take effect January 1, 2014.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO:	FINANCE COMMITTEE
	PERSONNEL COMMITTEE

RESOLUTION NO. 96-13	<i>SCHEDULE PUBLIC HEARING</i>
	<i>LOCAL LAW INTRODUCTORY</i>
	<i>NO. A OF 2013</i>

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2013 A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2014 and continuing through and including December 31, 2017 in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, May 9, 2013 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, and Standingier.

No – Legislative Sullivan.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standingier.

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 97-13 *AUTHORIZE CONTRACT FOR
TEMPORARY PERSONNEL SERVICES
(BUDGET OFFICE)*

WHEREAS: The Treasurer's Office is in need of assistance with the processing of documents related to the County's FEMA claims resulting from the 2011 flood; and

WHEREAS: This project is expected to last no more than six months and is anticipated to require one full-time person if devoted solely to this project; and

WHEREAS: The cost of paying a person for this project will be 100% reimbursed by FEMA; therefore be it

RESOLVED: That the Budget Officer is hereby authorized to contract with a temporary employment agency to provide a person to work on site processing FEMA related documents; and be it further

RESOLVED: That the duration of this contract will be April 10, 2013 through October 11, 2013; and be it further

RESOLVED: That the hourly rate paid under the contract shall not exceed \$16.50 per hour, or a maximum of \$15,000 for the six month contract and shall be paid out of Tropical Storm Lee Disaster Account H1625.20-95.

RESOLVED: That effective April 10, 2013, three part-time Dentist positions shall be created that combined will not work more hours than a full-time employee; and be it further

RESOLVED: That the hourly rate for the Dentist positions be \$75.00; with the exception of Dr. Sarnicola due to his experience with and longstanding commitment to the Mobile Dental Services program since 2003, where his hourly rate will be \$80.00; and be it further

RESOLVED: That the Public Health Director is granted a waiver of the 90-day delay for filling all three part-time Dentist positions, allowing them to be filled as of April 10, 2013.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 99-13 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE
BACKFILL OF VACANT FULL-TIME, SUPERVISING
COMMUNITY HEALTH NURSE POSITION-
PUBLIC HEALTH*

WHEREAS: The Public Health Department is continuing to work of divesting itself of the Certified Home Health Care Agency; and

WHEREAS: The Supervising Community Health Nurse in the CHHA has submitted a resignation, effective April 17, 2013; and

WHEREAS: The Public Health Department is down to 40% of its staff without a decrease in workload; and

WHEREAS: The Public Health Director wishes to ensure supervision of nursing services are carried out both effectively and efficiently; therefore be it

RESOLVED: That the Public Health Director is hereby granted a waiver from the 90-day hiring delay and is authorized to fill one (1) full-time, Supervising Community Health Nurse vacancy at an annual salary of \$52,014 (CSEA Salary Grade XVII) effective April 18, 2013.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 100-13 REQUEST WAIVER OF 90-DAY HOLD
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Resolution 275-12 extended the 90-day hiring delay through December 31, 2013; and

WHEREAS: Effective April 1, 2013, Christy Olmstead resigned as Social Welfare Examiner in the Employment and Transitional Supports division; and

WHEREAS: Said vacancy impacts the SNAP and Medicaid units, which experienced a 16% staff reduction in 2012, while also continuing to experience a high volume of caseloads; and

WHEREAS: Teresa Sedlacek is on the preferred Social Welfare Examiner list and has knowledge and experience and is willing and able to return to that position; now therefore be it

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver from the 90-day hiring delay and is authorized to fill the Social Welfare Examiner position at an annual salary of \$27,572 (2013 CSEA Salary Grade VI), effective on or after April 10, 2013.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standingger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to have the following late-filed resolutions considered, seconded by Legislator Sauerbrey and carried.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 101-13 *HIRE E-VOLVE LLC TO PROVIDE
CONSULTING SERVICES FOR TIOGA
COUNTY CLERK ELECTRONIC RECORDS
MANAGEMENT SYSTEM RFP PROJECT*

WHEREAS: The Tioga County Clerk is seeking to purchase an Electronic Records Management System software package; and

WHEREAS: The Tioga County Clerk will require technical assistance in the preparation of a Request for Proposal for the software package and in the evaluation of the responses; and

WHEREAS: e-Volve Information Technology Services, LLC has submitted a proposal to provide consulting services for a fee based on an hourly rate of \$100.00, with the total of said fees not to exceed \$2,000.00; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign a contract with e-Volve Information Technology Services, LLC to provide the services outlined in the proposal and contract for total fees not to exceed \$2,000.00 and to be paid for out of Information Technology Account A1680.40-140.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – Legislator Monell.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 102-13 *AUTHORIZE SERVICE AGREEMENT BETWEEN TIOGA COUNTY AND PYRAMID BUSINESS SYSTEMS INC FOR EMERGENCY REPAIRS*

WHEREAS: Tioga County has a need for emergency assistance to diagnose and repair IT systems and Pyramid Business Systems Inc has the skills and expertise to provide this assistance in a timely and professional manner; and

WHEREAS: Pyramid Business Systems Inc has proposed to provide the emergency assistance at an hourly rate of \$85.00, not to exceed \$5,000.00, pursuant to a services agreement; and

WHEREAS: The Tioga County Attorney has reviewed the service agreement and has approved it as to its form; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign this Agreement and that the funds will be taken out of Information Technology Account A1680.40-140, not to exceed \$5,000.00.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Weston, Roberts, Sauerbrey, Standing, and Sullivan.

No – Legislator Monell.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 103-13 *AUTHORIZE TIOGA COUNTY SOLID WASTE
MANAGER TO APPLY FOR THE DPS/KAB PUBLIC
PARK RECYCLING GRANT FOR INTERESTED
MUNICIPALITIES*

WHEREAS: Keep America Beautiful (KAB) and Dr Pepper Snapple Group (DPS) announced a partnership agreement focusing on increasing recycling in city, regional and state public parks across the country; and

WHEREAS: As part of the one-year collaboration, DPS is donating \$300,000 to KAB primarily to fund the placement of recycling bins to provide citizens visiting public parks greater access to recycling systems; and

WHEREAS: Tioga County has the expertise to administer such a grant; and

WHEREAS: The grant does not require any matching funds; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Solid Waste Manager to apply and administer the said grant for interested municipalities and that the Solid Waste Manager's time would not exceed 35 hours; and be it further

RESOLVED: Interested municipalities would be responsible for placement and emptying of recycling bin, and reporting tonnages to Solid Waste Manager.

ROLL CALL VOTE

Yes – Legislators Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:23 P.M.

Public Hearing
Local Law Introductory No. A of 2013
May 9, 2013

The Public Hearing on Local Introductory No. A of 2013 A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2014 and continuing through and including December 31, 2017 was called to order by the Chair at 1:03 P.M. All Legislative members were present.

There were three people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no comments, the hearing was adjourned at 1:04 P.M.

Fifth Regular Meeting
May 14, 2013

The Fifth Regular Meeting of 2013 was held on May 14, 2013 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Hollenbeck to have a moment of prayer. "God Bless the victims and their families for the horrific crimes committed against them in Cleveland, Ohio."

Legislator Hollenbeck led all Legislators and those in attendance in the Pledge of Allegiance.

There were 29 people in attendance.

Chad Post of the Employee Recognition Committee spoke. "First, I would like to thank the Legislature for their continued support of Employee Recognition and in particular the efforts of the Employee Recognition Committee. In addition to myself, the current members of the committee are Sandy Hoose, Kris Madison, Doc Korbar, Teresa Saraceno, Roy Schreiner, Barb McCormick, and Teresa Ryder.

"At this time I would like to request the following honorees who are in attendance to please come forward and line up to my right: Cindy Hanbury, Gary Howard, Diane Rockwell, Steven DuVarney, Tina Lounsbury, Kevin McRory, Bryan Rockwell, Doreen Stoughton, and Michael McDonald. Each of these individuals will also be honored at the annual luncheon next week where their biographies will be read followed by comments from their Department Heads or individuals that have worked with them throughout the years. They will also be presented with the gifts that each selected from Van Horn Jewelers in recognition for their years of service. At this time I would like to ask Legislator Raymond Case to come to the podium and read the Proclamation. Thank you."

Legislator Case spoke. "We understand with long-time employees comes stability for departments, heightened skills, and something which is very important, which is legacy. People are there who can remember back when things happened and why they happened, and I can assure you on behalf of the Legislature and all of the rest of us we are very thankful to all of you for your years of service."

Legislator Case read the Proclamation on Employee Recognition and Appreciation Week.

PROCLAMATION

WHEREAS: The mission and services of Tioga County depend heavily on the tireless contributions of its dedicated employees; and

WHEREAS: The Tioga County Legislature wishes to recognize the efforts of all Tioga County employees; and

WHEREAS: The Employee Recognition Committee was created to provide a mechanism to show our appreciation for the Employees of Tioga County; and

WHEREAS: Those employees who have served for more than 25 years have shown a steadfast commitment to serving the well-being of the residents of Tioga County, and should be recognized by those whom they have served; and

WHEREAS: The Tioga County Legislature would like to especially recognize the following employees who have attained 25, 30 or 35 years since last year's ceremonies:

<u>Name</u>	<u>Department</u>	<u>Years</u>
Cindy Hanbury	Probation	35
Gary Howard	Sheriff's Office	35
Diane Rockwell	Sheriff's Office	30
Tina Lounsbury	DSS	25
Kevin McRory	Mental Hygiene	25
Steven DuVarney	Sheriff's Office	25
Doreen Stoughton	County Clerk's Office	25
Bryan Rockwell	Public Works	25
Michael McDonald	Emergency Preparedness	25

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE, does hereby proclaim and designate the week of May 13-17, 2013 as

EMPLOYEE RECOGNITION AND APPRECIATION WEEK

in the County of Tioga, New York, and call upon our citizens to join in recognizing these dedicated employees.

Chair Weston noted the following three Proclamations on Elder Abuse, Foster Care, and Mental Health Awareness.

ELDER ABUSE PREVENTION Month Proclamation

WHEREAS: People who are elderly or have disabilities have contributed to the general welfare of Tioga County by helping to preserve customs, convictions, and traditions of many people from diverse backgrounds; and

WHEREAS: These residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS: The health and well-being of disabled and elderly people in our county should be one of our highest priorities and of concern to all Americans; and

WHEREAS: People who are elderly or have disabilities are among the most important resources of our county, and it is fitting that we recognize the need to protect their health, safety, and rights; and

WHEREAS: Abuse of the elderly and people with disabilities in domestic and institutional settings is a wide-spread problem, affecting hundreds of thousands of people across the country; and

WHEREAS: Elder abuse is underreported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS: Elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, in poor neighborhoods and in suburbia; and

WHEREAS: Many of the cases investigated by Adult Protective Services in New York involve self-neglect and it is our duty as citizens to reach out to people in need; now therefore

THE TIOGA COUNTY LEGISLATURE hereby Proclaims the month of May 2013, to be

Elder Abuse Prevention Month

in Tioga County, and urge all citizens to work together to help reduce abuse and neglect of people who are elderly or have disabilities.

FOSTER CARE RECOGNITION MONTH PROCLAMATION

WHEREAS: The Tioga County foster family serves as a source of love, identity, self-esteem and support for children in Tioga County; and

WHEREAS: There are 34 children in foster care in Tioga County, 22 of these children are in foster homes; and

WHEREAS: We have 20 certified foster homes in Tioga County; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children in foster care, and the enduring and valuable contribution of foster parents; and

WHEREAS: It is appropriate to recognize all those who volunteer their talents and energies on behalf of children in foster care, the foster parents who serve these children and the professional staff dedicated to ensuring these children have a stable and safe foster family environment; now therefore

THE TIOGA COUNTY LEGISLATURE hereby Proclaims May 2013, as

FOSTER CARE RECOGNITION MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize foster parents in Tioga County.

2013 PROCLAMATION

Mental Health Awareness Month & Children's Mental Health Week

WHEREAS: The citizens of Tioga County value the overall health and well-being of all the residents of Tioga County they are proud to support the observance of Mental Health Awareness Month and Children's Mental Health Week; and

WHEREAS: Mental Health is essential to everyone's overall health and well-being; and

WHEREAS: Mental illness is the leading illness-related cause of disability, a major cause of death through suicide, a factor in school failure, a contributor of poor overall health, incarceration, and homelessness; and

WHEREAS: Mental illness in adults and serious emotional and mental health disorders in children and youth are real and treatable; and

WHEREAS: There is evidence that early intervention, family-centered care for children, and person centered treatment for adults can result in reduction and management of symptoms such that individuals with mental illness can live full, productive and meaningful lives in their communities; and

WHEREAS: Children and youth with mental health challenges, along with their families, deserve access to services and supports that are family driven, youth guided and culturally appropriate; and

WHEREAS: There is an expectation of hope, healing and recovery for the citizens of Tioga County who experience symptoms of mental illness; and

WHEREAS: Tioga County has made a commitment to a community-based system of care that promotes values of acceptance, dignity and social inclusion for individuals of all ages; therefore be it

THE TIOGA COUNTY LEGISLATURE does hereby ask all residents of our county to join in declaring May 2013 as *Mental Health Awareness Month* and May 5 – 11, 2013 as *Children's Mental Health Week* in Tioga County.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 104-13

*RECOGNITION OF
ELAINE CICHOWSKI-DOUPE'S 13 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
HEALTH DEPARTMENT*

WHEREAS: Elaine Cichowski-Doupe, RN, was appointed to the position of Director of Patient Services on January 24, 2000, in the Tioga County Health Department; the position she still holds; and

WHEREAS: Ms. Cichowski-Doupe acted as the Deputy Public Health Director in the Director's absence. She has always been supportive of her staff and the patients that were under the services of the Health Department and has worked tirelessly and without complaint; and

WHEREAS: Elaine Cichowski-Doupe, RN, has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past years to the County and to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Cichowski-Doupe retired on April 25, 2013; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Elaine Cichowski-Doupe, RN, for her total of over 13 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Elaine Cichowski-Doupe, RN.

ROLL CALL VOTE

Unanimously Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan, and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Johannes Peeters, Director of Public Health, spoke. “For 13 years Elaine has been a dedicated employee and I know when we were in crisis in 2002 it was part of her big efforts to get us out of that crisis to a point where the home care has been a good source. Elaine will be missed. She was a great person and I could not have asked for a better Deputy.”

There was no privilege of the floor.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		43.26
A1170	Public Defender		2,198.67
A1172	Assigned Counsel		21,434.87
A1185	Medical Examiners/Coroners		1,975.87
A1325	Treasurer		612.08

A1355	Assessments		2,095.00
A1362	Tax Advertising and Expenses		1,228.00
A1410	County Clerk		110.83
A1420	Law		3,050.00
A1430	Personnel		1,877.38
A1460	Records Management		1,280.29
A1620	Buildings		40,046.02
A1621	Buildings		14,653.95
A1680	Information Technology		7,577.50
A2490	Community College Tuition		830,632.26
A2960	Education Handicapped Children		162,104.40
A3020	Public Safety Comm E911 System		4,687.61
A3110	Sheriff	595.77	16,902.61
A3140	Probation		179.92
A3146	Sex Offender Program		9,240.00
A3150	Jail		51,738.57
A3315	Special Traffic Programs		4,100.00
A3410	Fire		5,956.89
A3640	Emergency Mgmt Office		443.45
A3641	LEMPG Grant	2,772.00	
A3957	Hazard Mitigation Plan		2,500.00
A4010	Public Health Nursing		32,379.45
A4011	Public Health Administration		11,982.20
A4012	Public Health Education	3,006.00	76.18
A4042	Rabies Control		3,065.14
A4044	Early Intervention		42,567.86
A4053	Preventive/Primary Health Svcs		477.97
A4054	Preventive Dental Services		1,509.26
A4064	Managed Care-Dental Services		9,356.70
A4070	Disease Control		5,098.80
A4090	Environmental Health		1,334.21
A4210	Alcohol and Drug Services		1,443.76
A4309	Mental Hygiene Co Admin		7,392.76
A4310	Mental Health Clinic		14,162.73
A4320	Crisis Intervention Services		1,902.82
A4321	Intensive Case Management		1,863.55
A5630	Bus Operations		67,929.98
A6010	Social Services Administration		50,911.93
A6141	Energy Crisis Assistance Programs		29,616.17
A6422	Economic Development		509.14
A6510	Veterans' Service		60.00
A6610	Sealer Weights & Measures		96.07

A8020	Planning	36.12
A8760	NYS DOS LTRS Grant	28,878.94
A9060	Health Insurance	2,478.97
SOLID WASTE FUND		93,117.00
SPECIAL GRANT FUND		3,406.22
COUNTY ROAD FUND		43,257.76
CAPITAL FUND		243,461.97
CONSOLIDATED HEALTH FUND		306,232.59
SELF-INSURANCE FUND		<u>1,300.00</u>
GRANT TOTAL		\$ 2,198,949.45

Legislator Monell made a motion to approve the minutes of April 9, 2013, seconded by Legislator Hollenbeck, and carried.

Chair Weston made the following appointments to Real Property Director Search Committee effective May 14, 2013:

Legislator Standinger
 Legislator Case
 Legislator Monell
 Legislator Sullivan
 Chair Weston
 Real Property Director Elizabeth Hawken

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 105-13

RESOLUTION DECLARING "MAYDAY FOR MANDATE RELIEF" AND URGING THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE FURTHER FISCAL STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS AND BUILD UPON RECENT EFFORTS TO REFORM COSTLY UNFUNDED MANDATES

WHEREAS: Counties are mandated to administer and finance dozens of state and federal programs; and

WHEREAS: Many counties in New York State face significant fiscal challenges made worse by the recent recession and slow economic recovery; and

WHEREAS: These county fiscal challenges are also directly tied to state-imposed mandates and in recent years reduced state reimbursements; and

WHEREAS: The New York State Association of Counties has identified nine state mandates that consume 90 percent of all county property taxes levied across the state (outside of New York City), representing over \$4 billion in county property taxes levied. These mandates include: Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS: These mandated and fixed employee costs can consume more than 80 percent of a county's total budget, leaving fewer local dollars that can be devoted to local programs and services; and

WHEREAS: These state mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services; now therefore be it

RESOLVED: That Tioga County hereby declares the month of May to be "Mayday for Mandate Relief" to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Tioga County; and be it further

RESOLVED: That Tioga County strongly encourages the Governor and State Legislature to continue working to enact meaningful mandate relief; and be it further

RESOLVED: That Tioga County calls on State Lawmakers to enact legislation preventing future unfunded mandates without corresponding state aid to pay for them; and be it further

RESOLVED: That NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 106-13 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: It is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;

2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said Municipal Waste Reduction and/or Recycling Project and will be reimbursed by the State for the State share of such costs;
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALBANY, NEW YORK 12233-7260, together with ONE complete application;
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 107-13 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for household hazardous waste programs; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized'
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs;
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application;
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 108-13 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs;

4. That MUNICIPALITY OR MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project;
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 109-13

*OPPOSE CLEAN WATER ACT DRAFT
GUIDANCE PROPOSED BY THE
ENVIRONMENTAL PROTECTION
AGENCY*

WHEREAS: Tioga County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act(CWA); and

WHEREAS: The CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated manmade ponds and other structures not currently subject to the CWA: and

WHEREAS: The Environmental Protection Agency (EPA) and the United States Corps of Engineers (CORPS) has developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS: The draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Tioga County with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS: The financial impact of the draft guidance to Tioga County will be significant with roadside ditch projects and ongoing maintenance alone costing Tioga County citizens additional money due to the need for governmental staff and private citizen preparation of permit applications and jurisdictional determinations by the Corps or CWA permitting; and

WHEREAS: Tioga County believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rule making process to allow public and stakeholder comments on this critically important and complex issue; therefore be it

RESOLVED: That Tioga County urges EPA and the Corps to withdraw the draft CWA guidance immediately, work collaboratively with states and local governments in ensuring the protection of our water resources; and be it further

RESOLVED: That Tioga County supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it further

RESOLVED; That a copy of the Resolution be sent to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. House Representative Tom Reed, EPA Administrator Lisa Jackson, New York Governor Andrew Cuomo, New York State Senator Tom Libous, New York Assemblyman Chris Friend, and EPA Region 2 Administrator Judith Enck.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 110-13

*APPROVE DESIGN FEE
SUPPLEMENT #1 FOR
FLOOD MITIGATION OF
TIOGA COUNTY MUNICIPAL
BUILDINGS – MCFARLAND JOHNSON*

WHEREAS: On October 9, 2012 the Tioga County Legislature awarded Professional Engineering Services for flood mitigation for various County buildings per Resolution 235-12; and

WHEREAS: After several meetings with FEMA, some changes for design are required and construction administrative services can be identified; and

WHEREAS: These fees will be included in the mitigation with FEMA; therefore be it

RESOLVED: That the Tioga County Legislature approves Supplement #1 for revised design and construction administrative services to McFarland Johnson not to exceed \$40,600 and to be paid out of Tropical Storm Lee Disaster account H1624.20.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRING TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 111-13

*SUPPORT OF SENSIBLE GUN CONTROL
& ADDRESSING NEW YORK STATE-
LEVEL & FEDERAL-LEVEL ACTIONS;
SHERIFF'S OFFICE*

WHEREAS: Tioga County Legislators were horrified, as were all Americans, by the slaughter of 20 children and six adults at Newtown, Connecticut, on December 14, 2012; and

WHEREAS: The New York State Governor, Assembly, and Senate, catalyzed by that appalling event, acted expeditiously under a "Message of Necessity" in the new State legislative session and with bipartisan support to pass and sign the New York State SAFE Act on January 15, 2013; and

WHEREAS: Tioga County Legislators, as elected officials sworn to uphold both the New York State Constitution and the United States Constitution, acknowledge the historic and continuing importance of the Bill of Rights, as well as, recognize United States Supreme Court rulings that the Second Amendment allows prohibitions on the possession of firearms by felons and the mentally ill, penalties for carrying firearms in schools and government buildings, or laws regulating the sales of guns; and

WHEREAS: Provisions in the New York State SAFE Act could be revisited without undoing the law itself; and

WHEREAS: The SAFE Act includes unfunded State mandates requiring additional registration procedures that must be administered by the Sheriff's Department and County Clerk, as well as, increased responsibilities for county Mental Health Departments, and the cost of which have not been addressed; and

WHEREAS: The new law is the first in the nation to require instant background checks on all purchases of ammunition at the time of sale; it also includes a statewide standard requiring recertification of pistol permits every five years, and closes a private-sale loophole to ensure that all gun purchases are subject to a background check; and

WHEREAS: It is appropriate for states to enact laws promoting the safety of their residents, and none of the provisions in the SAFE Act will prevent any law-abiding citizen from owning a gun or many guns; and

WHEREAS: There is no national database of guns and in fact, Federal law bars the Bureau of Alcohol, Tobacco, Firearms, and Explosives from keeping track of guns and only allows the government to try to track the history of a gun, including buyer and seller, after the gun has been used in a crime; and

WHEREAS: We recognize the value of having a uniform Federal approach to the problems of gun violence to establish consistency throughout the nation and to reduce the opportunity of importation of illegal weapons across state lines; now therefore be it

RESOLVED: That the Tioga County Legislature supports the intent and enactment of the New York State SAFE Act, and demands the State Legislature and Governor to provide funding for the increased costs of state agency and local record keeping and enforcement, and to continue to re-examine the details addressed by the New York SAFE Act in an open and public process, affording residents of the State the opportunity to be heard on the legislation, and then to confirm, modify, and/or correct the statute in a careful and deliberate manner; and be it further

RESOLVED: That the Tioga County Legislature urges the United States Congress and President to remove the existing restriction on the creation of a Federal gun database and undertake timely consideration of the many relevant suggestions by the Brady Center to Prevent Gun Violence; and be it further

RESOLVED: That copies of this resolution be sent to Governor Andrew M. Cuomo; temporary Presidents of the Senate, Jeffrey D. Klein and Dean G. Skelos; Speaker Sheldon Silver and the County's Representatives in the New York State Senate and Assembly.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 112-13 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period October 1, 2012 to March 31, 2013 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 36,326.84
Village of Waverly	9,217.93
Town of Berkshire	5,446.87
Town of Candor	19,678.04
Village of Candor	902.73
Town of Newark Valley	19,088.98
Village of Newark Valley	2,243.15
Town of Nichols	8,603.03
Village of Nichols	646.90
Town of Owego	132,781.65

Village of Owego	9,568.73
Town of Richford	6,355.79
Town of Spencer	11,781.34
Village of Spencer	1,420.32
Town of Tioga	<u>22,304.23</u>
	\$286,366.53

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 113-13 *APPROVE FUNDING*
2013 YOUTH BUREAU PROGRAM FUNDING

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Board has reviewed 2013 applications for funding which are consistent with guidelines previously presented to the Legislative Committee; now therefore be it

RESOLVED: That the following programs recommended by the Tioga County Youth Board for program year 2013 be approved by the Tioga County Legislature in the amounts indicated:

Youth Development and Delinquency Prevention Programs

Cooperative Extension Family Resource Center	\$ 9,218
Tioga County Council on Alcohol & Substance Abuse	\$ 3,654
Spencer Van Etten Building Foundations	\$ 1,247

Special Delinquency Prevention Programs

Big Brothers Big Sisters	\$ 5,000
Cooperative Extension Parenting Education	<u>\$ 4,243</u>
TOTAL	\$23,362

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 114-13 *FUND TRANSFER TO PURCHASE
SHERIFF IMPACT SOFTWARE*

WHEREAS: The Sheriff has demonstrated a need to procure a modernized and interoperable CAD/RMS software program for managing operations; and

WHEREAS: A company doing business as IMPACT, has been selected as a vendor to provide this software; and

WHEREAS: The Acting Director of Information Technology and Communication Services has approved said purchase; and

WHEREAS: Funding is available through the E911 Capital Account and the Contingency Account; now therefore be it,

RESOLVED: That the following funds be transferred and appropriated as follows:

From:	H1620.20.990 E911 Back Up Center	53,940.58
To:	H3020.21 E911 Capital Software	53,940.58
From:	A1990.40-715 Contingency Account	22,000.00
To:	A9950.93-715 Transfer to Capital	22,000.00
From:	H5031.30 Interfund Transfers	22,000.00
To:	H3020.21 E911 Capital Software	22,000.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 115-13 *INSURANCE FUND TRANSFER-REPLACE
SHERIFF'S PATROL CAR*

WHEREAS: A Sheriff's patrol car was involved in a motor vehicle accident and the damage was estimated to be beyond repair; and

WHEREAS: The county's insurance carrier has agreed to fund the replacement of the vehicle; and

WHEREAS: A new 2013 Dodge Charger Police Pursuit Vehicle has been ordered through State Contract; now therefore be it

RESOLVED: That the following funds be transferred and appropriated as follows:

From:	H2680 Insurance Recoveries	\$22,564.52
To:	H3110.21.60 Sheriff Capital Car	\$22,564.52

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell recused himself and departed the Auditorium while Resolutions No. 116-13 and 117-13 were being discussed and voted on.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 116-13 *AUTHORIZE CONTRACT
PURCHASE OF SERVICES,
TECHNICAL SUPPORT AND
MAINTENANCE FOR HELP DESK
AND TRANSFER OF FUNDS
INFORMATION TECHNOLOGY*

WHEREAS: The Tioga County Information and Technology Communication Services has a need to purchase services, provide technical support and maintenance for the help desk that serves Tioga County staff; and

WHEREAS: ICS Solutions Group has the capability of providing Tioga County with services, technical support and maintenance for Tioga County's Help Desk; and

WHEREAS: ICS Solutions Group will offer these services at an initial cost of \$5,500.00 for setup fees and training fees; \$450.00 a month license fee for the remainder of 2013 starting on June 1st for a total of \$3,150.00; and

WHEREAS: There is a critical need to have such services in place immediately; and

WHEREAS: The Tioga County Information Technology and Communication Services Department budget does not have the funds to purchase and maintain said services, technical support, and maintenance; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be authorized to contract with ICS Solutions Group for services, technical support, and maintenance of Tioga County's Help Desk; and be it further

RESOLVED: That said contract is subject to County Attorney approval; and be it further

RESOLVED: That the following sums be transferred:

From:	Information Technology A1680.10-10	\$8,650.00
To:	Information Technology A1680.40-140	\$8,650.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

Recused – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 117-13 *AUTHORIZE CONTRACTS AND
TRANSFER OF FUNDS
INFORMATION TECHNOLOGY*

WHEREAS: The Tioga County Information and Technology Communication Services Department has a need to acquire professional services for several projects that are ongoing; and

WHEREAS: The Tioga County Information and Technology Communication Services Department needs to purchase a server for the Department of Public Works to fix ongoing issues at that department causing a significant amount of down time in that Department; and

WHEREAS: The Tioga County Information and Technology Communication Services Department has funds in their Personnel Services Account that could be utilized for services and purchase of equipment, but such needs to be transferred into other accounts; and

WHEREAS: Pyramid Business Systems, ICS, Sirius Computer Solutions, and Finger Lakes Technology Group, have agreed to provide needed services for ongoing projects in the Tioga County Information and Technology Communication Services Department; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be authorized to contract with Pyramid Business Systems, ICS, Sirius Computer Solutions, and Finger Lakes Technology Group to provide services for ongoing projects; and be it further

RESOLVED: That the Acting Director of Information and Technology Communication Services be authorized to purchase said server for the Departments of Public Works; and be it further

RESOLVED: That said contracts are subject to County Attorney approval; and be it further

RESOLVED: That the following sums be transferred as follows:

From:	Information Technology A1680.10-10	\$106,350.00
To:	Information Technology A1680.20-90	\$ 6,350.00
	Information Technology A1680.40-140	\$100,000.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

Recused – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH AND HUMAN SERVICES

RESOLUTION NO. 118-13 *AUTHORIZE CONTRACT WITH ACCUMEDIC
COMPUTER SYSTEMS, INC. FOR
MENTAL HYGIENE ELECTRONIC HEALTH
RECORDS SYSTEM AND
TRANSFER OF FUNDS*

WHEREAS: Mental Hygiene solicited Requests for Proposals (RFPs) for an Electronic Health Records System (EHR); and

WHEREAS: The selection committee has recommended Accumedic Computer Systems, Inc. as the Vendor for the EHR; and

WHEREAS: Required products and services include software at an approximate cost of \$136,000 directly from Accumedic; professional services from Accumedic at an approximate cost of \$37,000, hardware at an approximate cost of \$30,000 from an authorized County vendor or vendors; and professional services at an approximate cost of \$7,000 from an authorized County vendor or vendors; for a total project cost not to exceed \$210,000 and

WHEREAS: The Health and Human Services Committee has reviewed the recommendation and agrees with the selection committee's recommendation of Accumedic Computer Systems, Inc. as Vendor for the EHR; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign a contract with Accumedic Computer Systems, Inc. to provide the services outlined in the proposal and contract for total fees as set forth in said proposal and contract; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign contracts with authorized County vendors to provide the additional hardware and professional services required to complete additional tasks for the project; and be it further

RESOLVED: That the following sums be transferred:

From: Contingency Account A1990-40-715	\$210,000
To: Transfer to Capital Account A9950.93-715	\$210,000

From: Interfund Transfer Account H5031	\$210,000
To: Mental Hygiene Co Admin Account H4310.21	\$210,000

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 119-13 *ESTABLISHMENT OF COMPUTER
HARDWARE RESERVE FUND*

WHEREAS: Tioga County recognizes the importance of computer technology in maintaining government efficiency; and

WHEREAS: Tioga County wishes to establish a Reserve Fund pursuant to General Municipal Law Section 6(c) to finance the purchase of computer hardware for County computer systems; now therefore be it

RESOLVED: That pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Computer Hardware Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is the acquisition of computer hardware; and be it further

RESOLVED: That the Tioga County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Tioga County Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Tioga County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Tioga County Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Legislature a detailed report of the operation and condition of the Reserve Fund; and be it further

RESOLVED: That except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this Legislature and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE/LEGAL
RESOLUTION NO. 120-13 ESTABLISHMENT OF COMPUTER
SOFTWARE RESERVE FUND

WHEREAS: Tioga County recognizes the importance of computer technology in maintaining government efficiency; and

WHEREAS: Tioga County wishes to establish a Reserve Fund pursuant to General Municipal Law Section 6(c) to finance the purchase of computer software for County computer systems; now therefore be it

RESOLVED: That pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Computer Software Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is the acquisition of computer software; and be it further

RESOLVED: That the Tioga County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Tioga County Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Tioga County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Tioga County Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Legislature a detailed report of the operation and condition of the Reserve Fund; and be it further

RESOLVED: That except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Legislature and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 121-13 *APPOINT FIRE AND EMS INTELLIGENCE
LIAISON OFFICERS FOR THE COUNTY
BUREAU OF FIRE*

WHEREAS: The New York State Office of Fire Prevention and Control, the New York State Intelligence Center (NYSEC) and the New York State Office of Counter Terrorism have initiated the Intelligence Liaison Program where one Fire and one EMS Intelligence Liaison Officer (ILO) will be identified in each County to act as liaisons with the State's intelligence community; and

WHEREAS: The ILO's will receive information and intelligence from the NYSEC for appropriate dissemination to the emergency services community of Tioga County, receiving training on the signs of terrorism and the importance of suspicious activity reporting, and they will train other Fire and EMS responders in the community on these concepts; and

WHEREAS: The Tioga County Fire Coordinator has recommended that Owego Deputy Fire Chief Robert P. Williams be appointed to the Tioga County Fire Service ILO and that Deputy Fire Coordinator Connie Fedorowicz be appointed Tioga County EMS ILO; therefore be it

RESOLVED: That the Legislature appoints Owego Deputy Fire Chief Robert P. Williams Fire Service ILO and Assistant County Fire Coordinator Connie Fedorowicz as EMS ILO. These positions will be served without remuneration and any training for these assignments will be paid for by the New York State Division of Homeland Security and Emergency Services.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 122-13 *NOTIFICATION OF GRANT APPLICATION*

WHEREAS: The Federal Help Americans Vote Act (HAVA) of 2006 provided funds to compensate counties for expenses relating to transitioning from Lever to Electronic Voting systems; and

WHEREAS: New York State has held these funds in reserve until all counties had fully transitioned to Electronic Voting systems and just recently all counties complied; and

WHEREAS: The County Boards of Elections must apply for reimbursement and part of the application process is notifying the County Legislature that grants are being applied for; therefore be it

RESOLVED: That the Tioga County Legislature accepts the GOVERNING BODY GRANT APPLICATION NOTIFICATION from the Tioga County Board of Elections in the amount up to \$20,408.51; and be it further

RESOLVED: That the grant money when received by the Treasurer shall be disbursed as follows:

From:	Federal Aid-Other A4089	\$20,408.51
To:	Elections Account A1450.40.490	\$20,408.51

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 123-13 *AUTHORIZE THE SUBMISSION OF EMPG
GRANT APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security and Emergency Services will be issuing a grant to the Tioga County Office of Emergency Management in the amount of \$23,676. The grant will be used for planning and training; and

WHEREAS: The Tioga County Emergency Management Office has received funds through the Local Emergency Planning Grant (LEMPG) for several years. The LEMPG is being replaced by the Emergency Management Planning Grant (EMPG); and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application which is due immediately; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be given permission to apply for this grant.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. B of 2013.

County of Tioga

Local Law No. of the Year 2013.

A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: Title:

This Local Law shall be known as “Tioga County Responsible Budgeting Law of 2013”.

SECTION 2: Declaration of Intent:

The intention of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2014 Tioga County Budget.

The regulations regarding the tax cap calculation continue to evolve, making it difficult to be certain that the 2014 budget falls under the calculated tax levy limit established by the General Municipal Law.

Many municipalities have adopted budgets that at the time of adoption were under the tax levy limit based on good faith budget calculations. Months later the Office of the State Comptroller interpreted the law in a different way and deemed these municipalities as having exceeded the limit. Those municipalities now face negative fiscal impacts; they must move funds from their cash account and hold in reserve, they must reduce the following year’s tax levy limit by the alleged excess amount, and they must participate in time-consuming audits with the OSC.

While the Tioga County Legislature intends to comply with the tax cap, it recognizes the need to authorize an override, as an insurance policy, in order to avoid these negative fiscal impacts that would result due to lack of clarity in the tax cap regulations from the OSC.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby authorizes an override to the tax levy limit for Tioga County for 2014 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2014 that requires a tax levy that is greater than the tax levy limit calculated for 2014 pursuant to Section 3-c of the General Municipal Law.

SECTION 4: Severability:

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which remaining portions shall remain in full force and effect.

SECTION 5: Effective Date:

This Local Law shall take effect upon the date on which a certified copy of this Local Law is filed in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 124-13

*SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. B OF 2013*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2013 A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, June 6, 2013 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 125-13

*SUPPORTING NEW YORK STATE
SENATE BILL S.02111 WHICH GIVES
STATE INCOME TAX CREDIT TO
VOLUNTEER FIREFIGHTERS AND
MEMBERS OF VOLUNTEER AMBULANCE
CORPS IN GOOD STANDING UP
TO \$1,200*

RESOLVED: That the Tioga County Legislature hereby supports New York State Senate Bill S.02111, AN ACT to amend the Tax Law, in relation to providing for a credit against personal income tax for volunteer firefighters and members of volunteer ambulance corps, and asks that the New York State Assembly adopt similar legislation; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Thomas Libous and New York State Assembly members Christopher Friend and Thomas Reed, NYSAC, Tioga County Towns and Villages, and all others deemed necessary and proper.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 126-13 *AUTHORIZE CONTRACT WITH
NATIONWIDE RETIREMENT SOLUTIONS FOR
DEFERRED COMPENSATION PROGRAM*

WHEREAS: The County of Tioga duly advertised and received proposals from a variety of deferred compensation program administrators; and

WHEREAS: The Deferred Compensation Committee has reviewed all proposals and made a recommendation of one administrator; now therefore be it

RESOLVED: That the Tioga County Legislature approves the deferred compensation program and trustee services offered by Nationwide Retirement Solutions and authorizes the Legislative Chair to execute the necessary documents, subject to review by the County Attorney, to implement the services of Nationwide Retirement Solutions as our deferred compensation administrator, for the period commencing March 8, 2013 and continuing through March 8, 2018.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 127-13 *AUTHORIZE CONTRACT WITH EBS-RMSCO, INC –
MEDICARE PART D DRUG SUBSIDY*

WHEREAS: Medicare-eligible beneficiaries may purchase prescription drug coverage through a Medicare Part D Plan; and

WHEREAS: An employer who provides prescription drug coverage to Medicare eligible employees, retirees, and/or their spouses must disclose to them whether or not the benefit provided is “at least as good” as the Medicare coverage, referred to as creditable coverage notice; and

WHEREAS: Plan sponsors who offer postretirement drug coverage to their qualified covered retirees may be eligible to receive a 28% tax-free subsidy of allowable drug costs for those retirees who do not elect to receive prescription benefits under a Medicare Part D Plan; and

WHEREAS: It is necessary to complete an actuarial attestation to determine that the participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide drug coverage which meets the actuarial equivalence test in order to determine if the retiree prescription coverage is “at least as good” as the Medicare coverage and to determine if the TCCMHIP participants are eligible to apply for the subsidy for the 2014 Plan Year, January 1, 2014 through December 31, 2014; and

WHEREAS: Creditable coverage notices must be provided to all Part D eligible participants no later than October 15, 2013 and the deadline to file for the 2014 Plan Year subsidy is October 1, 2013; and

WHEREAS: EBS-RMSCO, Inc. has performed this actuarial attestation each year since 2005 and is available to perform the actuarial attestation and necessary testing again in 2013 for the 2014 Plan Year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, to provide the necessary actuarial services for creditable coverage and the 28% tax-free subsidy related to Medicare Part D for the 2014 Plan Year at a cost of \$4,100 to be paid for out of the TCCMHIP Fund.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 128-13 *ADOPT LOCAL LAW NO. 1 OF 2013*

WHEREAS: A public hearing was held on May 9, 2013, following due notice thereof to consider the adoption of Local Law Introductory No. A of the Year 2013 A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2014 and continuing through and including December 31, 2017; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 1 of 2013; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. of the Year 2013.

A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2014 and continuing through and including December 31, 2017.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: PURPOSE

As set forth at Local Law No. 3 of 2003, the annual salary for the elected public office of County Treasurer shall not be increased during a term of office.

Accordingly, it is the purpose and intent of this Local Law to establish the salary for Office of County Treasurer for the four-year term of office commencing January 1, 2014 and continuing through and including December 31, 2017.

SECTION 2: ANNUAL SALARY

- A) The annual salary for the Office of County Treasurer for the term of office beginning January 1, 2014 and continuing through and including December 31, 2017 is hereby established as follows:

- | | |
|---------------------|-------------|
| 1. County Treasurer | \$63,000.00 |
|---------------------|-------------|

SECTION 3: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This Local law shall take effect January 1, 2014.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, and Case.

No – Legislator Sullivan.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:

HHS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 129-13

*AUTHORIZE CONTRACT
SUPERIOR GROUP
TIOGA EMPLOYMENT CENTER*

WHEREAS: Broome & Tioga Counties, in partnership through the Broome/Tioga Workforce Development Board, provides for the delivery of employment and training services under the Workforce Investment Act of 1998; and

WHEREAS: The Tioga Employment Center continues to have a need for a Resource Room Aide to assist individuals in the Employment Center's Resource Room with operation of computers and various computer programs, to instruct clients on how to use NYS Dept of Labor job site, and to assist clients in accessing employment opportunities; and

WHEREAS: Superior Group is able to provide such services for the Tioga Employment Center, from July 1, 2013 to June 30, 2014, and said contract is to be funded entirely by the Workforce Investment Act; and

WHEREAS: The funds necessary for said contract were included in the WIA PY 2013 Budget under the WIA Grant; and

WHEREAS: The Supervisor of the Tioga Employment Center is authorized to enter into such contract as indicated; and

WHEREAS: Said contract would provide for compensation at the bill rate of \$9.60 per hour at a maximum of 27 hours per week from 7/1/13-12/31/13; and at the bill rate of \$10.24 per hour from 1/1/14 to 6/30/14 to adjust for changes in the NYS minimum wage rate; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Supervisor of Tioga Employment Center to enter into a contract, upon approval by the County Attorney, with Superior Group at the bill rate of \$9.60 per hour for six months, and bill rate of \$10.24 per hour for six months at a maximum of 27 hours per week, effective July 1, 2013 through June 30, 2014.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 130-13 *STANDARD WORK DAY AND
REPORTING RESOLUTION*

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga 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 the following officials to the Clerk of this body.

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Acting District Attorney	Irene Graven	7	1/1/13-12/31/13	N	20
1 st Assistant District Attorney	Adam Schumacher	7	1/1/13-12/31/13	N	8.74
2 nd Assistant District Attorney	Cheryl Mancini	7	1/1/13-12/31/13	N	12
3 rd Assistant District Attorney	Timothy Thayne	7	1/1/13-12/31/13	N	8.94
Secretary to District Attorney	Stephanie Carrigg	7	12/27/12-12/31/13	Y	N/A

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 131-13 AUTHORITY SALARY FOR BACKFILL
(PUBLIC HEALTH)

WHEREAS: Legislative approval is required for salaries offered for Non-Union positions; and

WHEREAS: The position of Director of Patient Services become vacant effective April 25, 2013, as a result of the retirement of the previous incumbent; and

WHEREAS: The Public Health Director would like to promote an internal candidate, and the Personnel Department has found an employee to meet the qualifications of the position; and

WHEREAS: The internal candidate has over 8 years of nursing experience with Tioga County; therefore be it

RESOLVED: That the Public Health Director is hereby authorized to provisionally appoint Sandra Hoose as Director of Patient Services effective May 15, 2013 at an annual salary of \$63,235.00, pending the outcome of the civil service examination for said title.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Sullivan and Case.

No – None.

Absent – None.

Abstained – Legislator Standinger.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRING TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 132-13 RECLASSIFY VACANT POSITION
SHERIFF'S OFFICE

WHEREAS: Legislative approval is required for all position reclassifications; and

WHEREAS: One full-time E911 Dispatcher/Trainee position (CSEA Salary Grade VI) became vacant on February 12, 2013 due to the resignation of the incumbent; and

WHEREAS: Due to new legislative mandates, the Sheriff has identified a need to expand account clerical staff within his records division by one full-time position; and

WHEREAS: The Sheriff would prefer to accomplish this staffing need by reclassifying the vacant E911 Dispatcher/Trainee position to an Account Clerk-Typist (CSEA Salary Grade IV); and

WHEREAS: The E911 Dispatcher/Trainee vacancy will have existed for 90 days as of the date of this resolution; therefore be it

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant, full-time E911 Dispatcher/Trainee position (Salary Grade 6) to a full-time Account Clerk-Typist (Salary Grade 4) effective May 15, 2013; and be it further

RESOLVED: That the Sheriff is authorized to fill the full-time Account Clerk-Typist position effective May 15, 2013 from the appropriate eligible list.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 133-13 *AMEND RESOLUTION 100-13
REQUEST WAIVER OF 90-DAY HOLD;
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Resolution 100-13 granted a waiver from the 90-day hiring delay to fill a vacant Social Welfare Examiner position with the reinstatement of Teresa Sedlacek from a Preferred Eligible list; and

WHEREAS: Ms. Sedlacek has since declined reinstatement due to accepting employment elsewhere; now therefore be it

RESOLVED: That Resolution 100-13 be hereby amended to state that the Commissioner of Social Services is granted a waiver from the 90-day hiring delay and is authorized to fill the Social Welfare Examiner position from the current eligible list for said title at an annual salary of \$27,572 (2013 CSEA Salary Grade VI), effective on or after April 10, 2013.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRING TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 134-13 RECLASSIFY VACANT POSITION; AUTHORIZE
WAIVER OF 90-DAY HIRING DELAY
MENTAL HYGIENE

WHEREAS: Legislative approval is required for all position reclassifications; and waivers of 90-day hiring delay; and

WHEREAS: One Senior Community Mental Health Nurse position (CSEA Salary Grade XVII) became vacant on April 25, 2013 due to the resignation of the incumbent; and

WHEREAS: Regulations have changed and no longer require a Community Health Nurse, so the health assessments previously performed by the Senior Community Mental Health Nurse will now be reassigned to the Nurse Practitioner; and

WHEREAS: The Director of Community Services has reviewed the services provided by the Mental Hygiene Department and has determined that there is a need to increase the number of Certified Alcohol and Drug Counselors in order to better serve clients; and

WHEREAS: The Director of Community Services would prefer to accomplish this staffing need by reclassifying the vacant Senior Community Mental Health Nurse position (CSEA Salary Grade XVII) to a Certified Alcohol and Drug Counselor (CSEA Salary Grade XI); and

WHEREAS: Due to program needs there is an immediate need to fill the vacancy as a Certified Alcohol and Drug Counselor; therefore be it

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant, full-time Senior Community Mental Health Nurse position (CSEA Salary Grade XVII) to a full-time Certified Alcohol and Drug Counselor (CSEA Salary Grade XI); and be it further

RESOLVED: That the Director of Community Services is authorized a waiver from the 90-day delay in filling the full-time Certified Alcohol and Drug Counselor position effective May 15, 2013 on a provisional basis, pending the outcome of the civil service examination.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 135-13 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE
BACKFILL OF ONE VACANT FULL-TIME,
SUPERVISING COMMUNITY HEALTH NURSE
POSITION
PUBLIC HEALTH*

WHEREAS: The Public Health Department experienced a vacancy in the title of Supervising Community Health Nurse on April 17, 2013 due to a resignation; and

WHEREAS: An additional Supervising Community Health Nurse position will become vacant on May 15, 2013, due to an internal, provisional promotion; and

WHEREAS: This leaves no Supervisory Community Health Nurses in the CHHA; and

WHEREAS: The Public Health Director must ensure that nursing services are carried out both effectively and efficiently; therefore be it

RESOLVED: That the Public Health Director is hereby granted a waiver from the 90-day hiring delay and is authorized to fill one (1) full-time, Supervising Community Health Nurse vacancy at an annual salary of \$52,014 (CSEA Salary Grade XVII) effective May 15, 2013; and be it further

RESOLVED: That the full-time, Supervising Community Health Nurse position will be identified as contingent permanent due to the prior incumbent's provisional promotion to a higher level position; and be it further

RESOLVED: That the continuation of said positions will be contingent upon future decisions concerning the Tioga County Certified Home Health Agency (CHHA).

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan made a motion to have the following late-filed resolution considered, seconded by Legislator Hollenbeck and carried.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 136-13 *CREATE AND FILL ONE (1), FULL TIME SEASONAL
CLERK POSITION
TREASURER'S OFFICE*

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: There is a need for temporary assistance within the Treasurer's Office this summer due to planned vacations and an extended medical leave of absence; and

WHEREAS: This position will provide coverage in the front office, assisting customers at the window, and performing other basic tasks; and

WHEREAS: Resolution 196-09 established the hourly rate of pay for seasonal Clerks at minimum wage plus one dollar; and

WHEREAS: The Treasurer appropriately budgeted for this seasonal position; therefore be it

RESOLVED: That the County Treasurer is hereby authorized to create and fill one (1) seasonal Clerk position at the rate of \$8.25 per hour (minimum wage, plus \$1) effective May 15, 2013 through August 23, 2013.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, Sullivan and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:22 P.M.

Public Hearing
Local Law Introductory No. B of 2013
June 6, 2013

The Public Hearing on Local Introductory No. B of 2013 A Local Law authorizing an override of the Tax levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year was called to order by the Chair at 1:03 P.M. Seven Legislative members were present, Legislators Monell and Roberts being absent.

There were six people in attendance.

The Clerk read the legal notice as published in the official newspapers.

Legislator Sauerbrey spoke. "On the first page, bottom paragraph, this paragraph really kind of says what we all sort of came to and that is while the Tioga County Legislature intends to comply with the tax cap, which means we want to keep it, we want to keep it below 2%. We do recognize the need to authorize an override as an insurance policy in order to avoid these negative fiscal impacts that would result due to lack of clarity in the tax cap regulations from the OSC."

Legislator Sullivan spoke. "In addition to what Legislator Sauerbrey had to say, this authorizes the Legislature to override. It is not an override. I want that to be very clear."

Legislator Sauerbrey spoke. "I think that we all agree that our intention is to keep it below 2%. We just do not want to get in trouble with the State."

Legislator Standinger spoke. "I would mirror those comments. It is very difficult with a moving target that the State has established to stay under that level. When the rules change on the State level on how they calculate the 2%, it puts us in a very difficult position. As a prophylactic measure, I think it is prudent to do so."

There being no further comments, the hearing was adjourned at 1:05 P.M.

Sixth Regular Meeting
June 11, 2013

The Sixth Regular Meeting of 2013 was held on June 11, 2013 and was called to order by the Chair at 6:05 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Huttleston to have a moment of prayer. "Isn't it great to be an American and we are so lucky and blessed to be born in a great caring loving and free country that gives us the freedom of religious choice and several other freedoms that other people in the world are unable to enjoy. Let us take the time to thank the many people from the present and from the past that have given and sacrificed so much to allow us to live free. Let us bless and thank our leaders and military forces who are making many sacrifices to ensure and protect our freedom. Let us pray that the entire world will someday be able to live in peace and all people will be free of hate, anarchy, and terrorism. Thank you Lord for this great country and our freedom, and I ask you to guide and bless this Legislative body, our department heads, and employees."

Legislator Huttleston led all Legislators and those in attendance in the Pledge of Allegiance.

There were 27 people in attendance.

Legislator Case read and presented the following recognition resolution to Douglas Barton, Economic Development & Planning Director.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRING TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

RESOLUTION NO. 137-13

*RESOLUTION RECOGNIZING
DOUGLAS W. BARTON'S
18 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Douglas W. Barton began his career as Director of Real Property Tax Service on June 21, 1995. On December 19, 2003 he was appointed Interim Director of Economic Development and Planning while continuing to serve as Director of Real Property Tax Service. On July 1, 2004 he was appointed Director of Economic Development & Planning, still serving as Director of Real Property Tax Service until that term ended September 30, 2007 and continued serving as Director of Economic and Development until his retirement; and

WHEREAS: Doug has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 18 years. He has earned the respect of his colleagues in other county agencies, and those citizens he professionally interacts with throughout Tioga County; and

WHEREAS: Doug was very instrumental as Director of Economic Development and Planning in bringing new businesses and expanding existing businesses in Tioga County. He assisted on such projects including Lockheed Martin, Tioga Hardwoods, Hampton Inn, Tioga Downs, and CNY Oil and Gas; creating job opportunities for Tioga County. Doug worked closely with the IDA and provided support to the Planning Department. Doug was also intimately involved in flood recovery efforts; and

WHEREAS: Doug has served on many vital boards representing Tioga County such as the Municipal Electric and Gas Alliance (MEGA), NYS Assessor's Association, NYS Association of Counties, Statewide Zone Capital Corporation and the Broome-Tioga County Workforce Investment Board. Doug is an Associate Member of the NYS Economic Development Council, an Ex-Officio Board Member of the Tioga County Chamber of Commerce and has served as President on the LDC Board; and

WHEREAS: Doug will be retiring on June 15, 2013; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Douglas W. Barton for his 18 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Douglas W. Barton.

ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Case spoke. “On a personal note, as you know I am the Chair of Doug’s committee for a relatively short period of time, but I have to tell you I have learned more about economic development in about the last eight months than I think I ever knew. He has just been great to work with and I think I speak on behalf of the whole Legislature when I say we truly appreciate your service.”

Douglas Barton, Economic Development & Planning Director spoke. “This is the last chance I get to do this. It is interesting as I approach this day, the things you remember in life. I remember when I was around 10 or 11 years old I was told by my parents that I had to pick rocks in our garden one summer day and I refused. My dad and mom said well you can sit out there until you do. I can remember sitting in the garden while they had dinner that night and they are in the house talking about what a great dinner it was and all this, and I cannot remember if I ever did pick rocks that night, but I was out there until dark. I think that was one of the ways that my mom and dad started to create a work ethic for me. My dad is here in spirit and my mother is here. That work ethic has served me well and I appreciate it.

“Overtime I was telling someone that I have had a job since I was 16 years old, never been without a job since I was 16, I have been very fortunate and I have worked all part-time jobs and full-time jobs. I have done stone quarry work, I have done grocery store work, I have bartended, I have done assessing, I worked in my dad’s appraisal business, but my first real job was in the material handling industry, I worked for Raymond Corporation and Heister for 10 years, and they offered me the opportunity to grow as a young man and learn what it is like to work for a company. I thought I got smart and I went and got into business for myself. I had a partner and he and I for 10 years owned a grocery store, which he ran in Cortland and a bar and restaurant, which I ran in Apalachin. That also offered me kind of an interesting experience and opportunity. First, it allowed me to realize how important people are that are in

business and create jobs are. It carried forth into the economic development job that I now have.

“Those are real important people out there that create jobs in the business world because they allow people to have jobs and pursue their dreams. The other thing it did for me was because we did not open the restaurant until 4:00 o’clock in the afternoon, I got to spend all day with my daughter. At the time she was about 5, 6, 7, 8, 9, 10 years old in elementary school and she spent days around the restaurant with me while I prepped for the day, ran to the bank with me, and I think it allowed me to create a bond with her that to me is very important and still exists. I am thankful for that.

“In my transition to government work here in Tioga County I sold Manolta copiers, sold Dale Carnegie courses, and was assessor in the City of Binghamton and ended up here in Real Property as the proclamation says, and it has just been a great experience for me. It is one that I will cherish forever. I would like to thank the Legislature, you have challenged me when I needed to be challenged. You supported our department and our work, and I really appreciate that. The work you do is hard and it is not always recognized and appreciated as it should be. I certainly want to thank Maureen Dougherty who is kind of the glue for that whole Legislative body and Cathy who has certainly taken up her position there as well.

“My fellow employees and my fellow department heads, I hope you understand and realize the importance of your job in serving the taxpayers of Tioga County. They are very fortunate to have all of you and you should be proud of the work that you do. My staff has made my life easy. I have got a staff that has been professional and committed, and as a manager they have made my life very easy here and I really appreciate them and thank them, and that staff includes my people at Tourism, working with LeeAnn at the IDA, and, of course, the people in my office directly. Last, of course, I have to thank my wife. Her advice and guidance has made me a better employee and her example and expectation of me has made me a better man. Thank you all very much.”

Legislator Huttleston spoke. “I would like to say I think I have been around too long. All of these people are retiring. I think I am on my fourth dentist, my fourth neurologist, and everything, and now Doug Barton. I know his dad, his dad was an appraiser and I am an appraiser, and I knew his dad years ago. He always said Doug would never amount to anything. Really he did not say that. Doug, congratulations and I am glad to see your family here, and we hired Doug, we interviewed him and hired him, and he came here as Real Property Director. The only discipline that I had in Doug is when he left that position we

hired him for and went into the Economic Development, but wherever he goes he did a good job and congratulations, and I appreciate it. Thank you."

Legislator Huttleston read and presented the following recognition resolution to Johannes Peeters, Public Health Director.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 138-13 *RECOGNITION OF HANS PEETERS' 14 YEARS OF DEDICATED SERVICE TO THE TIOGA COUNTY HEALTH DEPARTMENT*

WHEREAS: Johannes A. Peeters was appointed to the position of Tioga County Public Health Director on January 11, 1999; and

WHEREAS: Mr. Peeters has dedicated over 44 years to serving in the field of Public Health for several New York counties; and

WHEREAS: Mr. Peeters has been dedicated and loyal in the performance of his duties and responsibilities during the past 14 years to both the County and to the Public Health Department; and

WHEREAS: Mr. Peeters has been the "face of Public Health" to many throughout Tioga County; and

WHEREAS: Mr. Peeters has always been supportive of his staff while leading them in striving to meet the Health Department's primary functions of "Prevent, Protect and Promote" for all the citizens and employees of Tioga County; and

WHEREAS: Mr. Peeters is to retire on June 22, 2013; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Johannes A. Peeters for his total of over 14 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Johannes A. Peeters.

ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. “Doug and Hans leaving is a loss to the County, but the biggest loss is the people in this County that they have served for years. They are going to be the real losers. I hope we can get somebody as equally as good as you and Doug to replace you.”

Johannes Peeters, Public Health Director, spoke. “Some of my staff are here to make sure that I am retiring. I want to talk a little bit about the reasons for me being in public health for 44 years and I am still a strong supporter of public health. My uncle died when I was 16 of a tractor rollover. I had an aunt the first day of college who got involved with a car accident and lost her life. I had a cousin and I was even younger than that, but I remembered walking up on some planks up in the St. Lawrence, he had a seizure and fell into the river and lost his life. I also had a cousin that died in a house fire. All of those things are public health issues and I will explain why.

“Public health functions on four E’s. You do an evaluation, you do some education, you do some engineering, and you do some enforcement. If you look at that, anytime you have a problem you look at the evaluation, how can you solve it, what was the cause of the problem. You look at education, you want to promote the public on all public health issues. You look at engineering because you always look at engineering of the roads and tractors of why they roll over, you can do stuff with that to prevent that. You are also looking at the last resort has always been for enforcement and some of that is effort with the tobacco free stuff.

“Another concern that I have is the rising costs in healthcare. We spend a lot on treatment and very little on prevention. As a public health department we need to make sure that monies are there to allocate for the prevention of the public health system, not just the health department, but the public health system and that means other agencies not just the health department.

"I have worked with two other counties prior to coming to Tioga County, but I will tell you that working here in Tioga has been my greatest enjoyment for my 44 years. I want to thank the Legislature and the Board of Health for the continued support over my 14 years here. We may not always agree on things, I am looking at stuff like the rabies issue and the Board of Health order. You have always listened to me and the department. We have always been willing to work things out. I want to thank you for doing that.

"It has been a privilege to have been the Public Health Director for the last 14 years and I will be leaving public health career on a positive note. I am looking forward to interacting with my two daughters, four grandchildren, and a fifth one coming up next month. I will also be enjoying my retirement fishing. I want to thank you all for the support and I also have a honey to do list. I also want to thank my staff, they have been greatly supportive of the department and have made my life a lot easier as a Public Health Director here. I want to thank everybody and it has been a nice ride. Thank you."

Heather Morgan-Gulnac of the Health Department spoke. "I would like to say I have probably been at the Health Department the least amount of time, going on two years. I am originally from New York, but I worked in North Carolina for five years and I owe Hans a lot because he is the one that brought me back home. A big thank you to Hans for hiring me over the phone, that says a lot for him not seeing me in person, but thank you Hans for allowing me the opportunity to come back home."

Legislator Sauerbrey read and presented the following proclamation to Jill M. MacFadden.

Proclamation

WHEREAS: The Tioga County Victim Impact Panel Committee includes members from the following Tioga County departments: District Attorney, Probation, STOP DWI, Alcohol and Drug Services and two non for profit organizations: Tioga County Council on Alcoholism and Substance Abuse and A New Hope Center. The Tioga County Victim Impact Panel began operation in 2009 offering sessions to drunken driving offenders in Tioga County on a quarterly basis. The intent of the Victim Impact Panel is to allow convicted drunk driving offenders to hear how drunken driving behavior affects people, other than the offender. The program was designed to provide information about DWI laws and treatment programs available in the county followed by at least two people affected by drunk driving, personally telling their story at each panel session. Since the program began 14 sessions have been conducted at the Tioga County Public Safety building; and

WHEREAS: The Victim Impact Panel Committee is honored that a Tioga County citizen, Jill M. MacFadden, agreed to share her story of devastation, healing and recovery as one of our original VIP speaker volunteers. Jill M. MacFadden has faithfully spoken at numerous panels in the four years since the panel began by courageously sharing her personal story of how a drunk driver caused the death of her mother, Eva Hawes, in a car crash in which Jill was a passenger; and

WHEREAS: Jill M. MacFadden has spoken to many groups of defendants sentenced to attend a victim impact panel by a Tioga County Criminal Court Judge. She has challenged hundreds of Tioga County drunk driving offenders to consider the choice they make each time they choose to drink and drive. She has encouraged each person listening to her story to value the people in their lives that they love, today, because tomorrow they may be taken away; and

WHEREAS: Jill MacFadden has modeled forgiveness, graciousness, hope and love in her efforts to encourage citizens to never consume alcohol and then operate a motor vehicle; and

WHEREAS: The members of the Tioga County Victim Impact Panel Committee and the Tioga County Legislature joins together to commend and applaud Jill M. MacFadden for her selfless volunteering to share her difficult story to Tioga County citizens.; and

WHEREAS: Guests are invited to come and meet and greet Jill M. Mac Fadden and to thank her for her service; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate on behalf of our county and citizens to take this day to honor

Jill M. MacFadden

In the County of Tioga, New York, and call upon all of its citizens to join with me in recognizing this outstanding citizen.

Mike Jackson, Undersheriff, spoke. "Thank you Marte. In addition to being the Undersheriff for the County, I am also the Stop DWI Coordinator. I would like to just add a few remarks if I could please. First, thank you to the Legislature for taking this opportunity to issue this Proclamation. I think it is very important. Every 51 minutes in the United States a person dies as a result of a drunk driving crash. Countless others are either injured or have had their lives changed forever. It is the continuing goal of the Stop DWI to reduce or eliminate drunk driving on our roads.

"One of the tools we utilize in this effort is the Victim Impact Panel. Our committee believes that these panels are an effective tool in helping to change attitudes and future behavior of drunk drivers. On behalf of the Victim Impact Panel Committee I would like to personally thank Jill and Audrey who could not be here tonight for their courageous and thoughtful efforts. As a token of our appreciation I would like to present this plaque in recognition. I just want to thank you Jill because it does make a difference. Congratulations."

Jill MacFadden spoke. "Thank you very much for allowing me to be involved in the program, the Victim Impact Panel. It has meant just as much to me as it has the County because I think, as I say to them all the time, I said things that happen in our lives, if we can use them for the good of other people to help teach them other things, that is my goal every time I go and talk to them. It has really been a joy to be able to serve in that way. Thank you."

Chair Weston noted the following Proclamation for Audrey Pryor:

Proclamation

WHEREAS: The Tioga County Victim Impact Panel Committee includes members from the following Tioga County departments: District Attorney, Probation, STOP DWI, Alcohol and Drug Services and two non-profit organizations: Tioga County Council on Alcoholism and Substance Abuse and A New Hope Center. The Tioga County Victim Impact Panel began operation in 2009 offering sessions to drunken driving offenders in Tioga County on a quarterly basis. The intent of the Victim Impact Panel is to allow convicted drunk driving offenders to hear how drunken driving behavior affects people, other than the offender. The program was designed to provide information about DWI laws and treatment programs available in the county followed by at least two people affected by drunk driving, personally telling their story at each panel session. Since the program began 14 sessions have been conducted at the Tioga County Public Safety building; and

WHEREAS: Audrey Pryor has demonstrated a perseverance beyond most others' comprehension in her life as a result of another person's decision to drink and drive; and

WHEREAS: Audrey has bravely stood before and spoken to defendants convicted of drinking and driving crimes, sharing her personal story of nearly 50 years of struggles because of that choice; and

WHEREAS: Audrey has offered to members of our community the opportunity to reconsider their individual choices within a context of understanding of how those choices may severely impact other people's lives; and

WHEREAS: Audrey has graciously shown her faith and her strength in ways that those of us around her are inspired with renewed commitments to make significant changes in our lives regarding our decisions to drink and then drive; and

WHEREAS: The members of the Tioga County Victim Impact Panel Committee and the Tioga County Legislature join together to commend and applaud Audrey Pryor for her selfless volunteering to share her difficult story to Tioga County citizens; and

WHEREAS: Guests are invited to come and meet and greet Audrey Pryor and to thank her for her service; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate on behalf of our county and citizens to take this day to honor

Audrey Pryor

In the County of Tioga, New York, and call upon all of its citizens to join with me in recognizing this outstanding citizen.

There was no privilege of the floor.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		338.04
A1165	District Attorney		5,566.32
A1170	Public Defender		4,360.33
A1172	Assigned Counsel		19,733.65
A1185	Medical Examiners/Coroners		8,450.00
A1325	Treasurer	695.00	517.04
A1355	Assessments		838.02
A1410	County Clerk		566.86
A1411	Department of Motor Vehicles		483.45
A1420	Law		6,220.00
A1430	Personnel		9,060.36
A1450	Elections		343.41
A1490	Public Works Administration		114.96
A1620	Buildings		91,956.18
A1621	Buildings		16,856.26
A1680	Information Technology		6,900.00
A2490	Community College Tuition		185,921.94
A2960	Education Handicapped Children		252,342.37
A3020	Public Safety Comm E911 System		5,422.27
A3110	Sheriff	1,365.61	21,968.95
A3140	Probation		195.55
A3146	Sex Offender Program		18,480.00
A3150	Jail	302.50	77,407.05
A3315	Special Traffic Programs	928.00	2,200.00
A3358	FY12 NYS Homeland Security SH12		12,780.00
A3410	Fire		8,594.88
A3640	Emergency Mgmt Office		393.74
A4010	Public Health Nursing		33,495.54
A4011	Public Health Administration		4,078.13
A4012	Public Health Education		624.81
A4042	Rabies Control		2,166.30
A4044	Early Intervention		4,095.27
A4053	Preventive/Primary Health Services		122.56

A4054	Preventive Dental Services		1,572.28
A4062	Lead Poisoning Program		91.00
A4064	Managed Care-Dental Services		9,261.66
A4070	Disease Control		4,753.61
A4090	Environmental Health		1,639.11
A4210	Alcohol and Drug Services		11,491.39
A4211	Council on Alcoholism		21,998.68
A4309	Mental Hygiene Co Admin	201.00	12,270.20
A4310	Mental Health Clinic		92,047.59
A4320	Crisis Intervention Services		24,256.34
A4321	Intensive Case Management		1,934.19
A5630	Bus Operations		67,500.00
A6010	Social Services Administration		139,458.92
A6422	Economic Development		1,081.94
A6510	Veterans' Service		25.00
A6610	Sealer Weights and Measures		133.30
A8020	Planning		28.24
A8760	NYS DOS LTCRS Grant		12,428.00
A9060	Health Insurance		2,451.77
SOLID WASTE FUND			3,723.25
SPECIAL GRANT FUND			3,024.83
COUNTY ROAD FUND			41,751.74
CAPITAL FUND			222,919.69
CONSOLIDATED HEALTH FUND			358,012.82
SELF-INSURANCE FUND			<u>19,452.00</u>
GRAND TOTAL			\$ 1,859,393.90

Legislator Sullivan made a motion to approve the minutes of May 14, 2013, seconded by Legislator Standing, and carried.

Chair Weston made the following appointments to Information Technology Communication Services Director Search Committee effective May 14, 2013:

- | | |
|-----------------------|--|
| Legislator Hollenbeck | Legislator Monell |
| Legislator Standing | Personnel Officer O'Rourke |
| Teresa Ryder, DSS | Jeffrey Morgan, e-Volve LLC Consultant |

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 139-13 *AUTHORIZE RP-5217 AGREEMENT BETWEEN THE STATE OF NEW YORK DEPARTMENT OF TAXATION & FINANCE AND TIOGA COUNTY REAL PROPERTY TAX SERVICE DEPARTMENT*

WHEREAS: Tioga County Office of Real Property Tax Service & New York State Taxation and Finance wish to enter into an agreement for the electronic transmission of real property data; and

WHEREAS: New York State Department of Taxation and Finance will supply all equipment, software and training at no cost to the county; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature hereby is authorized to enter into an agreement between NYS Taxation and Finance and Tioga County for electronic transmission of real property data, all subject to the approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 140-13 *APPROVAL OF COMPREHENSIVE EMERGENCY PLAN (CEMP) EMERGENCY MANAGEMENT*

WHEREAS: The current Comprehensive Emergency Management Plan (CEMP) was written 20 years ago; and

WHEREAS: FEMA requirements have changed the format and requirements of CEMPs'; and

WHEREAS: The Office of Emergency Management formed a committee to update the plan, and a consultant firm, Cannon Design, has taken recommendations from this committee, and has revised the plan to current standards, therefore be it

RESOLVED: That the current Comprehensive Emergency Management Plan (CEMP) be replaced with the upgraded version as plan of record.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standing, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 141-13 *RESOLUTION OPPOSING A6550/2013
ADDITIONAL NOTICE OF CLAIM
LEGISLATION*

WHEREAS: Propose state legislation, A6550/2013, will significantly undermine critical protections afforded public entities, such as Tioga County, by current notice of claim laws; and

WHEREAS: The proposed legislation would require public entities to raise, as an affirmative defense in a lawsuit, the defense of a late or improperly service notice of claim; and

WHEREAS: The proposed legislation would require a public entity to make a motion for dismissal of litigation due to a defective notice of claim within ninety (90) days of submitting an answer, in the absence of which the defense would be deemed waived; and

WHEREAS: This proposed Legislation is unnecessary, prejudicial towards public entities, and does not improve the litigation system in New York State; and

WHEREAS: The Legislation has been passed in the New York State Assembly, but has not yet been introduced in the Senate; now therefore be it

RESOLVED: That the Tioga County Legislature hereby opposes A6550/2013 and asks the Senate not to pass this Legislation; and be it further

RESOLVED: That a copy of this resolution, duly adopted, be transmitted to Governor Andrew M. Cuomo, Senate Majority Leader Dean Skelos, General Assembly Speaker Sheldon Silver, Senator Thomas Libous, and Assemblyman Chris Friend.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 142-13

*AUTHORIZATION TO EXECUTE
ENGAGEMENT LETTER FOR
CONSULTING SERVICES FOR
ILS GRANT*

WHEREAS: Tioga County was awarded a grant from the New York State Office of Indigent Legal Services to retain the services of a consulting attorney to assist the County in selecting one of the options currently available under County Law 18-B to provide cost effective legal services to its indigent population; and

WHEREAS: Tioga County wishes to retain Coughlin and Gerhart LLP for said services; and

WHEREAS: Coughlin and Gerhart LLP has set forth the services they will provide in an engagement letter; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes Legislative Chair Dale Weston to sign said engagement letter from Coughlin and Gerhart LLP.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 143-13 *AUTHORIZE TIOGA COUNTY SOLID WASTE
MANAGER TO APPLY FOR DERA GRANT FOR TWO
REPLACEMENT CNG MEDIUM DUTY TRUCKS*

WHEREAS: U.S. Environmental Protection Agency (EPA) has announced the availability of up to \$9 million through the National Clean Diesel Funding Assistance Program (DERA) for Fiscal Year 2013 for new projects to reduce emissions from the nation's existing fleet of diesel engines; and

WHEREAS: Tioga County Department of Public Works has a few old diesel medium duty trucks that are in need of replacement; and

WHEREAS: Replacing two medium duty trucks with Compressed Natural Gas (CNG) would reduce greenhouse gas (GHG) emissions and reduce future fuel costs; and

WHEREAS: The grant will pay 25 percent of the cost of the new trucks; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Solid Waste Manager to apply and administer the said grant; and be it further

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute any other documents, upon approval of the County Attorney, that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 144-13 *AWARD INSPECTION SERVICES CONTRACT
LABELLA ASSOCIATES FOR INSPECTION SERVICES
OF THE GASKILL RD BRIDGE OVER LITTLE
NANTICOKE CREEK (BIN: 3335390)*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the Inspection of these bridges as part of the Bond Issue; and

WHEREAS: The Gaskill RD Bridge over Little Nanticoke Creek (BIN: 3335390) is one of the bridges in the program; and

WHEREAS: Labella Associates did the design phase for this bridge; and

WHEREAS: The Commissioner of Public Works received a proposal for the inspections services for the Gaskill Rd. Bridge Project BIN: 3335390 in the amount of \$59,981; therefore be it

RESOLVED: That the Tioga County Legislature award the inspection services contract to Labella Associates, Rochester, NY 14614 in the amount of \$59,981 to be paid out the Gaskill Rd. Bridge Account H2012.06.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standing, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 145-13 *AWARD INSPECTION SERVICES CONTRACT
LABELLA ASSOCIATES FOR INSPECTION SERVICES
OF THE LILLIE HILL RD BRIDGE OVER APALACHIN
CREEK (BIN: 3335510)*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the Inspection of these bridges as part of the Bond Issue; and

WHEREAS: The Lillie Hill RD Bridge over Apalachin Creek (BIN: 3335510) is one of the bridges in the program; and

WHEREAS: Labella Associates did the design phase for this bridge; and

WHEREAS: The Commissioner of Public Works received a proposal for the inspections services for the Lillie Hill Rd. Bridge Project BIN: 3335510 in the amount of \$104,036; therefore be it

RESOLVED: That the Tioga County Legislature award the inspection services contract to Labella Associates, Rochester, NY 14614 in the amount of \$104,036 to be paid out the Lillie Hill Rd. Bridge Account H2010.07.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 146-13

*AWARD BID – GASKILL RD
BRIDGE
(BIN: 3335390) CONSTRUCTION*

WHEREAS: Tioga County bonded for a program, for rehabilitation of various bridges within the County; and

WHEREAS: Funding is available for the construction of the Gaskill Rd Bridge (BIN: 3335390) as part of the Bond Issue; and

WHEREAS: The Commissioner of Public Works received sealed bids on June 04, 2013 and the bids were as follows:

Economy Paving Cortland, NY 13045	\$666,075.50
G. DeVincentis & Son Vestal, NY 13851	\$533,000.00

R. DeVincentis Construction Binghamton, NY 13901	\$656,000.00
Silverline Construction Burdett, NY 14818	\$537,437.00
Vector Construction Cicero, NY 13039	\$834,869.35
Bothar Construction Binghamton, NY 13901	\$681,709.80
Gorick Construction Binghamton, NY 13901	\$588,488.00
FAHS Construction Binghamton, NY 13901	\$677,000.00
ZMK Construction Apalachin, NY 13732	\$481,300.00

And

WHEREAS: Labella Associates have completed the review of the bids and finds the low bidder ZMK Construction, Apalachin, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to ZMK Construction, Apalachin, NY not to exceed \$481,300.00 to be paid out of the Gaskill Rd Bridge(BIN: 3335390) Project Account H2012.06.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

Recused – Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 147-13 ADOPT LOCAL LAW NO. 2 OF 2013

WHEREAS: A public hearing was held on June 6, 2013, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2013 A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 2 of 2013; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 2 of the Year 2013.

A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: Title:

This Local Law shall be known as "Tioga County Responsible Budgeting Law of 2013".

SECTION 2: Declaration of Intent:

The intention of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2014 Tioga County Budget.

The regulations regarding the tax cap calculation continue to evolve, making it difficult to be certain that the 2014 budget falls under the calculated tax levy limit established by the General Municipal Law.

Many municipalities have adopted budgets that at the time of adoption were under the tax levy limit based on good faith budget calculations. Months later the Office of the State Comptroller interpreted the law in a different way and deemed these municipalities as having exceeded the limit. Those municipalities now face negative fiscal impacts; they must move funds from their cash account and hold in reserve, they must reduce the following year's tax levy limit by the alleged excess amount, and they must participate in time-consuming audits with the OSC.

While the Tioga County Legislature intends to comply with the tax cap, it recognizes the need to authorize an override, as an insurance policy, in order to avoid these negative fiscal impacts that would result due to lack of clarity in the tax cap regulations from the OSC.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby authorizes an override to the tax levy limit for Tioga County for 2014 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2014 that requires a tax levy that is greater than the tax levy limit calculated for 2014 pursuant to Section 3-c of the General Municipal Law.

SECTION 4: Severability:

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which remaining portions shall remain in full force and effect.

SECTION 5: Effective Date:

This Local Law shall take effect upon the date on which a certified copy of this Local Law is filed in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – Legislators Huttleston and Roberts.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan introduced Local Law Introductory No. C of 2013.

County of Tioga

Local Law No. of the Year 2013.

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

SECTION 2:

Imposition of sales tax.

On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2013, and ending November 30, 2015 there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2:

Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 2-a:

Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2015, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2015, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2015, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2015, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2015.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vendor of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the premises, for which such energy sources or services are purchased, is used solely as a residence or identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the

vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

SECTION 3:

Paragraph (h) of Section Three of Local Law No. 1 of 1968 as amended is hereby amended to read as follows:

(h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2003, and ending November 30, 2015, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2003, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2003, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2003. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2003, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 4:

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 4:

Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2013, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as

such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 5:

Paragraph (C) of Subdivision (1) of Section 11 of Local Law No. 1 of 1968 as amended is hereby amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2015, in respect to the use of property used by the purchaser in this County prior to December 1, 2003.

SECTION 6:

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2013, through November 30, 2015, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.

SECTION 7:

This enactment shall take effect on December 1, 2013.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 148-13 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. C OF 2013*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2013 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Wednesday, July 3, 2013 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 149-13

*APPOINT MEMBER
CENTRAL NEW YORK RESOURCE
CONSERVATION AND DEVELOPMENT
PROJECT, INC. (CNY RC&D)*

WHEREAS: Brian Reaser of the Soil & Water Conservation District is willing to serve as a member on the CNY RC&D; therefore be it

RESOLVED: That Brian Reaser of the Soil & Water Conservation District be hereby appointed to the Central New York Resource Conservation and Development Project, Inc. (CNY RC&D) for a term of May 15, 2013 through March 31, 2016.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 150-13 *APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: The Tioga County Planning Board position from the Town of Newark Valley has not been filled since Heidi Mann resigned in September 2012; and

WHEREAS: The Newark Valley Town Board has found Johannes Peeters willing to serve and nominated him to this position; therefore be it

RESOLVED: That the Tioga County Legislature appoints Johannes Peeters to serve as the Town of Newark Valley representative on the Tioga County Planning Board, to fulfill Heidi Mann's unexpired term of 6/11/2012 - 12/31/2014.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 151-13 *APPOINT AN EARLY INTERVENTION OFFICIAL FOR
TIOGA COUNTY
PUBLIC HEALTH*

WHEREAS: Section 2541 of the Public Health Law defines the position of an Early Intervention Official (EIO); and

WHEREAS: The incumbent EIO is retiring June 22, 2013; and

WHEREAS: Section 2540 of the Public Health Law describes the duties of the EIO; and

WHEREAS: Christeenia Cargill, Director of Children with Special Health Care Needs, has shown an interest in the position; therefore be it

RESOLVED: That Christeenia Cargill be appointed as the Early Intervention Official for Tioga County effective June 22, 2013.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 152-13 *TRANSFER FUNDS FOR LILLIE HILL RD BRIDGE PROJECT*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Lillie Hill Rd Bridge (BIN 3335510) is part of the Bond Issue program and bids were opened and awarded on April 13, 2013 on Resolution 87-13; and

WHEREAS: Lillie Hill Rd. Bridge Project Account H2010.07 is short of funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds:

From: Capital Bridge Reserve Account H878.03 \$1,400,000

TO: Lillie Hill Rd Bridge Account H2010.07 \$1,400,000

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 153-13 *APPROPRIATION OF FUNDS*
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) is required to pay a portion of the costs for the inpatient treatment of Tioga County residents that have been assigned Criminal Psychiatric services by the NYS Court system under F.C.A. § 251; and

WHEREAS: TCMH has received notice that a Tioga County resident was assigned these services, along with the required payment amount; and

WHEREAS: TCMH has identified available funding to be appropriated to cover these mandated costs; and

WHEREAS: The appropriation of funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4490.00	Federal Salary Sharing Revenue	\$ 11,360.56
To: A4390.40-590	Criminal Psychiatric: Services Rendered	\$ 11,360.56

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 154-13 *APPROPRIATE FUNDING FOR STATEWIDE
INTEROPERABLE COMMUNICATIONS
GRANT*

WHEREAS: A 2012 Statewide Interoperable Communications Grant (SI12-1024-D00) has been awarded to the Tioga County Bureau of Fire in the amount of \$2,342,000; and

WHEREAS: These monies are budgeted to update the County’s aging Communications System, and for the purchase of equipment to enhance Interoperable Communications between both County and Statewide Emergency Units; therefore be it

RESOLVED: That the FY12 NYS Statewide Interoperable Communications Grant (SI12-1024-D00) be appropriated as follows:

FROM: State Interoperable Comm Grant Revenue A3306.13	\$2,342,000
TO: State Interoperable Comm Grant Personal Services A3415.10-30	\$ 5,000
State Interoperable Comm Grant Equipment A3415.20-230	\$2,256,000
State Interoperable Comm Grant Services A3415.40-140	\$ 81,000

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 155-13 *AWARD BID FOR TRANSPORTATION SERVICES TO
EARLY INTERVENTION AND
PRESCHOOL SPECIAL EDUCATION CHILDREN'S
PROGRAM
SOCIAL SERVICES*

WHEREAS: Bids have been received for the Provision of Transportation Services to Early Intervention and Pre-School Handicapped Children; and

WHEREAS: The bids (pricing based on a one-way trip) were received and opened on May 30, 2013 and the bid results were as follows:

- | | |
|----------------------------------|------------------------------------|
| 1) Serafini Transportation Corp. | Zone 1 - \$24.49; Zone 2 - \$32.21 |
| 2) Tioga Transport, Inc. | Zone 1 - \$25.25; Zone 2 - \$25.25 |

and

WHEREAS: Funds have been included in the Public Health Department budget for this service; and

WHEREAS: Serafini Transportation Corp. has been determined to be the responsible bidder proposing the lowest unit price per child based on a one-way transportation cost, and whose proposal complies with all provisions to render it formal and legal and whose proposal is considered to be in the best interest of Tioga County; and

WHEREAS: The Public Transportation Coordinator and the Director of Public Health are in agreement with this determination in the provision of transportation of Tioga County's most vulnerable young citizens; now therefore be it

RESOLVED: That the Tioga County Legislature authorize the Department of Social Services to enter into a contract with Serafini Transportation Corp. for the Provision of Transportation Services to Early Intervention and Pre-School Handicapped Children based on stated stipulated cost of \$24.49 for Zone 1 and \$32.21 for Zone 2 per one-way trip for the period of July 1, 2013 through June 30, 2016.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 156-13 *ERRONEOUS ASSESSMENT
TOWN OF NICHOLS*

WHEREAS: An application for Refund and Credit of Real Property Taxes indicates that property no. 311 assessed to Vickie Shoemaker, Karen Fairlie, and John Brenchley Jr, on the 2011, 2012, and 2013 tax rolls of the Town of Nichols is erroneous in that CNYOG owns and operates a gas pipeline on the property and the \$58,375 assessment for property no. 311 included various above ground buildings which CNYOG had removed on 7/29/09, leaving only a concrete pad and well head; and

WHEREAS: The Assessor for the Town of Nichols has reduced the assessment on property no. 311 in the Town of Nichols from \$58,375 to \$28,375 to reflect the removal of the buildings and is requesting a refund for the owners of property no. 311 for overpayment of taxes for the 2011, 2012 and 2013 tax years; be it therefore

RESOLVED: That the Tioga County Treasurer issue a refund of \$4,186.55 to Vickie Shoemaker and Karen Fairlie for overpayment of the 2011 (\$1,408.32), 2012 (\$1,387.74), and 2013 (\$1,390.49) property taxes on property no. 311 in the Town of Nichols; and be it further

RESOLVED: That the erroneous town tax of \$1,040.02 be charged back to the Town of Nichols, and the erroneous fire tax of \$264.37 be charged back to the Nichols Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$120.60 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$2,761.56 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 157-13

REVISION TO TIOGA COUNTY SPECIAL TEAM LISTING; REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE BACKFILL OF ONE (1) VACANT, PART-TIME ASSISTANT FIRE COORDINATOR (BUREAU OF FIRE)

WHEREAS: Any changes to the Bureau of Fire's Special Teams assignments are to be reflected by resolution; and

WHEREAS: Legislative approval is required for all waivers of the 90-day hiring delay; and

WHEREAS: Assistant County Fire Coordinator John Olsen has resigned his paid position as Assistant Fire Coordinator as of May 31, 2013; and

WHEREAS: Mr. Olsen's resignation shall also mean he will no longer function as the coordinator of the Tioga County Hazardous Materials (HAZ-MAT) Team; and

WHEREAS: Mr. Olsen wishes to continue his involvement with the HAZ-MAT Team in a volunteer capacity and as a staff member with the Tioga County Tactical Medical Team; and

WHEREAS: The County Fire Coordinator wishes to immediately backfill the part-time, paid Assistant County Fire Coordinator position resulting from Mr. Olsen's resignation; therefore be it

RESOLVED: That John Olsen has been designated as a Deputy Fire Coordinator (without pay) with the Tioga County Hazardous Materials Team while continuing to serve with the Tioga County Tactical Medical Team effective, June 1, 2013; and be it further

RESOLVED: That the County Fire Coordinator is hereby granted a waiver from the 90-day hiring delay and is authorized backfill one (1) part-time, paid Assistant Fire Coordinator position at an annual salary of \$2,387.00, effective June 12, 2013.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 158-13 *AUTHORIZE OUT-OF-TITLE PAY*
PUBLIC HEALTH

WHEREAS: Since mid April, vacancies have existed within the title of Supervising Community Health Nurse (CSEA salary grade XVII) as the result of a resignation and a promotion; and

WHEREAS: While the Public Health Director has been given authorization to backfill said vacancies, recruitment has yielded no qualified candidates who meet the title's minimum qualifications as established by NYCRR, Title 10-Section 700.2; and

WHEREAS: The Supervising Community Health Nurse vacancies has resulted in a need to delegate duties to other nursing staff in order to maintain certain departmental functions and to provide services relating to the Certified Home Health Agency (CHAA) program; and

WHEREAS: Since April 29, 2013, the Public Health Director has authorized Jennifer Zepkowski, Registered Professional Nurse (CSEA salary grade XIV), to function in a supervisory capacity by directing therapists and nursing staff relating to the care of clients; and

WHEREAS: Ms. Zepkowski is entitled to out-of-title pay according to Article 4, Section E of the current CSEA contract; therefore be it

RESOLVED: Ms. Zepkowski shall receive out-of-title pay for performing Supervising Community Health Nurse work at an annual rate of \$52,014.00 retroactive to April 29, 2013, and shall continue receiving until such time the vacancies have been filled.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 159-13 *AUTHORIZE RATE OF PAY FOR ACTING PUBLIC
HEALTH DIRECTOR
(PUBLIC HEALTH)*

WHEREAS: §351 of the New York State Public Health Law states that to be eligible for state aid, each local government shall have a director who shall be its Public Health Director; and

WHEREAS: Under Article 40-1.30 of New York State Public Health Law, Tioga County is required to have either an Acting or Permanent Public Health Director (PHD) appointed by the Tioga County Board of Health (BOH); and

WHEREAS: The New York State Department of Health (NYSDOH) must be informed of resignations and appointments of both Acting and Permanent county Public Health Directors to ensure appropriate management of and maintain communication with the Local Government Unit; and

WHEREAS: The incumbent PHD has informed the BOH and the County Legislature of his retirement to be effective June 22, 2013; and

WHEREAS: The Tioga County BOH will notified the NYSDOH of the permanent PHD's retirement and will submit the required documentation regarding the appointment of an Acting PHD effective June 22, 2013; and

WHEREAS: The Acting PHD will carry out the full powers and responsibilities of the PHD contingent upon NYSDOH's acknowledgement of receiving said documentation; and

WHEREAS: The BOH has an undetermined length of time to appoint a permanent PHD, and therefore it is not possible to determine the length of time that an Acting PHD will be needed; therefore be it

RESOLVED: That the County Legislature hereby authorizes an hourly rate of \$47.75 for the Acting PHD position for up to 20 hours per week, until such time a permanent PHD is appointed by the BOH.

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant, full-time Social Welfare Examiner position (CSEA Salary Grade VI) to a full-time Caseworker position (CSEA Salary Grade XI); and be it further

RESOLVED: That the Commissioner of Social Services is authorized a waiver from the 90-day delay in filling the full-time Caseworker position and be allowed to fill said position effective June 12, 2013 from a certified eligible list; and be it further

RESOLVED: In an effort to maintain his headcount budget within the Services Division, upon the next occurrence of a full-time Caseworker vacancy, the Commissioner of Social Services shall not fill the position and will abolish the vacancy.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston a motion to have the following three late-filed resolutions considered, seconded by Legislator Sullivan and carried.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 161-13 *AUTHORIZE THE SUBMISSION OF
HOMELAND SECURITY GRANT
APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security has issued a grant of \$60,000 to the Tioga County Office of Emergency Management. The grant will be used to renew the County's Reverse 911 contract for the year 2014. Also money will pay for the lease of a satellite phone for 2014 and continue to strengthen amateur radio backup communications system; and

WHEREAS: The Tioga County Emergency Management Office has to submit an application for this funding by June 24th 2013; and

WHEREAS: Tioga County's protocol is to seek permission prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Emergency Management Office apply for this grant.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 162-13 *AUTHORIZE TIOGA COUNTY
TO HIRE MANASSE AUCTIONEERS
TO AUCTION REAL PROPERTY ACQUIRED
BY COUNTY FORECLOSURE*

WHEREAS: James P. McFadden, Tioga County Treasurer is in charge of implementing the foreclosure of taxes under Article Eleven of the Real Property Tax Law; and

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: Manasse Auctioneers has been contacted to perform the services of a public auction and Manasse Auctioneers has agreed to compensation of a uniform seven percent (7%) buyers premium, Tioga County will pay no expenses; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to contract the services of Manasse Auctioneers for the public auction of tax foreclosure properties, pending approval by the County Attorney as to form.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 163-13 *AUTHORIZE APPOINTMENT TO DIRECTOR OF
ECONOMIC DEVELOPMENT AND
PLANNING*

WHEREAS: The Director of Economic Development and Planning position will become vacant on June 15, 2013 due to the retirement of the current incumbent; and

WHEREAS: The Legislature has selected a qualified candidate; therefore be it

RESOLVED: That LeeAnn Tinney is hereby appointed to the position of Director of Economic Development and Planning effective July 8, 2013 at an annual salary of \$67,500; and be it further

RESOLVED: That, contingent upon a satisfactory Performance Evaluation, Tinney may be eligible for a salary increase to \$70,000 effective January 1, 2014; and be it further

RESOLVED: That the January 1, 2014 salary increase, if granted, would make Tinney ineligible for any additional salary increase the Non-Union group as a whole may receive for 2014; and be it further

RESOLVED: That in recognition of LeeAnn Tinney's 15 years of service with the Tioga County Industrial Development Agency, the Legislature hereby grants Tinney 20 days of vacation upon hire in accordance with County Policy 20.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:43 p.m.

Public Hearing
Local Law Introductory No. C of 2013
July 3, 2013

The Public Hearing on Local Introductory No. C of 2013 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York was called to order by the Chair at 1:00 P.M. Five Legislative members were present, Legislators Case, Huttleston, Monell, and Roberts being absent.

There were three people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no comments, the hearing was adjourned at 1:02 P.M.

Seventh Regular Meeting
July 9, 2013

The Seventh Regular Meeting of 2013 was held on July 9, 2013 and was called to order by the Chair at 12:00 P.M. Eight Legislative members were present, Legislator Roberts being absent.

Chair Weston asked Legislator Monell to have a moment of prayer. "Lord, we thank you this day for the honor and the privilege that is ours to meet and discuss the issues that relate to this County. We pray Lord that you would be with each one of us as we make these decisions and that we would make the ones that would be best for the people of this County."

Legislator Monell led all Legislators and those in attendance in the Pledge of Allegiance.

There were seven people in attendance.

Joe Albrecht had privilege of the floor. "Thank you for the privilege. The single page document whose 237th anniversary was recently celebrated lead to the formation of a 28 page pamphlet on the separation of three branches of Government whose responsibility it was to provide for the services of its citizens. That in turn lead to the Patient Protection and Care Act, which I guess has generated 20,000 pages or in excess of 20,000 pages. 20,000 pages is represented by 40 packages of paper that would be about 6 feet 8 inches tall, which is about that height. My question is this: Do you as a Legislative body with the responsibility for utilization of fiscal resources for the function of the County including my healthcare and the provision of acceptable working conditions for your employees have access to accurate information that will allow you to make appropriate decisions that is within the framework of 30 days has September, 31 days in August, and the remainder of the month of July to determine what you are going to do to meet your responsibilities as a Legislative body for the utilization of resources not only for healthcare, but for the functioning of the County and its employees? That is the first part of what I have to say.

"The second part relates to the Safe Act of 2013, Section 265.01 involving criminal possession of a weapon in the 4th degree. The second paragraph contains the following statement: "or any other dangerous or deadly instrument or weapon with the intent to use the same unlawfully against another". Recently an automobile has been shown to have been involved in a vehicular

homicide. That statement to me exposes every person in the State of New York to a class A misdemeanor possession of a dangerous weapon. That is part of 265.01. That is for your consideration. I realize that this Legislature has taken a stand relative to the Safe Act, but I think this needs clarification.

"The second part of my concern with the Safe Act involves the statement that precedes many of the amendments that are given to various other laws. It states the following: "upon a finding of a willful failure to obey an order of protection or temporary order of protection". My knowledge or my understanding of orders or protection, they are issued by either a Criminal Court or the Family Court. If they are issued by a Criminal Court they involve the commission of a crime. If they are issued by the Family Court they do not necessarily involve the commission of a crime, which in my interpretation indicates that if my firearms are seized because I violate a noncriminal order of Family Court, my basic due process has been violated. Thank you very much for the time. You will be hearing more about this and my attitude within the next few months. With the idea of the healthcare situation, we have until the first of October to clarify for the benefit of our two State Senators the significance of this Legislative situation."

Chris Bonner had privilege of the floor. He spoke about Legislators who are lawyers and practicing law. He also spoke about Governor Cuomo's 10 year tax free for businesses if they locate near a college and also spoke about casinos.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		186.47
A1172	Assigned Counsel		13,584.22
A1185	Medical Examiners/Coroners		452.53
A1325	Treasurer		454.63
A1355	Assessments		2,095.00
A1410	County Clerk		1,736.05
A1420	Law		3,050.00
A1430	Personnel		1,952.42
A1450	Elections		6,709.29
A1460.41	Records Management		548.99
A1490	Public Works Administration		42.44
A1620	Buildings		37,230.44
A1621	Buildings		16,478.31
A1680	Information Technology		4,868.03
A2490	Community College Tuition		32,671.54
A2960	Education Handicapped Children		189,863.78

A3020	Public Safety Comm E911 System	260.00	4,684.99
A3110	Sheriff	1,235.50	23,739.90
A3140	Probation		20.00
A3146	Sex Offender Program		9,240.00
A3150	Jail	511.14	51,118.41
A3315	Special Traffic Programs		642.25
A3357	FY11 NYS Homeland Security Grant	5,794.34	13,252.74
A3410	Fire		2,770.55
A3640	Emergency Mgmt Office		367.54
A4010	Public Health Nursing		29,537.35
A4011	Public Health Administration		8,744.92
A4042	Rabies Control		7,628.28
A4044	Early Intervention		403.44
A4053	Preventive/Primary Health Svcs		89.68
A4054	Preventive Dental Services		664.90
A4062	Lead Poisoning Program		12.00
A4064	Managed Care-Dental Services		3,869.10
A4070	Disease Control		2,886.88
A4090	Environmental Health		764.15
A4210	Alcohol and Drug Services		870.92
A4211	Council on Alcoholism		10,999.34
A4309	Mental Hygiene Co Admin		5,843.42
A4310	Mental Health Clinic		7,218.11
A4320	Crisis Intervention Services		416.67
A4321	Intensive Case Management		1,877.60
A5630	Bus Operations		68,333.93
A6010	Social Services Administration		41,779.34
A6422	Economic Development		150.15
A6510	Veterans' Service		125.00
A6610	Sealer Weights and Measures		209.74
A8020	Planning		1,436.56
A9060	Health Insurance		4,930.74
SOLID WASTE FUND			12,313.00
SPECIAL GRANT FUND			1,140.79
COUNTY ROAD FUND			33,749.99
CAPITAL FUND			725,214.74
CONSOLIDATED HEALTH INSURANCE			618,163.78
SELF-INSURANCE FUND			<u>1,300.00</u>
GRAND TOTAL			\$ 2,016,236.02

Legislator Sullivan made a motion to approve the minutes of June 11, 2013, seconded by Legislator Sauerbrey, and carried.

Chair Weston made the following appointment to the Municipal Electric and Gas Alliance (MEGA) Board for a term of 07/09/2013 to 11/12/2013:

Douglas Barton

Chair Weston abolished the following committees effective July 9, 2013:
Economic Development & Planning Director Search Committee
Legislative Vacancy Ad Hoc Committee

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 164-13 *APPROPRIATION OF FUNDS*
SOCIAL SERVICES

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Summer Youth Employment Programs; and

WHEREAS: The plan submitted for expenditure of these funds has been approved; and

WHEREAS: Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4610.00 Federal Aid: Administration	\$58,315.00
To: A6010.40.140 Contractual	\$58,315.00

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Huttleston, and Hollenbeck.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 165-13 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: Tioga County Health Department is mandated to provide a Rabies Control Program for Tioga County residents; and

WHEREAS: Due to an increase in the number of residents receiving post-exposure medical services, the costs have exceeded the budgeted amount; and

WHEREAS: Additional expenditure appropriations are needed to meet the costs of the mandated medical services that have and will be provided; and

WHEREAS: State Aid reimbursement funding is available for the County costs; and

WHEREAS: Appropriation of funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A3442.00	State Aid: Rabies Control Program	\$20,000
To: A4042.40-590	Rabies Control – Services Rendered	\$20,000

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standing, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 166-13 TRANSFER OF FUNDS
WORKERS' COMPENSATION

WHEREAS: The Tioga County Self-Insurance Plan has received notification from Safety National that an audit of the payroll figures for the period of January 1, 2012 through January 1, 2013 submitted for our workers' compensation Specific Excess Insurance has resulted in additional premium due in the amount of \$1,504.00; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1720.40 (380)	\$1,504.00
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To: Workers' Compensation Account S1722.40 (270)	\$1,504.00
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ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 167-13 TRANSFER OF FUNDS
PURCHASE OF CHROMEBOOKS
LEGISLATIVE OFFICE

WHEREAS: The Legislative Office has tried to be proactive in the elimination of paper and also in trying to keep up with current technology; and

WHEREAS: Over the past couple of months some of the Legislators have been using laptop computers at meetings, which have to be setup, plugged in, and information loaded each time they need to be used; and

WHEREAS: The Legislative Office has had a demo Chromebook for the last month being used by a Legislator, which is much more convenient and e-mail can be sent to it and opened to be used at Legislative meetings; and

WHEREAS: The Acting Information Technology Director has approved the purchase of said Chromebooks; therefore be it

RESOLVED: That the Legislative Clerk be authorized to purchase eight Chromebooks for Legislators at a sum not to exceed \$2,010 to be paid out of Legislative Account A1010.20-90; and be it further

RESOLVED: That the following sums be transferred:

From: Legislative Account A1010.40-390	\$2,010.00
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To: Legislative Account A1010.20-90	\$2,010.00
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ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – Legislator Huttleston.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:	PUBLIC WORKS
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RESOLUTION NO. 168-13	<i>CREATE WEST CREEK RD BRIDGE BIN: 3335150 ACCOUNT AND TRANSFER FUNDS</i>
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WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within Tioga County; and

WHEREAS: West Creek Rd. Bridge is the next bridge on the schedule for rehabilitation; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works to create and establish Account West Creek Rd. Bridge over East Branch of Owego Creek (Bin:3335150) H2013.07; and be it further

RESOLVED: That the Tioga County Legislature authorizes the transfer of funds as follows:

From: H511.00	Capital Bridge Bond Reserve	\$82,000
TO: H2013.07	West Creek Rd. Bridge over East Branch of Owego Creek	\$82,000

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 169-13

*AWARD DESIGN CONTRACT TO
DELTA ENGINEERS FOR WEST CREEK
RD. BRIDGE (BIN:3335150) OVER
EAST BRANCH OF OWEGO CREEK*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within Tioga County; and

WHEREAS: Funding is available for the design of the West Creek Rd. Bridge (BIN: 3335150) as part of the Bond Issue; and

WHEREAS: Delta Engineers has expertise in design of truss bridges and the Commissioner of Public Works requested a design proposal from Delta Engineers; and

WHEREAS: The Commissioner of Public Works received a design proposal from Delta Engineers in the amount of \$82,000; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Delta Engineers, Endicott, NY not to exceed \$82,000 to be paid out of West Creek Rd. Bridge Account H2013.07.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRING TO:

FINANCE/LEGAL

RESOLUTION NO. 170-13

*DESIGNATION OF NYS SECRETARY OF
STATE AS AGENT FOR SERVICE OF
NOTICE OF CLAIM*

WHEREAS: The General Municipal Law was recently changed to permit Notices of Claim against Public Corporations to be served on the New York State Secretary of State; and

WHEREAS: Public Corporations are required to file a certificate with the NYS Department of State designating the NYS Secretary of State as their agent for service of Notices of Claim; and

WHEREAS: Public Corporations that fail to file such a designation will not receive their share of the fee that will be charged to the entity serving the Notice of Claim; and

WHEREAS: Tioga County must make the designation and provide address information to the entity within Tioga County to whom the Secretary of State will forward the Notices of Claim; now therefore be it

RESOLVED: That the NYS Secretary of State is hereby designated to be the agent of Tioga County for service of Notices of Claim; and it is further

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized and directed to file a certificate with the Department of State so designating; and it is further

RESOLVED: That the Tioga County Attorney's address will be provided as the address for forwarding the Notices of Claim.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 171-13 *APPLY FOR INDIGENT LEGAL SERVICES GRANT*

WHEREAS: The New York State Office of Indigent Legal Services has made available to Tioga County a three year, non-competitive grant totaling \$61,902.00 to improve the quality of indigent legal services provided under Article 18-B of the County Law; and

WHEREAS: Tioga County realizes the importance of providing quality representation to indigent individuals; and

WHEREAS: The grant funds will be used:

- (1) to purchase software, installation, training and maintenance services for case management systems for the Public Defender's and Assigned Counsel offices; and
- (2) to provide additional training opportunities to the Public Defender's Office; and

WHEREAS: There are no local matching funds required under this grant;
now therefore be it

RESOLVED: That the Tioga County Legislature authorizes the submission of said grant to the Office of Indigent Legal Services for the sum of \$61,902.00, and authorizes and directs the Chair of the Legislature to execute any contracts or other necessary documents to proceed with the grant, subject to approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 172-13 *RESOLUTION AUTHORIZING THE ISSUANCE
OF \$2,000,000 SERIAL BONDS OF THE
COUNTY OF TIOGA, NEW YORK, TO
PAY A PORTION OF THE COST OF
CERTAIN BUILDING REPAIRS AT
VARIOUS LOCATIONS THROUGHOUT
THE COUNTY*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Standinger.

WHEREAS: Tioga County (the "County") is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

WHEREAS: The County Legislature of the County now desires to authorize the construction, reconstruction and financing of improvements to various buildings in and for the County; therefore be it

RESOLVED: By the County Legislature of the County of Tioga, New York, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature, as follows:

Section 1. The County, having reviewed the impact of undertaking the construction, reconstruction and financing of improvements to various buildings in and for the County, hereby determines that such action constitutes a "Type II Action" under the 6 NYCRR § 617.5(c)(1) and (2) of the Regulations and is not subject to review under SEQRA; and

Section 2. For the class of objects or purposes of paying a portion of the cost of the construction, reconstruction and financing of improvements to various buildings in and for the County, including all related construction, demolition, renovations, site improvements, original furnishings, fixtures and equipment required for such purposes, architectural, inspection and engineering fees, and all other cost incidental to such work (collectively, the "Project"), there are hereby authorized to be issued \$2,000,000 serial bonds of the County of Tioga, New York, pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$2,000,000 and that the plan for the financing thereof includes the issuance of serial bonds in the aggregate principal amount not to exceed \$2,000,000 to finance said Project, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, subject to applicable amounts of any state or federal assistance available for such purpose or from any other source.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years under subdivision 12(a)(2) of paragraph a. of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Tioga, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and

interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the County of Tioga, New York, by the manual or facsimile signature of the County Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 10. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 2 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 3 of this resolution shall be from the County's General Fund. It is intended that the County shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the County's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, of which a summary shall be published in the Tioga County Courier and the Morning Times, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 173-13 *RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,000,000 SERIAL BONDS OF THE COUNTY OF TIOGA, NEW YORK, TO PAY A PORTION OF THE COST OF CERTAIN BRIDGE REPAIRS AT VARIOUS LOCATIONS THROUGHOUT THE COUNTY*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Standinger.

WHEREAS: Tioga County (the "County") is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

WHEREAS: The County Legislature of the County now desires to authorize the construction, reconstruction and financing of improvements to various bridges in and for the County; therefore be it

RESOLVED: By the County Legislature of the County of Tioga, New York, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature, as follows:

Section 1. The County, having reviewed the impact of undertaking the construction, reconstruction and financing of improvements to various bridges in and for the County, hereby determines that such action constitutes a "Type II Action" under the 6 NYCRR § 617.5(c)(1) and (2) of the Regulations and is not subject to review under SEQRA; and

Section 2. For the class of objects or purposes of paying a portion of the cost of the construction, reconstruction and financing of improvements to various bridges in and for the County, including all related construction, demolition, renovations, site improvements, original furnishings, fixtures and equipment required for such purposes, architectural, inspection and engineering fees, and all other cost incidental to such work (collectively, the "Project"), there are hereby authorized to be issued \$8,000,000 serial bonds of the County of Tioga, New York, pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$8,000,000 and that the plan for the financing thereof includes the issuance of serial bonds in the aggregate principal amount not to exceed \$8,000,000 to finance said Project, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, subject to applicable amounts of any state or federal assistance available for such purpose or from any other source.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years under subdivision 10 of paragraph a. of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Tioga, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the County of Tioga, New York, by the manual or facsimile signature of the County Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 10. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 2 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 3 of this resolution shall be from the County's General Fund. It is intended that the County shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds

shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the County's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, of which a summary shall be published in the Tioga County Courier and the Morning Times, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standing, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 174-13 *AUTHORIZE SALE OF COUNTY
OWNED PROPERTIES ACQUIRED
FOR DELINQUENT TAXES*

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 9, 2013 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

166.16-3-64, Citizens & Northern Bank
122.00-2-6, Jack Gerwin
166.20-2-2, Tony B Merrill
167.00-1-11.32, Joseph & Jane Sindoni
111.00-1-11.20, Harvey K Wright

Town of Candor:

50.00-1-38, George Bobowski
95.00-1-5.13, Joo Shin Kim
82.00-1-46, Lyn G & Sandra B McClain
82.00-1-37, Lyn G & Sandra B McClain
82.00-1-39, Lyn G & Sandra B McClain
60.00-1-13.11, Raymond L & Patsy L Stevens
61.14-1-36, Corey R & Deborah J Whatley

Town of Newark Valley:

44.00-1-25, Beverly Forbes-Diaby
65.00-1-21.22, Dominick Salerno
75.18-1-25.10, Venus Smith

Town of Nichols:

159.19-2-5, Peter & Anne Haahr

Town of Owego:

131.19-1-39.12, Edward D Browne
117.19-2-4, April Buchner
117.19-2-48, Julie L Carrigan AKA Julie L Rambus
142.18-1-33, Thomas W & Cathleen Fotorny
117.20-3-36, Donald F Hills
128.11-2-5, Stephen Klenotiz III
128.11-2-33, Stephen Klenotiz III
128.08-3-87 Whitney R Michaud
128.07-1-10, William D & Carmelita Oakes
142.20-1-4, Traci R Oakley
117.19-1-69, John & Deborah Santacroce
129.10-1-2, Nicholas T Sbarra
175.00-2-51, Lori A Searfoss
128.08-3-93, Southside Storage, LLC

Town of Richford:

11.00-2-12.113, Roberta Rounsville

Town of Spencer:

70.00-2-31, Patricia A Shelly
70.00-2-33, Patricia A Shelly

Town of Tioga

147.00-1-17.20, Jay & Ann Ball
159.10-1-8.10, Barbara McKean
148.00-1-14.10, Leticia Ramirez

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standing, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 175-13 *AUTHORIZE THE SALE OF LORI A. SEARFOSS PROPERTY LOCATED IN THE TOWN OF OWEGO TO LORI A. SEARFOSS OR HER ASSIGNS*

WHEREAS: Property located in the Town of Owego, assessed to Lori A. Searfoss, identified as Tax Map number 175.00-2-51, parcel number 5292 owes 2011, 2012 and 2013 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Lori A. Searfoss , who has made an offer to purchase the property for \$6,500.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$6,500.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property assessed to Lori A Searfoss, located in the, Town of Owego, identified on the Town of Owego Tax Map as number 175.00-2-51 parcel number 5292, to Lori A. Searfoss, or her assigns.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 176-13 *AUTHORIZE THE SALE OF JOSEPH AND JANE SINDONI PROPERTY LOCATED IN THE TOWN OF BARTON TO VANDERBILT MORTGAGE AND FINANCE, INC OR THEIR ASSIGNS*

WHEREAS: Property located in the Town of Barton, assessed to Joseph & Jane Sindoni, identified as Tax Map number 167.00-1-11.32, parcel number 1789 owes 2011, 2012 and 2013 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Vanderbilt Mortgage & Finance Inc., who has made an offer to purchase the property for \$8,000.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$8,000.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property assessed to Joseph & Jane Sindoni, located in the, Town of Barton, identified on the Town of Barton Tax Map as number 167.00-1-11.32 parcel number 1789, to Vanderbilt Mortgage & Finance, Inc. or their assigns.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 177-13

*AUTHORIZE THE SALE OF HARVEY K. WRIGHT
PROPERTY LOCATED IN THE TOWN OF
BARTON TO GWENDOLYN REILLY OR HER
ASSIGNS*

WHEREAS: Property located in the Town of Barton, assessed to Harvey K. Wright, identified as Tax Map number 111.00-1-11.20, parcel number 11463 owes 2011, 2012 and 2013 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Harvey K. Wright's daughter, Gwendolyn Reilly, who has made an offer to purchase the property for \$5,000.00, "as is", thereby placing the property back on the tax rolls; be it therefore

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Economic Development & Planning Director	LeeAnn Tinney	7	7/8/13-12/31/15	Y	N/A

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 179-13

*BACKFILL FULL TIME
E-911 DISPATCHER POSITION;
AUTHORIZE HIRING WAIVER
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a full-time E-911 Dispatcher Trainee position due to the transfer of an E-911 Dispatcher effective July 2, 2013; and

WHEREAS: The Tioga County Legislature established a 90-day delay in backfilling vacant positions for the purpose of cost savings; and

WHEREAS: The Sheriff is in need of backfilling this most recent E-911 Dispatcher Trainee position in order to maintain adequate staffing levels for the Communications Division; therefore be it

RESOLVED: That the Sheriff is hereby granted a waiver from the 90-day hiring delay for the position of E-911 Dispatcher Trainee; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to fill the full-time position of E-911 Dispatcher Trainee at an annual salary of \$27,572 (CSEA salary grade VI), effective July 10, 2013.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 180-13 *ABOLISH TITLE OF SOLID WASTE MANAGER
AND CREATE TITLE OF MATERIALS RECOVERY
MANAGER
PUBLIC WORKS*

WHEREAS: Legislative approval is required for the abolishment and creation of job titles within Tioga County; and

WHEREAS: In 2012, Tioga County sold the Barton Solid Waste Transfer Station to a private agency which resulted in a reassignment of duties for the Solid Waste Manager, Ellen Pratt; and

WHEREAS: The Personnel Department has reviewed the work currently being performed by Ms. Pratt and find it is primarily related to oversight of the Tioga County recycling and hazardous waste programs and is no longer involved with the management of the Solid Waste Transfer Station; and

WHEREAS: The Personnel Officer has determined that the classification of Materials Recovery Manager is more representative of Ms. Pratt's duties; and

WHEREAS: Upon review, the NYS Civil Service Department has determined that these titles have comparable examination scopes which will not require additional testing of Ms. Pratt; and

WHEREAS: There will be no fiscal impact on the budget by making this title change; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the abolishment of the title Solid Waste Manager and the creation of the title Materials Recovery Manager; and be it further

RESOLVED: That Ellen Pratt is permanently appointed to the title of Materials Recovery Manager without further examination, at her current annual salary, \$47,665.00, effective July 10, 2013.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to have the following late-filed resolution considered, seconded by Legislator Sullivan and carried with Legislator Roberts being absent.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 181-13 *FUND CAPITAL RESERVE*

WHEREAS: The Tioga County Legislature recognizes the importance of computer technology in maintaining government efficiency and established a fund for such needs in Resolutions #119-13 and #120-13; and

WHEREAS: The Tioga County Legislature would like to fund these reserves through funds it will be receiving from the Consolidated Health Fund due to the County's removal of 330 employees as a result of implementation of the fully-insured High Deductible Plan in February 2012, therefore be it

RESOLVED: That the Tioga County Treasurer accept a payment of \$800,000 from the Consolidated Health Fund; and be it further

RESOLVED: That the Tioga County Treasurer funds the "Computer Software Reserve Fund" with \$500,000 and the "Computer Hardware Reserve Fund" with \$300,000 as follows:

FROM:	A2701.00 Refund of Prior Year Expenses	\$800,000.00
TO:	A9950.93-715 Transfer to Capital Fund	\$800,000.00
FROM:	H5031.00 Interfund Transfers all Others	\$800,000.00
TO:	H878.04 Capital Software Reserve Fund	\$500,000.00
TO:	H878.05 Capital Hardware Reserve Fund	\$300,000.00

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:19 P.M.

Fifth Special Meeting
July 18, 2013

The Fifth Special Meeting of 2013 was held on July 18, 2013 and was called to order by the Chair at 10:34 A.M. Seven Legislative members were present, Legislators Monell (Monell arriving at 10:37 A.M.) and Sullivan being absent.

Chair Weston asked for a moment of prayer. "I would ask for a moment of silence for all the Judicial Systems that are operating in our Country and trying to make sense out of things that seem to never end."

Chair Weston led all Legislators and those in attendance in the Pledge of Allegiance.

There were 10 people in attendance.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 182-13

*AUTHORIZATION TO ADMINISTER A NEW
YORK STATE HOUSING TRUST FUND
CORPORATION – 2013 RURAL AREA
REVITALIZATION PROJECT PROGRAM
GRANT FOR 150 BROAD STREET, WAVERLY,
NY IN THE VILLAGE OF WAVERLY
DOWNTOWN REVITALIZATION PROGRAM*

WHEREAS: The NYS Housing Trust Fund Corporation through their 2013 Rural Area Revitalization Project Program (RARP) has made available a funding opportunity for restoration and improvement of building stock to foster small business development, expand housing, stimulate reinvestment, enable adaptive reuse, address Americans with Disabilities Act (ADA), address code enforcement issues, energy efficiency and to preserve and revitalize mixed-use (commercial, civic and residential) business districts through building rehabilitation and façade improvement grants; and

WHEREAS: The RARP Program criteria only allows not for profit community based organizations to be eligible applicants, the Tioga County Local Development Corporation (TCLDC) is submitting the grant application and if awarded will transfer administration via a memorandum of understanding of said grant to Tioga County Economic Development and Planning (TCEDP) to act as a Local Program Administrator (LPA); and

WHEREAS: The Tioga County Tourism Study (2004) recommends that our revitalization efforts follow the National Trust's Main Street Center 4-point Approach, one of which is – Design: Enhancing the historic commercial district's physical appearance through building rehabilitation, compatible new construction, public improvements and design management systems; and

WHEREAS: The Village of Waverly has continually envisioned this revitalization of their "main street" downtown area to be kept historically sensitive, as is stated in both their 1981 Comprehensive Development Plan and the more recent 2005 Downtown Action Plan. Subsequently, Village of Waverly officials partnered with residents, the New York Community Action Team, the Community and Rural (Regional) Development Institute at Cornell University and New York Main Street Alliance to bring that Downtown Action Plan to life. This RARP grant will be the next effort to address these plans regarding downtown revitalization goals; and

WHEREAS: Tioga County approved resolutions for the 2010, 2011 AND 2012 NYMS Program for the Village of Owego and Village of Nichols in which similar programs were approved; and

WHEREAS: The Village of Waverly approved a resolution in support of this application to the 2013 RARP Program by Tioga County and is desirous of TDLDC to submit application and subsequently have TCEDP conduct the administration of this grant for them; and

WHEREAS: The property owner of 150 Broad Street in the Village of Waverly downtown business district target area has expressed an interest in utilizing this funding to make building improvements; and

WHEREAS: This grant source requires applicants to administer and ensure successful completion of all assisted projects by evaluating and assuring compliance with all local, state and federal laws and regulations, and allows up to a 7.5% administrative fee as administrative revenue for providing such services; and

WHEREAS: The RARP Program grant application will be submitted by the TCLDC for a total of up to \$150,000 for building renovations and façade improvements with 25% cash match provided by property owners, plus TCEDP will receive revenue for staff time to provide administrative services, therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes administration via a memorandum of understanding of said grant from New York State Housing Trust Fund, RARP Program in the amount of up to \$150,000 with cash match provided by property owners with up to 7.5% in administrative revenue to be received for providing such services.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell and Sullivan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 183-13

*AUTHORIZE CONTRACT WITH FINGER LAKES
TECHNOLOGIES GROUP INC. FOR NETWORK
INFRASTRUCTURE INITIATIVE*

WHEREAS: Information Technology solicited Requests for Proposals (RFPs) for a Network Infrastructure Initiative to reconfigure and upgrade the County's network infrastructure; and

WHEREAS: The selection committee has recommended Finger Lakes Technologies Group Inc. (Finger Lakes) as the Vendor for the Network Infrastructure Initiative; and

WHEREAS: The Information Technology Committee has reviewed the recommendation and agrees with the selection committee's recommendation of Finger Lakes as Vendor for the Network Infrastructure Initiative; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign a contract with Finger Lakes to provide the services outlined in the proposal and contract for total fees as set forth in said proposal and contract.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell and Sullivan.

RESOLUTION ADOPTED.

Legislator Monell arrived at 10:37 A.M.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 184-13 *AUTHORIZE TIOGA COUNTY MATERIALS RECOVERY MANAGER TO APPLY FOR A REGIONAL ECONOMIC DEVELOPMENT COUNCIL OF THE SOUTHERN TIER GRANT FOR A TIME-FILLED COMPRESSED NATURAL GAS (CNG) FUELING STATION AND THREE CNG PICKUP TRUCKS*

WHEREAS: The Regional Economic Development Council has announced the availability of up to \$30 million through the Cleaner Greener Communities Program, Strategy 3: Sustainability Projects; and

WHEREAS: Tioga County Department of Public Works has a few old trucks that are in need of replacement; and

WHEREAS: Replacing three trucks with dedicated CNG would reduce greenhouse gas (GHG) emissions and reduce future fuel costs; and

WHEREAS: The grant will pay 75 percent of the cost of the time-filled CNG fueling station and conversion kits for the new trucks; and

WHEREAS: Tioga County will be responsible for the cost of the new trucks plus 25 percent of the cost of the time-filled CNG fueling station and conversion kits for the new trucks; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Materials Recovery Manager to apply and administer the said grant; and be it further

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute any other documents, upon approval of the County Attorney, that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Case, Hollenbeck, Huttleston and Monell.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 185-13 *AUTHORIZE TIOGA COUNTY MATERIALS RECOVERY
MANAGER TO APPLY FOR A REGIONAL
ECONOMIC DEVELOPMENT COUNCIL OF THE
SOUTHERN TIER GRANT FOR THREE ELECTRIC
CHARGING STATIONS AND THREE ELECTRIC
VEHICLES*

WHEREAS: The Regional Economic Development Council has announced the availability of up to \$30 million through the Cleaner Greener Communities Program, Strategy 3: Sustainability Projects; and

WHEREAS: Tioga County has a few old passenger vehicles that are in need of replacement; and

WHEREAS: Replacing three passenger vehicles with electric vehicles would reduce greenhouse gas (GHG) emissions and greatly reduce future fuel costs; and

WHEREAS: The grant will pay 75 percent of the cost of the three electric charging stations and the three passenger vehicles; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Materials Recovery Manager to apply and administer the said grant; and be it further

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute any other documents, upon approval of the County Attorney that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Standing, Case, Hollenbeck, Huttleston and Monell.

No – Legislator Roberts.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 186-13 *AUTHORIZE TIOGA COUNTY MATERIALS RECOVERY MANAGER TO APPLY FOR A REGIONAL ECONOMIC DEVELOPMENT COUNCIL GRANT FOR A CONSTRUCTION AND DEMOLITION (C&D) RECYCLING FACILITY*

WHEREAS: The Regional Economic Development Council has announced the availability of up to \$30 million through the Cleaner Greener Communities Program, Strategy 3: Sustainability Projects; and

WHEREAS: There are no Construction and Demolition (C&D) Recycling Facilities within the Southern Tier; and

WHEREAS: Taylor Garbage, Inc. would like to have a C&D Recycling Facility designed and installed at their site in Apalachin; and

WHEREAS: A C&D Recycling Facility would:

- increase diversion of C&D waste from 25% to 75%
- divert 2,876 tons of solid waste from landfills
- reduce green house gases (GHG) by 3,089 metric tons per year
- create spin-off opportunities such as a biomass brick/wood pellets processor and a compost facility
- creation of up to 5 new jobs with benefits
- increase in tax base; and

WHEREAS: Taylor Garbage would own, operate and pay all local shared costs related to receiving the said grant; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Materials Recovery Manager to apply and administer the said grant.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Case, Hollenbeck, Huttleston and Monell.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 187-13

AUTHORIZE TIOGA COUNTY COMMISSIONER OF PUBLIC WORKS TO APPLY FOR A REGIONAL ECONOMIC DEVELOPMENT COUNCIL OF THE SOUTHERN TIER GRANT TO STUDY AN INTERCHANGE FOR TIOGA DOWNS AND ROUTE 17 WITH COUNTY MATCHING FUNDS OF \$7,500

WHEREAS: The Regional Economic Development Council has announced another round of project funding; and

WHEREAS: The County desires to assist Tioga Downs in maximizing its impact in the Community and in the development of its facility; and

WHEREAS: An interchange would result in greater access to Tioga Downs; and

WHEREAS: BMTS has placed this project on its illustrative list of potential projects; and

WHEREAS: The grant would pay for \$75,000 for the interchange study with the County funding to be 10%; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Commissioner of Public Works to apply and administer the said grant; and be it further

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute any other documents, upon approval of the County Attorney, that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Case, Hollenbeck, Huttleston and Monell.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:39 A.M.

Eighth Regular Meeting
August 13, 2013

The Eight Regular Meeting of 2013 was held on August 13, 2013 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would ask for a moment of silence for the men and women in the Armed Services."

Legislator Roberts led all Legislators and those in attendance in the Pledge of Allegiance.

There were 27 people in attendance.

George Penney had privilege of the floor. "I wish to comment on the resolution that you are to consider today. This resolution has to do with property on Route 434. I would like to remind you that the County does not own this property at the present time. This resolution states that the IDA is joining with the County on this. This is not really a County function. The County has already spent on this property thousands of dollars for a plan and now we are going to get another plan. Any amount spent in this regard I consider unjustified even if it is only 10,000 dollars. Thank you."

Sandra Gumble had privilege of the floor. "I am a 40 year resident of Apalachin. I am currently on the Board of Directors for Americans for Restoring the Constitution, our local group, and with this project on sustainable development I am a volunteer with the New York Liberty Coalition and Freedom Rights Group. I am here today to talk about sustainable development as it is coming quickly into our region.

"Sustainable development or agenda 21 is a directive from the UN to the US to New York State to our counties. It is also in our countries. The sustainable development movement relentlessly attacks our property rights and freedoms. Its goal, social equitable, environmentally sound, and economically feasible, the earth comes first, then animals, and people last. Only land makes us wealthy. High meat intake, use of fossil fuels, appliances, home and work, air conditioning, and suburban housing are not sustainable. There will be higher energy prices, restricted use of water, and severe limitations on use on private property.

"In 1993 President Clinton signed Executive Order 12852 to implement agenda 21 into the US. Governor Cuomo was on that Counsel and was head of HUD. Now terms such as cleaner, greener New York, Smart Growth, Regionalism, which is taken away our elected officials authority and nonelected officials are now in place. They hold such programs and one of their offices is on Main Street in Binghamton. It is in our region. Grants from the State, if not followed according to their current rules, will be fined heavily by HUD. Small business loans, the same applies, and businesses could close.

"What does Tioga County encompass? Farming, agriculture, small businesses. Land easements might be different than what is originally applied for in order to help ease their tax burden. Farms are losing their property rights, it cannot be willed to heirs. EPA has more rights to come in to our property than New York State Police with search warrants. Do not call the Department of Conservation as EPA will come and put your land at risk. Become familiar with sustainable development and our regional economic plan. Our goal is for towns and villages to pass resolutions not to accept any green money, loans, or easements.

"My questions to you once you educate yourself and I have left booklets for each and every one of you to read, would you knowingly put your or other people's property rights at risk or jeopardy? Would you knowingly allow a UN directive into the US that is socialistic? I have educated myself on this for the last five years and the people that we work with. Should you develop a committee on this or any and each and every one of you want to learn more about it, I have tons of information and videos for you to listen to. Thank you for your time."

Legislator Sauerbrey read and presented the following recognition resolution to Cathy and Dorothy Arrington.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

RESOLUTION NO. 188-13

*RECOGNITION RESOLUTION
RECOGNIZING EDWARD L. ARRINGTON
POSTHUMOUSLY*

WHEREAS: Edward L. Arrington passed away on July 24, 2013; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Arrington for his many years of dedicated service to Tioga County and for his service as Mayor of the Village of Owego; and

WHEREAS: Mr. Arrington was elected to the position of Village Trustee of the Village of Owego in 1998 and was elected Mayor in March 2004, serving two consecutive terms as Mayor; and

WHEREAS: Mr. Arrington was instrumental in many projects throughout the Village of Owego, in particular the River walk project and his leadership was a major component in the village's recovery from the floods of 2006 and 2011; and

WHEREAS: Mr. Arrington is survived by his wife, Dorothy, four children, and three grandchildren; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize Edward L. Arrington posthumously for his years of dedicated service to Tioga County and to the Village of Owego, and during his term of office as Mayor of the Village of Owego; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to the family of Edward L. Arrington.

ROLL CALL VOTE

Unanimously Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Cathy Arrington, daughter of Ed Arrington, spoke. On behalf of my father, Edward L. Arrington and the entire Arrington family, I would like to thank you for this proclamation. Edward Arrington was proud to be a part of Tioga County and although he thought only of helping others when making his contribution to the community, I know he would be humbled and thankful for your appreciation and acknowledgement. On behalf of my father, Edward L. Arrington, I accept this honor and extend our sincere thanks. Thank you."

Teresa Ryder of the Employee Recognition Committee presented the Employee of the 2nd Quarter 2013 to Arrah Richards of the Tioga County Sheriff's Office. "The Employee Recognition Committee would like to thank the members of the Legislature for your continued support of the program and today we would like to introduce and congratulate Arrah Richards from the Tioga County Sheriff's Office.

"Arrah is the Payroll Clerk/Typist for the Tioga County Sheriff's Office and she is our second quarter winner today. Arrah began working for Tioga County in March of 2006 when she was hired by the Board of Elections as Deputy Commissioner. Arrah accepted petitions, kept up with State regulations such as the National Voters Registration Act, maintained street files, provided guidance to officials in conduction of local elections, and prepared for inspector training classes. Arrah was also responsible for submitting a report to the New York State Board of Elections that was submitted as a best practice report.

"In September of 2010 Arrah was hired by the Tioga County Sheriff's Office as Payroll Clerk/Typist. Arrah's core responsibility is to manage payroll activities for 120 employees and extend administrative support to all, particularly the executive staff. Arrah's duties also include billing towns, counties, state and federal marshalls for inmate board-ins and road patrol. She also works with the Personnel Office in backfilling and hiring new employees. Arrah's coworkers and supervisors agree that she is extremely dedicated and a hard worker, and performs duties in an exemplary fashion. Arrah continually looks for additional work and ways to improve operations. She has developed spreadsheets for use in tracking and analyzing employee benefit data and overtime data. Arrah has designed forms and invoices. She has also worked with other staff members to standardize the formatting and appearance of more than 150 standard operating procedures.

"Aside from her professional drive, Arrah is a thoughtful and generous person, and a staunch advocate for her co-employees. She is mindful of her coworkers while being and as eager to lend a hand to someone in need. She has volunteered to coordinate the employee donations for United Way. Arrah's drive and enthusiasm are not limited to work life only. She loves the outdoors. Kayaking, boating, and gardening are among her many interests. She has also played the piano for most of her life. The true joy of Arrah's life is her 4-year-old daughter, Emma. Arrah's plan is to share her love of travel with Emma and together eventually visit every State and hopefully travel abroad as well. Thank you Arrah and congratulations."

Legislator Sauerbrey spoke. "I got to know Arrah when she was back at the Board of Elections and I was really impressed with how young she was, but being young and yet being interested in Government, and being interested in your job at the Board of Elections, and she really cared about it. I thought that coming from a young woman like herself was pretty cool and then, of course, the Sheriff stole her away. He has a habit of doing that. She has just done an excellent job at the Sheriff's Office and we are just thrilled that she is there. She has a great future and I am just real proud of her. Thanks."

Undersheriff Mike Jackson spoke. "A couple of years ago when Penny Eddy left, I think most of you remember her, those were big shoes to fill and I remember the Sheriff coming in and saying Undersheriff I have got the perfect person for you, but we are going to have to thief her from another Department. I said who are you thinking about and he said Arrah Richards down in Board of Elections. I said Board of Elections, I said no offense Board of Elections, but I do not think it is going to be a good fit. He is the boss and he hired her, and I tell you we are so glad that he did. She is an exceptional employee. I wish all of our employees were that way, most of them are including Diane, but seriously her and Diane run the office. They really do and we depend a great deal on these guys. They have knowledge of the whole agency. They are hard workers and smart. They do not need to be pushed, they are self-motivated. I am really happy that she is being honored here today."

Sheriff Howard spoke. "This is the first time the Undersheriff has agreed with me in quite a while about hiring somebody. I am getting labeled as a thief and I guess rightfully so. Having my job, I get to go everywhere within the County and I get to see a lot of employees and how they work, and how they manage their time and what they do for each department, and it is refreshing for me when I see these people and then I can steal them as Shawn knows well. The Undersheriff was correct in saying that both Arrah and Diane run the office. We have Diane who was also Employee of the Quarter, so now I have two in the office and I do not know if I am going to be able to stand it going in and getting anything, asking them to do anything. It is an honor to have Arrah as selected Employee of the Quarter and I am grateful for it. Thank you."

Arrah Richards spoke. "Thank you very much. I do not know who nominated me, but it is definitely an honor. Also, as Diane can probably vouch for this, it is easy to work for these guys. They do not micromanage us. They let us do our own thing, so they help us succeed in the jobs that we do. I want to say thank you to you guys for doing what you do and making our job so easy. Thank you."

Chair Weston noted the following Proclamation on Child Support Enforcement Month.

Child support enforcement Month Proclamation

WHEREAS: New York's children need the emotional and financial support of both parents, as well as the support of their extended families and the community, in order to grow into healthy, productive adults; and

WHEREAS: New York State is committed to promoting the health and well-being of all of its children by ensuring that parents pay child support on a regular and timely basis; and

WHEREAS: Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS: The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys still continue to play an active role in child support enforcement; and

WHEREAS: In 2012, the New York State child support program collected more than one billion, eight hundred twenty-two million dollars in child support for custodial parents and their children; and

WHEREAS: In 2012, Tioga County collected over \$5.6 million dollars in child support; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2013, to be

Child Support Enforcement Month

in Tioga County and salute those parents who support their children and honor the child support enforcement professionals in our community and throughout New York State.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		294.32
A1165	District Attorney		3,011.65
A1170	Public Defender		2,332.51
A1172	Assigned Counsel		18,218.70
A1325	Treasurer		48,094.18

A1355	Assessments		2,666.51
A1410	County Clerk		569.82
A1420	Law		19.50
A1430	Personnel		1,739.95
A1450	Elections		322.83
A1490	Public Works Administration		912.25
A1620	Buildings	199.95	56,280.91
A1621	Buildings		24,958.45
A1680	Information Technology		1,900.00
A2490	Community College Tuition		67,216.54
A2960	Education Handicapped Children		68,384.51
A3020	Public Safety Comm E911 System		3,950.48
A3110	Sheriff		15,336.15
A3121	Sheriff LE11-1038-EOO Grant	4,489.76	
A3140	Probation		133.69
A3150	Jail		50,646.47
A3315	Special Traffic Programs		522.00
A3358	FY12 NYS Homeland Security	14,419.29	
A3410	Fire		1,348.20
A3640	Emergency Mgmt Office		745.64
A3656	FY2010 NYS Homeland Security Grt	25,595.00	
A4010	Public Health Nursing		19,423.77
A4011	Public Health Administration		6,072.84
A4012	Public Health Education		20.00
A4042	Rabies Control		1,521.79
A4044	Early Intervention		51.18
A4053	Preventive/Primary Health Svcs		216.86
A4054	Preventive Dental Services		2,551.25
A4064	Managed Care-Dental Services		16,605.00
A4070	Disease Control		4,952.13
A4090	Environmental Health		567.54
A4210	Alcohol and Drug Services		7,042.10
A4309	Mental Hygiene Co Admin		11,611.70
A4310	Mental Health Clinic		49,922.90
A4311	Rehabilitation Support Services		1,854.00
A4320	Crisis Intervention Services		29,249.67
A4321	Intensive Case Management		1,032.56
A4333	Psycho Social Club		25,000.00
A4390	Criminal Psychiatric Expenditures		16,360.56
A5630	Bus Operations		1,407.13
A6010	Social Services Administration		86,345.84
A6422	Economic Development		697.42

A6610	Sealer Weights and Measures	374.40
A8020	Planning	317.58
A8760	NYS DOS LTCRS Grant	11,649.50
A9060	Health Insurance	2,465.37
SOLID WASTE FUND		3,835.55
SPECIAL GRANT FUND		1,257.04
LIABILITY INSURANCE FUND		5,903.05
COUNTY ROAD FUND		24,239.69
CAPITAL FUND		411,014.89
CONSOLIDATED HEALTH INSURANCE FUND		354,853.69
SELF-INSURANCE FUND		<u>1,502.00</u>
GRAND TOTAL		\$ 1,514,228.26

Legislator Monell made a motion to approve the minutes of July 9 and 18, 2013, seconded by Legislator Hollenbeck, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Roberts.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 189-13 *APPOINT AT-LARGE MEMBER TO THE STERPDB REGIONAL BOARD*

WHEREAS: The by laws of the Southern Tier East Regional Planning Development Board (STERPDB) require the composition of the membership from each county to be 1) a county legislator, 2) a local elected official, another county legislator or a citizen at-large and 3) the county planning director, and

WHEREAS: Patty Porter currently holds this at-large position and has not been able to attend a STERPDB Regional Board meeting in over a year due to full-time employment; and

WHEREAS: Patty Porter's term expires 12/31/2013, but STERPDB is desirous of replacing this membership now since it inhibits attaining quorums at meetings and therefore the business of the organization; and

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 191-13 *APPROVE FUNDING
2013 YOUTH BUREAU PROGRAM FUNDING
INCREASE*

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Bureau's 2013 program funding was initially approved by Resolution 113-13; and

WHEREAS: New York State Office of Children and Family Services has now increased funding for County sponsored Youth Bureau programs by \$2,596; and

WHEREAS: The Tioga County Youth Board, in consultation with the Department of Social Services, has recommended the following programs have the previously approved allocation increased by the amounts below to utilize this increased allocation

Youth Development and Delinquency Prevention Program	
Spencer Van Etten Building Foundations	\$1,756

Special Delinquency Prevention Program	
Cooperative Extension Parenting Education	<u>\$ 840</u>
TOTAL	\$2,596

RESOLVED: That the above programs, as recommended by the Tioga County Youth Board, be approved by the Tioga County Legislature for this increased funding in the amounts indicated above and that funding be appropriated as follows:

A7310.41.540 Reimbursements	\$2,596
A3820.00 State Aid- Youth Programs	\$2,596

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 192-13 APPROPRIATIONS OF FUNDS
SOCIAL SERVICES

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Children and Family Services for Non-Residential Domestic Violence Services; and

WHEREAS: A New Hope Center is the approved Non-Residential Domestic Violence Program in Tioga County; and

WHEREAS: Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4610.00 Federal Aid: Administration	\$ 10,083
To: A6010.40.140 Contracting Services	\$ 10,083

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ED&P COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 193-13 *AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE OF
EQUIPMENT FOR ECONOMIC DEVELOPMENT &
PLANNING*

WHEREAS: The Economic Development & Planning Department had a typewriter that was in need of replacement; and

WHEREAS: The Information Technology Department has recommended replacement; and

WHEREAS: The Economic Development and Planning expense account does not have an existing account for the purchase of this equipment; and

WHEREAS: The Tioga County Information Technology Director has approved the purchase for replacement; therefore be it

RESOLVED: That the Director of Economic Development & Planning be authorized to purchase replacement of a typewriter not to exceed \$75.39 and that the following sums be transferred:

From: ED&P Account A6422.40-420 \$75.39

To: ED&P Account A6422.20-290 \$75.39

CD6293.10-10 -Full time Personnel	\$ 216,300.00
CD6293.20-90- Computer	\$ 100.00
CD6293.30-100 -Data Processing	\$ 550.00
CD6293.30-300 -Legal	\$ 100.15
CD6293.30-551 – MLR	\$ 10,000.00
CD6293.40-10 - Advertising	\$ 125.00
CD6293.40-130- Contracts	12,000.00
CD6293.40-140- Contract Services	\$ 70,927.00
CD6293.40-190 –Education Reimbursement	\$ 7,478.35
CD6293.40-420 – Office Supplies	\$ 2,600.00
CD6293.40-480 - Postage	\$ 125.00
CD6293.40-660- Telephone	\$ 1,200.00
CD6293.40-630- Client Tools	\$ 960.00
CD6293.40-733- Training/All Other	\$ 166.00

And

WHEREAS: the Tioga Employment Center County Budget is a calendar year budget and a portion of these funds are currently reflected in the County 2013 budget prepared by the TEC Supervisor last year; and

WHEREAS: From discussions with County Budget Officer, placing this allocation in the current 2013 Tioga Employment Center County Budget would show disproportionate funds available; therefore be it

RESOLVED: That the Tioga Employment Center budget not be amended at this time, the allocations be accepted by the Treasurer's office and the allocations are to be reflected in the 2013 Tioga Employment Center County Budget, and the remainder in the 2014 budget.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE
INFORMATION TECHNOLOGY

RESOLUTION NO. 195-13 *AUTHORIZE PURCHASE OF ELECTRONIC RECORDS
MANAGEMENT SYSTEM FOR THE COUNTY CLERK'S
OFFICE*

WHEREAS: The County Clerks office is responsible for the recording, filing and maintaining of public records for Tioga County; and

WHEREAS: Cott Systems has been selected to be the software vendor who can provide the County Clerks office with online researching, e-filing and e-recording options and will be able to provide additional disaster backup and recovery; and

WHEREAS: The Tioga County Information Technology Department has approved the purchase; be it therefore resolved

RESOLVED: That Cott Systems be selected for the software vendor for the County Clerk's Office; and be it further

RESOLVED: That the County Clerk be authorized to purchase the electronic records management system from Cott Systems for a cost of \$23,480 a year for a five year period; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be authorized to execute a contract with Cott subject to approval of the County Attorney; and be it further

RESOLVED: That the one time fee for e-backup in the amount of \$1,250.00 be charged out of the County Clerk's Capital Equipment Account H1410.21 after transfer of said sum to said account from the Capital Reserve for computer software; and be it further

RESOLVED: That the cost of \$23,480 is to be charged for five years out of the County Clerk's Capital Equipment Account H1410.21 after transfer of said sum to said account from the Capital Reserve for computer software.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 196-13 *TRANSFER OF FUNDS FROM
COMPUTER SOFTWARE
CAPITAL RESERVE FUND*

WHEREAS: Resolution No. 120-13 established a Computer Software Capital Reserve Fund; and

WHEREAS: The County Clerk's Office went out to bid for the purchase of an Electronic Records Management System; and

WHEREAS: A bid has been awarded to Cott for the purchase of said Electronic Records Management System; and

WHEREAS: Funds for said purchase need to be transferred from the Computer Software Capital Reserve Fund to cover the first year of the software expense plus a one-time fee for e-backup; therefore be it

RESOLVED: That the sum of \$24,730 for 2013 be transferred from H878.04 Capital Software Reserve Fund to H1410.21 County Clerk Capital Account.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 198-13 *CREATE HALSEY VALLEY ROAD
OVER DRY BROOK CREEK
TROPICAL STORM LEE FLOOD
MITIGATION GRANT
ACCOUNT AND TRANSFER FUNDS*

WHEREAS: Tioga County was awarded a Hurricane Irene-Tropical Storm Lee Flood Mitigation Grant for designing and implementing flood mitigation and flood control projects in creeks, streams, and brooks in the amount of \$797,291; and

WHEREAS: One of the projects identified was Halsey Valley Road over Dry Brook Creek to stabilize streambanks both upstream and downstream to prevent erosion and scour from future flood events; and

WHEREAS: The grant awarded will reimburse 25% and NRCS (Natural Resources Conservation Service) will reimburse 75%; and

WHEREAS: A Halsey Valley Road over Dry Brook Creek account needs to be established to pay for the work before reimbursement will be received from the grant; therefore be it

RESOLVED: That Halsey Valley Road over Dry Brook Creek Account be created and established as H2013.08; and be it further

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 200-13

*AWARD DESIGN SERVICES TO
LABELLA ASSOCIATES FOR DESIGN
SERVICES FOR HAMILTON VALLEY RD
BRIDGE BIN: 3334950*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges; and

WHEREAS: Funds are available for the design of these bridges as part of the Bond Issue; and

WHEREAS: The Hamilton Valley Rd. Bridge over South Branch Catatonk Creek (BIN: 3334950) is one of the bridges in the program; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Labella Associates, Rochester, NY 14614 in the amount of \$65,400; and be it further

RESOLVED: That the account H2013.09 be established for this project by transferring \$65,400 from H511 Appropriated Reserve Account into H2013.09 Hamilton Valley Rd. Bridge over South Branch Catatonk Creek BIN: 3334950.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 201-13

*RESOLUTION TO AUTHORIZE
CONSULTANT HIRE AND CONTRACT
FOR NYS AG & MARKETS COUNTY AG
& FARMLAND PROECTION PLAN
UPDATE*

WHEREAS: Tioga County has authorized the update of the 1998 Tioga County Agricultural and Farmland Protection Plan and accepted said grant via resolution 58-13 in the amount of \$15,000 for consultant services plus \$4,000 in-kind services for the County Planning Director's time doing project management and grant administration, and

WHEREAS: The Agricultural Planning Committee has conducted a thorough search procedure including issuing an RFP, reviewing many proposals submitted, then conducting consultant interviews and rating the finalists; and

WHEREAS: The Agricultural Planning Committee has selected **edr** and sub-consultant to perform said services; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the contractual services with **edr**, including sub-consultant, to perform said Agricultural & Farmland Protection Plan services in the amount of \$15,000 to be paid from NYS AG Markets Grant Account A8752.40-140; and be it further

RESOLVED: That the Tioga County Legislature authorize the Chair of the Legislature to sign all associated contract paperwork, contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 202-13 *RESOLUTION TO SUPPORT ASSEMBLY BILL A07588
KNOWN AS THE RURAL BROADBAND DEPLOYMENT
ACT WHICH PROMOTES RURAL BROADBAND
DEPLOYMENT BY PROVIDING RESIDENTS AND
SMALL BUSINESSES WITH TAX CREDITS FOR
BROADBAND DEPLOYMENT*

WHEREAS: There are rural areas of Tioga County without access to high speed broadband services because of geographic isolation, topographic conditions, and low population density; and

WHEREAS: Tioga County has made broadband deployment a priority as evidenced by their commitment to having the following broadband and telephony studies completed: Southern Tier East Telecommunications Inventory 2004, Southern Tier East Telecommunication Regional Action Plan 2005, Southern Tier East Regional Broadband Telecommunications Action Plan 2009, and Tioga County REAP Connect Tioga 2008, which identified broadband deficiencies and potential solutions to address the deficiency; and

WHEREAS: Broadband providers have not found it economically feasible to provide broadband services to many of the remote areas of Tioga County; and

WHEREAS: New York State Assembly bill A07588, known as the Rural Broadband Deployment Act, would promote rural broadband deployment by providing residents and small business with tax credits for broadband deployment; and

WHEREAS: The bill would allow for residents and small businesses in unserved areas to come together, pool their economic power, and select a broadband provider to deploy services to their area; and

WHEREAS: Any eligible out of pocket expenses the resident or small business incurs for the construction of the network, would be eligible for a 100% refundable tax credit, over 5 years; and

WHEREAS: The New York State Senate has passed identical bill S05481; therefore be it

RESOLVED: That the Tioga County Legislature supports NYS Assembly bill A07588 known as the Rural Broadband Deployment ACT; and be it further

RESOLVED: That the Clerk to the Legislature shall send a copy of the resolution to Governor Andrew Cuomo, State Senate Majority Leader Dean Skelos, Senator Thomas Libous, Assembly Speaker Sheldon Silver, Assemblyman Christopher Friend, Assemblywoman Donna Lupardo, Clerk to each County Governing Body, and the New York State Association of Counties.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PUBLIC WORKS COMMITTEE
ED&P COMMITTEE

RESOLUTION NO. 203–13 *APPROVAL TO MATCH FUNDS TO TIOGA COUNTY IDA CFA GRANT APPLICATION TO EMPIRE STATE DEVELOPMENT STRATEGIC PLANNING AND FEASIBILITY STUDIES FOR SITE DESIGN FOR E=MT³*

WHEREAS: There is funding from the Empire State Development Strategic Planning and Feasibility Studies Program for site design of Rt 434, Owego, NY (E=mt³) owned by Tioga County IDA; and

WHEREAS: Funding will supply costs toward a Phase I design to construct an access road, prepare a grading plan, install necessary utilities, such as water, sewer, telecommunications, storm water drainage, large parking lot, a 4,000 square foot building to house a Tourism Visitor Information Center as well as a storage facility for Tioga County digital records; and

WHEREAS: Phase II will provide the costs toward the design of a 22,000 square foot building to house offices and wet and dry scientific labs to accommodate the expansion of CPSI Biotech; and

WHEREAS: This project will create a distinctive niche and promote regional Tourism, as well as create employment with the increased staff for the Visitor Center and research jobs for the CPSI Biotech expansion with potential to expand development in addition to promoting a private/public partnership in development; and

WHEREAS: This is a collaborated effort with the Tioga County IDA, Tioga County and Tioga County Tourism submitting the Consolidated Fund Application for a total project in the amount of \$100,000; and

WHEREAS: There is a 50/50 match required (\$50,000) by the proposed funding source; and

WHEREAS: Tioga County ED&P has requested participation from the Tioga County IDA in the amount of \$20,000 of the required match and Tioga County Tourism has agreed to provide \$10,000 of the required match; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes a \$20,000 contribution to the 50% cash match for the Tioga County IDA CFA grant application to ESD Strategic Planning and Feasibility Studies Program for the site design in support of the E=mt³ site development.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Monell, and Weston.

No – Legislators Roberts and Huttleston.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 204-13	<i>AUTHORIZE THE SUBMISSION OF A ROUND 3 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT APPLICATION – FIRE COORDINATORS OFFICE</i>

WHEREAS: The NYS Division of Homeland Security and Emergency Services has announced continuing Interoperable Communications Grant funding; and

WHEREAS: Applications for this grant must be received no later than September 30, 2013; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Fire Coordinators Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 205-13 *AUTHORIZE THE SUBMISSION OF
A TECHNICAL RESCUE GRANT
APPLICATION – FIRE
COORDINATOR’S OFFICE*

WHEREAS: The NYS Division of Homeland Security and Emergency Services has announced continuing Technical Rescue Grant funding; and

WHEREAS: Such grants are the only means of providing the Tioga County Technical Rescue Team with the needed, specialized equipment needed to perform their tasks; and

WHEREAS: Applications for this grant must be received no later than September 4, 2013; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Fire Coordinator’s Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 207-13 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE
BACKFILL PART-TIME 2nd ASSISTANT PUBLIC
DEFENDER POSITION
PUBLIC DEFENDER*

WHEREAS: Legislative approval is required for waivers of 90-day hiring delay;
and

WHEREAS: Mark Loughran, 2nd Assistant Public Defender, has submitted his intent
to resign effective August 5, 2013; and

WHEREAS: The Public Defender seeks to immediately fill the part-time position so
that clients receive legal representation within the Tioga County court system
without delay or interruption; therefore be it

RESOLVED: That the Tioga County Public Defender is hereby granted a waiver
from the 90-day hiring delay and is authorized to fill the part-time 2nd Assistant
Public Defender position at the non-union annual base salary of \$30,154,
effective August 14, 2013.

RESOLVED: That the Public Health Director is authorized to fill the full-time Public Health Sanitarian position effective October 19, 2013 on a provisional basis pending the outcome of the civil service examination.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 209-13 *CREATE AND FILL SEASONAL SOCIAL
WELFARE EXAMINER POSITION FOR
HEAP PROGRAM DEPARTMENT OF
SOCIAL SERVICES*

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin outreach in mid-August and be in full season on November 18, 2013; and

WHEREAS: The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner to staff the HEAP Program; and

WHEREAS: The starting salary for said position will be \$13.650/hr.; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal position of Social Welfare Examiner at \$13.650/hr. effective September 9, 2013, through April 11, 2014.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 210-13 *AUTHORIZE CREATION OF PART-TIME POSITIONS
AND WAIVER OF 90-DAY DELAY
(BOARD OF ELECTIONS)*

WHEREAS: Federal Insurance Contributions Act (FICA) regulations provide that election workers whose earnings exceed \$600 annually must be reported as wages on certain IRS forms and subject to FICA taxes; and

WHEREAS: At present, Tioga County has all election workers classified as contractual; and

WHEREAS: The current classification of four workers needs to be changed based on their earnings; therefore be it

RESOLVED: That the Legislature hereby authorizes the creation of four (4) part-time Election Worker positions effective August 19, 2013 to work as needed at the rate of \$12.00 per hour; and be it further

RESOLVED: That the Election Commissioners are hereby granted a waiver of the 90-day hiring delay to allow for the workers to assist with the upcoming primary elections in September 2013.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell made a motion to have the following late-filed resolution considered, seconded by Legislator Sullivan and carried.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 211-13 *ACCEPT AUCTION BIDS FOR COUNTY
OWNED PROPERTY ACQUIRED FOR
TAXES, AUTHORIZE EXECUTION OF DEEDS*

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Owego, Richford, Spencer and Tioga were offered for sale at Public Auction conducted Friday, August 9, 2013, by the County Treasurer; and

WHEREAS: It is the intent of the Legislature to return the properties to the Tax Rolls as soon as possible; therefore be it

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Prior Owner-Tax Map#</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Town of Barton:</u>		
166.16-3-64, Citizens & Northern Bank	Llenroc Porp. LLC	\$ 77,000.00
122.00-2-6, Jack Gerwin	Terra J Smith	19,000.00
166.20-2-2, Tony B Merrill	Gary Kauppinen	8,000.00

<u>Prior Owner-Tax Map#</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Town of Candor:</u>		
50.00-1-38, George Bobowski	Lisa M Baker	34,000.00
95.00-1-5.13, Joo Shin Kim	Erik Thomas	15,000.00
50.00-1-39.10, Sarah Knapp		
82.00-1-46, Lyn G & Sandra B Mclain	Lawrence T OReilly	305,000.00
82.00-1-39, Lyn G & Sandra B Mclain	Aaron D Gowan	10,000.00
82.00-1-39, Lyn G & Sandra B Mclain	Aaron D Gowan	20,000.00
60.00-1-13.11, Raymond L & Patsy L Stevens	Springtree Properties	20,000.00
61.14-1-36, Corey R Deborah J Whatley	Edward J Cornelius	20,000.00
<u>Town of Newark Valley:</u>		
44.00-1-25, Beverly Forbes-Diaby	Robert Woods	2,500.00
65.00-1-21.22, Dominick Salerno	David W Stack	15,000.00
75.18-1-25.10, Venus Smith	Joseph E Tomazin	9,000.00
<u>Town of Owego:</u>		
131.19-1-39.12, Edward D Browne	Angela A Smith	\$ 40,000.00
117.19-2-4, April Buchner	Amos B Gates	500.00
117.19-2-48, Julie L Carrigan	Stuart JB Craddock	8,500.00
142.18-1-33, Thomas W & Cathleen Fotorny	Ireneusz Bronikowski	27,000.00
117.20-3-36, Donald F Hills Jr	Brian J Robie	14,000.00
128.11-2-5, Stephen Klenotiz III	Eric A Johnson	800.00
128.11-2-33, Stephen Klenotiz III	Eric A Johnson	700.00
128.07-1-10, William & Carmelita Oakes	Andrew E Plaisted	10,000.00
142.20-1-4, Traci R Oakley	Paul H Reeves	8,000.00
117.19-1-69, John & Deborah Santacroce	Nadiya V Birch	8,000.00
129.10-1-2, Nicholas T Sbarra	Eric J Maki	550.00
128.08-3-93, Southside Storage, LLC	Stuart JB Craddock	10,000.00
<u>Town of Richford:</u>		
11.00-2-12.113, Roberta Rounsville	Michael J Koppel	4,500.00
70.00-2-31, Patricia A Shelly	Susquehanna Land Co Inc	130,000.00
70.00-2-33, Patricia A Shelly	Susquehanna Land Co Inc Sold w/ 2-31	
<u>Town of Tioga:</u>		
147.00-1-17.20, Jay & Ann Ball	Craig Kranz	18,000.00
159.10-1-8.10, Barbara McKean	James B Strong	26,000.00
148.00-1-14.10, Leticia Ramirez	Steven T Chaffee	50,000.00

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:36 P.M.

WHEREAS: Betty has been extremely dedicated and tenacious in the performance of her duties and responsibilities during the past 24 years. She has earned the respect of her colleagues in other county departments, and those citizens she professionally interacts with throughout Tioga County; and

WHEREAS: Betty has served on many vital boards and committees representing Tioga County such as; Ag and Farmland Protection Board, GIS Advisory Board, Gravel Mining Review Board and Records Advisory Board; and

WHEREAS: Betty's work has also been very appreciated by her New York State colleagues stating "Betty has been a valued partner in helping to achieve and administer property tax equity for the people of Tioga County. Her contribution to this work has been significant and will be missed. All of us who have worked with Betty have enjoyed our time with her and appreciated her efforts"; and

WHEREAS: Betty will be retiring on September 30, 2013; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Elizabeth J. Hawken for her 24 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Elizabeth J. Hawken.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standing spoke. "I would like to say that Betty does an outstanding job. She makes my job easy as Committee Chair. She is very meticulous in what she does and that is to be recognized. A lot of times employees do not get recognized for what they do. I just want to tell her that it has been a pleasure to have her."

Elizabeth Hawken spoke. "When you get old you get nervous, your brain freezes, and you do not remember what you were going to say or what you wanted to say so I had to put it down on paper. It has been a pleasure working for Tioga County for the last 24 years. It has afforded me many opportunities to move on and up with many challenges. I believe that is the reason why I really enjoyed my job here at Tioga County so much was because of those challenges.

"As the resolution stated, I was hired in the County Real Property Tax Office in 1989. That Department was fairly new. The State had just previously several years before mandated that every County in New York State must have a Real Property Tax Office and for me my beginning every step was a learning curve. I was given a computer and put to work keying in data changes for assessors from their handwritten notes, which would ultimately be printed as an assessment roll. I learned about tax maps, how to print those maps on a smelly Diazo machine. I learned about New York State Real Property Tax Law, deeds, corrections, and mapping changes. Not much later New York State Real Property Tax software was installed on the server and I was put to work learning dos. That was fun. Trial and error, the trick was to get your entries completed in all the right buckets and use the right computer language for your dos commands, and when you finally did not get a popup error message you knew you were good to go. Doug can tell you that.

"I was just getting pretty good at dos when a windows version of RPS was installed and the learning began all over again. No longer merging assessors files from disks, but working on the administrative computer while the assessors keyed into their computers in their offices, which their computers were connected to the County server. We were challenged with compatibility issues, assessors that did not want change, tax bills, assessing villages, irate public opinions. Some things just never change. Actually my 24 years with Tioga County Real Property Office was a snap compared to my memories from my nine years working at Waverly High School. All those challenges I did enjoy afforded me opportunities to move up from Real Property Tax Assistant, Technician, Deputy Director, and Director serving under two Directors, which I will always have fond memories of.

"Saying goodbye is more difficult than I had anticipated. It is a sobering, life changing moment that I look forward to with mixed feelings and anticipation. Over 30 years in public service has made me a better person and I am happy to have spent my working life in public service. I would not have wanted to be employed anywhere else. Now it is time for a new chapter. I find that I need to retire now that the kids are gone and I am older. I am so busy

that I do not have time for a job. I was told retirement is when you stop living at work and began working at living with which I fully intend to do. The only problem I am being told is with retirement you never get a day off. In the words of James H. Douglas "A good job is more than just a paycheck. A good job fosters independence and discipline, contributes to the health of the community. A good job is the means to provide for the health and welfare of your family, to own a home and save a retirement." Mine was a good job and I thank you all."

Legislator Huttleston spoke. "I have been involved with the Real Property Department for a long time, back with McCrossen, Gloria Milks, Doug Barton, Betty, and I will say one thing as a user of that Department they have been very helpful and very good, and I have always appreciated dealing with them and never had a problem. I want to thank you and Doug for the good service you provided."

Legislator Huttleston read and presented the following recognition resolution to Christie Walker.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 213-13 *RECOGNIZE CHRISTIE A. WALKER'S
34 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Christie A. Walker began her career with the Tioga County Department of Social Services as a C.E.T.A. employee on August 13, 1979, was hired as a Caseworker on March 31, 1980, was promoted to Case Supervisor on June 9, 1986 and has remained in that title; and

WHEREAS: Christie Walker has been a dedicated and loyal employee in the performance of her duties within the Services Division of the Tioga County Department of Social Services, having worked in and supervised – Foster Care, Child Protective/Preventive, Family and Adult Services, and Adolescent & Adult Protective Services during her thirty-four years of service; and

WHEREAS: Christie Walker will retire on September 28, 2013; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Christie A. Walker for her thirty-four years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Christie A. Walker.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. "I would like to say another thing, I told you about how I used my business in the Real Property Department and I almost wanted to go on social services and give all my assets away so I could work with people like Christie Walker in your Department because you certainly have a Department there that everybody in this County including myself and especially the people we serve to be proud of. Shawn has done a good job, Gail has done a good job, and Christie Walker has done a good job. It has made my life easier and it has made life easier for a lot of people in this County, and I appreciate it."

Shawn Yetter, Commissioner of Social Services spoke. "Let me begin by saying that Christie Walker's name can be found in the dictionary under the definition of institutional knowledge. With only one person at the Department who has been with us longer, Christie represents a wealth of knowledge and experience, not only with programmatic rules and regulations, but also with and what will be equally missed knowledge around the many families and individuals whom we serve. If a name comes up, Christie can basically give a genealogy on their family, the role we may have played in their lives over the last three or four generations, who their boyfriend or girlfriend was in 1987, and then offer up insight and advice on how to proceed to best work with them and meet their needs.

"10 years ago supervision in the Child Welfare Division was in a mild state of chaos with several resignations and retirements in a short period of time. Gail was working diligently to rebuild a solid team of supervisors. The one constant that was always there was Christie. Over a several year period Christie was asked multiple times to move to different Units and to pinch hit where we had gaps while that rebuilding was going on. While we could see and feel the frustration this held for her, she never once complained about it. For two years in a row Christie received the Commissioner's Award for excellence for stepping up to the plate. It is because of Christie's willingness to always step forward that Gail could rebuild that team of supervisors into the solid group that it is today. Christie your leadership in that cannot be underestimated and it is part of your legacy.

"Knowing this moment was on the horizon, your Supervisor and friend of many years, Gail Barton asked herself the question, how do you recognize, thank, and say goodbye to someone you have known and worked with almost every single day for the past 34 years. Her answer was put my thoughts down on paper and then have someone else read it. So Christie, in Gail's words, you are someone who has had a work ethic unmatched by any other employee. Someone who often had to be coaxed into taking vacation time, who was always willing to work late to deal with a last minute crisis. Someone who has more knowledge and information about the agency and the work we do than almost any other person in the County. Someone you could count on for her Christie archives, to have saved old memos, past policies and procedures, and have the minutes from every meeting she ever attended, and that is not an exaggeration.

"Someone who has always been the first to congratulate you on your personal and professional accomplishment and to console and comfort you on your personal losses. Someone who has always treated her supervisors and administrators with the utmost professionalism and respect. Someone who was willing to learn whatever you asked her to and to work in and move to whichever position or Unit you needed her in. Someone who took a voluntary demotion rather than bump a colleague out of a Civil Service position. Someone who has displayed grace under fire in response to being questioned about how and why she and other agency staff handled a most difficult and gut wrenching situation the way we did. Someone who has always fully contributed to and participated in agency social activities. Someone who is even tempered and has never displayed anger or utter any profanity regardless of the situation. Someone it has been a privilege to know and work with for 34 years. Someone I am proud to call my colleague and friend."

"Christie, Gail wrote these words, but we all feel them. On behalf of the administration and staff at DSS and the residents of the County whom you have worked tirelessly for for 34 years we thank you for your years of dedication in public service. You will be truly be missed. Congratulations on a well deserved retirement."

Christie Walker spoke. "I did not prepare anything because I feel like Gail, but everything Betty said minus the computer stuff. I just want to thank everybody for the opportunity and the trust, and working together."

There was no privilege of the floor.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		395.92
A1165	District Attorney		2,785.98
A1170	Public Defender		2,330.10
A1172	Assigned Counsel		17,559.06
A1185	Coroner		880.80
A1325	Treasurer		528.96
A1355	Assessments		149.45
A1410	County Clerk		156.00
A1411	Department of Motor Vehicles		217.21
A1420	Law		3,309.99
A1430	Personnel		1,739.95
A1450	Elections	476.80	522.37
A1620	Buildings		24,030.72
A1621	Buildings		8,928.57
A1680	Information Technology	131,520.00	1,323.00
A1910	Unallocated Insurance		9,642.00
A2490	Community College Tuition		24,855.67
A2960	Education Handicapped Children		107,625.20
A3020	Public Safety Comm E911 System		4,551.87
A3110	Sheriff		16,090.22
A3140	Probation		144.00
A3146	Sex Offender Program		9,240.00
A3150	Jail-Annex		56,087.45
A3410	Fire		2,953.94
A3640	Emergency Mgmt Office		523.51
A3990	Fire-SHO8-1032-EOO	38,213.72	
A4010	Public Health Nursing		43,635.97
A4011	Public Health Administration		1,839.61

A4012	Public Health Education	154.00
A4042	Rabies Control	2,123.81
A4044	Early Intervention	177.32
A4053	Preventive/Primary Health Svcs	93.13
A4054	Preventive Dental Services	2,237.69
A4064	Managed Care-Dental Services	8,762.41
A4070	Disease Control	4,093.59
A4090	Environmental Health	566.81
A4210	Alcohol and Drug Services	882.41
A4211	Council on Alcoholism	10,999.34
A4309	Mental Hygiene Co Admin	4,612.42
A4310	Mental Health Clinic	7,823.40
A4320	Crisis Intervention Services	1,856.02
A4321	Intensive Case Management	1,541.04
A5630	Bus Operations	69,230.98
A6010	Social Services Administration	71,707.13
A6510	Veterans' Service	80.00
A6610	Sealer Weights/Measures	281.31
A8020	Planning	57.07
A8760	NYS DOS LTCRS Grant	7,094.03
SOLID WASTE FUND		165,825.00
SPECIAL GRANT FUND		1,905.63
COUNTY ROAD FUND		39,790.56
CAPITAL FUND		374,197.07
CONSOLIDATED HEALTH INSURANCE FUND		26,360.98
SELF-INSURANCE FUND		<u>13,896.00</u>
GRAND TOTAL		\$ 1,328,607.19

Legislator Hollenbeck made a motion to approve the minutes of August 13, 2013, seconded by Legislator Case, and carried.

Chair Weston made the following appointments to an Information Technology Steering Committee effective 9/11/2013:

Michael Jackson, Undersheriff
Teresa Ryder, WMS Coordinator, DSS
Robert Colling, Probation Officer
Lisa Poole, Deputy County Clerk
Linn Bruce, Civil Service Administrator
Christian Root, First Assistant County Attorney
Elaine Jardine, County Planning Director

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 214-13 *ADOPT LOCAL LAW NO. 3 OF 2013*

WHEREAS: A public hearing was held on July 3, 2013, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2013 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 3 of 2013; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 3 of the Year 2013.

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

SECTION 2:

Imposition of sales tax.

On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2003, and ending November 30, 2015 there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2:

Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 2-a:

Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2015, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2015, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost

of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2015, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2015, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2015.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vendor of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the

premises, for which such energy sources or services are purchased, is used solely as a residence or identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

SECTION 3:

Subdivision (h) of Section Three of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2003, and ending November 30, 2015, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2003, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2003, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2003. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2003, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 4:

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 4:

Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2003, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by

the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible

personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 5:

Paragraph (C) of Subdivision (1) of Section 11 of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2015, in respect to the use of property used by the purchaser in this County prior to December 1, 2003.

SECTION 6:

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2003, through November 30, 2015, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.

SECTION 7:

This enactment shall take effect on December 1, 2013.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 215-13 *AUTHORIZE ONLINE RESEARCH FEES OF THE
ELECTRONIC RECORDS MANAGEMENT SYSTEM
FOR THE COUNTY CLERK'S OFFICE*

WHEREAS: The County Clerk's office is responsible for the recording, filing and maintaining of public records for Tioga County; and

WHEREAS: The Tioga County Legislature has made recommendations to the Tioga County Clerk to charge a viewer usage fee to view online records; be it therefore

RESOLVED: That the Tioga County Clerk allow users to view index information for no fee and that a subscription fee be charged to view the index information and actual document as follows:

24 Hour Unlimited Access to Index and Image pg to print	\$ 5.00 Day	\$0.65	per
30 Day Unlimited Access to Index and Image pg to print	\$100.00 Month	\$0.65	per
6 Month Unlimited Access to Index and Image pg to print	\$500 Semi Annual	\$0.65	per

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Weston, and Roberts.

No – Legislator Huttleston.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 216-13 *AMEND RESOLUTION 211-13
ACCEPT AUCTION BIDS FOR COUNTY
OWNED PROPERTY ACQUIRED FOR
TAXES, AUTHORIZE EXECUTION OF DEEDS*

WHEREAS: Resolution 211-13 was adopted on August 13, 2013; and

WHEREAS: Resolution 211-13 needs to be amended for the Town of Candor; therefore be it

RESOLVED: That Resolution 211-13 Accept Auction Bids for County Owned Property acquired for taxes, authorize execution of deeds be amended as follows:

REMOVE
Town of Candor
50.00-1-39.10, Sarah Knapp

CHANGE
Town of Candor
82.00-1-39, Lyn G & Sandra B McLain Aaron D Gowan \$10,000.00
TO
82.00-1-37, Lyn G & Sandra B McLain Aaron D Gowan \$10,000.00

And be it further

RESOLVED: That the remainder of Resolution 211-13 shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING
COMMITTEE

RESOLUTION NO. 217-13 *SEQRA CONSIDERATION FOR NEW YORK STATE
OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION 2013-2014 SNOWMOBILE TRAILS
GRANT-IN-AID PROGRAM, PHASE II APPLICATION*

WHEREAS: All new or modified snowmobile trails must have a SEQRA Determination approved and a Type II action as defined by 6 NYCRR 617.5(c)(26) and is not subject to review; and

WHEREAS: The trail changes to S57B for the Tioga Ridge Runners and S28 and S27A for the Spencer-Van Etten Snowmobile Club along with GPS updates for all trails for Spencer-Van Etten and the Candor Valley Riders as presented to NYSOPRHP are an Unlisted Action requiring Tioga County to consider the environmental significance of these changes; and

WHEREAS: A Short Form Environmental Assessment Form has been prepared for review by the Tioga County Legislature; now therefore be it

RESOLVED: That the Tioga County Legislature does hereby declare itself to be the Lead Agency and that it will undertake an uncoordinated review of the project; and be it further

RESOLVED: That the Tioga County Legislature has reviewed the Short Form Environmental Assessment Form, including the impact assessment, and has determined, based on the information and analysis set forth therein that the proposed action WILL NOT result in any significant adverse environmental impacts; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair to execute the Impact Assessment and the Determination of Significance of the Short Form Environmental Assessment Form and a Notice of Determination of Non-Significance (a Negative Declaration) in a manner consistent with this determination.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 218-13

*RESOLUTION TO EXTEND CONSULTANT
CONTRACT FOR HAZARD MITIGATION PLAN
COORDINATOR*

WHEREAS: Per resolution 193-12, the Tioga County Legislature authorized Tioga County Soil & Water District to perform the Hazard Mitigation Plan Coordinator services for the period of September 1 2012 – August 31, 2013; and

WHEREAS: This contract needs to be officially extended until December 31, 2013; and

WHEREAS: Tioga County Planning Department has enough funds in the 2013 budget to cover these expenses in appropriation account A8020.40-140; and

WHEREAS: The Tioga County Attorney has already reviewed said contract and approved the extension until the end of 2013; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the extension of said contract with Tioga County Soil & Water Conservation District, to perform Hazard Mitigation Coordinator services until December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 219-13 *ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: A SCAR decision reduced the assessment on property no. 2898, assessed to Danny & Tammy Lindsay in the 2013 tax rolls of the Town of Candor; and

WHEREAS: The assessment for property no. 2898 should have been reduced from \$242,400 to \$193,000 for tax year 2013 but the court order was received after the bills were printed and warrants were in place; and

WHEREAS: The 2013 tax bill of \$4,008.95 was paid in full by Danny Lindsay to the Town of Candor Tax Collector; be it therefore

RESOLVED: That a refund of \$816.99 be issued to Danny & Tammy Lindsay by the Tioga County Treasurer; and be it further

RESOLVED: That the erroneous town tax of \$288.42 be charged back to the Town of Candor, and the erroneous fire tax of \$83.29 be charged back to the Candor Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$18.72 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$426.56 be charged to the proper accounts in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 220-13

*AUTHORIZE THE SUBMISSION OF A NYS
HOMELAND SECURITY – FY2013
TACTICAL TEAM TARGETED GRANT*

WHEREAS: The NYS Office of Homeland Security has announced a Tactical Team Targeted Grant; and

WHEREAS: Applications for this grant must be received no later than October 7, 2013; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Sheriffs' Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 221-13

APPROVE 2014 STOP DWI PLAN

WHEREAS: The New York State Governor's Traffic Safety Committee (GTSC) requires Counties to submit an annual STOP DWI Plan for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2014 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2014 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$46,300
Prosecution Related	\$14,000
Probation	\$16,200
Rehabilitation	\$13,150
PI&E	\$19,200
Administration	<u>\$ 6,000</u>
	\$114,850

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 222-13 *AMEND COUNTY POLICY 3: ORIENTATION, EXIT INTERVIEWS, RECRUITMENT, RETIREMENT*

WHEREAS: County Policy 3 requires revision in order to clearly state current practices; and

WHEREAS: Further revision is required due to the upcoming change in coverage for Medicare eligible retirees as of January 2014; therefore be it

RESOLVED: That the current Section IV Retirement-D is repealed in its entirety effective immediately, but those currently enrolled in the Medicare Blue PPO shall be allowed to either continue that coverage or elect other coverage offered to retirees/spouses; and be it further

RESOLVED: That Section IV Retirement-C.5 is deleted and a new Section D created that reads "If an employee/retiree passes away, the spouse and family of the employee/retiree will be allowed to continue the same coverage for the balance of the month that the employee/retiree passed away and the following month at no cost, then the spouse and family will be offered the opportunity to carry the coverage for as long as eligible if they pay 100% of the premiums." As this paragraph was intended to apply to Section A, B and C, not just C.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 223-13 *AMEND RESOLUTION 50-94 AS AMENDED BY
RESOLUTION 361-01, AS AMENDED BY RESOLUTION
260-09, AS AMENDED BY RESOLUTION 186-10:
RETIREE HEALTH INSURANCE CONTRIBUTIONS*

WHEREAS: Resolution 50-94 established health insurance contribution rates for retirees at \$5.00 or \$7.50 per month; and

WHEREAS: Resolution 361-01 increased those rates to \$10.00 or \$15.00 per month; and

WHEREAS: Resolution 260-09 increased the monthly contributions by \$10.00 per month to \$20.00 or \$25.00; and

WHEREAS: Resolution 186-10 increased the monthly contributions to \$20.00 or \$25.00 per month plus the additional cost of Classic Blue coverage over PPO coverage for those retirees with Classic Blue coverage; and

WHEREAS: Effective January 1, 2014, those retirees and/or spouses of retirees who are Medicare eligible will be required to change to a Medicare Supplemental Plan, which is only available on an Individual basis; therefore be it

RESOLVED: That Medicare eligible retirees and spouses shall be required to contribute \$20.00 per month each for the Individual Medicare Supplemental Plan effective January 2014.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Abstain – Legislator Case.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 224-13 *AUTHORIZE CONTRACT
MEDICARE ELIGIBLE RETIREE HEALTH
INSURANCE
(PERSONNEL COMMITTEE)*

WHEREAS: Tioga County offers retirees to continue health insurance coverage if certain criteria is met; and

WHEREAS: Traditionally the coverage available to retirees has been the same as for active employees; and

WHEREAS: Those retirees eligible for Medicare do not need the same level of coverage as active employees; and

WHEREAS: The County identified this as an area to potentially cut costs; and

WHEREAS: The County and representatives from the Tioga County Retirees Association have worked with a consultant and requested proposals from insurance carriers on Medicare Plan F plus drug coverage; and

WHEREAS: As a result of this process, the County with agreement of the Retirees Association has determined that The Hartford presented the most attractive package for the coverage needed by this portion of the retiree population; therefore be it

RESOLVED: That The Hartford is hereby awarded a contract to provide Tioga County's Medicare eligible retirees with Medicare Supplemental Plan F Coverage coupled with a drug plan with \$5/\$15/\$30 co-pays effective January 1, 2014; and be it further

RESOLVED: That the Chair of the Legislature is hereby authorized to sign the contract with The Hartford; and be it further

RESOLVED: That the premiums quoted by The Hartford of \$372.71 per individual per month are guaranteed through December 31, 2014 and the 2015 rates are guaranteed not to increase more than 6.5%.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Abstain – Legislator Case.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 225-13 *AUTHORIZE CREATION OF TEMPORARY FULL-TIME
DEPUTY DIRECTOR POSITION; AUTHORIZE
APPOINTMENT OF COUNTY DIRECTOR OF REAL
PROPERTY TAX SERVICES
REAL PROPERTY TAX SERVICES*

WHEREAS: The current County Director of Real Property Tax Services had previously announced that she will retire at the end of her term, effective September 30, 2013; and

WHEREAS: Recruitment has been conducted and a candidate has been nominated to and approved by the State Department of Taxation and Finance to fill said position at the start of the next six year term, which begins October 1, 2013; and

WHEREAS: There is an interest to acclimate the new County Director of Real Property Tax Services within the department prior to the current incumbent's retirement; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of a temporary, full-time Deputy Director of Real Property Tax Services position which will be filled effective September 23 through September 30, 2013 with the appointment of Terie Huseby at a rate of \$30.10 per hour; and be it further

RESOLVED: That the Tioga County Legislature appoints Ms. Huseby to the permanent position of County Director of Real Property and Tax Services for a six year term effective October 1, 2013 through September 30, 2019, at a non-union annual salary of \$55,000.00; and be it further

RESOLVED: That the temporary, full-time Deputy Director of Real Property Tax Services position shall be abolished effective October 1, 2013; and be it further

RESOLVED: That upon satisfactory evaluation, Ms. Huseby shall be eligible for a non-union salary increase effective April 1, 2014.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Case, Hollenbeck, Weston, and Roberts.

No – Legislator Sullivan.

Abstain – Legislator Huttleston.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 226-13 *AUTHORIZE RETROACTIVE APPOINTMENT TO
SECRETARY TO DIRECTOR OF COMMUNITY
SERVICES
MENTAL HYGIENE*

WHEREAS: Resolution 273-12 authorized a provisional appointment to the title of Secretary to the Director of Community Services as the result of the Director satisfying the 90-day delay in filling the vacancy in said position; and

WHEREAS: The provisional incumbent was unreachable for permanent appointment from the eligible list as a result of the civil service examination conducted in 2013 and was subsequently removed from said position on August 23, 2013, in accordance with NYS CSL §65(3); and

WHEREAS: Resolution 93-11 allows for an exemption from the 90-day delay when a non-permanent incumbent is terminated from employment; and

WHEREAS: The Director of Community Services has utilized the appropriate eligible list to make a permanent appointment; therefore be it

RESOLVED: That Susan Graves be appointed to the title of Secretary to the Director of Community Services retroactive to August 26, 2013, at an annual salary of \$26,909 (Non-union, base salary).

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 227-13 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE
BACKFILL OF VACANT, FULL-TIME EARLY
INTERVENTION SERVICE COORDINATOR POSITION
PUBLIC HEALTH*

WHEREAS: Legislative approval is required for waivers of 90-day hiring delay;
and

WHEREAS: Due to an incumbent's resignation, a vacancy currently exists for a
full-time, Early Intervention Service Coordinator position; and

WHEREAS: The Public Health Director seeks to immediately fill the position in
order to maintain program services without delay or interruption; therefore be it

RESOLVED: That the Tioga County Public Health Director is hereby granted a
waiver from the 90-day hiring delay and is authorized to fill the vacant, full-time
Early Interventions Service Coordinator position at an annual salary of \$36,507
(CSEA X), effective September 11, 2013; and be it further

RESOLVED: That said appointment shall be provisional pending the outcome of
the civil service examination.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston,
Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to have the following two late-filed resolutions considered, seconded by Legislator Case and carried.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 228-13 *END TEMPORARY APPOINTMENT (INFORMATION TECHNOLOGY & COMMUNICATION SYSTEMS)*

WHEREAS: Resolution 48-13 authorized the temporary appointment of Drew Griffin as Director of Information Technology and Communication Systems; and

WHEREAS: The Legislature has determined that a different arrangement will better serve the needs of the County; therefore be it

RESOLVED: That effective September 11, 2013, Drew Griffin shall be returned to his Software Support Liaison position at the annual salary of \$44,487.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 229-13 *AUTHORIZE TEMPORARY APPOINTMENT TO DIRECTOR OF INFORMATION TECHNOLOGY AND COMMUNICATION SYSTEMS*

WHEREAS: The County is currently recruiting for a Director of Information Technology and Communication Services; and

WHEREAS: The County is also evaluating several existing computer systems and may possibly be purchasing new systems, implementation of which will require significant oversight, and

WHEREAS: A consulting firm has been providing assistance in the evaluation of our current systems and review of replacement systems and therefore has a broad overview of the County's needs in the area of Information Technology; and

WHEREAS: The County Legislature is now interested in having an agent of the consulting firm serve as Acting Director of Information Technology and Communication Systems for the remainder of 2013; therefore be it

RESOLVED: That Jeff Morgan is hereby appointed part-time temporary Acting Director of Information Technology and Communication Systems effective September 11, 2013, at a rate of \$400 per day through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, Weston, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:34 P.M.

Tenth Regular Meeting
October 15, 2013

The Tenth Regular Meeting of 2013 was held on October 15, 2013 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Standinger to have a moment of prayer. "Lord, we thank you for the many gifts you have provided us with and we ask your guidance and wisdom as we conduct the business of governing Tioga County."

Legislator Standinger led all Legislators and those in attendance in the Pledge of Allegiance.

There were 15 people in attendance.

Arrah Richards of the Employee Recognition Committee presented Employee of the 3rd Quarter 2013 to Nancy Dow of the Public Health Department. "On behalf of the Employee Recognition Committee, I would like to thank you all for your continued support of the Employee Recognition Committee.

"I would like to congratulate Nancy Dow as she is Employee of the 3rd Quarter for 2013. Nancy has worked in the Public Health Department as a typist in the Primary and Preventive Division since she started in 2005. She wears several hats and excels in all of them. She is the go to person for numerous things and is her Supervisor's right arm. Nancy tracks and compiles all of the patient and departmental historical information and her accuracy is phenomenal. Numerous times her reporting was more accurate than what New York State had on record for our County.

"In addition, Nancy is a voice many people know through her handling the scheduling of Health Clinic appointments. She represents the Department and County very well. Nancy is always polite, professional, and compassionate, and she demonstrates initiative on a daily basis and is always looking for a more effective way to do things while never seeking recognition. Nancy has even trained herself on how to do new things on the computer so she can implement them. Nancy's colleagues appreciate and respect her as shown when she was selected for the very first Public Health Team Member of the quarter when the honor was first started in 2008.

Nancy resides in Barton with her husband Dan and they have three children and eight grandchildren. Nancy is also very active with the Living Water Baptist Church in Owego. The employees and citizens of Tioga County are blessed to have Nancy serving them. Nancy is honored today. Congratulations."

Legislator Huttleston spoke. "It is people like Nancy that makes this County what it is. The real winners are the people that we serve and I appreciate it. It makes my job easier. It makes everybody's job in the Department easier. There are several people like you in this County and our County I think stands heads and shoulders above a lot of other counties as far as servicing the public and getting along, and doing a good job. I appreciate it."

Marilyn Reynolds of the Health Department spoke. "I just want to duplicate ditto what was said in the reward. Nancy is an incredible person and an incredible employee. She is not just my right arm, she is my left arm as well and anybody who knows me, knows I am a very disorganized person. The only organization I have is Nancy. She is again a remarkable person. She has been a real blessing to me and the Department, and I will ditto what Dick Huttleston said is that she is the epitome of what a Tioga County employee should be because she is again a remarkable person and a blessing."

Margaret Shuler of the Public Health Department spoke. "I am known to have kind of a big mouth so this was my opportunity. I will be very brief, but I just want to say a couple words on Nancy's behalf. I said when someone transforms the job position, that is amazing enough, but Nancy has not only transformed the job position, she has transformed our Department and she has transformed me. When a nurse wants to do better because of a coworker, to me that is just amazing and she makes me want to be a better nurse and do a better job, and sometimes when she has come up with these wonderful ideas, my first inclination is wow I wish I had thought of that, but my very next thought is I am so grateful that she works with us and we have her in our Department. I really am in awe of her ability to not only transform her job, but really our whole Department and I know for myself she has changed how I have done nursing and how I look at things, and for that I am very grateful. Thank you."

There was no privilege of the floor.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		169.70

A1165	District Attorney		2,388.08
A1170	Public Defender		4,981.41
A1172	Assigned Counsel		26,803.64
A1185	Medical Examiners/Coroners		4,250.00
A1325	Treasurer		34.60
A1355	Assessments		6,713.00
A1410	County Clerk		136.45
A1411	Department of Motor Vehicles		75.60
A1420	Law		4,712.93
A1430	Personnel		2,236.60
A1450	Elections		10,412.38
A1620	Buildings		32,095.82
A1621	Buildings		13,390.07
A1680	Information Technology	3,766.04	29,119.00
A2490	Community College Tuition		1,780.00
A2960	Education Handicapped Children		134,833.42
A3020	Public Safety Comm E911 System		4,595.07
A3110	Sheriff		18,470.43
A3146	Sex Offender Program		9,240.00
A3150	Jail		56,738.14
3315	Special Traffic Programs		700.00
A3410	Fire		1,877.19
A3640	Emergency Mgmt Office		371.78
A4010	Public Health Nursing		27,599.63
A4011	Public Health Administration		2,391.78
A4042	Rabies Control		2,070.40
A4044	Early Intervention		450.67
A4053	Preventive/Primary Health Services		85.55
A4054	Preventive Dental Services		2,550.01
A4064	Managed Care-Dental Services		8,499.49
A4070	Disease Control		1,610.20
A4090	Environmental Health		623.73
A4210	Alcohol and Drug Services		15,046.18
A4211	Council on Alcoholism		10,909.34
A4309	Mental Hygiene Co Admin		16,904.59
A4310	Mental Health Clinic		91,999.16
A4320	Crisis Intervention Services		13,152.67
A4321	Intensive Case Management		2,081.53
A5630	Bus Operations		68,379.38
A6010	Social Services Administration		107,771.08
A6422	Economic Development		27.63
A6510	Veterans' Service		85.44

A6610	Sealer Weights/Measures	127.14
A7510	Historian	63.36
A8020	Planning	16.99
A8760	NYS DOS LTCRS Grant	8,294.70
SOLID WASTE FUND		186,674.96
SPECIAL GRANT FUND		10,752.01
LIABILITY INSURANCE FUND		269.50
COUNTY ROAD FUND		21,809.21
CAPITAL FUND		397,591.93
CONSOLIDATED HEALTH INSURANCE FUND		312,278.38
SELF-INSURANCE FUND		<u>1,906.00</u>
GRAND TOTAL		\$ 1,681,613.99

Legislator Monell made a motion to approve the minutes of September 10, 2013, seconded by Legislator Hollenbeck, and carried.

Chair Weston made the following appointment to the Municipal Electric & Gas Alliance Board (MEGA):

Douglas Barton – 11/13/13 to 11/12/17

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 230-13 *AUTHORIZE TIOGA COUNTY MATERIALS RECOVERY MANAGER TO APPLY FOR HAZARD MITIGATION GRANT PROGRAM (HMGP) GRANTS FOR TWO SCOUR CRITICAL DESIGNATED COUNTY BRIDGES*

WHEREAS: On August 1, 2013 the Materials Recovery Manager submitted Letters of Intent (LOI) for two scour critical bridges to the Hazard Mitigation Grant Program (HMGP); and

WHEREAS: Both LOI's were approved and are eligible to be submitted as HMGP applications; and

WHEREAS: Tioga County has two bridges that have been determined as scour critical; meaning that in high flow situations the abutments could be undermined; and

WHEREAS: All bridges that are designated as scour critical require an inspection and action plan after every high flow situation; and

WHEREAS: Department of Public Works will apply heavy stone fill grouted with concrete to protect the base of the abutments in high flow situations; and

WHEREAS: This application will cost \$40,000 per bridge and the grant will pay for 75 percent of the cost; and

WHEREAS: Therefore removing these bridges from the scour critical designation; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Materials Recovery Manager to apply and administer the said grants; and be it further

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute any other documents, upon approval of the County Attorney, that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 231-13 *AWARD ENERGY SAVINGS PERFORMANCE
CONTRACT TO JOHNSON CONTROLS INC.*

WHEREAS: The Tioga County Legislature had several presentations regarding energy savings & energy conservation; and

WHEREAS: The Commissioner of Public Works advertised a Request for Qualifications for an Energy Savings Performance Contract; and

WHEREAS: The Commissioner of Public Works has determined that Johnson Controls has the best qualifications; and

WHEREAS: Johnson Controls already has control systems at the County Office Building and Public Safety Building; and

WHEREAS: The Tioga County Legislature has bonded for Capital Projects; therefore be it

RESOLVED: That the Tioga County Legislature award the Energy Savings Performance Contract to Johnson Controls, Binghamton, NY.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 232-13

*APPROVE SUPPLEMENTAL
AGREEMENT 2 FOR LABELLA
ASSOCIATES FOR GASKILL RD BRIDGE
OVER NANTICOKE CREEK
BIN: 3335390*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the design & inspection of these bridges; and

WHEREAS: These services were awarded to Labella Associates, Rochester, NY on Resolutions 216-12 and 114-13; and

WHEREAS: Part of the project will be covered by the National Resources Conservation Service (NRCS) grant; and

WHEREAS: Design of a rock wall slope protection system is part of the grant requirement; therefore be it

RESOLVED: That the Tioga County Legislature approve Supplemental Agreement #2 for Labella Associates, Rochester, NY for Gaskill Rd Bridge over Nanticoke Creek BIN: 3335390 to design a rock wall slope protection system not to exceed \$8,000 to be paid out of Gaskill Rd. Bridge account H2012.06.

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 233-13 *APPROVE SUPPLEMENTAL AGREEMENT
FOR MCFARLAND JOHNSON FOR
PIN: 9L9714 PENN AVE. OVER LONG CREEK*

WHEREAS: The Tioga County Legislature awarded inspection services to McFarland Johnson for the Penn. Ave. Bridge over Long Creek PIN: 9L9714 on Resolution 293-12; and

WHEREAS: This is a federally funded project and inspection services are included; and

WHEREAS: Additional inspection services were required due to the length of the construction, which caused additional expenses and fees; and

WHEREAS: NYS has agreed to pay the local share of the project; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Supplemental Agreement not to exceed the amount of \$44,155 to be paid out of the Penn. Ave. Bridge account H2012.05.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 234-13

*APPROVE ADDITIONAL SERVICES
FOR LABELLA ASSOCIATES FOR
TIOGA COUNTY COURT HOUSE
FLOOD PROJECT*

WHEREAS: Tioga County Legislature hired Labella Associates for design services for the Tioga County Court House Flood Damage repair with resolution 194-11; and

WHEREAS: Labella Associates spent additional hours on the project due to the Sixth Judicial District's rewiring of the network and relocation of the rack system in both the Court House and Court Annex at a cost of \$1,000; and

WHEREAS: Additional time was also spent to facilitate the close-out of the project due to the Contractors' slow or lack of responsiveness at a cost of \$2,000; and

WHEREAS: This additional fee will be requested from FEMA; therefore be it

RESOLVED: That the Tioga County Legislature authorize payment of \$3,000 to LaBella Associates for the additional services to be paid out of the flood account H1624.20.

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standing moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO. 235-13 *AWARD BID FOR PRINTING OF OPTICAL SCAN ELECTION BALLOTS AND ELECTION RELATED MATERIAL*

WHEREAS: The Tioga County Board of Elections requested bids for printing of optical scan election ballots and election related material; and

WHEREAS: The Tioga County Board of Elections received two sealed bids by the due date of August 27, 2013 and said bids were opened on August 28, 2013; and

WHEREAS: The bid results were as follows:

PHOENIX GRAPHICS, INC.

Item	Description	14" Ballot	17" Ballot	22" Ballot
1	Optical Scan Ballot	\$.48	\$.48	\$.54
2	Primary Ballot w/color	\$.48	\$.48	\$.54
3	Absentee/Military/Federal Ballots	\$ N/C	\$ N/C	\$ N/C
4	BMD Blank Ballots	\$ N/C	\$ N/C	\$ N/C
5	Completed Test Ballots	\$ N/C	\$ N/C	\$ N/C
		\$/1500	\$/2500	\$/5000
6	NTS Acknowledgement Forms	\$ N/C	\$ N/C	\$ N/C
7	NTS Transfer Form	\$ N/C	\$ N/C	\$ N/C

8	NTS Confirmation Form	\$ N/C	\$ N/C	\$ N/C
9	Primary/General Election Oath Envelopes	\$ N/C	\$ N/C	\$ N/C
10	Affidavit Envelopes	\$ N/C	\$ N/C	\$ N/C
11	Military Ballot Envelopes	\$ N/C	\$ N/C	\$ N/C
12	Civilian Absentee Ballot Envelopes	\$ N/C	\$ N/C	\$ N/C
13	Special Federal Ballot Envelopes	\$ N/C	\$ N/C	\$ N/C
14	Special Presidential Ballot Envelopes	\$ N/C	\$ N/C	\$ N/C
15	Absentee Civilian Ballot Application Forms	\$ N/C	\$ N/C	\$ N/C
16	Absentee Military Ballot Application Forms	\$ N/C	\$ N/C	\$ N/C
17	Poll Site Sample Ballot Poster	\$ N/C	\$ N/C	\$ N/C
18	Privacy Sleeves	\$ N/C	\$ N/C	\$ N/C
19	Ballot Proposal and Amendment Pamphlets	\$ N/C	\$ N/C	\$ N/C
20	NYS Political Calendar trifolded	\$ N/C	\$ N/C	\$ N/C

FORT ORANGE PRESS, INC.

Item	Description	14" Ballot	17" Ballot	22" Ballot
1	Optical Scan Ballot	\$.48	\$.48	\$.54
2	Primary Ballot w/color	\$.48	\$.48	\$.54
3	Absentee/Military/Federal Ballots	\$.48	\$.48	\$.54
4	BMD Blank Ballots	\$.22	\$.22	\$.22
5	Completed Test Ballots	\$1.20	\$1.20	\$1.30
		\$/1500	\$/2500	\$/5000
*6	NTS Acknowledgement Forms	\$.25	\$.25	\$.25
*7	NTS Transfer Form	\$.25	\$.25	\$.25
*8	NTS Confirmation Form	\$.25	\$.25	\$.25
*9	Primary/General Election Oath Envelopes	\$.18	\$.18	\$.18
*10	Affidavit Envelopes	\$.20	\$.20	\$.20
*11	Military Ballot Envelopes	\$.18	\$.18	\$.18
*12	Civilian Absentee Ballot Envelopes	\$.25	\$.25	\$.25
*13	Special Federal Ballot Envelopes	\$.25	\$.25	\$.25
*14	Special Presidential Ballot Envelopes	\$.25	\$.25	\$.25
*15	Absentee Civilian Ballot Application Forms	\$.10	\$.10	\$.10
*16	Absentee Military Ballot Application Forms	\$.10	\$.10	\$.10
*17	Poll Site Sample Ballot Poster	\$1.00	\$1.00	\$1.00
*18	Privacy Sleeves	\$3.00	\$3.00	\$3.00
*19	Ballot Proposal and Amendment Pamphlets	\$.50	\$.50	\$.50
*20	NYS Political Calendar trifolded	\$.56	\$.56	\$.56

* Notwithstanding the unit prices and extended prices quoted herein, Items 6-20 shall be provided to Tioga County at NO additional cost should the award of items 1-5 at the stated prices be made to Fort Orange Press, Inc.

THEREFORE BE IT

RESOLVED: That the Tioga County Legislature awards the bid for printing of optical scan election ballots and election related material to the lowest responsible bidder, Phoenix Graphics, Inc.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 236-13 *ERRONEOUS ASSESSMENT
TOWN OF NICHOLS*

WHEREAS: An application for Refund and Credit of Real Property Taxes indicates that property no. 298 assessed to Fred J and Debra Westbrook, on the 2013 tax rolls of the Town of Nichols is erroneous in that the Board of Assessment Reviews (BAR) lowered the assessment from \$46,000 to \$42,000; and

WHEREAS: The taxes for property no. 298 were paid to the Town of Nichols Tax Collector on 2/28/13; be it therefore

RESOLVED: That the Tioga County Treasurer issue a refund of \$185.41 to Fred and Debra Westbrook for overpayment of the 2013 property taxes on property no. 298 in the Town of Nichols; and be it further

RESOLVED: That the erroneous town tax of \$45.14 be charged back to the Town of Nichols, and the erroneous fire tax of \$11.79 be charged back to the Nichols Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$5.41 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$123.07 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 237-13

*RESOLUTION IN SUPPORT OF
ESTABLISHING A SOUTHERN TIER
OFFICE OF MENTAL HEALTH (OMH)
REGION*

WHEREAS: The New York State Office of Mental Health (OMH) has proposed a major redesign of the agency under a “Regional Centers of Excellence” (RCE) model; and has divided the state into five distinct regions (Western, Central, Hudson River, New York City and Long Island) with fifteen Regional Centers of Excellence; and

WHEREAS: The OMH plan in its current form designates the closure of all state operated inpatient services at the Elmira Psychiatric Center and Greater Binghamton Health Center by July of 2014 and creates two Community Outpatient Service Hubs at those locations instead; and

WHEREAS: The Greater Binghamton and Elmira Centers currently serve a largely rural population of nearly 1.5 million people in fifteen (which includes Delaware, Broome, Tioga, Chenango, Otsego (in the Central NY Region under the proposed OMH plan and currently in the GBHC catchment area), Tompkins, Chemung, Steuben, Yates, Schuyler, Seneca, Wayne, Ontario, Allegheny (in the Western NY Region under the proposed OMH plan and currently in the Elmira Psychiatric catchment area)) counties of the Southern Tier and parts of the

Finger Lakes, covering over 11,400 square miles, comprising nearly 1/4 of the state and lacking access to public transportation; and

WHEREAS: The OMH plan exclusively follows an urban "thruway corridor" model, requiring rural, often poor, residents of the Southern Tier to travel hours to urban areas along the New York State Thruway for inpatient care (Buffalo or Syracuse for adults and Buffalo or Utica for children); and

WHEREAS: The United States Government has already designated many of the counties service by Elmira and Greater Binghamton to be "Federally Designated Underserved Areas," prior to the removal of inpatient services by OMH; and

WHEREAS: The OMH Plan removes 100% of the state operated child and adolescent inpatient services from these fifteen rural counties, and would also leave these fifteen counties with no private hospital children's beds (under 12 years of age) and only six private hospital adolescent beds (ages 12-17) located in Tompkins County; and

WHEREAS: The OMH Plan removes 100% of the state operated adult inpatient services from these fifteen counties and relies on only 1.45 private inpatient beds for every 10,000 people living in the fifteen counties served by Elmira and Greater Binghamton; and

WHEREAS: The OMH Plan leaves local hospitals that predominantly rely on public mental health services to choose between high risk discharges or weeks of uncompensated care, while awaiting access to the urban Regional Center for Excellence; and

WHEREAS: The Greater Binghamton and Elmira Centers are among the top performing hospitals in OMH relative to access, quality and productivity, providing timely access to a comprehensive array of high quality child and adult acute, intermediate, residential, educational, clinic and recovery focused services; and

WHEREAS: Greater Binghamton ranks first (#1) in OMH children's inpatient access (turnover) and Elmira ranks third (#3) in OMH adult inpatient access (turnover), outperforming all but one of the proposed "RCE's", and the Greater Binghamton and Elmira Centers are #1 and #3 (respectively) in OMH for children's discharges that are successfully followed by multiple outpatient visits; and

WHEREAS: The Greater Binghamton and Elmira Centers began working together in late 2012 toward combining operational elements, reducing the duration of inpatient hospitalization and achieving joint efficiencies that are amongst the best in OMH; and

WHEREAS: The Elmira and Greater Binghamton Centers have substantially achieved most of the access, quality, and productivity objectives ostensibly serving as the basis of the OMH Regional Centers of Excellence plan; and

WHEREAS: This body largely supports the overall goals of the OMH Plan, it is inadequate to meet the challenges of the most economically distressed part of the state, at a time when the need for mental health services is on the rise; now therefore be it

RESOLVED: That the Tioga County Legislature urges the Commissioner of Mental Health, Governor Andrew Cuomo, the New York State Senate and the New York State Assembly to support the inclusion of a Southern Tier OMH Region with a Southern Tier based Regional Center(s) of Excellence, serving the Southern Tier and portions of the Finger Lakes. This would include continued access to child, adolescent and adult inpatient and community services, managed under a locally responsive rural model, as an alternative to the exclusively urban thruway model currently under consideration; and be it further

RESOLVED: That a copy of this resolution be forwarded to Senator Thomas Libous, Assemblyman Gary Finch, Assemblyman Christopher Friend, Governor Andrew Cuomo, and the leadership of the New York State Senate and Assembly.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 238-13 *AUTHORIZE LEASE AGREEMENT WITH SOUTHERN TIER INDEPENDENCE CENTER, INC. – SOCIAL SERVICES*

WHEREAS: The Southern Tier Independence Center, Inc. (STIC), located at 135 East Frederick Street, Binghamton, NY 13904, wishes to lease office space from the Tioga County Department of Social Services; and

WHEREAS: Tioga County Department of Social Services has approximately 354 square feet of office space at its facility located at 1062 State Route 38, Owego, NY 13827, which may be utilized by STIC; and

WHEREAS: STIC shall use and occupy said premises solely for the purposes outlined in the Lease Agreement; and

WHEREAS: STIC agrees to pay the Department of Social Services the sum of \$500 (five hundred dollars) per month in exchange for the right to occupy said premises; now therefore be it

RESOLVED: That the Legislature hereby determines that the proposed leased premises is not required for public use; and be it further

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Social Services to enter into a Lease Agreement, upon approval by the County Attorney, with Southern Tier Independence Center, Inc. for five years, effective October 16, 2013 through October 15, 2018.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 239-13 *TRANSFER OF FUNDS*
REAL PROPERTY DIRECTOR CONFERENCE

WHEREAS: The Real Property Tax Director will attend the Directors conference October 21 thru 23; and

WHEREAS: The cost to attend such conference is \$480; and

WHEREAS: The Real Property contractual account is insufficient to cover the total cost of the conference; therefore be it

RESOLVED: That the following sums be transferred:

From: Assessments Account A1355.10-10 \$80.00

To: Assessments Account A1355.40-731 \$80.00

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES
FINANCE COMMITTEE

RESOLUTION NO. 240-13 *APPROPRIATION OF FUNDS*
SOCIAL SERVICES

WHEREAS: The County of Tioga has generated additional State Operating Assistance (STOA) funds granted by the New York State Department of Transportation; and

WHEREAS: Appropriation of funds requires legislative approval: therefore be it

RESOLVED: That funding be appropriated as follows:

A 3090.10 State Aid-Bussing	\$ 210,000
A 5630.40-487 Bus Operations	\$ 210,000

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 241-13 APPROVE PUBLIC TRANSPORTATION
 BUS ROUTE CHANGES
 SOCIAL SERVICES

WHEREAS: A review of the current bus route schedule for Route 3 was done to deal with capacity issues related to increased ridership and the increased associated costs and

WHEREAS: Adjustment to the starting time of the second run can reduce cost with minimal impact on ridership; therefore be it

RESOLVED: That the Department of Social Services be authorized to adjust the starting time of run 2 on Route 3 from 7:50 am to 7:10 am with corresponding changes to the afternoon run effective November 1, 2013.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 242-13 *DESIGNATION OF TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION,
D.B.A. TIOGA COUNTY TOURISM, AS
AUTHORIZED TOURISM PROMOTION
AGENCY FOR 2014*

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the state in its tourism grants program; and

WHEREAS: The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA), therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2014 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 243-13 *RESOLUTION IN SUPPORT OF PROPOSITION #1 TO
AUTHORIZE CASINO GAMING*

WHEREAS: The New York State Legislature has passed 2013 legislation to create Proposition #1 to authorize casino gaming on the statewide ballot, Tuesday, November 5th, 2013; and

WHEREAS: The authorization to establish up to seven (7) full gaming licenses on Non-Native American Compact Zones will allow other portions of the State of New York share in economic benefits of casino gaming; and

WHEREAS: Full casino gaming will result in new revenues allowing for greater state aid to education, allowing for a greater offset of local school taxes; and

WHEREAS: New revenues will also be directly shared with all counties in the region of a full gaming licensed facility, allowing for a greater offset of local property taxes; and

WHEREAS: Full casino gaming will result in an estimated 1,000 direct and indirect upstate jobs; therefore be it

RESOLVED: That the Tioga County Legislature pass this resolution in support of Proposition #1 authorizing casino gaming on the statewide ballot, Tuesday, November 5th, 2013.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 244-13 *AUTHORIZE THE SUBMISSION OF 2014
EMPG GRANT APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security and Emergency Services will be issuing a grant to the Tioga County Office of Emergency Management in the amount of \$23,676 for the year 2014. The grant will be used for planning and training; and

WHEREAS: The Tioga County Emergency Management Office has received funds through the Local Emergency Planning Grant (LEMPG) for several years. The LEMPG was replaced by the Emergency Management Planning Grant (EMPG); and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application which is due immediately; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be given permission to apply for this grant.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 245-13

*AUTHORIZATION TO EXECUTE
CONTRACT WITH LEXIS NEXIS
FOR SUBSCRIPTION TO LEXIS
ADVANCE*

WHEREAS: it appears that many County Departments can benefit from access to an on line research tool; and

WHEREAS: Lexis Nexis has proposed a County wide subscription that will provide access to Lexis Advance for a three year period at a monthly cost not to exceed \$1,060.90 per month; now therefore be it

RESOLVED: That the Chair of the Legislature is authorized to execute a three year contract with Lexis Nexis for a subscription to Lexis Advance at a cost not to exceed \$1,060.90 per month.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 246-13 *AMEND COUNTY POLICY 3: ORIENTATION, EXIT INTERVIEWS, RECRUITMENT, RETIREMENT*

WHEREAS: County Policy 3, Section IV Retirement addresses eligibility for health insurance upon retirement and retiree contributions toward the premiums; and

WHEREAS: There has been some confusion as to which sections apply to Legislators; therefore be it

RESOLVED: That the following revisions be made to County Policy 3, section IV Retirement for clarification purposes only:

A. Change to read: As to all employees hired on or before December 31, 1992 and as to Legislators taking office prior to 1993, the Policy shall be as follows:

A.1. Change to read: Upon retirement, if covered under Tioga County health insurance for a period of not less than five (5) consecutive years, such coverage shall continue.

B. Change to read: As to all employees and Legislators hired on or after January 1, 1993 and elected officials taking office on or after January 1, 1992, the Policy shall be as follows:

B.1. Change to read: Any full-time employee, elected official or Legislator not less than fifty-five (55) years of age who retires from Tioga County shall be entitled to a health insurance benefit upon the following conditions:

B.1.e. Change to read: For all part-time employees and Legislators each full year of County service shall count as ½ year for purposes of determining retirement health benefits.

B.1.f. Change to read: In the event an employee, Legislator or elected official is required to retire under medical disability prior to obtaining the age of fifty-five (55), the Legislature may, at its option, waive the age requirement.

C.2. Change to read: If employed by Tioga County for fifteen (15) consecutive years prior to retirement, Tioga County shall

continue to pay, during the life of the retired employee, Legislator or elected official, a percentage of the full monthly premium for individual or family health insurance as listed in the following chart, and the retired employee, Legislator or elected official will pay either the percentage of the full monthly premium as listed on the chart or their annualized payroll contribution at time of retirement (to be paid on a monthly basis), whichever is greater:

Heading of column 3 change to read:
% paid by Retiree.

C.4. Change to read: For all part-time employees and Legislators, each calendar year of Tioga County service shall count as $\frac{1}{2}$ year for purposes of determining retirement health insurance benefits.

and be it further

RESOLVED: That the remainder of County Policy 3 shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 247-13 AMEND POLICY 16 COUNTY HOURS

WHEREAS: Policy 16 states the hours that County Offices shall be open; and

WHEREAS: The County Offices located at Court Street are now accessed through the Court Annex and security for the Court House is from 9:15 a.m. until 4:45 p.m. on a daily basis; therefore be it

RESOLVED: That Policy 16 County Hours shall amend the first sentence to now read:

"County offices are open from 9 a.m. to 5 p.m. with the exception of the County Offices located at Court Street whose entrance hours to the public are 9:15 a.m. to 4:45 p.m."

And be it further

RESOLVED: That the remainder of Policy 16 County Hours shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Monell, Weston, Roberts, and Sauerbrey.

No – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 248-13 *AMEND COUNTY POLICY 44; NON-UNION
BENEFITS*

WHEREAS: County Policy 44 outlines the contributions toward health insurance that Non-Union employees are required to make; and

WHEREAS: The 2014 contributions need to be reflected; and

WHEREAS: The Legislature has accepted the Non-Union Salary Committee's recommendation to increase contributions for those full-time employees hired prior to 2009; and

WHEREAS: The Legislature has also decided to increase Legislator's contributions, in keeping with the future goal to have all employees eligible to carry insurance contribute at least 15% of premiums; therefore be it

RESOLVED: That paragraphs 2 and 3 under Section I: Wages, have the date of September 1 changed to August 1 to better coincide with the evaluation timeline; and be it further

RESOLVED: That Section 5 be amended to delete the 2012 contribution column; and be it further

RESOLVED: That County Policy 44, Section 5 be amended effective January 1, 2014 to have the following column added to the contributions chart:

2014:

Legislators	8½% of premium
Hired Prior to 1/1/09	12½% of premium
Hired on or after 1/1/09	15% of premium
Part-time Attorney	20% of premium

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 249-13 *ADOPT COUNTY POLICY 58: SOCIAL MEDIA USE*

WHEREAS: Today's technology has prompted the use of social media as a means of communicating information; and

WHEREAS: Tioga County expects some Departments may wish to utilize social media to disseminate information to our community, both routine information and emergency information; and

WHEREAS: Establishing a Policy which provides protocols on the use of social media, for both business and personal purposes, is recommended; therefore be it

RESOLVED: That County Policy 58: Social Media Use is hereby adopted effective immediately.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 250-13 *CONTRACT WITH EXCELLUS BLUE CROSS/BLUE SHIELD TO ADMINISTER HEALTH INSURANCE BENEFITS*

WHEREAS: Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for Tioga County including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York will need to administer the run-out claims for the members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP); and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to administer fully insured benefits for Tioga County employees for the period of January 1, 2014 through December 31, 2014; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Excellus Blue Cross Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County and to administer the run-out claims for the TCCMHIP for the period January 1, 2014 through December 31, 2014.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 251-13 *CONTRACT WITH EBS-RMSCO, INC. TO
ADMINISTER FLEXIBLE SPENDING AND HEALTH
REIMBURSEMENT ACCOUNT PROGRAMS*

WHEREAS: Tioga County currently uses the services of EBS-RMSCO, Inc. to administer Tioga County's flexible-spending and health reimbursement account programs; and

WHEREAS: EBS-RMSCO, Inc. has submitted a new contract to continue administering said programs and conduct all required compliance testing services; and

WHEREAS: The administration cost will be \$4.45 per participant per month for any employees enrolled in the flexible spending and \$4.45 per participant per month for any employees enrolled in the health reimbursement account; and

WHEREAS: The Flexible-Spending program is a negotiated benefit for all Tioga County unionized employees; and

WHEREAS: The Health Reimbursement Account is a negotiated benefit for CSEA union employees; and

WHEREAS: Both the employees and the County can save tax dollars on money channeled through the flexible spending program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2014 through December 31, 2014; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2014 through December 31, 2014; and be it further

RESOLVED: That in compliance with Federal Health Care Reform the maximum annual pledge for the medical flexible spending portion is now \$2,500 for the period of January 1, 2014 through December 31, 2014.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:	LEGISLATIVE WORKSESSION PERSONNEL COMMITTEE
RESOLUTION NO. 252-13	<i>STANDARD WORK DAY AND REPORTING RESOLUTION REAL PROPERTY COUNTY OFFICES</i>

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga 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 the following officials to the Clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials					
Director of Real Property Tax Services	Terie Huseby	7	10/1/13-9/30/19	Y	N/A

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PERSONNEL COMMITTEE
INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 253-13 *ABOLISH ONE (1) FULL-TIME SENIOR COMPUTER MAINTENANCE TECHNICIAN POSITION*

RESOLVED: That Mr. Rich's appointment is effective November 12, 2013 for the balance of the current term, which runs through January 10, 2017; and be it further

RESOLVED: That Mr. Rich's appointment is subject to approval by the NYS Health Department.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 255-13 REQUEST WAIVER OF 90-DAY HOLD
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Resolution 275-12 extended the 90-day hiring delay through December 31, 2013; and

WHEREAS: Effective October 7, 2013, Suzanne Conmy was promoted to Senior Caseworker in the Children's Services Division leaving a Caseworker vacancy,

WHEREAS: Said vacancy impacts the Foster Care Unit in the Children's Services Division, creating caseload sizes of 20 or more children; and

WHEREAS: New York State Office of Children & Family Services recommended caseload size for Foster Care Caseworkers is 12 to 15 children; and

WHEREAS: There is another anticipated leave in the Foster Care Unit in early January, 2014; and

WHEREAS: An eligibility list for Caseworker exists for recruitment and filling of the position; now therefore be it

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver from the 90-day hiring delay and is authorized to fill the Caseworker position at an annual salary of \$38,063 (2013 CSEA Salary Grade XI), effective on or after October 16, 2013.

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:20 p.m.

1 Supervising Community Health Nurse
1 Community Health Nurse
6 Registered Professional Nurses FT
1 Registered Professional Nurse PT
3 Home Health Aides FT
1 Clinical Social Worker
1 Senior Typist
1 Typist
1 Administrative Secretary
1 Senior Account Clerk/Typist
2 Account Clerk/Typists

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Huttleton.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 257-13 *AUTHORIZE PURCHASE OF EXCHANGE
SERVER/TRANSFER OF FUNDS
INFORMATION TECHNOLOGY*

WHEREAS: The Exchange Server is in dire need of being replaced and is approximately 10 years old and has been creating issues for the past few weeks; and

WHEREAS: A new Exchange Server can be purchased directly from State Contract from HP and licensing can also be purchased from State Contract directly from Microsoft; and

WHEREAS: There are insufficient funds in the Information Technology Capital Equipment Budget to cover the purchase of a new Exchange Server, licensing, and contracting to have the Exchange Server replaced; therefore be it

RESOLVED: That the Information Technology Director be authorized to purchase a new Exchange Server, including a 5-year maintenance contract, licensing, and to have the contracting work done to install such Server; and be it further

RESOLVED: That the following sums be transferred as follows:

From: A1990-40-715 Contingency Account	\$72,265.00
To: A9950.93-715 Transfer to Capital Account	\$72,265.00

From: H5031 Interfund Transfers	\$72,265.00
To: H1680.21-Information Technology Capital	\$72,265.00

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Case, Hollenbeck, Monell, Weston, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Huttleton.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:24 A.M.

Eleventh Regular Meeting
November 12, 2013

The Eleventh Regular Meeting of 2013 was held on November 12, 2013 and was called to order by the Chair at 12:00 P.M. Eight Legislative members were present, Legislator Roberts being absent.

Chair Weston asked for a moment of silence for former employee Kevin McRory who passed away last month. "I would like to ask for a moment of silence in memory of Kevin McRory who unexpectedly passed away last month. Kevin was a truly dedicated Tioga County Employee with 25 years of service, working as a Case Manager for the Department of Mental Hygiene. Kevin will be dearly missed by his colleagues, friends, and clientele."

Legislator Sullivan led all Legislators and those in attendance in the Pledge of Allegiance.

There were 34 people in attendance.

Legislator Huttleston read and presented the following recognition resolution to Elaine Lasater of the Department of Social Services.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 258-13 *RECOGNIZE ELAINE M. LASATER'S
23 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Elaine M. Lasater began her career with the Tioga County Department of Social Services as Secretary to the Commissioner on July 17, 1990; and

WHEREAS: Elaine M. Lasater has been a dedicated and loyal employee in the performance of her duties for and responsibilities toward the Commissioner of the Tioga County Department of Social Services, having earned the respect of his administrative team, her co-workers at DSS and colleagues in other county departments and agencies with whom she professionally interacted with; and

WHEREAS: Elaine M. Lasater will retire on December 3, 2013; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Elaine M. Lasater for her over twenty-three years of dedicated and loyal service to the Tioga County Department of Social Services and its Commissioner; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Elaine M. Lasater.

ROLL CALL VOTE

Unanimously Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standingier.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. "I would like to say, do you like your health care and if you do like your health care you can keep it, and if you like your husband you can keep him, and if you like Shawn Yetter, your long-time boss, you can keep him because without you he is no good and we do not want him around, get him out of here. Congratulations on your retirement."

Shawn Yetter, Commissioner of Social Services spoke. "It is a very difficult day when your right arm tells you that they are leaving and your left arm looks at you in desperation and says well now what are we going to do. This is what Elaine Lasater's retirement from the Department of Social Services does for both the organization and for me as a Department Head. For 23 years and under two administrations Elaine has been a huge part of the high quality and professional environment that we work hard to present every day.

"There are so many things that we will miss about Elaine. First and foremost is her trustworthiness. I cannot understate and Legislator Case can attest to this as well, what a critical role Elaine played as Confidential Secretary in regard to crisis moments, personal matters, and well-being of the Department and her ability to maintain the utmost of confidentiality, professionalism, and trust during any and all of those moments during her tenure. We will miss the incredible level of organization that she has. If I need something from a study

we did eight years ago, she can find it in short order, even if it sometimes involved a trip to the infamous attic. Do not expect her to leave anything on her desk overnight. Actually do not expect her to leave anything on her desk for more than a few minutes. Elaine likes to move things along.

"We will miss how well she handled her role of being the first person a new employee spends some time with, introducing them to the organization and putting them at ease. The first impression that someone has of an organization is a lasting one and Elaine filled that role perfectly. The entire Health and Human Services building will miss Elaine's desire to make sure we were coming together as a group for social events and to stay connected. She has laid a solid foundation with her colleagues from the other departments to carry that on. All of her time and energy into coordinating and planning those events did not go unnoticed. I will miss seeing her walk, usually briskly by my office door with her apron on and pushing a cart filled with everything from a stash of \$1.00 bills to endless bottles of ketchup and mustard.

"I will miss her ability to read the temperature every morning. There is a rumor in the department that I can be moody, giving me and other administrators the ability to handle the day in the most effective way and having the uncanny ability of knowing when to say to someone maybe you want to come see him about that tomorrow. I will miss her showing off one of her new quilting projects that she rightly so was always so proud to share. She might be surprised by this, but I will miss her coming in to my office, shutting my door, and saying put your collar on I need to vent. It was usually during those conversations that I got to know a little bit more about Elaine and what makes her tick.

"I will miss witnessing her incredibly steadfast faith in God and country that she lives quietly, but exhibits in large and small ways every day. Most of all what we as an organization will miss simply is you. It has been my distinct pleasure to have you by my side for the past 11 years. Thank you for your 23 years of service to the Department of Social Services and the people of Tioga County. Please know that you are sent into retirement with the best wishes of everyone around you for a long happy and healthy retirement that you have so greatly earned."

Elaine Lasater spoke. "I have been wrecking my stomach and my nerves all morning, but I have to say this, I thank you for this recognition and honor, I am very pleased and proud to have been an employee for the last 23 years. When I came to Tioga County Social Services over 23 years ago I felt I had all the knowledge and experience necessary to fulfill my duties as Confidential Secretary to the Commissioner. In other words, I thought I knew it all. Actually I

had a lot more to learn and I did learn something every day. I do now have a much better understanding of our many and very programs, and the importance they play, not only to our customers, but to the County as well.

"After working for doctors and lawyers, nurses and nuns, engineers and administrators, I finally now know what human services is all about and I thank Commissioner Yetter and his administrative team, and all the employees at DSS for the job they do and for what they do for the people in our County. I am grateful for the times I have spent working for the Department of Social Services, but I am also looking forward to my retirement. According to Phil Jordan this weekend, it should be very long. I would like to share with all of you just exactly how excited I am right now about my upcoming retirement and Shawn I am sure this is no surprise to you (played a card that sang hallelujah)."

Chair Weston noted the following Proclamation on Adoption Awareness Month.

PROCLAMATION

This November marks the 23rd annual National Adoption Month. November 23, 2013 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized two adoptions and has two more pending for 2013. Every child in America, every child in Tioga County deserves a permanent, loving family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on the behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim November as

ADOPTION AWARENESS MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize adoptive families in Tioga County.

There was no privilege of the floor.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		348.40
A1165	District Attorney		4,677.03
A1170	Public Defender		2,391.14
A1172	Assigned Counsel		30,125.42
A1185	Medical Examiners/Coroners		2,264.88
A1325	Treasurer		1,137.71
A1355	Assessments		7,970.67
A1362	Tax Advertising/Expense		1.12
A1410	County Clerk		163.90
A1420	Law		7,309.43
A1430	Personnel		1,750.68
A1450	Elections		28,233.76
A1460	Records Management		182.00
A1490	Public Works Administration		602.30
A1620	Buildings		53,006.52
A1621	Buildings		25,895.26
A1680	Information Technology		31,675.51
A2490	Community College Tuition	1,041,005.90	
A2960	Education Handicapped Children		205,319.89
A3020	Public Safety Comm E911 System		10,793.85
A3110	Sheriff		19,419.85
A3121	Sheriff LE11-1038-EOO Grant	10,509.00	
A3140	Probation		461.19
A3146	Sex Offender Program		9,240.00
A3150	Jail		79,243.54
A3315	Special Traffic Programs		2,066.40
A3410	Fire	1,057.82	5,617.26
A3640	Emergency Mgmt Office		531.43
A3641	LEMPG Grant		84.00

A4010	Public Health Nursing	37,881.23
A4011	Public Health Administration	13,290.40
A4042	Rabies Control	789.00
A4044	Early Intervention	145.58
A4047	Handicapped Education Administration	130.00
A4053	Preventive/Primary Health Services	305.52
A4054	Preventive Dental Services	1,876.78
A4062	Lead Poisoning Program	431.50
A4064	Managed Care-Dental Services	6,269.00
A4070	Disease Control	12,767.28
A4090	Environmental Health	784.31
A4210	Alcohol and Drug Services	1,276.95
A4211	Council on Alcoholism	10,909.34
A4309	Mental Hygiene Co Admin	14,997.83
A4310	Mental Health Clinic	86,776.05
A4320	Crisis Intervention Services	36,126.02
A4321	Intensive Case Management	1,720.69
A4333	Psycho Social Club	25,000.00
A5630	Bus Operations	284,713.34
A6010	Social Services Administration	172,147.05
A6422	Economic Development	784.20
A6510	Veterans' Service	700.00
A6610	Sealer Weights/Measures	106.09
A7180	Snowmobile Grant Program	5,208.56
A8020	Planning	166.64
A8760	NYS DOS LTCRS Grant	6,563.79
A9060	Health Insurance	5,478.60
SOLID WASTE FUND		90,500.75
SPECIAL GRANT FUND		6,699.07
LIABILITY INSURANCE FUND		4,145.16
COUNTY ROAD FUND		60,536.78
CAPITAL FUND		994,616.24
CONSOLIDATED HEALTH FUND		678,813.72
SELF-INSURANCE FUND		<u>1,300.00</u>
GRAND TOTAL		\$ 4,147,043.33

Legislator Monell made a motion to approve the minutes of October 15 and 24, 2013, seconded by Legislator Hollenbeck, and carried.

Chair Weston made the following appointment to Assigned Counsel Study Committee:

Legislator Sauerbrey
 Legislator Sullivan
 Legislator Weston

Committee meeting reports are on file in the Legislative Clerk’s Office and may be procured there by any interested person.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 259-13 SET PUBLIC HEARING
 2014 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2014 be held at 6:00 P.M., Tuesday, November 19, 2013 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 260-13 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2014 County taxes among the several Towns are hereby established as follows:

Town of Barton	94.00
Town of Berkshire	96.50
Town of Candor	100.00
Town of Newark Valley	66.50
Town of Nichols	26.00
Town of Owego	80.00
Town of Richford	100.00
Town of Spencer	97.00
Town of Tioga	7.00

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standing.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Standing moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 261-13 *AUTHORIZE 2014 TAX MAP MAINTENANCE CONTRACT*

RESOLVED: That the Chair of the Tioga County Legislature, hereby is authorized to enter into a Tioga County tax map maintenance contract with MRB Group, for the calendar year 2014 for an annual charge of \$32,000. Payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and surveys, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 262-13 *AMEND POLICY 38
TIOGA COUNTY BUILDING USE POLICY*

WHEREAS: Current Policy 38 Tioga County Building Use Policy has been a work in progress for several months on changes; and

WHEREAS: Policy 38 Tioga County Building Use Policy changes have been finalized and the whole policy needs to be amended along with a title change; therefore be it

RESOLVED: That Policy 38 is hereby amended in its entirety along with a change in the title of Policy 38:

POLICY 38

TIOGA COUNTY BUILDING OUTSIDE ENTITY USE POLICY

- I. Use
- II. Designated County Facilities
- III. Authorized Entities
- IV. Application
- V. Hours of Availability
- VI. Staffing Requirements
- VII. Rules and Regulations
- VIII. Cancellation & Revocation

I. Use

Designated County facilities may be available for use by certain outside entities, subject to the rules and regulations set forth herein, when such use does not interfere with use of the building by County government. For the purpose of this policy only, any lessee of Tioga County office space shall be considered "County government".

II. Designated County Facilities

The following County facilities are hereby designated as available for use:

1. The Legislative Conference Room, 56 Main Street, Owego, NY
2. The Hubbard Auditorium, 56 Main Street, Owego, NY
3. Such other County facilities as may be designated by the Tioga County Legislature

III. Authorized Entities

The following outside entities are authorized to apply for use of the designated facilities:

1. Governmental entities, municipal corporations and school districts
2. Agencies or groups that do not operate for profit and that have an affiliation with Tioga County

IV. Application

Application for use of a designated County facility by an authorized entity shall be made in writing, on a County Application Form, to the Clerk of the County Legislature. The application must be submitted at least ten (10) calendar days prior to the proposed event. Approval of an application is dependent upon the availability of the proposed room. Any Legislative or County Department shall have priority over any outside entity

V. Hours of Availability

Designated County facilities shall be available for use during the following times:

1. During regular business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday.
2. During non business hours from 5:00 p.m. to 10:00 p.m. Monday through Friday.

VI. Staffing Requirements

For use during non business hours, an employee of Tioga County may be assigned to open and close the building, and may remain present in the building throughout the event.

VII. Rules and Regulations

1. County Facilities shall be used in accordance with these rules and regulations. By executing the application, the applicant agrees to comply with the rules and regulations set forth herein, and shall be responsible to ensure compliance with the rules and regulations by those who attend the event.

2. The applicant agrees to use the County facility only for the use specified in the application. Under no circumstances may the County facility be used for any profit making or other commercial activity. Applicant further agrees that it will not permit the use of or allow anything to be done or anything to be brought into or kept on the County facility for any unlawful purpose or in violation of any local, state or federal law or regulation.

3. The individual executing the application shall be the contact person for the applicant organization, and shall be the person responsible for ensuring compliance with these rules and regulations. By executing the application, the individual represents to the County that the individual has the legal authority to execute the application on behalf of the applicant organization.

4. A Certificate of Insurance, naming Tioga County as Additional Insured, shall be submitted with the application. The applicant, at its own cost and expense, agrees to the insurance, indemnification and general terms and conditions set forth in the Tioga County, New York – General Contract and Insurance Specifications.

The applicant may seek a waiver of this requirement from the Chair of the Legislature, which may be waived at the Chair's sole discretion.

5. If deemed necessary by the Chair of the Legislature, the applicant may be required, at the applicant's expense, to provide security to be present throughout the event at the level deemed appropriate by the Chair in his sole discretion.

6. The applicant shall leave the County facility in the same condition it was in prior to its use. All damages incurred as a result of the applicant's use of the County facility shall be the responsibility of the applicant.

7. The applicant shall be responsible for the removal of all garbage and debris from the County facility after the event. No food or beverage of any kind is permitted in the Hubbard Auditorium.

8. The applicant's use is restricted to the designated County facility, access halls and the public bathroom on the same floor. Applicant is prohibited from using any other part of the building.

9. The applicant is prohibited from assigning its use of the designated facility to any other organization or individual.

VIII. Cancellation and Revocation

1. The applicant must notify the Clerk at least two (2) business days prior to the scheduled use if he/she intends to cancel. The applicant shall be responsible for any costs incurred by the County as a result of the applicant's failure to provide the required notice of cancellation.
2. The Chair of the Legislature reserves the right to revoke the applicant's use of the County facility. The revocation shall be for good cause, with reasonable notice under the circumstances. What constitutes "good cause" shall be within the sole discretion of the Chair of the Legislature.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standing.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 263-13 *TRANSFER OF FUNDS*
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) is required to pay a portion of the costs for the inpatient treatment of Tioga County residents that have been assigned Criminal Psychiatric services by the NYS Court system; and

WHEREAS: TCMH has received notice that a Tioga County resident was assigned these services, along with the required payment amount; and

WHEREAS: TCMH has identified available funds within their 2013 budget, yet these will require a transfer of funds into the proper account codes; and

WHEREAS: Transfer of funds requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A4309.40-130 Mental Hygiene Admin: Contract Services \$ 1,363.38
 To: A4390.40-590 Criminal Psychiatric: Services Rendered \$ 1,363.38

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 264–13 *AUTHORIZE TRANSFER OF FUNDS
 INFORMATION TECHNOLOGY*

WHEREAS: The Information Technology Department has a need to purchase UPS equipment and has funds located in contracting services; and

WHEREAS: Said funds need to be transferred to the Information Technology Capital Equipment account to purchase said UPS equipment; therefore be it

RESOLVED: That the Information Technology Director be authorized to purchase UPS equipment; and be it further

RESOLVED: That the following sums be transferred as follows:

From: A1680-40-140 Information Technology	\$35,000.00
To: A9950.93-715 Transfer to Capital Account	\$35,000.00
From: H5031 Interfund Transfers	\$35,000.00
To: H1680.21-Information Technology Capital	\$35,000.00

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 266-13

*AWARD DESIGN SERVICES TO
DELTA ENGINEERS FOR
ALLYN RD. BRIDGE PROJECT*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges; and

WHEREAS: Funds are available for the design of these bridges as part of the Bond Issue; and

WHEREAS: The Allyn Rd Bridge (BIN: 3218960) over Pipe Creek is one of the bridges in the program; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Delta Engineers, Endwell, NY in the amount of \$69,660 to be paid out of account H2014.03 Allyn Rd. Bridge Project (BIN: 3218960).

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 267-13 *AWARD DESIGN SERVICES TO
C & S ENGINEERS FOR
PENN. AVE. BRIDGE PROJECT*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges; and

WHEREAS: Funds are available for the design of these bridges as part of the Bond Issue; and

WHEREAS: The Penn. Ave. Bridge (BIN: 3335490) over Deerlick Creek is one of the bridges in the program; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to C & S Engineers, Syracuse, NY in the amount of \$39,500 to be paid out of account H2014.02 Penn Ave Bridge over Deerlick Creek (BIN: 3335490).

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 268-13 *AWARD HHS GENERATOR DESIGN
TO LABELLA ASSOCIATES*

WHEREAS: The existing emergency standby generator at HHS is not sized for the full electrical load at that building; and

WHEREAS: The building has had to be closed because the AC is unusable in the summer power outages: and

WHEREAS: The HHS Building is a critical facility and it is costly to close down: and

WHEREAS: Labella Associates designed the HHS Building; therefore be it

RESOLVED: That the Tioga County Legislature award the design contract to Labella Engineers, Rochester, NY in the amount of \$17,075 for the design of a parallel generator to work in conjunction with the existing generator to handle the entire building's electrical load to be paid out of Buildings Capital Account H1620.20 use code 923.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 269-13 *MORTGAGE TAX DISTRIBUTION*

RESOLVED: That the mortgage tax report for the period April 1, 2013 to September 30, 2013 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 44,894.53
Village of Waverly	11,385.50
Town of Berkshire	8,627.20
Town of Candor	34,331.55
Village of Candor	1,582.38
Town of Newark Valley	13,960.77
Village of Newark Valley	1,650.94
Town of Nichols	17,410.33
Village of Nichols	1,279.10
Town of Owego	168,659.94
Village of Owego	12,055.79
Town of Richford	5,208.76
Town of Spencer	14,035.38
Village of Spencer	1,692.01
Town of Tioga	<u>39,578.10</u>
	\$376,352.28

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 270-13 *URGE NYS TO RESTORE HISTORIC 50/50 STATE/LOCAL COST SHARING FOR MANDATED SAFETY NET PROGRAM OR PROVIDE MORE PROGRAM CONTROL TO LOCAL SOCIAL SERVICES DISTRICTS COMMENSURATE WITH COUNTIES' INCREASED FISCAL RESPONSIBILITY FOR THE PROGRAM*
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: The 2011-2012 final State Budget dramatically lowered the State's fiscal responsibility in the Safety Net program by shifting the cost to 71 percent county/29 percent State, severing the historic 50 percent State/50 percent county partnership; and

WHEREAS: The State Division of the Budget and Legislature stated that this funding shift, in conjunction with fully federalizing New York' TANF (Family Assistance) costs, would generate up to \$50 million annually in net cost reductions for counties and New York City; and

WHEREAS: Actual spending through the end of calendar year 2012 indicates that these aggregate savings have not materialized for counties and New York City; and

WHEREAS: With the recent economic downturn and slow recovery, Safety Net Assistance enrollment has increased across the State in record numbers, which will shift even more costs from the State Budget to local taxpayers to support this state-mandated program; and

WHEREAS: Counties' initial concerns regarding the state funding shift in Safety Net that it would leave counties paying a larger share of a much faster-growing public assistance program are being verified in the most recent caseload data, with Safety Net caseload growing at an average annual rate of nearly 4.5 percent the last five years compared to the TANF caseload that is virtually unchanged from where it was in 2008; and

WHEREAS: The steady pullback in state funding support for a variety of human services programs, including child welfare, adoption subsidies, food stamp administration, Family Assistance, Safety Net, Child Support Enforcement, juvenile justice and programs designed to help recently released state incarcerated offenders return to the community creates an environment in which the State is directly moving away from its constitutional requirement to care for the needy, forcing this state constitutional responsibility on county government and local property taxpayers; now therefore be it

RESOLVED: That the Tioga County Legislature calls on the State to restore the historic 50/50 State/County cost sharing, or grant greater decision making authority and administrative flexibility over program management to ensure even more costs are not shifted to local tax payers in support of this state mandated program; and be it further

RESOLVED: That the State of New York should prioritize the modernization of the Welfare Management System (WMS) to promote efficiencies in the administration of the Supplemental Nutrition Assistance, Safety Net and Family Assistance Programs; and be it further

RESOLVED: That the State of New York must take on a greater fiscal and programmatic responsibility in ensuring incarcerated offenders returning to the community are provided appropriate assistance including housing, work supports and training, health care, counseling, substance abuse and other critical care services to prevent recidivism and reduce the impact on local social service district fiscal and staff capacity, which is already strained due to increased caseloads and years of reduced state financial support; and be it further

RESOLVED: That copies of this resolution be sent to the other counties of New York State encouraging them to enact similar resolutions; and be it further

RESOLVED: That certified copies of this resolution be sent to Governor Andrew M. Cuomo, Senator Thomas W. Libous, Assemblywoman Donna Lupardo, Assemblyman Christopher Friend, New York State Department of Health Commissioner Nirav R. Shah, New York State Comptroller Thomas DiNapoli, Office of Children and Family Services Commissioner Gladys Carrion, Esq., and the New York State Association of Counties.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 271-13

*RESOLUTION CALLING ON THE
GOVERNOR AND STATE LEGISLATURE
TO CONTINUE TO PARTNER WITH
COUNTIES TO SUCCESSFULLY REFORM
JUVENILE JUSTICE PROGRAMS*

WHEREAS: The State of New York and counties have made important progress in addressing the needs of juvenile delinquents placed into the care and custody of New York State; and

WHEREAS: New York State and New York City continue to reform the juvenile justice system through the implementation of the Close to Home Initiative; and

WHEREAS: New York State has developed pilot sites for addressing the treatment of youth in our juvenile justice system, maintaining a commitment to raising the age of criminal responsibility from 16 to 18 years of age; and

WHEREAS: New York State in an effort to reduce their own costs and risk, has capped funding streams for non-secure and secure detention costs, shifting risk, cost and responsibility to county taxpayers; and

WHEREAS: New York State has continued to struggle with maintaining rate setting in a timely manner, placing counties at risk of significant retroactive financial liabilities by not publishing rates in a timely manner; and

WHEREAS: Counties across the state serve as the front door and often first contact with New York's juvenile justice system through local probation departments, which continue to face limitations, reductions and elimination in resources brought on by years of cost shifts from the State to counties; now therefore be it

RESOLVED: That the Tioga County Legislature calls on the Governor and State Legislature to continue to work with counties in addressing juvenile justice reform in a way that avoids shifting costs and risk, while adding responsibility, to county taxpayers; and be it further

RESOLVED: That the Tioga County Legislature call on the Governor and State Legislature to support reform of the system, in consultation with counties, for youth at risk of entering the juvenile justice system that achieves services provided as close to home as possible, that include innovative and effective practices, and emphasizes prevention through flexible funding; and be it further

RESOLVED: That the Tioga County Legislature calls on the Governor and State Legislature to engage counties while considering proposals to change the age of criminal responsibility including the need to align and provide sufficient state funding under the proposal to support needed services for 16- and 17- year olds at risk, while not shifting new costs to county tax payers; and be it further

RESOLVED: That the Tioga County Legislature calls on the Governor and State Legislature to provide sufficient funding and resources to support the Close to Home initiative, comprehensive after care and regional planning/advisory groups that promote coordination without a duplication of efforts; and be it further

RESOLVED: That the Tioga County Legislature calls on the Governor and State Legislature to hold counties outside New York City harmless for increased costs as it proceeds through the Close to Home Initiative, as a reduction in the number of youth in New York State Office for Children and Family Services placements will significantly increase the per diem cost to Upstate counties, as the State moves quickly to eliminate the excess capacity and commensurate per diem rate increase; and be it further

RESOLVED: That the Tioga County Legislature calls on the Governor and State Legislature to prioritize rate setting for State Training Schools, removing the potential financial liability of retroactive rate adjustments, which place significant strain on local budgets and accounting procedures; and be it further

RESOLVED: That the Tioga County Legislature calls on the Governor and State Legislature to reconsider the detention block grant and Supervision and Treatment Services for Juveniles Program funding caps with required matching funds, which hinder juvenile justice reform and place financial limitations and restrictions on counties in their efforts to address the needs of juvenile delinquents and Person In Need of Supervision (PINS); and be it further

RESOLVED: That the Tioga County Legislature calls on the Governor and State Legislature to strengthen diversion and adjustment services across the State by developing a new dedicated funding system with enhanced state funding direct to Probation Departments for juvenile services that honors the importance of their role in meeting the needs of at-risk youth in safe, effective manner without diverting funding from other sources; and be it further

RESOLVED: That copies of this resolution be sent to the other counties of New York State encouraging them to enact similar resolutions; and be it further

RESOLVED: That certified copies of this resolution be sent to Governor Andrew M. Cuomo, Senator Thomas W. Libous, Assemblyman Christopher S. Friend, New York State Comptroller Thomas DiNapoli and the New York State Association of Counties (NYSAC).

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 272-13 RE-APPOINT MEMBER TO THE TIOGA COUNTY
BOARD OF HEALTH
PUBLIC HEALTH

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: The appointed term for Terry Hills, DVM, on the Board of Health expires 12/31/13; and

WHEREAS: Terry Hills, DVM, has agreed to serve for another term; therefore be it

RESOLVED: That Terry Hills, DVM be re-appointed to the Tioga County Board of Health for a term of 1/1/2014 – 12/31/2019.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 273-13 *APPOINT MEMBERS TO COMMITTEE ON
PRESCHOOL SPECIAL EDUCATION (CPSE)
PUBLIC HEALTH*

WHEREAS: Members of the CPSE Committee have resigned and the Health Director has elected to appoint members to fill two of the vacant positions; and

WHEREAS: These appointments are made via Resolution; therefore be it

RESOLVED: That appointments be as follows for the terms as stated below:

Early Intervention Service Coordinator	11/12/2013	Term Office
Early Intervention Service Coordinator	11/12/2013	Term Office

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 274-13 *RESOLUTION TO AUTHORIZE CONSULTANT HIRE AND CONTRACT FOR DEVELOPING A NEW LOGO AND ASSOCIATED TAG LINE FOR THE ECONOMIC DEVELOPMENT AND PLANNING DEPARTMENT*

WHEREAS: The Economic Development and Planning Department is striving to increase advertising and marketing efforts in order to raise awareness of Tioga County as a premier development location; and

WHEREAS: The Economic Development and Planning Department is desirous of developing a creative graphic design for a new logo and tag line to assist in these advertising and marketing efforts; and

WHEREAS: The Economic Development and Planning Department has conducted a thorough search by issuing an RFP and has reviewed the responses to the proposals submitted; and

WHEREAS: The Economic Development and Planning Department selected Hue Marketing to perform said services; therefore be it

RESOLVED: That the Economic Development and Planning Director is hereby authorized to contract with Hue Marketing, to perform said services in the amount of \$1,200 to be paid from the Economic Development and Planning Account A6422.40-10; and be it further

RESOLVED: That the Tioga County Legislature authorize the Chair of the Legislature to sign all associated contract paperwork, contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 275-13 *CONTRACT WITH EMPATHIA, INC. FOR
EMPLOYEE ASSISTANCE PROGRAM*

WHEREAS: Current participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) want to continue to provide an Employee Assistance Program (EAP) to covered employees for 2014 to allow them time to explore other options for the future; and

WHEREAS: TCCMHIP has been using the services of Empathia, Inc. as an EAP provider since January 1, 2005; and

WHEREAS: Empathia a national and global provider of EAP, work/life services, and training and management consultation has submitted a proposal to continue providing unlimited 24/7 telephonic assessment, up to 8 in-person counseling sessions for eligible employees and members of their household, and access to substance abuse professionals; and

WHEREAS: Empathia will provide these services for the 2014 calendar year for the current fee of \$2.03 per covered employee per month; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Empathia, Inc., subject to review by the County Attorney, to administer our Employee Assistance Program effective January 1, 2014 through December 31, 2014 to be paid for out of the Tioga County Consolidated Health budget account CH 1710.40 (140).

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standing.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 276-13 *AUTHORIZE PURCHASE OF SPECIFIC EXCESS AND EMPLOYERS' LIABILITY INSURANCE FOR WORKERS' COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy through Safety National Casualty Corp expires December 31, 2013; and

WHEREAS: The Tioga County Self-Insurance Plan's employers' liability insurance policy through Capital Indemnity Corp expires December 31, 2013; and

WHEREAS: The Tioga County Self-Insurance Plan by-laws allow the committee to purchase excess or catastrophic insurance; and

WHEREAS: The continuance of both excess and employers' liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; and

WHEREAS: Safety National Casualty Corp. and Capital Indemnity Corp are both A rated insurance companies and both are licensed in New York State; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase specific excess insurance, subject to review by the County Attorney, from Safety National for the period of January 1, 2014 through December 31, 2014 to be paid for out of the 2014 Tioga County Self-Insurance budget account \$1722.40; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase employers' liability insurance, subject to review by the County Attorney, from Capital Indemnity Corp for the period of January 1, 2014 through December 31, 2014 to be paid for out of the 2014 Tioga County Self-Insurance budget account S1710.40-270

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 277-13 *AMEND RESOLUTION 304-12, WHICH AMENDED RESOLUTION 90-12; RETIREE CONTRIBUTIONS FOR HIGH DEDUCTIBLE HEALTH PLAN*

WHEREAS: The High Deductible Health Plan (HDHP) was implemented in 2012 for active CSEA and Non-Union employees; and

WHEREAS: CSEA and Non-Union employees who retired since the implementation of the HDHP were allowed to carry the HDHP and Health Reimbursement Account (HRA) into retirement; and

WHEREAS: The County prefers at this time to streamline the coverage available to retirees by discontinuing the HDHP and HRA option as of January 2014; therefore be it

RESOLVED: That Resolutions 304-12 and 90-12 are hereby amended to indicate that effective January 1, 2014 non-Medicare eligible retirees shall only have the choice of Classic Blue Indemnity, only if they were eligible for this plan as an active employee, or PPO H-Split coverage; and be it further

RESOLVED: That the retiree's contribution toward the selected coverage shall be in accordance with County Policy 3 and/or Resolution 223-13.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 278-13 *AMEND RESOLUTION #275-12*
EXTEND HIRING DELAY THROUGH 2014

WHEREAS: Resolution #275-12 amended Resolution #277-11, which amended Resolution 269-10, which amended Resolution #224-10, thereby establishing a 90-day delay in backfilling vacancies; and

WHEREAS: Tioga County has saved significant money by prohibiting vacancies from being filled immediately; and

WHEREAS: The County Legislature would like to continue this practice through 2014 as one step toward controlling the 2014 County Budget; therefore be it

RESOLVED: That Resolution 275-12 is hereby amended to be effective through December 31, 2014.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Monell, Weston, Sauerbrey, and Standing.

No – Legislator Huttleston.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 279-13 *AUTHORIZE 2014 CONTRACTS WITH SADD
SCHOOL ASSOCIATES*

WHEREAS: It is the desire of the STOP DWI Program to arrange six contracts with SADD School Associates which are defined as Independent contractors not entitled to County Employee benefits; and

WHEREAS: It is the desire to award the six SADD School Associate contracts for the calendar year 2014 to the following individuals; Matt Gelder to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Karen Curtis to serve the Spencer Van Etten School District; Janice Barto to serve the Tioga Central School District and Deb Lauper to serve the Waverly School District; and

WHEREAS: Each SADD School Associate will be compensated \$100 each month for the ten months of the school year, but will not exceed \$1,000 for the year; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and outlines the compensation to be paid to the STOP DWI School Associates; therefore be it

RESOLVED: That these contracts for SADD School Associates be authorized for the 2014 calendar year.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 280-13 *AUTHORIZE 2014 SALARIES
BOARD OF ELECTIONS*

WHEREAS: The salaries for employees of the Board of Elections are set by resolution; and

WHEREAS: Non-Union staff has been authorized a salary increase for 2014; therefore be it

RESOLVED: That the 2014 rates of pay, for the Board of Elections staff shall be as follow:

	2014 pay
Commissioners (2)	\$38,215
Deputy Commissioners (2)	\$30,944
Voting Machine Technicians (2)	\$15.69/hr

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 281-13 *AUTHORIZE SALARY FOR BACKFILL
(MENTAL HYGIENE)*

WHEREAS: Legislative approval is required for salaries offered for Non-Union positions; and

WHEREAS: The position of Clinical Program Director became vacant on October 31, 2013, due to the resignation of the incumbent; and

WHEREAS: The Director of Community Services would like to appoint an internal candidate from the promotional civil service eligible list; and

WHEREAS: The internal candidate has over three years of experience with Tioga County and an additional five years of related work experience in the mental health field as a licensed clinician; therefore be it

RESOLVED: That the Director of Community Services is hereby authorized to appoint Sarah Salisbury to the position of Clinical Program Director effective November 13, 2013 at an annual salary of \$57,000.00.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standing.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: INFORMATION TECHNOLOGY &
COMMUNICATION SYSTEMS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 282-13 *AUTHORIZE APPOINTMENT
DIRECTOR OF INFORMATION TECHNOLOGY
& COMMUNICATION SYSTEMS*

WHEREAS: The Director of Information Technology and Communication Systems position became vacant on June 30, 2012 due to the retirement of the previous incumbent; and

WHEREAS: During the past 16 months, the Department has been managed by an Acting Director; and

WHEREAS: A qualified candidate has been recruited and has accepted the employment offer; therefore be it

RESOLVED: That Douglas Camin is hereby appointed Director of Information Technology & Communication Systems effective November 25, 2013 at an annual salary of \$72,500; and be it further

RESOLVED: That Mr. Camin may be eligible for a salary increase after 6 months, in accordance with County Policy 44.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standing.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 284-13 *APPOINT SECRETARY TO COMMISSIONER OF SOCIAL SERVICES; AUTHORIZE NON-UNION SALARY; AND ABOLISH ONE EXECUTIVE SECRETARY POSITION SOCIAL SERVICES*

WHEREAS: Legislative approval is required for all non-union appointments; and

WHEREAS: Elaine M. Lasater will retire as Secretary to Commissioner of Social Services effective December 3, 2013; and

WHEREAS: Judy Westmiller is able and willing to backfill this vacancy by promotion from her Executive Secretary position (CSEA, competitive classified) into a non-union, exempt classified position; and

WHEREAS: Due to the non-union salary range for secretarial positions at this level, Ms. Westmiller would incur a decrease in salary under the formula currently used to determine the step from Union to Non-Union salary; and

WHEREAS: The Commissioner of Social Services will reduce headcount in Secretarial services by assigning Ms. Westmiller to perform duties for both the Commissioner and Deputy Commissioner and abolish one Executive Secretary position (CSEA Grade VII, starting salary \$31,274); therefore be it

RESOLVED: That the Commissioner of Social Services be authorized to appoint Ms. Westmiller to the position of Secretary to Commissioner of Social Services effective December 3, 2013, at the annual salary of \$38,786, which is reflective of \$1,500 increase; and be it further

RESOLVED: That based upon her past "exceptional" evaluations, Ms. Westmiller is eligible to receive the non-union salary increase effective January 1, 2014; and be it further

RESOLVED: That one vacant Executive Secretary position shall be abolished effective December 3, 2013.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, Sauerbrey, and Standingger.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:19 p.m.

Public Hearing
2014 Budget
November 19, 2013

The Public Hearing on the 2014 Budget was called to order by the Chair at 6:00 P.M. Eight Legislative members were present, Legislator Huttleston being absent.

There were five people in attendance along with Budget Officer Chuck Shager.

The Clerk read the legal notice as published in the official newspapers.

The Chair turned the meeting over to the Budget Officer, Chuck Shager.

Chuck Shager, Budget Officer, spoke. "To: The residents of Tioga County and the Honorable County Legislature.

"I present to you tonight the proposed County budget for 2014.

"During the past year, we have worked diligently on keeping costs down, while still maintaining government services that the taxpayers expect. During the year we secured bonding to update another round of bridge repairs, two new roofs and energy improvements for the County Office building and jail. We have also embarked on improvement to our IT infrastructure to increase the efficiency of government and making information more readily available to the residents. In addition, we have worked diligently to privatize the Home Health Care organization to keep the same level of service our residents have been accustomed to.

"Many state and local governments nationwide have seen an erosion of their finances. We are one of the exceptions. Our fund balance (the county's savings account) at the end of 2013 is anticipated to increase. While in the past we have thought our fund balance would decrease, due to controlled spending and some one time revenue influxes, we have been able to build the fund balance to the level our state government believes we should be at.

"Through October 2013, the Sales Tax Revenue received by the County decreased by 3.25%, which was anticipated in the 2013 budget. The current level is more in line with our prior year trends before the flood of 2011, which caused a spike in the fourth quarter of 2011 and most of 2012.

"Department heads were asked to keep their budgets neutral with the agreed upon salary increase. As a result, we are presenting a budget that decreases spending by over 2.1 million dollars and decreases revenue by close to 1 million dollars in the general fund.

"General Fund expenses have decreased from \$69,473,450 in 2013 to \$67,362,486 in the proposed spending plan. This represents a decrease of 3.03% or \$2,111,964 and over 5% the past two years. The largest decreases were in Public Health and Employee Benefits (high deductible plan and retiree plan changes). The largest increases were in retirement costs and foster care.

"The budget will see a decrease in General Fund Revenues of \$960,623 or 2.1%, from \$45,616,443 in 2013 to \$44,655,820 in the 2014 proposal. State and Federal funding remain stable. Sales Tax was increased and Home Health Care decreased. In 2014 benefits are down from 20% of the total spending to 18% and public health down from 10% to 8%. Benefits is due to the retirees health insurance change and public health is due to the loss of the CHAA Program.

"On the revenue side, department income decreased from 13% to 10%, mainly due to the home health care agency and sales tax has gone up from 26% to 28%.

"There have been significant appropriations in other areas of the budget, such as the Capital Fund. The County plans to meet our infrastructure schedule by replacing six bridges in 2014 along with four major road paving projects

"The total proposed spending plan of \$83,121,922 is a decrease of \$8,277,020 or 9% over the current year. Most of the spending reduction is due to the elimination of the Consolidated Health Fund due to all municipalities within the County going to fully insured health plans individually. It is proposed that an appropriation from the fund balance in the amount of \$1,500,000 be used to minimize tax increases. In 2013, \$2,956,212 was appropriated from the fund balance. It is estimated that this will bring the unappropriated fund balance at the end of 2014 to roughly \$14,000,000. In this budget there are 15 vacant unfunded positions, down from 24 in 2013.

"The county tax levy will increase by \$300,871 or 1.44%, to \$21,206,666. Tax rates will vary from town to town due to state established equalization rates. The composite tax rate for all taxing districts has increased to \$11.36 per \$1000 due to a decrease in net assessments. Within the County an owner of a \$100,000 home will pay between \$ 848 and \$ 869 in County Property Taxes, depending on which town they live in. The chart on the board shows what is going to occur by

town and it ranges from 0.02% in Newark Valley up to 7.79% in Nichols, totally due to the equalization rate set by the State.

"The other tax that appears on your bill is the recycling tax. The tax levy for recycling in the solid waste budget has increased from \$918,143 to \$ 923,566, an increase of \$5,423 or 0.5% for 2014. Appropriations have increased \$15,572 or 1.3% from 2013. However, revenues have also increased \$15,149 or 1.27%. The proposed composite rate for all taxing districts will increase from \$0.494 to \$0.495 per \$1000 of assessed value.

"Under this proposed budget we are under the tax cap by over \$500,000, a significant amount.

"I would like to thank the County Legislature, department heads and all county employees for working very diligently to formulate this 2014 budget. A special thanks to Mary Hogan in the County's IT department for her effort in assisting me in putting this budget together.

"I would like to point out that the projected tax levy cannot be increased after tonight's hearing without an additional public hearing. If you have comments to present to the Legislature regarding the proposed budget, the floor is now open.

George Penney spoke. "I would suggest that while you have these fresh figures in front of you, that you might consider ways even so to reduce county taxes. One of them that appears to me was that several years ago the county built a jail that was supposed to get revenues in that would eventually pay for the jail. I look at these figures and I wonder has that been the case. I hope that you will see that there are other areas also. I think that you could reduce taxes by looking at some of the details that you see before you now."

There being no further comments, the hearing was adjourned at 6:10 P.M.

Seventh Special Meeting
November 21, 2013

The Seventh Special Meeting of 2013 was held on November 21, 2013 and was called to order by the Chair at 10:18 A.M. Eight Legislators were present, Legislator Monell being absent

Chair Weston asked Legislator Sullivan to have a moment of prayer. "Dear Lord we ask that you guide us as we conduct the County's business today and all days in order for us to meet the needs of those residents that we represent."

Legislator Sullivan led all Legislators and those in attendance in the Pledge of Allegiance.

There were four people in attendance.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO:	FINANCE/LEGAL
RESOLUTION NO. 287-13	<i>AUTHORIZATION TO EXECUTE ENGAGEMENT LETTER FROM COUGHLIN & GERHART, LLP TO PROVIDE SERVICES TO RESOLVE LICENSING CONTRACT ISSUE WITH ACTUATE, CORP.</i>

WHEREAS: It appears that the Tioga County Law Department is in need of assistance to resolve a licensing contract issue with Actuate Corporation; and

WHEREAS: Tioga County wishes to retain the services of Coughlin and Gerhart LLP to provide their expertise in resolving said licensing issue; and

WHEREAS: Coughlin and Gerhart LLP has set forth the services they will provide in an engagement letter; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes Legislative Chair Dale Weston to sign said engagement letter from Coughlin and Gerhart LLP for said services.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Monell, Weston, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Monell.

Abstain – Legislator Huttleston.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 288-13 *AUTHORIZE, CREATE AND FILL POSITIONS
PUBLIC DEFENDER'S OFFICE*

WHEREAS: The Tioga County Legislature has determined it would be more effective to provide indigent legal services for Family Court, non-criminal matters, through the Public Defender's Office; and

WHEREAS: The Public Defender has determined additional staffing is necessary in order to absorb this work; therefore be it

RESOLVED: That one full-time position of Assistant Public Defender is created effective January 2, 2014 with a starting salary range of \$48,116 - \$58,116; and be it further

RESOLVED: That one part-time (up to 17 hours/week) position of Secretary to the Public Defender is created effective January 2, 2014 at an hourly rate of \$11.32; and be it further

RESOLVED: That the Public Defender is hereby authorized to recruit and fill the above positions effective on or after January 2, 2014.

ROLL CALL VOTE

Yes – Legislators Sullivan, Case, Hollenbeck, Weston, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Monell.

Abstain – Legislator Huttleston

RESOLUTION ADOPTED.

The meeting was adjourned at 10:20 A.M.

Twelfth Regular Meeting
December 10, 2013

The Twelfth Regular Meeting of 2013 was held on December 10, 2013 and was called to order by the Chair at 6:00 P.M. All Legislative members were present.

Chair Weston asked for a few moments of silent meditation to reflect on our own personal blessings as we move through the Holiday season.

Chair Weston led all Legislators and those in attendance in the Pledge of Allegiance.

There were 24 people in attendance.

Chad Post of the Employee Recognition Committee presented the Employee of the 4th Quarter 2013 to Christopher Kallin of the Child Support Unit of the Department of Social Services.

"Good evening. I would like to first thank the Legislature on behalf of the Employee Recognition Committee for their continued support of the ERC Program. At this time I would like to ask Christopher Kallin and Commissioner Yetter to please join me at the podium.

"Today we are here to recognize Tioga County Child Support Enforcement Supervisor Christopher Kallin as Employee of the 4th Quarter of 2013. Christopher began his employment in Tioga County on August 13, 1980 when he was hired as a Temporary Social Welfare Examiner. Chris was then hired provisionally as a Social Welfare Examiner on December 15, 1980 and this was made permanent on April 6, 1981. Chris was promoted to provisional Child Support Enforcement Supervisor on March 16, 1987. This position became permanent on September 25, 1989 and is the position Chris currently holds.

"Chris was recognized in 1987 and 1992 for his involvement in quality circles, a volunteer group composed of staff who are trained to identify, analyze, and solve work-related problems and then present their solutions to management in order to improve the performance of organization. Chris was honored at the Annual Employee Recognition luncheon in 2006 for 25 years of service to Tioga County and again in 2011 for 30 years of service.

"As the Supervisor in the Child Support Unit, Chris is responsible for training and mentoring new staff. Chris is the liaison for the Department of Taxation and Finance, one of Child Support's administrative enforcement remedies and is the liaison for Laboratory Court, the Child Support's paternity DNA testing partner. In addition, Chris also accomplishes tasks of support investigator. Chris is responsible for establishing paternity and support, and enforcing child support orders. Chris has an excellent relationship with custodial and noncustodial parents as well as collaborative partners in the child support process. He is very professional and an excellent representation of his department.

"Chris and his wife Kristen reside in Owego with their two daughters, Kendra a Senior and McKenna a freshman, both at Owego Free Academy. Chris loves sports of all kinds including baseball and golf. He is an avid Detroit Tigers fan. He coached the 12 Yoda Fast Pitch travel softball team from 2008 to 2012. He coached the 14 Yoda Fast Pitch travel softball team in 2013 and plans to do so again in 2014. Chris also coached the OFA Modified Softball Team in 2012.

"He currently serves as the Chairman of Finance Committee at Owego United Methodist Church and also serves as a CSEA Union Steward. Chris is an experienced and extremely valued asset to the Tioga County Department of Social Services Child Support Unit and is very deserving of this recognition. I would like to point out that we normally present the winner with a certificate and Chris has chosen to have the money for the certificate made in the memory of Kevin McRory, and we would just like to once again thank you for your service."

Legislator Huttleston spoke. "He is a real winner, but the real winner is the people that this Department serves in the County. We appreciate all that you have done and it was a nice gesture to remember Kevin McRory, which was one of the finest people that we knew just like you. Thank you."

Shawn Yetter, Commissioner of Social Services, spoke. "One of the nicest things about Chris is I try to make a point of knowing who staffs favorite sports teams are if they are in to sports and congratulate them when their teams are doing well so I do not have to spend a lot of time talking to Chris about the Tigers. I am always pleased when the individual selected for Employee of the Quarter who is someone who has demonstrated a career of commitment and quality work for the residents of the County and Chris is certainly an example of that with over 30 years of service to the County, and having been a fixture at Child Support for 26 years, all of those as the Child Support Supervisor.

"During those 26 years Child Support has certainly seen staff at all levels come and go, but one thing has remained constant and that is Chris. With Chris, consistency is what you always get. Now I might want to ask his daughters about this, but he is one of the most level headed, even tempered caring people you could ever have the opportunity to work with. Chris and I go way back. When I started in 1982 Chris and I were examiners together and I cannot think of many people that I would rather be professionally associated with for over 30 years than Chris.

"Tioga County has been lucky to have you as an asset for so many years. Our Department needs and appreciates the stability and calmness that you bring to us. Chris is a gentleman's gentleman, always professional, courteous, and caring. If you had the privilege of ever meeting Chris' father, you know he came by that very honestly. His face lights up when he talks about his family and he is always interested in and concerned about what is going on with your family. It goes without saying that Chris demonstrates a high level of skill at what he does day in and day out, and you can always be confident that things are in very good hands with Chris. Christopher you are incredibly worthy of being honored as Tioga County's Employee of the Quarter and on behalf of the Department we congratulate you on being selected by the Employee Recognition Committee as they recognize your exemplary work and commitment to the residents of Tioga County."

Chris Kallin spoke. "Kind words indeed, thank you Shawn. Big thank you here to my family, my wife Kristen, daughters Kendra and McKenna, thank you for your love, your understanding, and a boat load of patience. To my work family, they are not all here, but to Darlene, Sandy, Anita, Laura, John, and Doreen, they make coming to work a real pleasure. They are dedicated, they are hard working, they laugh, they have a good sense of humor, but most importantly a willingness to help those that need it. To Shawn, to Gail, my Administrators, a big thank you for not only your accessibility, but your guidance and your support. Shawn failed to mention that I am a Red Skins fan so we are definitely not talking about that.

"Finally, to the Legislative body, to the Employee Recognition Committee, I really do appreciate this award and I am really grateful that we have an opportunity and the time to honor your employee workforce. I have said this before, I said it before when Kevin won the Employee of the year award I believe. You have much to be proud of with your entire County workforce. Thank you."

Legislator Roberts read and presented the following recognition resolution to Rose Garrity of A New Hope Center.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 289-13 *RECOGNIZE ROSE M. GARRITY'S
YEARS OF DEDICATED SERVICE
TO A NEW HOPE CENTER*

WHEREAS: Rose M. Garrity began her career with A New Hope Center in May of 1986 as Executive Director/Program Developer for this human services organization providing comprehensive services to crime victims; and

WHEREAS: Rose has been truly dedicated, loyal, and very passionate in her role providing assistance for domestic violence and sexual assault to victims; and

WHEREAS: Rose has received many awards of her years at A New Hope Center including Outstanding Victim Advocate of the Year, Jean Harris Award, Women of Excellence just to name a few; and

WHEREAS: Rose was part of the team who developed the NY Model for Batterer Programs and in October of 2003 A New Hope Center was the recipient of the prestigious Governor's Freedom Award; and

WHEREAS: Rose M. Garrity will retire on December 31, 2013; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Rose M. Garrity for her many years of dedicated and loyal service to Tioga County and victims of domestic violence and sexual assault; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding individual, Rose M. Garrity.

WHEREAS: Mary Gelatt has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 17 years to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Gelatt will retire on December 31, 2013; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Mary Gelatt for her over 17 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Mary Gelatt.

ROLL CALL VOTE

Unanimously Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Rick Stilson had privilege of the floor. "I just want to take a minute to thank you all on behalf of the libraries for maintaining the funding, especially in the case of the Apalachin Library. They are trying to figure out what services and hours they are going to cut now as a result of the actions of the Town, so your efforts to maintain the funding are greatly appreciated. Thank you."

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		150.39
A1165	District Attorney		1,690.43
A1170	Public Defender		3,198.31
A1172	Assigned Counsel		36,520.22
A1325	Treasurer		8,994.77
A1364	Expense of County Owned Property		265.00
A1410	County Clerk		674.96

A1411	Department of Motor Vehicles		372.46
A1420	Law		7,822.00
A1430	Personnel		1,922.15
A1450	Elections		12,320.71
A1490	Public Works Administration		112.95
A1620	Buildings		31,143.07
A1621	Buildings		13,423.30
A1680	Information Technology		27,338.56
A2490	Community College Tuition		10,255.67
A2960	Education of Handicapped Children		142,830.71
A3020	Public Safety Comm E911 System		3,859.26
A3110	Sheriff	353.11	16,910.82
A3140	Probation	925.00	92.00
A3146	Sex Offender Program		27,720.00
A3150	Jail		59,269.17
A3410	Fire		5,545.48
A3640	Emergency Mgmt Office		735.63
A3641	LEMPG Grant	719.99	
A4010	Public Health Nursing		10,675.78
A4011	Public Health Administration		2,025.26
A4042	Rabies Control		644.70
A4044	Early Intervention		80.05
A4053	Preventive/Primary Health Services		401.30
A4054	Preventive Dental Services		2,398.90
A4064	Managed Care-Dental Services	318.00	8,181.00
A4070	Disease Control		5,060.12
A4090	Environmental Health		657.16
A4210	Alcohol and Drug Services		1,707.09
A4309	Mental Hygiene Co Admin		3,365.69
A4310	Mental Health Clinic		15,760.76
A4321	Intensive Case Management		712.99
A6010	Social Services Administration		41,117.72
A6422	Economic Development		647.53
A6510	Veterans' Service		1,581.65
A6610	Sealer Weights and Measures		69.13
A7310.41	Youth Programs, Refundable		5,000.00
A7510	Historian		166.30
A8020	Planning		2,014.36
A8752	NYS Ag Markets Grant		860.00
A9060	Health Insurance		2,739.30
	SOLID WASTE FUND		89,487.90
	SPECIAL GRANT FUND		6,348.53

COUNTY ROAD FUND	26,594.77
CAPITAL FUND	485,247.98
CONSOLIDATED HEALTH FUND	325,031.60
SELF-INSURANCE FUND	<u>1,300.00</u>
GRAND TOTAL	\$ 1,455,361.69

Legislator Sullivan made a motion to approve the minutes of November 12 & 21, 2013, seconded by Legislator Sauerbrey, and carried.

Chair Weston made the following appointment to the Information Technology Steering Committee:

Barb Cushman effective 12/10/2013

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 291-13 *ADOPT STATE EQUALIZATION REPORTS*

RESOLVED: That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 292-13 *FIX TIME OF
ORGANIZATIONAL MEETING*

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 A.M., Thursday, January 2, 2014.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 293-13 *YEAR END TRANSFERS*

RESOLVED: That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That the County Treasurer is hereby authorized and directed to effect this resolution.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 294-13 *AUTHORIZE TREASURER TO
ENCUMBER FUNDS*

RESOLVED: That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

RESOLVED: That said funds be encumbered before December 31, 2013 to allow proper coding of bills for payment in January.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 295-13 *ADOPT COUNTY BUDGET FOR 2014,
APPROPRIATIONS AND SALARY
SCHEDULE*

RESOLVED: That the tentative budget for Tioga County for the year 2014 submitted by the Budget Officer on November 15, 2013 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2014; and be it further

RESOLVED: That the several amounts specified in such budget as to the total for the several objects as set forth in Schedule 1 therein be appropriated for such objects, effective January 1, 2014; and be it further

RESOLVED: That the full time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2014.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 296-13 *TOWN TAX LEVY*

WHEREAS: There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2014; be it

RESOLVED: That there shall be, and there is, assessed against and levied upon and collected from the taxable property situate in the following Towns outside the incorporated Villages or partially located therein, the amounts indicated for Town purposes as specified in the Budgets of the respective Towns as follows:

<u>Part Town</u>	<u>General Outside</u>	<u>Highway Outside</u>
Barton		
Candor	61,366	111,506
Newark Valley		
Nichols	-	116,790
Owego	-	1,879,324
Spencer	26,292	455,259

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

Town of Barton	
Halsey Valley Fire Protection	17,557.38
Lockwood Fire Protection	38,760.00
Waverly Joint Fire Protection	258,312.00
Town of Berkshire	
Berkshire Fire District	119,032.00
Town of Candor	
Candor Fire District	420,334.00
Town of Newark Valley	
Newark Valley Fire District	174,000.73
Town of Nichols	
Lounsbury Fire Protection	3,000.00
Nichols Joint Fire Protection	137,900.00
Town of Owego	
Apalachin Fire District	742,720.00
Owego Fire District	1,000,189.61

Newark Valley Fire District	25,899.27
Town of Richford	
Richford Fire District	82,055.00
Town of Spencer	
Spencer Fire Protection District	75,000.00
Town of Tioga	
Tioga Fire District	184,141.00

Further

RESOLVED: That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within certain sewer, water and lighting Districts in the Town of Owego and the amounts specified in their annual budgets as follows:

Water District No. 4/Ext. 13	12,280.00
Water District No. 4/Ext. 15	6,279.00
Water District No. 4/Ext. 17	19,513.00
Water District No. 4/Ext. 20	16,550.00
Sewer District No. 2/Ext. 14	12,863.00
Sewer District No. 2/Ext. 15	12,100.00
Lighting District No. 1	6,529.00
Lighting District No. 2	13,675.00
Lighting District No. 3	13,018.00
Lighting District No. 4A	719.00
Lighting District No. 4B	2,160.00
Lighting District No. 5	8,149.00
Lighting District No. 6	17,370.00
Lighting District No. 7	2,345.00
Lighting District No. 8	1,523.00
Lighting District No. 9	697.00
Lighting District No. 10	975.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$259,528.33; be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$3,926.83; be it further

RESOLVED: That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	190,000	497,000
Berkshire	83,605	338,100
Candor	520,409	737,606
Newark Valley	322,245	276,750
Nichols	62,079	201,950
Owego	840,500	
Richford	150,448	420,909
Spencer	238,113	110,012
Tioga	234,831	532,900

Further

RESOLVED: That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 297-13 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. 295-13 dated December 10, 2013 adopted a Budget for the fiscal year 2014 and by Resolution No. 295-13 dated December 10, 2013 has made appropriations for the conduct of the County Government during said fiscal year and has by resolution No. 296-13 dated December 10, 2013 levied the taxes required for the support of the Government of the several Towns; therefore be it

RESOLVED: That this Legislature hereby levies the following for recycling purposes, upon the taxable real property liable therefore, in the County upon valuation as heretofore equalized by it.

Barton	132,109.83
Berkshire	23,227.85
Candor	92,298.21
Newark Valley	64,114.34
Nichols	49,513.51
Owego	389,905.82
Richford	22,253.79
Spencer	62,004.73
Tioga	83,137.92
<hr/>	
Total	918,566.00

And be it further

RESOLVED: That pursuant to Section 360 of the County Law and Section 900 of the Real Property Tax Law, this Legislature hereby levied the following for County purposes, excluding Solid Waste set forth above, upon the taxable real property in the County upon valuation as heretofore equalized by it.

Upon all the taxable property liable for the support of County Government, the sum of \$21,206,666.00 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	625,853.33
For School Tax Returned	3,239,297.85
For Deficits from prior years' taxes	121.67
For Reimbursement of Erroneous taxes, etc.	3,896.15
All of the forgoing being subject to Credit for excess collection the prior year of	595.71

Further

RESOLVED: That the County Treasurer's Department be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. 296-13 on the rolls of the several Towns against each parcel of property set forth in said rolls, and that the Chair and the Clerk of the County Legislature be directed and empowered to execute under the seal of this Legislature the several Tax warrants for the collection of said taxes, and to cause the several tax rolls with said warrants annexed to be delivered to the Collectors of the several Tax Districts of the County on or before December 31, 2013; and be it further

RESOLVED: That the tax rates for each of the Towns, excluding Solid Waste, are as follows:

Barton	Out	9.225
	In	9.225
Berkshire		9.008
Candor	Out	8.639
	In	8.639
Newark Valley	Out	12.989
	In	12.989
Nichols	Out	33.160
	In	33.160
Owego	Out	10.794
	In	10.794
Richford		6.701
Spencer	Out	8.834
	In	8.834
Tioga		123.701

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 298-13 *AMEND POLICY 23*
PROCUREMENT POLICY

WHEREAS: Policy 23 needs to be amended to reflect the new Information Technology and Communication Services Director's name in Section I Procurement Procedures; and

WHEREAS: Policy 23 also needs to be amended regarding Section II Required Approvals paragraph one; therefore be it

RESOLVED: That Policy 23 Procurement Policy be amended as follows:

Section I Procurement Procedures (fourth paragraph) - Pursuant to General Municipal Law 104-b (2) (f), Douglas Camin, Information Technology and Communication Services Director, is the responsible person for overseeing the administrative details of Tioga County's purchasing program.

Section II Required Approvals (first paragraph) - In the interest of maximizing efficiency, cost effectiveness and compatibility with various existing countywide technologies, all requests as it relates to purchasing any devices requiring network connectivity, such as computer hardware, printers, software and related services, fax machines, scanners, and copiers, cellular telephones and telephones that connect to our phone system, all departmental purchases and leases of these items must be sent to the Director of Information Technology and Communication Services for approval in a service ticket regardless of cost or funding source (i.e. grant). If an item is approved, Information Technology will notify the department in the service ticket and the department will then order and process the approved items. Accessories, including, but not limited to items such as mice, keyboards, and rewriteable media, are exempt from the approval process.

And be it further

RESOLVED: That the remainder of Policy 23 Procurement Policy shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 299-13 *AWARD PRINTING SERVICES
CONTRACT EXTENSION*

WHEREAS: The Tioga County Legislature entered into a contract with Smith-Ingalls-French on December 6, 2011 for the provision of printing services, which commenced on January 1, 2012 and expires on December 31, 2012; and

WHEREAS: Said contract provided for three one-year extensions; and

WHEREAS: Smith-Ingalls-French has requested in writing the second of the three one-year extensions of the printing services contract and is willing to provide the same service specified in the contract; therefore be it

RESOLVED: That the Tioga County Legislature agrees to the second one-year extension of the Smith-Ingalls-French printing services contract at the same terms and conditions as the December 6, 2011 contract upon approval of the County Attorney, which extension shall commence on January 1, 2014 and expire on December 31, 2014.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 300-13 *AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY
ASSOCIATES, PC, AND TIOGA COUNTY*

WHEREAS: Beginning January 1, 2014 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$850.00 to be paid to Pathologists and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/14 through 12/31/14.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGAL/SAFETY COMMITTEE

RESOLUTION NO. 301-13 *RENEW CONTRACT
PARTNERS IN SAFETY, INC.
(CDL DRUG & ALCOHOL TESTING)*

RESOLVED: That this contract shall be effective January 1, 2014 through December 31, 2014.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 302-13 *ESTABLISHMENT OF TIOGA COUNTY
PLAN FOR PROVIDING INDIGENT LEGAL
SERVICES PURSUANT TO NYS COUNTY
LAW ARTICLE 18-B*

WHEREAS: NYS County Law Article 18-B provides that each county must place in operation a plan for providing Indigent Legal Services conforming with County Law Section 722; and

WHEREAS: Tioga County has undertaken a study, funded by a grant from the NYS Office of Indigent Legal Services, to assist in developing a compliant plan; and

WHEREAS: The study recommended that Tioga County either employ the Public Defender's Office or a Legal Aid Society, supplemented by the existing Assigned Counsel Panel, to provide such services; and

WHEREAS: After a thorough consideration of each method, the Tioga County Legislature has decided to adopt a plan employing the Public Defender's Office supplemented by the existing Assigned Counsel Panel; now therefore be it

RESOLVED: That commencing January 1, 2014, the Tioga County Legislature does hereby place in operation throughout Tioga County the following plan to provide indigent legal services as defined in NYS County Law Section 722:

1. In the first instance, the Tioga County Public Defender's Office will provide counsel to persons charged with a crime or who are entitled to counsel pursuant to section two hundred sixty-two or section eleven hundred twenty of the Family Court Act, article six-C of the Correction Law, section four hundred seven of the Surrogate's Court Procedure Act, who are financially unable to obtain counsel, pursuant to County Law 722(1).
2. In the event the Tioga County Public Defender's Office has a conflict of interest that prevents assignment pursuant to paragraph one above, then such counsel, as well as counsel under article ten of the Mental Hygiene Law, will be provided pursuant to County Law 722.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 303-13

*RESOLUTION TO RENEW CONSULTANT
CONTRACT FOR HAZARD MITIGATION PLAN
COORDINATOR FOR 2014*

WHEREAS: Per resolution 193-12 and resolution 13-218, the Tioga County Legislature contracted with the Tioga County Soil & Water Conservation District to perform the Hazard Mitigation Plan Coordinator services for calendar year 2013; and

WHEREAS: The Tioga County Planning Department still does not have the existing capacity to perform these FEMA-required services; and

WHEREAS: After a year of providing said services, the Tioga County Soil & Water Conservation District has quoted a total of \$20,000 to perform these services for 2014; and

WHEREAS: The Tioga County Planning Department has sufficient funds in the 2014 budget to cover these expenses in the amount of \$20,000 from appropriation account A8020.40-140; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the renewal of said contract with Tioga County Soil & Water Conservation District, to perform Hazard Mitigation Coordinator services from January 1 - December 31, 2014, not to exceed \$20,000 from Planning Appropriation account A8020.40-140, and authorizes the Tioga County Legislative Chair to sign all related contract paperwork, contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 304-13

*AWARD PUBLIC SAFETY
COMMUNICATIONS SYSTEM
PROFESSIONAL SERVICES CONTRACT
TO BLUE WING SERVICES, INC. - FIRE
COORDINATORS OFFICE*

WHEREAS: The Tioga County Bureau of Fire was awarded a 2.342 million dollar grant to upgrade Public Safety Communications in Tioga County by the NYS Department of Homeland Security; and

WHEREAS: Blue Wing Services, Inc performed the Tioga County Preliminary Engineering Design work and Blue Wing Services Inc. is providing Engineering services for Otsego County, NY, Sullivan County, NY, Broome County, NY and

Chemung County, NY whose Communications Systems will provide Interoperable Communications with Tioga County's system; and

WHEREAS: There is a time limit on this grant which makes it critical that the Engineering Design work be done by a firm that is familiar with the Tioga County Public Safety Communications System; and

WHEREAS: Blue Wing Services, Inc previously provided Tioga County with a Radio Communications System Analysis Proposal, Research and Recommendations; therefore be it

RESOLVED: That The Tioga County Legislature, upon approval by the County Attorney, award the Professional Services Contract for Project Management, Project Engineering, Governance and Training services to Blue Wing Services Inc. in an amount not to exceed \$266,200 and to be paid at the rate of \$125 / hr for Project Manager Services and \$135 / hr for Project Engineering services; and be it further

RESOLVED: That the following funds be transferred in the 3415 - STATE INTEROPERABLE COMM GRANT to cover this expense.

From:	3415.20.230	Radio & Equipment	\$266,200.00
To:	3415.40.140	Contracting Services	\$266,200.00

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 305-13 *RE-APPOINT AT-LARGE MEMBER TO THE STERPDB REGIONAL BOARD*

WHEREAS: The by laws of the Southern Tier East Regional Planning Development Board (STERPDB) require the composition of the membership from each county to be 1) a county legislator, 2) a local elected official, another county legislator or a citizen at-large and 3) the county planning director; and

WHEREAS: The Tioga County Legislature appointed Jason Bellis by resolution 13-189 to fulfill Patty Porter's unexpired term on said Board in the Citizen at-large position which ends 12/31/2013 ; and

WHEREAS: Jason Bellis has agreed to serve another term in the Citizen At-Large position on the STERPDB Regional Board from Tioga County; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Jason Bellis to Tioga County's at-large position on the Southern Tier East Regional Planning Development Board for the 4-year term of 1/1/2014 – 12/31/2017.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 306-13

*REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: The term of Tioga County Planning Board member William Dimmick, III will expire as of 12/31/13; and

WHEREAS: The Village of Waverly has nominated William Dimmick, III to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint William Dimmick, III to the Tioga County Planning Board, to serve a 3-year term of 1/1/14 – 12/31/16.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 307-13

*REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: The term of Tioga County Planning Board member Tim Pollard will expire as of 12/31/13; and

WHEREAS: The Town of Berkshire has nominated Tim Pollard to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Tim Pollard to the Tioga County Planning Board, to serve a 3-year term of 1/1/14 – 12/31/16.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 308-13 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: The term of Tioga County Planning Board member Arrah Richards will expire as of 12/31/13; and

WHEREAS: The Town of Barton has nominated Arrah Richards to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Arrah Richards to the Tioga County Planning Board, to serve a 3-year term of 1/1/14 – 12/31/16.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 309-13 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: The term of Tioga County Planning Board member Doug Chrzanowski will expire as of 12/31/13; and

WHEREAS: The Town of Tioga has nominated Doug Chrzanowski to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Doug Chrzanowski to the Tioga County Planning Board, to serve a 3-year term of 1/1/14 – 12/31/16.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 310-13

*REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: The term of Tioga County Planning Board member Nathan Clark will expire as of 12/31/13; and

WHEREAS: The Town of Spencer has nominated Nathan Clark to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Nathan Clark to the Tioga County Planning Board, to serve a 3-year term of 1/1/14 – 12/31/16.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: AGRICULTURE COMMITTEE

RESOLUTION NO. 311-13 *RE-APPOINT MEMBER TO THE TIOGA COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD*

WHEREAS: The term of Agricultural & Farmland Protection Board member, Pam Moore in the position of Active Farmer, has a term expiring as of 12/31/2013; and

WHEREAS: The Agricultural and Farmland Protection Board is desirous of filling this position and Pam Moore is interested in serving another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Pam Moore to the Agricultural and Farmland Protection Board for a 4-year term of 1/1/14 – 12/31/17.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: AGRICULTURE COMMITTEE

RESOLUTION NO. 312-13 *RE-APPOINT MEMBER TO THE TIOGA COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD*

WHEREAS: The term of Agricultural & Farmland Protection Board member, Gary Phelps in the position of Agribusiness, has a term expiring as of 12/31/2013; and

WHEREAS: The Agricultural and Farmland Protection Board is desirous of filling this position and Gary Phelps is interested in serving another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Gary Phelps to the Agricultural and Farmland Protection Board for a 4-year term of 1/1/14 – 12/31/17.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 313-13

*AUTHORIZE THE ACCEPTANCE OF THE
APPLICATION OF FIREFIGHTER DAVID
RATHKE TO THE HAZARDOUS MATERIALS
TEAM – FIRE COORDINATORS OFFICE*

WHEREAS: The Bureau of Fire provides high quality Hazardous Materials Team support to the Fire Service in Tioga County and adjacent Counties through the NYS Fire Mutual Aid Plan; and

WHEREAS: This service is provided by local, highly trained volunteers; and

WHEREAS: South Side Fire Department Firefighter David Rathke has applied for membership to the County Haz-Mat Team; and

WHEREAS: Firefighter Rathke currently possesses training and skills needed by the Tioga County Haz-Mat Team; therefore be it

RESOLVED: That Southside Firefighter David Rathke be added to the Tioga County Haz-Mat Team roster.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO. 314-13 *AUTHORIZE TRANSFER OF FUNDS
BOARD OF ELECTIONS*

WHEREAS: The Board of Elections has Election Inspectors that are county employees; and

WHEREAS: Said funds need to be transferred to the Part Time Salary line; therefore be it

RESOLVED: That the following sums be transferred as follows:

From: A1450.40.143	Election Inspectors	\$2500.00
To: A1450.10.20	Part Time/Temporary	\$2500.00

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 316-13 *CONTINGENCY FUNDING FOR JAIL MEDICAL EXPENSES*

WHEREAS: The Sheriff is experiencing higher Medical Expenses than expected in the Jail; and

WHEREAS: Budgeted funds to cover these expenses within the 2013 Jail Budget have been nearly exhausted, now therefore be it

RESOLVED: That the following contingency funds be appropriated as follows:

From: A1990.40-715 Contingency \$20,000

To: Jail Account A3150.40.370 (Medical Expense) \$20,000

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 317-13 *TRANSFER OF FUNDS INFORMATION TECHNOLOGY AND COMMUNICATION SERVICES*

WHEREAS: The Information Technology and Communication Services Department has a need to purchase equipment before the end of 2013; and

WHEREAS: Funds do not exist in the equipment account to cover these costs and need to be transferred from the Information Technology and Communication Services contractual account; therefore be it

RESOLVED: That the following sums be transferred as follows:

FROM:	ITCS A1680.40-140	\$10,000
TO:	ITCS A1680.20-90	\$10,000

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 318-13 *INCREASE REVENUE ACCOUNT H3501
AND APPROPRIATION ACCOUNT
H2013.01 BY \$176,886.46 IN
INCREASED CHIPS FUNDING*

WHEREAS: In preparing the 2013 budget it was assumed that CHIPS funding would remain the same as 2013's levels; and

WHEREAS: Accordingly the 2013 budget was approved with an amount of \$1,026,971.00 in revenue and expenditures for road projects; and

WHEREAS: NYS actually raised our CHIPS funding level to \$1,203,857.46 in 2013; and

WHEREAS: The budget was never altered to reflect this increase in revenue; therefore be it

RESOLVED: That revenue account H3501 and appropriation account H2013.01 be increased by the amount of additional CHIPS funding from \$1,026,971.00 to \$1,203,857.46, an increase of \$176,886.46.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 319-13 *AUTHORIZE REQUEST FOR TRANSFER OF FUNDS TO
UPGRADE SOFTWARE ON THE DEVELOPTIOGA WEBSITE*

WHEREAS: The Economic Development and Planning Department is desirous of continuing to maintain the [www.developoptioga](http://www.developoptioga.com) website for the purposes of keeping the public informed and allowing public access to departmental documents; and

WHEREAS: The [www.developoptioga](http://www.developoptioga.com) website software has been determined to be outdated and in need of upgrade; and

WHEREAS: It has been determined that the cost to upgrade the [www.developoptioga](http://www.developoptioga.com) website will not exceed \$3,500; and

WHEREAS: The Economic Development and Planning Department does not have a budget line item in an amount sufficient to cover said software upgrade expenditure; therefore be it

RESOLVED: That the website expense be allocated from the County Contingency Fund Account A1990.40-715 to Economic Development & Planning Account A6422.40-620 in the amount not to exceed \$3,500 for the purpose of upgrading the www.developtioga software.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 320-13

*ESTABLISH CAPITAL RESERVE FUND
FOR PUBLIC LAND, STRUCTURES AND
EQUIPMENT*

WHEREAS: Tioga County recognizes the importance of maintaining the infrastructure in the County; and

WHEREAS: Tioga County wishes to establish a Capital Reserve Fund pursuant to General Municipal Law Section 6(c) to accumulate moneys to finance the cost of the construction, reconstruction or acquisition of roads, bridges, public lands, buildings and construction and maintenance equipment or vehicles; now therefore be it

RESOLVED: That pursuant to Section 6(c) of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Capital Reserve Fund for Public Land, Structures and Equipment" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of the construction, reconstruction or acquisition of roads,

bridges, public lands, buildings and construction and maintenance equipment or vehicles; and be it further

RESOLVED: That the Tioga County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Tioga County Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Tioga County. Any interest earned or capital gains realized on the moneys so deposited or invested

shall accrue to and become part of the Reserve Fund. The Tioga County Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Legislature a detailed report of the operation and condition of the Reserve Fund; and be it further

RESOLVED: That except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this Legislature and such additional actions or proceedings as may be required by Section 6(c) of the General Municipal Law or any other law.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 321-13

*ESTABLISH CAPITAL RESERVE FUND FOR
FINANCIAL MANAGEMENT SYSTEM*

WHEREAS: Tioga County recognizes the importance of technology in the County; and

WHEREAS: Tioga County wishes to establish a Capital Reserve Fund pursuant to General Municipal Law Section 6(c) to accumulate moneys to finance the cost of the expenses incurred for the acquisition and installation of a new computer assisted integrated financial management and accounting system, including hardware and the computer software incidental to its acquisition and installation; now therefore be it

RESOLVED: That pursuant to Section 6(c) of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Financial Management System Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of the expenses incurred for the acquisition and installation of a new computer assisted integrated financial management and accounting system, including hardware and the computer software incidental to its acquisition and installation. The estimated maximum cost of the system is \$800,000.00; and be it further

RESOLVED: That the Tioga County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Tioga County Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Tioga County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Tioga County Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Legislature a detailed report of the operation and condition of the Reserve Fund; and be it further

RESOLVED: That except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this Legislature and such additional actions or proceedings as may be required by Section 6(c) of the General Municipal Law or any other law.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PERSONNEL COMMITTEE
FINANCE/LEGAL

RESOLUTION NO. 322-13 *FUND CAPITAL RESERVES*

WHEREAS: The Tioga County Legislature recognizes the importance of County Infrastructure and established funds for such needs in Resolutions No. 120-13 and No. 320-13; and

WHEREAS: The Tioga County Legislature would like to fund these reserves through funds it will be receiving from the Consolidated Health Fund due to the County's removal of 330 employees as a result of implementation of the fully-insured High Deductible Plan in February 2012, therefore be it

RESOLVED: That the Tioga County Treasurer accept a payment of \$800,000 from the Consolidated Health Fund; and be it further

RESOLVED: That the Tioga County Treasurer funds the "Computer Software Reserve Fund" with \$500,000 and the "Financial Management System Reserve Fund" with \$300,000 as follows:

FROM: A5031.00 Interfund Transfers all Others	\$800,000.00
TO: A9950.93-715 Transfer to Capital Fund	\$800,000.00
From: H5031.00 Interfund Transfer	\$800,000.00
TO: H878.04 Capital Software Reserve Fund	\$500,000.00
TO: H878.08 Financial Management System Reserve Fund	\$300,000.00

Legislator Sullivan made a motion to amend the above resolution, seconded by Legislator Case as follows:

Change the first resolved from \$800,000 to \$814,766.

ROLL CALL VOTE ON RESOLUTION AS AMENDED

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 323-13 *FUND CAPITAL RESERVE FOR PUBLIC LAND,
STRUCTURES AND EQUIPMENT*

WHEREAS: The Tioga County Capital Budget has a contingency account that has been built up over the years; and

WHEREAS: Tioga County believes the proper classification of this account should be as a reserve; and

WHEREAS: By combining these 2 bridges, a lower cost inspection and construction can be attained; therefore be it

RESOLVED: That the Tioga County Legislature award the design contract for the 2 bridges to McFarland Johnson Engineers in the amount of \$177,915 to be paid out of capital account H2014.01 Ellis Creek Road Bridges BIN: 3334880 & 3334900.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 325-13

*HIRE E-VOLVE LLC TO PROVIDE
CONSULTING SERVICES FOR TIOGA
COUNTY FINANCIAL MANAGEMENT
SYSTEM*

WHEREAS: Tioga County Treasurer is seeking to upgrade and purchase a financial management system; and

WHEREAS: Tioga County will require technical assistance in identifying all items that need to be purchased and the preparation of a Request for Proposal for the financial management system and in the evaluation of the responses; and

WHEREAS: e-Volve Information Technology Services, LLC has submitted a proposal to provide consulting services, with the total of said fees not to exceed \$25,000; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign a contract with e-Volve Information Technology Services, LLC to provide the services outlined in the proposal and contract for total fees not to exceed \$25,000 and to be paid for out of Treasurer's Account A1325.40-140.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 326-13 *AUTHORIZATION FOR THE LEGISLATIVE CHAIR TO SIGN
RELATED DOCUMENTS PERTAINING TO THE
E SITE DEVELOPMENT*

WHEREAS: In 2004 Tioga County conveyed to the Tioga County Local Development Corporation a parcel of land known as the 434 Site located in the Village of Owego, County of Tioga and State of New York and in the Town of Owego, County of Tioga and State of New York subject to an agreement that the Tioga County Local Development Corporation and subsequent purchases that the Tioga County Industrial Development Agency would reimburse Tioga County in the event the Tioga County Industrial Development Agency conveyed the land to another purchaser; and

WHEREAS: The County of Tioga is desirous of changing the original agreement to allow for funding for the development of the 434 Site, now known as the E Site; and

WHEREAS: A new agreement must be executed to reflect said changes; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Chair of the Legislature to sign all associated contract paperwork, contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Monell.

No – Legislators Roberts and Huttleston.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 327-13

*RESOLUTION TO APPROVE A
CONTRACT BETWEEN THE TIOGA
COUNTY PROBATION DEPT. AND
THE FAMILY AND CHILDREN'S
SOCIETY TO PROVIDE ADULT
SEXUAL OFFENDER TREATMENT
SERVICES*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult sex offender treatment in 2014; and

WHEREAS: The Family and Children's Society is continuing to offer a sexual offender treatment program for a maximum of 15 adult sex offenders, 5 juvenile sex offenders or children with sexual behavior problems and adjudicated as a PINS and 10 Safety Monitor adults at any point in time to Tioga County Probation for \$110,880 annually; now therefore be it

RESOLVED: That the Probation Director is approved to contract with The Family and Children's Society to provide adult sexual offender treatment services in the amount of \$110,880 annually.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

RESOLUTION NO. 328-13

*RESOLUTION TO APPROVE A
CONTRACT BETWEEN THE TIOGA
COUNTY PROBATION DEPT. AND
SENTINEL TO PROVIDE ELECTRONIC
MONITORING SERVICES*

WHEREAS: The Legislature has approved a contract between Tioga County Probation Department and Sentinel for the provision of electronic monitoring services in 2014; and

WHEREAS: Probation has need of enhanced electronic monitoring services with GPS capability for juveniles as an Alternative to Detention program. Probation will add enhanced GPS monitoring to the services Sentinel is continuing to offer:

WHEREAS: The Tioga County Department of Health has partnered with the Rural Health Network of South Central New York on this potential grant opportunity; and

WHEREAS: County Policy 47 requires Legislative approval for grant applications that will require the signature of the Chief Elected Official; therefore be it

RESOLVED: That the Tioga County Department of Health is authorized to submit a grant application for the "Advancing New York State's Prevention Agenda: A Matching Funds Program to Implement Community Health Improvement Plans" grant.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 330-13

*AUTHORIZATION TO APPLY FOR NYSDOH GRANT
HEALTH DEPARTMENT*

WHEREAS: New York State Department of Health has released a competitive grant opportunity titled "Healthy Neighborhoods Preventive Health Cornerstones"; and

WHEREAS: The Tioga County Department of Health desires to pursue this grant opportunity to assist in their efforts towards meeting the Ten Essential Services of Public Health; and

WHEREAS: The amount of the grant funding is not yet determined, as it will be based upon the competitive award process; and

WHEREAS: This grant does not require matching County expenditures; and

WHEREAS: If awarded the grant, the Department of Health will submit a resolution to appropriate the funds at that time; and

WHEREAS: County Policy 47 requires Legislative approval for grant applications that will require the signature of the Chief Elected Official; therefore be it

RESOLVED: That the Tioga County Department of Health is authorized to submit a grant application for the "Healthy Neighborhoods Preventive Health Cornerstones" grant.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 331-13

*AUTHORIZE THE SUBMISSION OF AN
AED GRANT APPLICATION – FIRE
COORDINATORS OFFICE*

WHEREAS: AEDGrant.com has announced a grant program for the purpose of funding the purchase of Automated External Defibrillators (AED); and

WHEREAS: Such grants are the only means of providing the Tioga County Bureau of Fire funding for such purchases; and

WHEREAS: These devices, when placed in Public places and utilized when a patient experiences a sudden cardiac event may save that person's life; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Fire Coordinators Office be authorized to submit the appropriate grant application for the purpose of securing the funding for the purchase of two of these life saving devices.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 332-13 *DENY PERMISSION FOR NYS TO USE
COUNTY SEAL AND OFFICE NAMES
FOR SAFE ACT CORRESPONDENCE*

WHEREAS: The State of New York has passed a gun control law referred to as the SAFE Act; and

WHEREAS: this act clearly indicates that the enforcement of this law is the responsibility of New York State; and

WHEREAS: In recent discussions the State has indicated an interest in using the Seal of Tioga County and the names of the offices of the Tioga County Sheriff and Tioga County Clerk in pistol permit recertification notices; and

WHEREAS: The County Sheriff and County Clerk have voiced their strong objection to this request and suggestion; therefore be it

RESOLVED: That the Tioga County Legislature denies the State of New York permission to use the name, seal of Tioga County, letter head or address for purposes of correspondence with legal and registered gun owners regarding permit recertification or for any other purpose associated with the SAFE Act; and be it further

RESOLVED: That copies of this resolution should be transmitted to the Office of the Governor of New York State, the Superintendent of State Police, NYS Senator Thomas Libous, Assemblyman Christopher Friend and the Legislature of every County in the State of New York.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 333-13 *AUTHORIZE SALARY INCREASE: LEEANN TINNEY
 ECONOMIC DEVELOPMENT & PLANNING*

WHEREAS: LeeAnn Tinney was appointed Director of Economic Development & Planning effective July 8, 2013 at an annual salary of \$67,500 via Resolution 163-13; and

RESOLVED: That the duration of the temporary, part-time Typist position within the Law Department shall be extended retroactive from November 29 and shall continue until the close of business on December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:

PUBLIC WORKS
PERSONNEL COMMITTEE

RESOLUTION NO. 335-13

*AUTHORIZE WAIVER OF 90-DAY HIRING
DELAY
PUBLIC WORKS*

WHEREAS: Legislative approval is required for all waivers of the 90-day hiring delay; and

WHEREAS: The Highway Department staff has been cut in previous years to the minimal number to complete daily operations; and

WHEREAS: The Highway Department has an employee who has been injured and will be out of work for eight to twelve weeks; and

WHEREAS: The Highway Department has two (2) vacant MEO II positions to be filled and has satisfied 60 days of the 90-day hiring delay; and

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials					
Information Technology & Communication Services Director	Douglas Camin	7	11/25/13-12/31/15	Y	N/A

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell made a motion to have the following late-filed resolutions considered, seconded by Legislator Hollenbeck and carried.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 337-13 *AWARD BID FOR PUBLIC
TRANSPORTATION AND NON-
EMERGENCY MEDICAID
TRANSPORTATION SERVICES
SOCIAL SERVICES*

WHEREAS: First Transit, Inc. and Ride Right have responded to a bid solicitation for the Provision of Public Transportation Services in Tioga County; and

WHEREAS: The Selection Committee, upon review and analysis as presented to the Legislature, recommends that First Transit Inc.'s bid be accepted; now therefore be it

RESOLVED: That Tioga County enter into a five year contract with First Transit, Inc. for the Provision of Public Transportation in Tioga County at a cost of \$1,477,780 for calendar year 2014, \$1,520,384 for calendar year 2015, \$1,564,477 for calendar year 2016, \$1,617,102 for calendar year 2017 and \$1,671,567 for 2018.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 338-13
*ABOLISH POSITION;
CREATE AND FILL POSITION
(TREASURER'S OFFICE)*

WHEREAS: A need exists for additional assistance with various accounting tasks in the Treasurer's Office; and

WHEREAS: The nature of the work necessitates the need for an individual with a degree in Accounting; and

WHEREAS: The vacant Account Clerk/Typist position, which exists in the Treasurer's Office would not, if filled, provided adequate accounting knowledge; therefore be it

RESOLVED: That one full-time position of Account Clerk/Typist position (CSEA Grade 4: \$24,817 – \$25,517) in the Treasurer's Office is abolished effective December 31, 2013; and be it further

RESOLVED: That one full-time position of Accountant is created in the Treasurer's Office effective January 2, 2014 within the Non-Union group with a hiring range of \$34,047 - \$44,047; and be it further

RESOLVED: That the County Treasurer is hereby authorized to recruit for and fill the Accountant position on or after January 2, 2014.

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – Legislators Roberts and Standinger.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:35 P.M.

Eighth Special Meeting
December 19, 2013

The Eighth Special Meeting of 2013 was held on December 19, 2013 and was called to order by the Chair at 10:19 A.M. Eight Legislators were present, Legislator Standinger being absent.

Chair Weston asked for a moment of prayer. "I would ask for a moment of silence for all the little boys and girls all over the world who will not have a happy Christmas".

Chair Weston led all Legislators and those in attendance in the Pledge of Allegiance.

There were five people in attendance.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -13 ADVOCATING NEW YORK STATE TO INCREASE FUNDING FOR PUBLIC TRANSPORTATION AND ALLOW FOR LOCAL DISTRIBUTION OF DEPARTMENT OF HEALTH TRANSPORTATION FUNDS

WHEREAS: Public transit is the key to independence for many, to individual health and to a healthier, cleaner community, and can contribute to a more robust economy, while the most vulnerable population relies on public transportation for their health and quality of life; and

WHEREAS: Since 1991 the New York State Department of Health has provided funds to the Department of Social Services to provide the essential service of providing for and arranging for non-emergency Medicaid transportation services for medical appointments; and

WHEREAS: In 2010, the State Department of Health was given statutory authority under 365-h of Social Services Law to assume the administrative management of non-emergency transportation from counties and has since mandated that a private Medicaid brokerage system be implemented, which began in Tioga County October 1, 2013; and

WHEREAS: Medical Answering Services (MAS) from Syracuse was awarded the state contract and rides that would have been previously assigned to the public transit were switched to taxis and ambulette/ambulance providers, many from outside the county; and

WHEREAS: The intent of the NYS Dept. of Health take over granted by 365-h was to reduce Medicaid costs and payments, but without public transportation available in Tioga County Medicaid recipients in need of non-emergency transportation services will no longer be able to pay for their own trips to medical appointments using the public system; and

WHEREAS: Medicaid eligible riders will be forced to seek approval for taxi transportation from the State which will increase the overall costs of non-emergency transportation paid for by Medicaid; and

WHEREAS: The elimination of Medicaid funding to support the portion of ridership attributed to Medicaid recipients using public transportation has dramatically impacted the public transit system in Tioga County, and as a result Tioga County could face the loss of public transit in the county; now therefore be it

RESOLVED: That the Tioga County Legislature hereby opposes this mandate to work with an out-of-county brokerage firm, thus indirectly jeopardizing the public transit system that has benefitted County residents for the last 20 years; and be it further

RESOLVED: That the Tioga County Legislature requests that NYS pay a fair share of public transportation to support the general Medicaid ridership that relies on the system to independently get to their medical appointments; and be it further

RESOLVED: That the Tioga County Legislature calls upon our state representatives to act on behalf of those in need in Tioga County to assist in saving the public transit systems by repealing the mandated brokerage service and allowing local control over non-emergency Medicaid transportation; and be it further

RESOLVED: That a copy of this resolution be sent to Governor Andrew Cuomo; the NYS Association of Counties; State Senator, Thomas Libous; Assembly Speaker, Sheldon Silver; Assembly person, Christopher Friend and counties throughout NYS that are facing similar problems providing public transportation due to yet another NYS mandate.

ROLL CALL VOTE

Yes – None.

No – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

Absent – Legislator Standinger.

RESOLUTION DEFEATED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: PUBLIC WORKS
LEGAL

RESOLUTION NO. 339-13 *AWARD BID FOR FLOOD MITIGATION
CLERK'S BUILDING/COURTHOUSE ANNEX*

WHEREAS: The Clerk's Building/Courthouse Annex was substantially damaged by the 2011 flood; and

WHEREAS: FEMA maintains a funding program which provides for flood mitigation projects; and

WHEREAS: Tioga County has decided to participate in that program and has had McFarland Johnson Engineers design projects to mitigate the building for future flood events in accordance with FEMA recommendations; and

WHEREAS: Bids were received on November 20, 2013 with one bidder Holmes Contracting deemed to be unresponsive bid since it had:

- 1) No projects under construction or under contract
- 2) No information on employees as required
- 3) No list of subcontractors as required
- 4) No list of suppliers as required
- 5) No experience in similar projects
- 6) The bid bond submitted in an improper form
- 7) No experience with flood gates which is a critical component of the project

And

WHEREAS: McFarland Johnson recommends that the bids be awarded to the following lowest responsible bidders furnishing the required security, as follows:

General Contractor:	Andrew R. Mancini	\$ 38,000
Electric:	Nelcorp	\$172,000
HVAC Contract:	J&K Plumbing & Heating	\$ 50,000

Therefore be it

RESOLVED: That the Tioga County Legislature finds, for the reasons set forth above, that Holmes Contracting is not the lowest responsible bidder; and it is further

RESOLVED: That the Tioga County Legislature awards the bids to the lowest responsible bidders as follows:

General Contractor:	Andrew R. Mancini	\$ 38,000
Electric:	Nelcorp	\$172,000
HVAC Contract:	J&K Plumbing & Heating	\$ 50,000

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:	PUBLIC WORKS LEGAL
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RESOLUTION NO. 340-13	<i>AWARD BID FOR FLOOD MITIGATION COURTHOUSE</i>
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WHEREAS: The Courthouse was substantially damaged by the 2011 flood; and

WHEREAS: FEMA maintains a funding program which provides for flood mitigation projects; and

WHEREAS: Tioga County has decided to participate in that program and has had McFarland Johnson Engineers design projects to mitigate the building for future flood events in accordance with FEMA recommendations; and

WHEREAS: Bids were received on November 20, 2013 with one bidder Holmes Contracting deemed to be unresponsive bid since it had:

- 1) No projects under construction or under contract
- 2) No information on employees as required
- 3) No list of subcontractors as required
- 4) No list of suppliers as required
- 5) No experience in similar projects
- 6) The bid bond submitted in an improper form
- 7) No experience with flood gates which is a critical component of the project

And

WHEREAS: McFarland Johnson recommends that the bids be awarded to the following lowest responsible bidders furnishing the required security, as follows:

General Contractor:	Andrew R. Mancini	\$ 63,000
Electric:	Nelcorp	\$ 43,000
HVAC Contract:	J&K Plumbing & Heating	\$ 68,000

Therefore be it

RESOLVED: That the Tioga County Legislature finds, for the reasons set forth above, that Holmes Contracting is not the lowest responsible bidder; and it is further

RESOLVED: That the Tioga County Legislature awards the bids to the lowest responsible bidders as follows:

General Contractor:	Andrew R. Mancini	\$ 63,000
Electric:	Nelcorp	\$ 43,000
HVAC Contract:	J&K Plumbing & Heating	\$ 68,000

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS
LEGAL

RESOLUTION NO. 341-13 *AWARD BID FOR FLOOD MITIGATION
COUNTY OFFICE BUILDING*

WHEREAS: The County Office Building was substantially damaged by the 2011 flood; and

WHEREAS: FEMA maintains a funding program which provides for flood mitigation projects; and

WHEREAS: Tioga County has decided to participate in that program and has had McFarland Johnson Engineers design projects to mitigate the building for future flood events in accordance with FEMA recommendations; and

WHEREAS: Bids were received on November 20, 2013 with one bidder Holmes Contracting deemed to be unresponsive bid since it had:

- 1) No projects under construction or under contract
- 2) No information on employees as required
- 3) No list of subcontractors as required
- 4) No list of suppliers as required
- 5) No experience in similar projects
- 6) The bid bond submitted in an improper form
- 7) No experience with flood gates which is a critical component of the project

And

WHEREAS: McFarland Johnson recommends that the bids be awarded to the following lowest responsible bidders furnishing the required security, as follows:

General Contractor:	Andrew R. Mancini	\$160,000
Electric:	Panko Electric	\$ 23,000
HVAC Contract:	J&K Plumbing & Heating	\$ 61,000

Therefore be it

RESOLVED: That the Tioga County Legislature finds, for the reasons set forth above, that Holmes Contracting is not the lowest responsible bidder; and it is further

RESOLVED: That the Tioga County Legislature awards the bids to the lowest responsible bidders as follows:

General Contractor:	Andrew R. Mancini	\$160,000
Electric:	Panko Electric	\$ 23,000
HVAC Contract:	J&K Plumbing & Heating	\$ 61,000

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, and Monell.

No – Legislator Huttleston.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 342-13 *AMEND COUNTY POLICY 44;
NON-UNION BENEFITS*

WHEREAS: County Policy 44 outlines Non-Union benefits, including health insurance contributions; and

WHEREAS: Effective January 1, 2014, two part-time Attorney positions in the District Attorney's Office will be increased in hours to 4 days per week, on average; and

WHEREAS: This raised the question of whether their health insurance contributions should be the same as part-time Attorneys or full-time staff; and

WHEREAS: The Legislature prefers that the 4 day per week positions qualify to contribute the same as full-time staff toward health insurance; therefore be it

RESOLVED: That Section 5: Health & Dental Insurance paragraph 1 "Eligibility" be amended to read as follows:

"Eligibility: All full-time employees, Elected Officials, and part-time Attorneys (except those in the Treasurer's Office) are eligible to participate in the Health/Dental/Vision programs"

and be it further

RESOLVED: That Section 5 of County Policy 44 shall be amended effective January 1, 2014 to have the 2014 Contributions Chart read as follows:

	Contributions:	2013	2014
Legislators		7% of premium	8½% of premium
Full-time hired prior to 1/1/09		10% of premium	12½% of premium
Full-time hired on or after 1/1/09		15% or premium	15% of premium
4 day/week Attorneys		-----	15% of premium
Part-time Attorneys		20% or premium	20% of premium

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Case, Hollenbeck, Huttleston, and Monell.

No – Legislator Sullivan.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 343-13 *RATIFY COLLECTIVE BARGAINING
AGREEMENT WITH TIOGA COUNTY
CORRECTIONS ASSOCIATION (TCCA)*

WHEREAS: The previous collective bargaining agreement expired December 31, 2012; and

WHEREAS: The negotiation process for a successor agreement has been underway since September 2012; and

WHEREAS: The members of the TCCA voted on December 18, 2013 to approve a four-year proposal for the years 2013-2016; therefore be it

RESOLVED: That the Tioga County Legislature hereby ratifies the collective bargaining agreement with TCCA for the term January 1, 2013 – December 31, 2016; and be it further

RESOLVED: That the Budget Officer is hereby authorized to appropriate funds in accordance with the terms of the agreement.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 344-13 *AUTHORIZE SALARY OF FULL-TIME
ASSISTANT PUBLIC DEFENDER
(PUBLIC DEFENDER'S OFFICE)*

WHEREAS: Resolution #288-13 authorized the creation and hiring of a full-time Assistant Public Defender effective January 2, 2014; and

WHEREAS: The Public Defender has selected Mari Townsend to fill the position; therefore be it

RESOLVED: That an annual salary of \$55,000 is hereby authorized effective January 2, 2014 for Mari Townsend.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Standing.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 345-13 *AUTHORIZE WAIVER OF HIRING DELAY;
INCREASE HOURS; AUTHORIZE SALARIES
(DISTRICT ATTORNEY'S OFFICE)*

WHEREAS: As a result of the November election, a new District Attorney, Kirk Martin, will take office on January 1, 2014; and

WHEREAS: This change will result in staffing changes in several of the positions within the office; and

WHEREAS: It would be impractical to require the vacant positions to remain vacant for 90 days before appointments become effective; and

WHEREAS: Kirk Martin has selected his appointees for some of the positions; and

WHEREAS: The District Attorney elect has presented a proposed reorganization plan to the Legislature, which was approved; therefore be it

RESOLVED: That the Legislature hereby waives the 90-day Hiring Delay for the 1st Assistant District Attorney, 3rd Assistant District Attorney and Secretary to the District Attorney positions; and be it further

RESOLVED: That the positions of 1st Assistant District Attorney and 2nd Assistant District Attorney shall have increased hours effective January 2014, averaging 4 days per week, resulting in Hiring Ranges of \$50,343-\$60,343 for 1st Assistant District Attorney and \$42,980 - \$52,980 for 2nd Assistant District Attorney; and be it further

RESOLVED: That due to the reorganization, the 3rd Assistant District Attorney Hiring Range shall be reduced from \$30,154 - \$30,908 to \$28,000 - \$28,700 effective January 1, 2014; and be it further

RESOLVED: That the Legislature hereby approves the following 2014 salaries for the District Attorney’s appointments, effective January 1, 2014:

Eric Gartenman	1 st Assistant District Attorney	\$60,000
Cheryl Mancini	2 nd Assistant District Attorney	\$48,500
Unknown	3 rd Assistant District Attorney	\$28,000 - \$28,700
Unknown	Secretary to District Attorney	\$26,909 - \$36,909

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, and Huttleston.

No – Legislator Monell.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 346-13 *STAFF CHANGES FOR 2014
(VARIOUS DEPARTMENTS)*

WHEREAS: Various Departments proposed staffing changes for 2014 during the 2014 Budget preparation process; therefore be it

RESOLVED: That the following position changes are effective January 1, 2014 unless noted otherwise:

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
<u>FIRE</u>			
R. Ervay		EMT Instructor (PT)/\$12.50/hr	+ \$650
A. Ervay		EMT Instructor (PT)/\$20/hr	+ \$7,100
<u>MENTAL HYGIENE</u>			
1 Vacant	Senior CSW (Grade XVII)	Certified Alcohol & Drug Counselor (Grade XI)	-\$14,299
<u>PUBLIC DEFENDER</u>			
G. Awad	Public Defender (PT)	Salary Increase	+\$10,400
T. Miller	1 st Assist Public Defender (PT)	Salary Increase	+\$4,450
T. Cline	2 nd Assist Public Defender (PT)	Salary Increase	+\$4,450
<u>PUBLIC HEALTH</u>			
1 Vacant	Community Health Nurse (Grade XV)	Abolished	-\$48,945
5 positions	Registered Professional Nurse PT Temp/ \$27.80/hr	Abolished	-\$96,400 (\$19,280 each)
2 positions	Home Health Aide PT Temp/\$18.65/hr	Abolished	-\$24,828 (\$12,414 each)
J. Zepkowski	Registered Prof. Nurse FT (Grade XIV)	Abolished	-\$53,314
<u>PUBLIC WORKS</u>			
D. Ackley	Maint. Mechanic II (Grade 4)	Maint. Mechanic III (Grade 3)	+\$1,307
M. Calabrese	Maint. Mechanic I (Grade 5)	Maint. Mechanic II (Grade 4)	+\$1,357

T. Murray	Maint. Mechanic I (Grade 5)	Maint. Mechanic II (Grade 4)	+\$1,357
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TREASURER'S OFFICE

New Position	Assigned Counsel Administrator (PT)	+\$5,200
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ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:26 A.M.

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