

First Special & Organizational Meeting
January 3, 2012

The First Special and Organizational Meeting of 2012 was called to order by the Clerk at 9: 06 A.M.

The following County Legislators were present:

DISTRICT 1

Richard L. Huttleston

DISTRICT 5

Andrew J. Quinlan

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 18 people in attendance.

The Clerk asked Legislator Monell to have a moment of Prayer. "Lord, we thank you for this day you have given to us. We thank you for the opportunity we each have to serve the people of Tioga County. We pray that you will continue to bless us as we do this job. Lord, help us to do the things that are right for the people of this County and to represent them well. We pray that you will bless the remainder of this day and the remainder of this meeting."

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

County Clerk Robert Woodburn swore all nine Legislators in for new terms.

County Clerk Robert Woodburn swore in Sheriff Gary Howard for term of January 1, 2012 through December 31, 2015.

The Clerk announced that the first order of business was the election of a Chair. Legislator Huttleston nominated Legislator Weston, seconded by Legislator Sullivan. Legislator Huttleston moved to close the

nominations, seconded by Legislator Hollenbeck. 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 2012.

Chair Weston spoke. "As my first formal action of the initial session of the Tioga County Legislature 2012, I would like to welcome Bill Standinger, newly elected representative of the 7th District.

"Thank you to all of you here today for attending this Organizational Meeting. And, thank you fellow Legislators, for my nomination to the position of Chairperson.

"My message to the Tioga County Legislators regarding our task for 2012 will be brief in its statement, but difficult and time-consuming in its accomplishment. I believe that we Legislators will likely have to operate out of our normal comfort zones when addressing the challenging issues confronting us this year.

"Although they are too complex to be elaborated upon at this time, a highlighting of a few of these issues follows:

1. Providing important services to the County with the limited revenue imposed by the 2% Property Tax Cap.
2. Finding a buyer for the Barton Transfer Station who will provide quality service.
3. Evaluating the impact of the Reassessment Law as it applies to approximately 800 – 900 properties affected by the 2011 flooding, and arriving at a decision that addresses the homeowner's plight, but also considers the implications for the rest of Tioga County taxpayers.
4. Devising a means of dealing with the potential loss of part of anticipated State revenue as compensation for 25% of costs incurred in flood cleanup, to supplement FEMA contributions.
5. Engaging Legislators through their service on a Budget Committee who are willing to spend the necessary time to address the difficult reduction of County expenditures while preserving essential services and meeting State mandates.

"2012 looks be a very challenging year!

Thank you.”

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 Hollenbeck moved to close the nominations, seconded by Legislator Sullivan. 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 2012.

The Chair called for nominations for County Attorney. Legislator Roberts nominated Judith M. Quigley, seconded by Legislator Sullivan. Legislator Sullivan moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote all Legislators voted for Judith M. Quigley as County Attorney, and the Chair cast one ballot and Judith M. Quigley was declared appointed County Attorney of Tioga County for a four year term of 1/3/12-12/31/15.

The Chair called for nominations for Clerk of the Tioga County Legislature. Legislator Roberts nominated Maureen L. Dougherty, seconded by Legislator Sauerbrey. Legislator Sullivan moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote all Legislators voted for Maureen L. Dougherty as Clerk of the Tioga County Legislature and the Chair cast one ballot and Maureen L. Dougherty was declared appointed Clerk of the Tioga County Legislature for a four year term from 1/3/12-12/31/15.

The Chair called for nominations for Budget Officer. Legislator Monell nominated Clarence (Chuck) Shager, seconded by Legislator Sullivan. Legislator Sullivan moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote all Legislators voted for Clarence (Chuck) Shager as Budget Officer, and the Chair cast one ballot and Clarence (Chuck) Shager was declared appointed Budget Officer of Tioga County for a four year term of 1/3/12-12/31/15.

The Chair called for nomination for Public Defender. Legislator Huttleston nominated George Awad, seconded by Legislator Sauerbrey. Legislator Monell moved to close the nominations, seconded by Legislator Roberts. On roll call vote all Legislators voted for George Awad as Public Defender, and the Chair cast one ballot and George Awad was declared

appointed Public Defender of Tioga County for a four year term of 1/3/12-12/31/15.

County Clerk Robert Woodburn swore in Judith M. Quigley as County Attorney, Maureen L. Dougherty as Clerk of the Tioga County Legislature, Clarence (Chuck) Shager as Budget Officer, and George Awad as Public Defender.

The Chair called for nominations for Public Information Officer. Legislator Sauerbrey nominated Maureen Dougherty, seconded by Legislator Sullivan. Legislator Sullivan moved to close the nominations, seconded by Legislator Roberts. On roll call vote all Legislators voted for Maureen Dougherty as Public Information Officer, and the Chair cast one ballot and Maureen Dougherty 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 Hollenbeck. 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 Hollenbeck stated. "I have no disclosures."

Legislator Huttleston stated. "I own my own appraisal business but, I do no County-owned properties or any properties that the County is involved with.

Legislator Monell stated. "I have no disclosures."

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

Legislator Quinlan stated. "I have lived in the County for 50 years and I think everybody knows me."

Legislator Roberts stated. "I have no disclosures."

Legislator Sauerbrey stated. "I am employed by the Tioga County Chamber of Commerce and we receive no taxpayer dollars for our organization."

Legislator Standinger stated. "I have no disclosures."

Legislator Sullivan stated. "My husband and I have a heating business and we do no business with Tioga County."

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 1-12 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 Monell, Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 2-12 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 |
| HSBC Bank USA, 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 Monell, Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 3-12 *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 Monell, Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 4-12 *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 Monell, Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck.

No – Legislator Huttleston.

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. 5-12 *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 Monell, Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck.

No – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 6-12 SET SALARY OF CHAIR

RESOLVED: That the salary of the Chair of the Tioga County Legislature be set at \$30,400 per year, which includes the salary received as County Legislator of \$9,400 and an additional \$21,000 to serve as Chair.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 7-12
FIX DATES AND TIMES OF
TIOGA COUNTY LEGISLATIVE
MEETINGS

RESOLVED: That the Tioga County Legislature during 2012 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 2012 Legislative meetings shall be held at 6:00 P.M.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO. 8-12 APPOINTMENT OF
ADMINISTRATIVE CORONER

WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2012; 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 2012 and be given a stipend of \$3,000.00 as set forth in the County budget.

ROLL CALL VOTE

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

No – Legislator Sauerbrey.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 9-12 *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, 2012 through December 31, 2012; and be it further

RESOLVED: That Ronald E. Dougherty be hereby reappointed Director at Large for a three year term of January 3, 2012 through December 31, 2014.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 10-12 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 Monell, Quinlan, Weston, Roberts, Sauerbrey, Standing, Sullivan, Hollenbeck, Huttleston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 9:32 a.m.

First Regular Meeting
January 10, 2012

The First Regular Meeting of 2012 was held on January 10, 2012 and was called to order by the Chair at 12:02 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Weston asked for a moment of silence for all the people in the County who have suffered so greatly because of this flood.

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

Denis McCann presented Employee of the 4th Quarter 2011.

Denis McCann spoke. "On behalf of the Employee Recognition Committee I would first like to thank the Legislature for again supporting the employee recognition efforts, not just a quarterly and annual award, but also the pin ceremonies and the luncheons, and we just appreciate that. After four years on the Employee Recognition Committee, this is my last act as I am done on that committee at the close of this meeting, but with that I am very happy to be able to present Sandy Hoose as Employee of the 4th Quarter 2011.

"Sandy Hoose has been selected as the Tioga County Employee of the 4th Quarter 2011. Sandy started with the Tioga County Health Department in 1992 as a part-time Nurse. After a six year break to raise her family, she returned in 2004 as a part-time Nurse. In 2006, Sandy was promoted to a full-time RPN in the Home Care Program. She was promoted in 2007 to her current position of Supervising Community Health Nurse, overseeing the Long Term Home Health Care program.

"Sandy is known for her calm, friendly and professional demeanor in all circumstances. She is very knowledgeable of nursing and has spent time in several Public Health Programs. She is well liked and respected by all that have the opportunity to work with her. Sandy is a "go to" person when a question arises, and is very proficient with the detailed nursing and billing software.

"Sandy was previously recognized by her peers as the Public Health Team Member of the Quarter in 2008.

“Sandy provides great customer service to all that she comes in contact with and represents Tioga County very well. Sandy is always quick to respond to questions or when sought for assistance.

“Personally, family is very important to Sandy. She resides in Nichols with her husband, Mike, and their four children. Sandy is busy with her children’s activities and as a volunteer with both community and church. In her little spare time, Sandy enjoys long walks, hiking, gardening, watching her kid’s sports and spending as much time with her family as possible. Congratulations Sandy on this well deserved award.

“Now a surprise, each year the Employee Recognition Committee selects from the four quarterly winners an Employee of the Year, and this year Sandy was also selected as Employee of the Year. Congratulations.”

Legislator Huttleston spoke. “Congratulations. People like this is what makes this County what it is, especially the people that we serve who are so blessed by having people like Sandy and all the people that serve this County. I really appreciate it. You started in 1992, that was the same year I came on the Legislature.”

Johannes Peeters, Public Health Director, spoke. “I am here to talk about Sandy and I am talking to her because her Supervisor, Director of Patient Services could not be here and she asked me to speak on her behalf. Sandy, I want to tell you that we consider you the go to person, you as a Supervisor, but also with the software that has not always been so friendly. Sandy is the person that Home Care Nurses rely on for information. She is always there for them. She is always available to ask any questions staff may have. She is always more than willing to work with folks.

“Sandy enjoys her work as a Nurse and you can tell because she always has a positive attitude and never speaks ill of anybody. That makes it a very friendly pleasant place to work. She has compassion about her patients and treats them well. People get into nursing because there is a reason they do that. They love to work with people and sometimes as a Supervisor you get away from that, but Sandy always seems to connect with the patients even though she may not get to see them all the time. I think that is a good thing.

“If problems arise she evaluates the situation, does not jump to conclusions. She resolves the problem. If she cannot, she seeks advice from others to resolve those issues. She deals with issues immediately instead of letting them fester for whatever the case may be. Sandy is able to mix job and family life, therefore she has got to be well organized. If you have four kids to take care of, you have to work full time, you have to be well organized. Her job skills are visible in her job evaluations. She has always had good job evaluations. Her performance is great. She completes evaluations with staff in a timely manner, that is a big issue that I have done in Nursing, but she does it well. Sandy is loved by her staff ,her peers, and especially by Administration. I want to say that you are pleasant to have working with us and be a positive influence to me and everyone else in the Department. I want to thank you for that.”

Denis McCann spoke. “A true test of someone's value and award is, when we have people out at the office and Sandy is here that day and they are sick for whatever reason, you do not really notice it, but when Sandy is out everybody is running around trying to figure out because Sandy is always covering for everybody and doing a great job.”

Sandy Hoose spoke. “Thank you so much for the award and I certainly did not expect it, especially not even the Employee of the Year. I feel like I have a lot to live up to after everything that has been said and it makes me want to be more efficient and do a better job. Thank you very much.”

Peter Kehoe from the New York State's Sheriff's Association spoke. “Thank you Chairman Weston, Public Safety Chair Sauerbrey, members of the Legislature and guests. It is my pleasure to be here today on behalf of all the Sheriffs in New York State to recognize and honor Sheriff Gary Howard and the men and women of the Tioga County Sheriff's Office on the occasion of Accreditation of the Sheriff's Civil Division. Only 21 of the States 62 counties have been able to achieve Civil Accreditation, so obviously this is no easy accomplishment and this comes on top of Accreditation of the Law Enforcement Division, the Jail Division, and the PSAP 911 Center, which Sheriff Howard and his Office have previously earned from our Association and from the New York State Law Enforcement Accreditation Counsel. That is a record matched by only a few select counties in this State and all of these accomplishments are great testaments to Sheriff Howard and the entire Staff of your Sheriff's Office showing their dedication to the pursuit of excellence in their profession. You have an outstanding Sheriff's Office that is well respected

locally as you know, but also throughout the State and the citizens of Tioga County and this Legislature who are responsible for the financial support of the Sheriff's Office, should be very proud of their Sheriff's Office.

"I know most of the citizens are generally familiar with the concept of Accreditation, but still some might reasonably ask why do we bother with this, how does it benefit the citizens of Tioga County? Well first of all it is not just for bragging rights, although that is a good position to be in as one of a select few counties in the State, but it does have many actual and positive effects. It improves the operations and performance of the agency, it tends to increase morale in the agency because the employees know that measured by some objective standard they are doing an excellent job and someone actually recognizes them for that. It tends to reduce the incidents of lawsuits and liability, and often reduces costs for self-insured counties, which results in fewer claims and far fewer successful claims. Most importantly though it improves services to the public and tends to increase the public's confidence in its public institutions, and that is why the Sheriff's Association spends so much of its time and its resources on our various Accreditation programs.

"Today we honor the Civil Office employees, the unsung heroes of the Sheriff's Office. Everyone knows pretty much the dangers and difficulties our Road Patrol Deputies face every day, not everyone knows that the work of a Civil Deputy can be just as dangerous and just as stressful as that of a Law Enforcement Deputy. Too often angry litigants take out their frustrations with the Civil Court System on the Deputy who was just doing his job serving and enforcing the orders of the Court. Without the dedication and the good work of our Civil Deputies our Courts of Civil Justice would not be able to function, and that is why we seek to foster excellence in Sheriff's Civil Offices through our Accreditation programs.

"Civil Office Accreditation is not something that is available just for the asking. To achieve Accreditation requires that the Civil Office meets a very stringent set of standards developed by experts in the field of civil process. These standards currently have 121 individual components and to gain Accreditation the Sheriff's Civil Office must submit itself to scrutiny by an outside Board of Assessors, which reviews the agency's operations in detail to ascertain whether or not the Civil Office meets these many demanding standards. I am happy to report here today that the Board of Assessors, which reviewed the operations of the Tioga County Sheriff's Office has found that it meets or exceeds every one of those standards. Congratulations are in order for Sheriff Howard and the men and women

of the Civil Division, and all the men and women of the Tioga County Sheriff's Office for this accomplishment.

“Congratulations are also in order for the Tioga County Legislature and the citizens of Tioga County for without your morale support and your financial support this achievement and the outstanding service provided by the Sheriff's Office to all the citizens of Tioga County in all the areas of Sheriff's responsibility would not be possible.

“I just want to say that Accreditation does not just happen, it takes a lot of hard work by a lot of people, and the entire staff of the Sheriff's Civil Division deserve to be recognized and applauded for this achievement, but I particularly want to recognize one individual who devoted a great deal of time and effort to managing the many administrative and operational details required in order to successfully document and demonstrate that the Tioga County Sheriff's Civil Division is most deserving of this award, and that is Kim Ward, Accreditation Manager.

“Again, thank you Chairman Weston for this opportunity to publicly acknowledge the good work of your Sheriff's Office that it is doing for the citizens of Tioga County and congratulations to all of the partners in this significant achievement, especially Sheriff Howard and the men and women of your Office Sheriff, and the Legislature and the citizens of this County. At this time I would ask Sheriff Howard to come forward and receive this plaque commemorating this occasion. Sheriff congratulations to you.”

Sheriff Gary Howard spoke. “A little over two years ago Kim was promoted to Civil Manager and one of the things I asked her to do was to start on Civil Accreditation, that was the last part that would be accredited for the Office. We would then be 100%. It took about 18 months for Kim to do that along with the new job of Civil Manager. The 121 standards that Peter mentioned she had to write, they are policies and procedures. She had to write them, rewrite them, and then edit them, and then rewrite them and get them passed. It is not a small feat by any means and I have told Kim this before, Kim has been a breath of fresh air to the Civil Department and is one of the most outstanding employees in the Sheriff's Office, and I thank you Kim.”

Chris Bonner had privilege of the floor. He spoke about the candidates for Presidency and government in general.

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 | | 995.01 |
| A1165 | District Attorney | | 3,033.83 |
| A1170 | Public Defender | | 2,842.52 |
| A1172 | Assigned Counsel | | 21,961.14 |
| A1325 | Treasurer | | 510.60 |
| A1345 | Purchasing | | 151.40 |
| A1355 | Assessments | | 6,732.68 |
| A1362 | Tax Advertising/Expense | | 6,796.44 |
| A1410 | County Clerk | | 328.70 |
| A1411 | Department of Motor Vehicles | | 32.50 |
| A1420 | Law | | 698.36 |
| A1430 | Personnel | | 934.50 |
| A1450 | Elections | 525.00 | 65,499.74 |
| A1460 | Records Management | | 32.03 |
| A1490 | Public Works Administration | | 865.20 |
| A1620 | Buildings | | 58,200.47 |
| A1621 | Buildings | | 26,948.63 |
| A1680 | Information Technology | | 17,325.20 |
| A2490 | Community College Tuition | | 88,025.10 |
| A2960 | Education of Handicapped Children | | 263,435.80 |
| A3020 | Public Safety Comm E911 System | | 5,605.36 |
| A3110 | Sheriff | | 23,672.64 |
| A3140 | Probation | | 459.27 |
| A3146 | Sex Offender Program | | 17,533.30 |
| A3150 | Jail | 72.00 | 29,270.44 |
| A3315 | Special Traffic Programs | 5,000.00 | 15,152.17 |
| A3410 | Fire | 135.77 | 9,678.24 |
| A3640 | Emergency Mgmt Office | | 911.14 |
| A3992 | EMO C837990 Grant | 1,452.56 | |
| A4010 | Public Health Nursing | | 36,725.37 |
| A4011 | Public Health Administration | | 8,203.39 |
| A4012 | Public Health Education | | 594.37 |
| A4042 | Rabies Control | | 10,627.25 |
| A4044 | Early Intervention | | 48,147.72 |
| A4053 | Preventive/Primary Health Services | | 20.35 |
| A4054 | Preventive Dental Services | | 5,799.94 |
| A4064 | Managed Care-Dental Services | | 17,798.63 |
| A4070 | Disease Control | | 4,208.46 |
| A4090 | Environmental Health | | 738.31 |

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|--------------------------|--------------------------------|--------|-----------------|
| A4210 | Alcohol and Drug Services | | 7,495.46 |
| A4309 | Mental Hygiene Co Admin | 277.33 | 9,137.61 |
| A4310 | Mental Health Clinic | | 48,211.98 |
| A4315 | Mental Retardation | | 1,242.48 |
| A4320 | Crisis Intervention Services | | 5,012.09 |
| A4321 | Intensive Case Management | | 2,946.13 |
| A5630 | Bus Operations | | 57.87 |
| A6010 | Social Services Administration | 69.00 | 71,257.65 |
| A6422 | Economic Development | | 2,846.06 |
| A6510 | Veterans' Service | | 433.32 |
| A6610 | Sealer Weights/Measures | 47.31 | 183.62 |
| A7180 | Snowmobile Grant Program | | 6,932.40 |
| A7310.41 | Youth Programs, Refundable | | 8,377.00 |
| A7510 | Historian | | 155.58 |
| A8020 | Planning | | 51.20 |
| A9060 | Health Insurance | | 1,596.82 |
| SOLID WASTE FUND | | | 70,470.07 |
| COUNTY ROAD FUND | | | 84,435.67 |
| SPECIAL GRANT FUND | | | 488.94 |
| CONSOLIDATED HEALTH FUND | | | 72,134.29 |
| CAPITAL FUND | | | 1,977,595.48 |
| LIABILITY INSURANCE FUND | | | 180.00 |
| WORKERS' COMPENSATION | | | <u>2,600.00</u> |
| GRAND TOTAL | | | \$ 3,181,916.89 |

Legislator Hollenbeck made a motion to approve the minutes of December 13 and 22, 2011, seconded by Legislator Sullivan, and carried.

Chair Weston made an appointment to the Cornell Cooperative Extension Board for a one year term:

Legislator Standinger – 1/1/2012-12/31/2012

Chair Weston made appointments to a Flood Recovery Oversight Committee effective 1/10/2012:

Legislator Sauerbrey
 Legislator Sullivan
 Legislator Weston
 County Attorney
 Commissioner of Public Works or designee

Director of Economic Development & Planning or designee
 County Treasurer
 Chief Accountant/Budget Officer
 Sheriff or designee
 Director of Emergency Management Office or designee
 Director of Soil & Water Conservation District
 Director of Information Technology or designee

Chair Weston announced the following Standing Committees for 2012:

*STANDING COMMITTEES OF THE COUNTY LEGISLATURE
 OF THE COUNTY OF TIOGA FOR 2012*

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

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 Roberts.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 11-12 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: The 2012 Town and County tax bill of \$3,123.66 for property no. 2736 in the Town of Owego, assessed to the State of New York, erroneously includes a school tax relevy of \$2,609.22; and

WHEREAS: School taxes for stateland are collected in the Treasurer's Office and the 2011-12 school taxes for property no. 2736 were paid by the State of New York on 11/16/11, and current Town and County tax bills for stateland are mailed from the Treasurer's Office; be it therefore

RESOLVED: That the erroneous school tax amount of \$2,609.22 be deducted from 2012 Town and County tax bill no. 9110 for property no. 2736 in the Town of Owego and the corrected amount of \$514.44 be billed to the State of New York; and be it further

RESOLVED: That the erroneous school tax and interest of \$2,438.52 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$170.70 be charged to the appropriate account in the records of the County Treasurer

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 12-12 TIOGA DEV GRP I LLC COURT ORDER
TOWN OF OWEGO

WHEREAS: The Supreme Court of the State of New York has rendered an Order and Settlement Agreement/Demand for Refunds for Index Nos. 2009-2007 and 2010-2059, filed on December 21, 2011, in answer to the petition between Tioga Development Group-I, LLC, for property no. 10541, and the Town of Owego; and

WHEREAS: The Court Order reduces the assessment for property no. 10541, assessed to Tioga Development Group in the Town of Owego from \$550,000 to \$450,000 for tax roll years 2009/2010 and 2010/2011; and

WHEREAS: The taxes for 2010 and 2011 have been paid; be it therefore

RESOLVED: That a refund of \$3,180.25 for overpayment of 2010 and 2011 Town and County taxes be issued to Hinman, Howard & Kattell, LLP as attorneys for Tioga Development Group-I, LLC; and be it further

RESOLVED: That the erroneous town tax of \$602.00 be charged back to the Town of Owego, and the erroneous fire tax of \$324.45 be charged back to the Owego Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$90.40 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$2,163.40 be charged to the proper accounts in the records of the County Treasurer

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 13-12 *ERRONEOUS ASSESSMENT*
TOWN OF NICHOLS

WHEREAS: An application for corrected tax roll indicates that property no. 626, assessed to NYS DOT in Roll Section 1 of the 2012 tax roll of the Town of Nichols is erroneous in that it is owned by New York State and therefore tax exempt; and

WHEREAS: A 2012 tax bill in the amount of \$46.27 was issued to NYS DOT for property no. 626 in the Town of Nichols; be it therefore

RESOLVED: That a new bill be issued by the Town of Nichols tax collector to NYS DOT reflecting the zero amount; and be it further

RESOLVED: That the erroneous town tax of \$11.28 be charged back to the Town of Nichols and the erroneous fire tax of \$2.93 be charged back to the Nichols Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$1.39 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$30.67 be charged to the appropriate account in the records of the County Treasurer

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ED & P COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 14-12 *AUTHORIZE DISBURSEMENT OF HUD CDBG
 REVOLVING LOAN FUNDS TO TIOGA COUNTY
 INDUSTRIAL DEVELOPMENT AGENCY (TCIDA) FOR
 THE RAYMOND-HADLEY CORP.*

WHEREAS: Tioga County and the Tioga County Industrial Development Agency (TCIDA) entered into a Small Cities Community Development Block Grant Program Subrecipient Agreement for a revolving loan program funded by the settlement proceeds with Howland Brothers Co., Inc. and others; and

WHEREAS: The Legislature needs to authorize the Treasurer to disburse funds from the settlement account to the TCIDA prior to each and every disbursing of loan proceeds; and

WHEREAS: The TCIDA has certified to Tioga County that the loan applicant, Raymond-Hadley Corp., has satisfied all of the requirements which are conditions precedent to the execution of loan documents and the disbursement of loan proceeds in the sum of \$100,000; and

WHEREAS: The Department of Economic Development and Planning has reviewed and approved the certification and the required checklist of conditions precedent to execution of loan documents and disbursement of funds in the sum of \$100,000; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Treasurer to disburse the sum of \$100,000 from the HUD CDBG account number CE8668.40 to the TCIDA to be loaned to Raymond-Hadley Corp. and utilized according to the Small Cities Community Development Block Grant Program Subrecipient Agreement.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 15-12

*RESOLUTION TO AUTHORIZE
APPLICATION SUBMITTAL AND
ACCEPTANCE OF 2011 NYS HOMES
AND COMMUNITY RENEWAL (HCR)
AGRICULTURE AND COMMUNITY
RECOVERY GRANT PROGRAM FUNDS
FOR TOWN/VILLAGE OF OWEGO
BUSINESSES AND COMMERCIAL
PROPERTY OWNERS*

WHEREAS: Due to the devastating statewide damage caused by Tropical Storm Lee flooding in September, Governor Cuomo has created a \$15 million recovery package called the NYS Agricultural & Community Recovery Grant Program; and

WHEREAS: For this grant program, NYS Homes and Community Renewal (HCR) has been allocated funding and will provide through New York State Housing Trust Fund Corporation (HTFC) New York Main Street (NYMS) and Community Development Block Grant (CDBG) funds to address the emergency repair needs of privately held local business and commercial property owners and make funding available for rehabilitation of buildings for commercial use, the replacement of permanent fixtures and equipment loss and loss of inventory due to flooding, or for reimbursement of said costs already incurred; and

WHEREAS: Priority will be given to buildings with immediate health and safety issues and/or those that are historic properties in danger of being lost, and

WHEREAS: Funds must be used toward a project in which the building will be complete and/or habitable, as evidenced by a Certificate of Occupancy, once the funds have been fully expended, and

WHEREAS: This is a non-competitive, grant program in which eligible Town/Village of Owego business and commercial property owners may apply for 50% of their damages up to \$10,000 per property from these funds; and

WHEREAS: Tioga County has requested a maximum total of \$500,000 in funds under this grant program, and

WHEREAS: Tioga County Economic Development will administer all aspects of the grant program for which they will receive a project delivery and administrative fee of up to \$58,500.00, therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize said grant application and authorize Legislature Chair signature on all grant-associated paperwork upon County Attorney review and approval; and be it further

RESOLVED: That the Tioga County Legislature does hereby accept said grant funds in the amount of \$500,000 plus up to \$58,500.00 for project delivery and administration fees and that the funds be appropriated to the following accounts:

From: Account No. 3991 - NYS 2011 Ag & Community Recovery Fund
NYS HCR 2011 Main St. \$322,500.00
(including \$22,500.00 in administrative fees)

To: Account No. CE8668.44-487-Rehabilitation Grant
(NYS 2011 Ag & Community Recovery Fund)
NYS HCR 2011 Main St Exp \$322,500.00
(including up to \$22,500 in administrative fees)

From: Account No. 4910.18 - NYS 2011 Ag & Recovery Fund
 NYS CDBG \$236,000.00
 (including \$36,000.00 in administrative fees)

To: Account No. CE8668.45-487-Rehabilitatiion Grant -
 Equipment & Inventory (NYS 2011 Ag & Recovery Fund)
 NYS CDBG Exp \$236,000.00
 (including up to \$36,000 in administrative fees)

ROLL CALL VOTE

Recused – Legislator Roberts

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

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

RESOLUTION NO. 16–12 *AUTHORIZE TO APPLY FOR NYS LICENSE FOR HOME CARE SERVICE AGENCY AND AUTHORIZE CHAIR OF THE LEGISLATURE TO SIGN APPLICATION PUBLIC HEALTH*

WHEREAS: The Tioga County Health Department (TCHD) will be reorganized in the near future; and

WHEREAS: The New York State Department of Health (NYSDOH) will require the County Health Department be a licensed Home Care Service Agency; and

WHEREAS: NYSDOH does require that the Chair of the Legislature sign the application; and

WHEREAS: NYSDOH requires that a copy of this resolution be part of the application; and

WHEREAS: There will be no impact to the department budget because of this change; and

WHEREAS: The County Attorney will review the application with the Public Health Director prior to having the Chair sign the application; therefore be it

RESOLVED: That the Chair of the Legislature sign the application for a Licensed Home Care Service Agency for Tioga County; and be it further

RESOLVED: That a copy of said resolution be part of the application to New York State Department of Health.

ROLL CALL VOTE

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

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
FINANCE COMMITTEE

RESOLUTION NO. 17-12 *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 Community Solutions for Transportation; 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 | \$3,077 |
| To: A6010.40.487 Program Expense | \$3,077 |

ROLL CALL VOTE

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

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. 18-12 | <i>FUND SHERIFF'S GRANT – BUCKLE UP NEW YORK GRANT</i> |
|----------------------|--|

WHEREAS: The Sheriff's Office has been awarded a BUNY (Buckle Up New York) Grant identified as "BUNY-2012-Tioga Co SO-00071-(054) from the Governor's Traffic Safety Committee in the amount of \$1,435; and

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

RESOLVED: That the BUNY Grant be appropriated as follows:

| | |
|---|---------|
| From: State Aid-Sheriff BUNY Grant | |
| BUNY-2012-Tioga Co SO-00174-(054) A3395. | \$1,435 |
| To: BUNY Grant-Personnel Services (O/T) A3115.10.30 | \$1,435 |

ROLL CALL VOTE

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

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. 19-12

*FUND SHERIFF'S GRANT –NYS WM 2010
SLETPP GRANT*

WHEREAS: The Sheriff's Office has been awarded a NYS Homeland Security Grant identified as (LE10-1038-E00) in the amount of \$34,608, and

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

RESOLVED: That the NYS Homeland Security Grant (LE10-1038-E00) be appropriated as follows:

| | | |
|---|--------------|----------|
| From: State Aid-Sheriff LE10-1038-E00 | A3397.00 | \$34,608 |
| To: Sheriff LE10-1038-E00 Grant-Personnel | A3120.20.130 | \$34,608 |

ROLL CALL VOTE

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

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. 20-12 *FUND SHERIFF'S GRANT –NYS
CHILD PASSENGER SAFETY
GRANT*

WHEREAS: The Sheriff's Office has been awarded a Child Passenger Safety Program Grant identified as CPS-2012– Tioga Co SO-00062-(054) from the NYS Governor's Traffic Safety Committee in the amount of \$2,300; and

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

RESOLVED: That the NYS Child Passenger Safety Grant be appropriated as follows:

| | | |
|----------------------------------|----------|---------|
| From: State Aid-Sheriff NYS CPSG | | |
| CPS-2012-Tioga Co SO-00062-(054) | A3396.00 | \$2,300 |

| | | |
|---|--------------|---------|
| To: Sheriff Grant Tioga Co SO-00062-(054) | | |
| Equipment (Equipment Not Car) | A3116.20.130 | \$2,300 |

ROLL CALL VOTE

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

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. 21-12 *FUND SHERIFF'S GRANT –STEP GRANT*

WHEREAS: The Sheriff's Office has been awarded a STEP (Selective Traffic Enforcement) Grant identified as "STEP-2012-Tioga Co SO-00078-(054)" from the Governor's Traffic Safety Committee in the amount of \$11,972; and

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

RESOLVED: That the STEP Grant be appropriated as follows:

| | | |
|---|-------------|----------|
| From: State Aid-Sheriff STEP Grant | | |
| STEP-2012-Tioga Co SO-00078-(054) | A3390 | \$11,972 |
| To: STEP Grant-Personnel Services (O/T) | A3111.10.30 | \$11,972 |

ROLL CALL VOTE

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

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
FINANCE

RESOLUTION NO. 22-12 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 2011 for completion in 2012; therefore be it

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

| <u>Bridge Projects</u> | | <u>BIN #</u> | <u>Amt to Establish</u> |
|------------------------|---------------------|--------------|-------------------------|
| H2006.03 | Halsey Valley Rd. | 3335010 | \$ 31,526.78 |
| H2007.14 | Tappan Rd. | 3335280 | \$ 324,103.98 |
| H2009.02 | East River Rd. | 3335410 | \$ 35,790.23 |
| H2009.05 | Main St. Bridge | 3334800 | \$ 627,087.99 |
| H2010.06 | Straits Corners Rd. | 3335040 | \$ 120,963.78 |
| H2010.10 | Halsey Valley Rd. | 3334970 | \$ 536,783.12 |

| <u>Federal Bridge Program</u> | | <u>BIN#</u> | <u>Amt to Establish</u> |
|-------------------------------|----------------|-------------|-------------------------|
| H2008.08 | Southside Dr. | 3335530 | \$ 289,745.26 |
| H2010.07 | Lillie Hill RD | 3335510 | \$ 55,141.00 |

| <u>CHIPS Program</u> | | |
|----------------------|-----------------------|--------------|
| H2011.03 | East River Rd. Rd. | \$ 56,019.14 |
| H2011.05 | Willseyville Rd. | \$ 25,000.00 |
| H2011.08 | Gaskill Rd. Bridge | \$ 8,700.76 |
| H2011.09 | Dean Creek/Sabin Rd. | \$ 16,069.74 |
| H2011.10 | Gridleyville Crossing | \$ 51,100.20 |

| <u>Capital Projects</u> | | |
|-------------------------|---------------------|--------------|
| H2010.08 | Culvert Replacement | \$ 16,530.10 |

| <u>Capital Construction</u> | | |
|-----------------------------|-------------------------|---------------|
| H1620.20-121 | Elevators | \$ 50,000.00 |
| H1620.20-924 | Court House Façade | \$ 5,185.43 |
| H1620.20-926 | HVAC Control System | \$ 30,000.00 |
| H1620.20-927 | Court House Ext. Renov. | \$ 256,177.85 |
| H1620.20-928 | COB Bathrooms | \$ 9,653.26 |

Capital Equipment

| | | | |
|--------------|--------------------------|----|------------|
| H1620.21-913 | Jail Renovations | \$ | 10,000.00 |
| H1620.21-929 | Boiler | \$ | 7,065.00 |
| H1620.21-988 | Court House Renov. | \$ | 226,290.00 |
| H1620.21-996 | PSB Lighting | \$ | 40,373.00 |
| H5130.21-915 | Patrol Truck Replacement | \$ | 9,208.40 |

And be it further

RESOLVED: That the corresponding revenue sources shall also be re-established in the 2012 modified budget.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
COUNTY CLERK'S COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 23-12 GRANT APPLICATION FOR BACK-FILING
OF DOCUMENTS FOR THE COUNTY CLERK'S
OFFICE

WHEREAS: The Records Management Officer plans to submit a proposal through the Local Government Records Management Improvement Fund Grant; and

WHEREAS: The grant, not to exceed \$75,000, will be used to hire a firm to perform back-filing of documents for the County Clerk's Office; and

WHEREAS: The Records Management Officer will apply for this grant with no local matching funds for the 2012-2013 grant year; therefore be it

RESOLVED: That the back-filing proposal be hereby approved for submission to the New York State Archives for funding the service for the 2012-2013 grant year.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 24-12 *AMEND COUNTY POLICY 44:
NON-UNION BENEFITS*

WHEREAS: The County Legislature is requiring all Non-Union staff eligible for health insurance to switch to a High Deductible health insurance plan as of February 1, 2012; and

WHEREAS: The Dental insurance available to eligible Non-Union employees is changing in 2012; and

WHEREAS: County Policy 44, Section 5 outlines the insurance available to eligible Non-Union employees and the employee's contributions; therefore be it

RESOLVED: That County Policy 44, Section 5 be revised to read as follows:

5. HEALTH & DENTAL INSURANCE

Eligibility: All full-time employees, elected officials, and part-time Attorneys are eligible to participate in the Health/Dental/Vision programs.

Date of Coverage: Employees hired on the first of the month or the first workday of the month shall have their coverage effective immediately. Employees hired after the third of the month shall have coverage effective the first of the month following their employment. If an employee fails to enroll in the health insurance program within 30 calendar days of employment, then s/he must wait until an open enrollment period, which occurs annually in November for January coverage. Also, employees who wish to change from Individual to Family coverage or Family to Individual coverage, or drop coverage completely must also wait for said open enrollment periods.

Tioga County currently provides health insurance through Excellus Blue Cross/Blue Shield of Central New York, but maintains the right to change providers at will.

Effective February 1, 2012, the County shall offer a High Deductible Plan supplemented with a limited use Health Reimbursement Account.

A Legislator's contribution toward health insurance coverage shall be as follows:

2012
7% of premium

A full-time non-union employee's contribution toward health insurance coverage shall be as follows:

2012
Hired Prior to 1/1/09: 7% of premium
Hired on or after 1/1/09: 15% of premium

Part-time Attorney health insurance contributions shall be as follows:

2012
Regardless of date of Hire: 20% of premium

These payroll deductions shall be taken from pre-tax earnings, unless alternative election is made.

An employee on a leave of absence without pay due to medical reasons shall only pay his/her normal contribution toward the health insurance for the first 6 months. Thereafter, the employee is responsible for 100% of the monthly premium.

An employee on a leave of absence without pay for non-medical reasons shall be responsible for 100% of the monthly premium as of day 1.

A prescription card is included in the medical plan and requires employees to pay \$5 for generic drugs, \$35 for common brand name drugs, or \$70 for new brand name drugs. A 90 day supply of prescriptions will only be available through mail-order, and will require two times the co-pay. Some exceptions may be required by NYS regulations and Excellus Blue Cross/Blue Shield. Drug categorization to be determined by Excellus Blue Cross/Blue Shield. Blue Cross/Blue Shield's "Gap Pricing" shall be in effect for all prescriptions.

For 2012 - 2014, the Health Reimbursement Accounts shall be funded by the County at the following levels:

| | |
|-------------|---------|
| Individual: | \$2,600 |
| Family: | 5,200 |

Any eligible employee who enrolls in the Dental and/or Vision plan(s) shall be required to pay 100% of the premium(s). Said premium payments shall be processed as pre-tax deductions.

Booklets detailing the complete coverage provided by the health, dental, and/or vision programs are available from the Personnel/Civil Service Office.

ROLL CALL VOTE

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

No – Legislator Huttleston

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 25-12 *RESOLUTION TO AMEND AND
RESTATE THE DEFERRED
COMPENSATION MODEL PLAN*

WHEREAS: The New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Tioga County (the "Model Plan") and offers the Model Plan for adoption by local employers; and

WHEREAS: Tioga County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of [Name of Local Employer]; and

WHEREAS: Effective August 26, 2011 the Board amended the Model Plan to adopt provisions

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.
- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.
- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
- Making technical recognition of the waiver of RMDs for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.

- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York state 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.
- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.

WHEREAS: The Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS: Upon due deliberation, Tioga County has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Tioga County by adopting the amended Model Plan; therefore be it

RESOLVED: That Tioga County hereby amends the Deferred Compensation Plan for Employees of Tioga County by adopting the amended Model Plan effective August 26, 2011, including the optional provisions in Schedule A.

ROLL CALL VOTE

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

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
PERSONNEL COMMITTEE

RESOLUTION NO. 26-12 *AUTHORIZE CONTRACT WITH SADD
SCHOOL ASSOCIATES*

WHEREAS: It is the desire of the STOP DWI Program to contract with SADD School Associates which are defined as Independent contractors not entitled to County Employee benefits; and

WHEREAS: Katie Carter-Benetiz was approved to serve the Waverly School District, but is now unable to perform her duties until the next school year; and

WHEREAS: A replacement teacher, Debra Lauper, has been selected to perform the SADD Associate Duties at the Waverly High School from January to June of 2012, and will be compensated \$100 each month for the six months of the remaining school 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 a contract for SADD School Associate Debra Lauper be authorized for the first six months of the 2012 calendar year.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 27-12 APPOINT COUNTY AUDITOR
AND DEPUTY COUNTY AUDITOR

WHEREAS: The County is required to appoint a County Auditor and Deputy County Auditor to process and review the Purchase Orders submitted by County Departments for payment of a variety of bills; and

WHEREAS: The terms for these appointments coincide with Legislator Group One and are due for reappointment as of January 1, 2012; therefore be it

RESOLVED: That Maureen L. Dougherty, be and hereby is appointed County Auditor for a four (4) year term, commencing January 3, 2012 and ending December 31, 2015; and be it further

RESOLVED: That Cathy Haskell be and hereby is appointed Deputy Tioga County Auditor, to act in the absence of the County Auditor, said term to be the same as that of the County Auditor.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 28-12 *AUTHORIZE 2012 NON-UNION
SALARY INCREASES*

WHEREAS: The 2012 Non-Union salary increases were dependent upon whether those employees would be changing health insurance plans; and

WHEREAS: The determination on health insurance was not made until after the 2012 County Budget was adopted; and

WHEREAS: Non-Union employees will be required to change from the current Classic Blue or PPO Plans to a High Deductible Plan effective February 1, 2012; and

WHEREAS: The change in health insurance plans will provide a savings to the County in the form of decreased premiums; and

WHEREAS: The Non-Union employees will also now be required to contribute a percent of the health insurance premium, as opposed to a set dollar contribution; and

WHEREAS: The percent (%) contribution will be the same across the board, thereby eliminating the advantage previously provided to lower paid Non-Union staff; and

WHEREAS: Non-Union support staff have not received salary increases in keeping with their Unionized counterparts, thereby diminishing the incentive to move into Non-Union positions; and

WHEREAS: The Legislature would like to give an additional salary adjustment in 2012 for those employee making less than \$50,000.00 in an effort to make up some of that difference; and

WHEREAS: The County Legislature is willing to grant salary increases in light of all the above; therefore be it

RESOLVED: That the 2012 Non-Union salary increases shall be retroactive to January 1, 2012, dependent upon the results of each employee's performance evaluation, as follows:

Department Heads (Full-time):

Satisfactory – 2% + \$1,000.00
Unsatisfactory – 0

Department Heads (Part-time):

Satisfactory – 2%
Unsatisfactory – 0

Full-time staff \$50,000.00 & over (2011):

Outstanding – 2% + \$1,000.00
Commendable – 1.5% + \$1,000.00
Satisfactory – 1% + \$1,000.00
Unsatisfactory – 0

Full-time staff under \$50,000.00 (2011):

Outstanding – 2% + \$1,500.00
Commendable – 1.5% + \$1,500.00
Satisfactory – 1% + \$1,500.00
Unsatisfactory - 0

Part-time staff:

Outstanding – 2%
Commendable – 1.5%
Satisfactory – 1%
Unsatisfactory – 0

Part-time Attorneys:

Outstanding – 2% + \$350.00
Commendable – 1.5% + \$350.00
Satisfactory – 1% + \$350.00
Unsatisfactory – 0

And be it further;

RESOLVED: That the Public Defender shall be eligible for an additional \$350.00 for a satisfactory evaluation, like the other Part-time attorneys.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 29-12 *AUTHORIZE 2012 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; therefore be it

RESOLVED: That the 2012 rates of pay, retroactive to January 1, 2012, for the Board of Elections staff shall be as follows:

| | |
|-------------------------|-----------|
| | 2012 pay: |
| Commissioner (2) | \$ 36,374 |
| Deputy Commissioner (2) | \$ 29,453 |

ROLL CALL VOTE

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

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. 30-12 *AUTHORIZE HIRING DELAY WAIVER
PUBLIC HEALTH*

WHEREAS: Tioga County Health Department (TCHD) is required to have a Director of Weights and Measures under § 180 of Agriculture and Markets Law; and

WHEREAS: There is currently a vacancy for the Director of Weights and Measures position due to a resignation effective December 31, 2011; and

WHEREAS: No one is currently available to address the Weights and Measures issues in Tioga County; and

WHEREAS: Tioga County has an established position of Director of Weights and Measures; and

WHEREAS: TCHD desires to fill the vacant part-time Director of Weights and Measures position as soon as possible, requesting a waiver of the 90-day Hiring Delay per Resolution # 277-11; therefore be it

RESOLVED: That TCHD is authorized to extend an employment offer for the Director of Weights and Measures position effective anytime on or after January 11, 2012 at an annual salary of \$12,329.

ROLL CALL VOTE

Recused – Legislator Sullivan.

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

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. 31-12 REQUEST WAIVER OF 90-DAY HOLD
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Effective January 4, 2012, Michelle Preshur will resign as Caseworker in the Children and Adult Services division; and

WHEREAS: Said vacancy will leave the Child Protective Services units understaffed while experiencing a period of high volume caseloads; and

WHEREAS: The Commissioner of Social Services received authorization to begin recruiting for said vacancy at the December 22, 2011, legislative work session; 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 \$37,135 (2012 CSEA Salary Grade XI), effective January 11, 2012.

ROLL CALL VOTE

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

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. 32-12 REQUEST WAIVER OF 90-DAY HOLD
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Effective December 23, 2011, Lisa Dow resigned as Social Welfare Examiner in the Employment and Temporary Assistance Division; and

WHEREAS: Said vacancy will leave the Food Stamp and Medicaid Unit understaffed while continuing to experience a period of high volume caseloads due to the floods from Tropical Storm Lee; and

WHEREAS: The Commissioner of Social Services received authorization to begin recruiting for said vacancy at the December 22, 2011, legislative work session; 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 \$26,899 (2012 CSEA Salary Grade VI), effective January 11, 2012.

ROLL CALL VOTE

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

No – Legislator Sullivan.

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 FINANCE COMMITTEE |
|--------------|---|

| | |
|----------------------|---|
| RESOLUTION NO. 33-12 | <i>AUTHORIZATION TO FILL FULL-TIME DENTIST POSITION TRANSFER OF FUNDS HEALTH DEPARTMENT</i> |
|----------------------|---|

WHEREAS: Tioga County Health Department (TCHD) has contracted for the services of a Dentist; and

WHEREAS: As a result of the IRS audit, Tioga County has conceded that the position of Dentist met the criteria for an employee rather than a contractual position; and

WHEREAS: TCHD was authorized in December 2011 to fill the vacant Dentist position and terminate the Dentist contract prior to 2012; and

WHEREAS: Funds for the position are budgeted, yet will require transfer into the appropriate personnel line in 2012; and

WHEREAS: That as a result of filling the previously vacant full-time Dentist position, the 2012 authorized headcount for the Public Health Department for full-time positions will remain at 53; and

WHEREAS: The Director of Public Health desires to fill the position with the individual that has been under contract as Dentist for several years, Dr. Eric Sarnicola, and Dr. Sarnicola is willing and able; therefore be it

RESOLVED: That Dr. Eric Sarnicola be appointed as Dentist with TCHD at an annual salary of \$98,823, on a provisional basis pending civil service examination, effective January 3, 2012; and be it further

RESOLVED: That funding be transferred as follows:

| | | |
|-------|--|-----------|
| From: | A4054.40-140 Preventive Dental: Contractual Services | \$ 10,000 |
| | A4064.40-140 Dental Services: Contractual Services | \$ 88,823 |
| To: | A4054.10-10 Preventive Dental: Personal Services | \$10,000 |
| | A4064.10-10 Dental Services: Personal Services | \$88,823 |

ROLL CALL VOTE

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

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
FINANCE COMMITTEE

RESOLUTION NO. 34-12 *AUTHORIZE CONTRACTS WITH
OWEGO-APALACHIN CENTRAL SCHOOL
DISTRICT AND CENTRAL NEW YORK
SERVICES FOR SCHOOL-BASED SOCIAL
WORKER*

WHEREAS: The mission of Tioga County Mental Hygiene is to insure that the mental health needs of the residents of Tioga County are addressed; and

WHEREAS: Providing mental health services in community settings such as schools is a well-established method of overcoming the barriers of transportation and stigma associated with going to a mental health clinic site; and

WHEREAS: Tioga County Mental Hygiene has a long and successful history of providing mental health services in schools in Tioga County; and

WHEREAS: Owego-Apalachin Central School District has experienced significant loss over the past several months due to two student suicides and a motor vehicle accident which killed a District employee, in addition to the 2011 flood which caused significant hardship to the District; and

WHEREAS: Due to these tragic events, the Owego-Apalachin School District desires to obtain mental health services for both students and staff members who are in need of a social work professional to provide therapy, conduct risk assessments, and facilitate other services in order to help them succeed in school and at home; and

WHEREAS: The Owego-Apalachin School District is requesting one (1) school-based Social Worker be provided by the Tioga County Department of Mental Hygiene to provide mental health services on site to its students and staff members; and

WHEREAS: The Owego-Apalachin School Board has approved funding for the addition of one (1) school-based Social Worker; and

WHEREAS: The Department of Mental Hygiene is able to bill Medicaid and third-party payers for services to generate revenue which pays for 40% of the cost of the school-based Social Worker and Owego-Apalachin School District is willing to pay for 60% of the cost of the school-based Social Worker, the total cost of this position is funded with non-County funds with no cost to the County; and

WHEREAS: Central New York Services is willing to contract to provide the school-based Social Worker for this purpose; and

WHEREAS: The Mental Hygiene department seeks authorization to enter into contracts on a temporary basis (to end June 30, 2012) with Central New York Services and Owego-Apalachin Central School District to provide a school-based social worker; and

WHEREAS: Information on this position will be presented to the Legislature on a monthly basis or as requested; therefore be it

RESOLVED: That the Department of Mental Hygiene is authorized to contract with Owego-Apalachin Central School District and Central New York Services for the provision of a school-based Social Worker to the Owego-Apalachin School District.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

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

| | |
|----------------------|---|
| REFERRED TO: | FINANCE /LEGAL |
| RESOLUTION NO. 35-12 | <i>AWARD CONTRACT FOR ALL HAZARD MITIGATION PLAN UPDATE AND TRANSFER OF FUNDS</i> |

WHEREAS: Tioga County's All Hazards Mitigation Plan has expired; and

WHEREAS: The current plan was scheduled to be updated and rewritten in 2011; and

WHEREAS: The damage caused by Tropical Storm Lee has created an urgency to expedite the creation and approval of an updated plan by FEMA within a 6 month period in order to make all municipalities in Tioga County eligible for mitigation funding; and

WHEREAS: A Request for Proposals was issued to hire a consultant to prepare the plan; and

WHEREAS: The Tioga County Hazard Mitigation Committee has met to review the six submissions received in response to the RFP, and has recommended that Tetra Tech be selected to prepare Tioga County's All Hazards Mitigation Plan; now therefore be it

RESOLVED: That Tetra Tech is hereby selected to prepare Tioga County's All Hazards Mitigation Plan; and be it further

RESOLVED: That the Chair of Tioga County Legislature is authorized to execute a contract between Tioga County and Tetra Tech setting forth the rights and obligations of the parties consistent with the RFP and the proposal submitted by Tetra Tech; and be it further

RESOLVED: That the sum of \$52,500 be transferred from Hazard Mitigation Plan Revenue Account A3657 to Hazard Mitigation Plan Account A3957.40-590.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 36-12 *APPROPRIATE FUNDS
BASED ON NEW CONTRACT*

WHEREAS: Resolution No. 253-11 adopted the County Budget for 2012 along with appropriations and salary schedule; and

WHEREAS: The new CSEA contract was not approved until after the budget was adopted and funds need to be appropriated for the salary increases from the Contingency Account to the appropriate personnel services accounts; therefore be it

RESOLVED: That the following sums be appropriated for salary increases for 2012 to the appropriate personnel services accounts:

| | |
|--|-----------|
| From: Contingency Account A1990.40-715 | \$326,703 |
| | |
| To: Legislative Account A1010.10-10 | \$ 4,450 |
| District Attorney A1165.10-10 | \$ 2,359 |
| Treasurer A1325.10-10 | \$ 8,395 |
| Real Property A1355.10-10 | \$ 2,829 |
| County Clerk A1410.10-10 | \$ 7,624 |
| DMV A1411.10-10 | \$ 3,113 |
| Law A1420.10-10 | \$ 127 |
| Personnel A1430.10-10 | \$ 7,474 |
| Elections A1450.10-10 | \$ 7,214 |
| DPW A1490.10-10 | \$ 3,107 |
| Buildings A1620.10-10 | \$ 10,116 |

| | |
|-------------------------------------|-----------|
| IT A1680.10-10 | \$ 19,888 |
| Sheriff A3110.10-10 | \$ 25,237 |
| Probation A3140.10-10 | \$ 18,140 |
| EMO A3640.10-10 | \$ 202 |
| Public Health (PH) A4010.10-10 | \$ 12,147 |
| PH Administration A4011.10-10 | \$ 17,630 |
| PH Education A4012.10-10 | \$ 1,456 |
| Rabies A4042.10-10 | \$ 430 |
| Early Intervention A4044.10-10 | \$ 3,079 |
| Preventive/Primary A4053-10-10 | \$ 454 |
| Handicap Education A4047.10-10 | \$ 876 |
| Preventive Dental A4054.10-10 | \$ 1,828 |
| Prenatal Care A4056.10-10 | \$ 530 |
| Lead Poisoning A4062.10-10 | \$ 215 |
| Dental Van A4064.10-10 | \$ 326 |
| Disease Control A4070.10-10 | \$ 1,093 |
| Environmental Health A4090.10-10 | \$ 5,577 |
| Alcohol and Drugs A4210.10-10 | \$ 7,818 |
| Mental Health A4309.10-10 | \$ 10,398 |
| Mental Health Clinic A4310.10-10 | \$ 13,931 |
| Treatment Alt to Incarn A4356.10-10 | \$ 1,054 |
| Social Services A6010.10-10 | \$ 95,097 |
| EDP A6422.10-10 | \$ 3,762 |
| Planning A8020.10-10 | \$ 3,498 |
| Solid Waste B8160.10-10 | \$ 2,382 |
| Employer CD6293.10-10 | \$ 2,496 |
| Consolidated Health CH1710.10-10 | \$ 1,839 |
| County Roads D5110.10-10 | \$ 13,358 |
| Road Machinery DM5130.10-10 | \$ 3,314 |
| Workers Compensation S1710.10-10 | \$ 1,840 |

ROLL CALL VOTE

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

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. 37-12 *AUTHORIZE CREATION OF TEMPORARY,
PART TIME DIRECTOR OF WEIGHTS AND
MEASURES
PUBLIC HEALTH*

WHEREAS: Legislative approval is required for the creation of any position within Tioga County; and

WHEREAS: There is currently a vacancy for the Director of Weights and Measures position due to the retirement of Peter Ward effective December 31, 2011; and

WHEREAS: No one is currently available to address the Weights and Measures issues in Tioga County and there is remaining work which needs to be finalized by the prior incumbent; and

WHEREAS: Said temporary position will assist with transitioning and training a replacement for the permanent position; therefore be it

RESOLVED: That the Public Health Director be authorized to create a temporary, part-time Director of Weights and Measures position effective January 11, 2012, which will be filled by Mr. Ward at an hourly rate of \$18.44; and be it further

RESOLVED: That said temporary position shall continue for a duration not to exceed three (3) months.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 38-12 *ERRONEOUS ASSESSMENT*
TOWN OF OWEGO

WHEREAS: An application for corrected tax roll indicates that property no. 973, assessed to the Village of Owego on the 2012 tax roll of the Town of Owego is erroneous in that an exemption code to make the property tax exempt should have been applied to the property; and

WHEREAS: A 2012 tax bill in the amount of \$12.06 was issued to the Village of Owego for property no. 973 in the Town of Owego; be it therefore

RESOLVED: That a new bill be issued by the Town of Owego tax collector to the Village of Owego reflecting the zero amount; and be it further

RESOLVED: That the erroneous town tax of \$.97 be charged back to the Town of Owego; and be it further

RESOLVED: That the erroneous solid waste tax of \$.48 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$10.61 be charged to the appropriate account in the records of the County Treasurer

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:37 P.M.

Second Regular Meeting
February 14, 2012

The Second Regular Meeting of 2012 was held on February 14, 2012 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Quinlan to have a moment of prayer. "Lord, we thank you for this beautiful day, instill in us the power to make beneficial decisions for the citizens of Tioga County. On this Valentine's Day, grant love and peace to everyone."

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

There were 4 people in attendance.

Chair Weston noted the following recognition resolution for Robin Hutchison, 1st Assistant Public Defender.

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

RESOLUTION NO. 39-12 *RECOGNITION OF ROBIN HUTCHISON'S
YEARS OF SERVICE
PUBLIC DEFENDER'S OFFICE*

WHEREAS: Robin Hutchison began his career as a 2nd Assistant Public Defender in the Public Defender's Office on January 2, 1992, was promoted to 1st Assistant Public Defender on May 13, 2006, the title he currently holds; and

WHEREAS: Mr. Hutchison has seen many changes within the Public Defender's Office within the 20 years with them and has grown with these changes; and

WHEREAS: Mr. Hutchison will retire on February 28, 2012; 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 and recognize Robin Hutchison for his 20 years of service to 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, Robin Hutchison.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

George Penney had privilege of the floor. "I would like to speak to you about the resolution on page 39. I do not think you have considered all the implications that this resolution involves. First of all, this is not a local firm. You will not find their name in the phone book. Second, this is a very expensive business and the budget for this year has, of course, already been adopted and you may find it difficult to find the expense. I thank you very much."

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 | | 60.84 |
| A1165 | District Attorney | | 3,559.17 |
| A1170 | Public Defender | | 4,309.03 |
| A1172 | Assigned Counsel | | 13,860.00 |
| A1185 | Medical Examiners/Coroners | | 9,085.95 |
| A1325 | Treasurer | | 7,189.65 |
| A1355 | Assessments | | 100.00 |
| A1362 | Tax Advertising and Expense | | 6,225.00 |
| A1364 | Expense of County Owned Property | | 18,500.00 |
| A1410 | County Clerk | | 357.94 |
| A1411 | Department of Motor Vehicles | | 160.39 |
| A1420 | Law | | 774.00 |
| A1430 | Personnel | | 467.25 |
| A1450 | Elections | | 32,530.50 |
| A1460 | Records Management | | 142.21 |
| A1490 | Public Works Administration | | 385.23 |
| A1620 | Buildings | 2,404.93 | 68,484.12 |

| | | | |
|------------------|-----------------------------------|----------|------------|
| A1621 | Buildings | | 35,264.61 |
| A1680 | Information Technology | | 22,427.53 |
| A1920 | Municipal Association Dues | | 6,053.00 |
| A2490 | Community College Tuition | | 3,979.50 |
| A2960 | Education Handicapped Children | | 185,265.56 |
| A3020 | Public Safety Comm E911 System | | 3,225.70 |
| A3110 | Sheriff | 36.90 | 34,344.24 |
| A3140 | Probation | | 2,208.47 |
| A3150 | Jail-Annex | | 112,460.17 |
| A3315 | Special Traffic Programs | | 1,243.81 |
| A3410 | Fire | 75.48 | 4,064.98 |
| A3640 | Emergency Mgmt Office | | 854.12 |
| A3641 | Emergency Mgmt Grant Program | | 198.00 |
| A4010 | Public Health Nursing | | 50,620.99 |
| A4011 | Public Health Administration | | 14,609.05 |
| A4012 | Public Health Education | 1,395.08 | 115.09 |
| A4042 | Rabies Control | | 4.95 |
| A4044 | Early Intervention | | 30,569.53 |
| A4053 | Preventive/Primary Health Svcs | | 420.83 |
| A4054 | Preventive Dental Services | | 111.47 |
| A4062 | Lead Poisoning Program | | 3.18 |
| A4064 | Managed Care-Dental Services | | 4,821.33 |
| A4070 | Disease Control | | 4,834.20 |
| A4090 | Environmental Health | | 656.55 |
| A4210 | Alcohol and Drug Services | | 1,145.93 |
| A4211 | Council on Alcoholism | | 10,990.34 |
| A4309 | Mental Hygiene Co Admin | 277.33 | 10,454.60 |
| A4310 | Mental Health Clinic | | 14,214.25 |
| A4311 | Rehabilitation Support Services | | 1,854.00 |
| A4315 | Mental Retardation | | 4,731.00 |
| A4320 | Crisis Intervention Services | | 2,430.67 |
| A4321 | Intensive Case Management | | 1,651.48 |
| A4333 | Psycho Social Club | | 37,546.75 |
| A6010 | Social Services Administration | 3.00 | 110,317.22 |
| A6141 | Energy Crisis Assistance Programs | | 37,767.02 |
| A6422 | Economic Development | | 25.62 |
| A6510 | Veteran's Service | | 1,909.00 |
| A6610 | Sealer Weights/Measures | | 101.76 |
| A7310.41 | Youth Programs, Refundable | | 5,278.61 |
| A7989 | Tourism | | 144,853.00 |
| A8020 | Planning | | 574.40 |
| SOLID WASTE FUND | | | 53,674.07 |

| | |
|--------------------------|-------------------|
| SPECIAL GRANT FUND | 3,299.10 |
| LIABILITY INSURANCE FUND | 774.00 |
| COUNTY ROAD FUND | 169,508.10 |
| CAPITAL FUND | <u>153,534.13</u> |
| GRAND TOTAL | \$ 1,455,375.91 |

Legislator Roberts made a motion to approve the minutes of January 3 and 10, 2012, seconded by Legislator Hollenbeck, and carried.

Chair Weston abolished the following committees effective February 14, 2012:

- Building Closing Procedure Committee
- Capital Projects Committee
- Continuing Education Committee
- Deputies Negotiating Team
- Financial Planning Committee

Chair Weston announced that there has been a change to the Standing Committee 2012. The Committee Chairs for Information Technology and Personnel have been changed. Legislator Hollenbeck will be the Chair of the Information Technology Committee and Legislator Monell will be the Chair of the Personnel Committee.

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

Legislator Hollenbeck made a motion to pass the following twelve (12) resolutions, all on erroneous assessments, as one, seconded by Legislator Sullivan and carried.

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

| | |
|----------------------|---|
| REFERRED TO: | FINANCE COMMITTEE |
| RESOLUTION NO. 40-12 | <i>ERRONEOUS ASSESSMENT TOWN OF OWEGO</i> |

WHEREAS: An application for correction of multiple-parcel errors indicates that 18 parcels assessed to Lawrence T and Thomas J O'Reilly on the 2012 tax roll of the Town of Owego are erroneous in that the school taxes were not recorded as paid due to a clerical error, and were therefore relieved to the town and county bills; and

WHEREAS: The tax collector at the Owego Apalachin School District has verified that these taxes were paid but not posted, and receipts have been provided showing that the school taxes have been paid on all 18 parcels; be it therefore

RESOLVED: That the erroneous school tax be deducted and corrected 2012 tax bills be issued to Lawrence T and Thomas J O'Reilly for each of the 18 parcels by the Town of Owego tax collector as indicated on the following page; and be it further

RESOLVED: That the erroneous school tax and interest of \$2,326.76 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$162.87 be charged to the appropriate account in the records of the County Treasurer

T/Owego – Lawrence T & Thomas J O'Reilly – 2012 Tax Bill Corrections

| Acct # | Bill # | 2012 T/C Bill Including school | Minus total School Relevy | CORRECTED 2012 T/C Bill |
|--------|--------|--------------------------------------|------------------------------|----------------------------|
| 13631 | 6368 | 2,068.11 | 1,308.76 | 759.35 |
| 13722 | 6369 | 119.81 | 75.83 | 43.98 |
| 13723 | 6370 | 131.31 | 83.10 | 48.21 |
| 13724 | 6371 | 169.65 | 107.36 | 62.29 |
| 13725 | 6372 | 181.66 | 114.96 | 66.70 |
| 13726 | 6373 | 177.48 | 112.32 | 65.16 |
| 13727 | 6374 | 52.79 | 33.41 | 19.38 |
| 13728 | 6375 | 139.03 | 87.98 | 51.05 |
| 13783 | 6376 | 66.72 | 42.22 | 24.50 |
| 13732 | 6377 | 65.11 | 41.21 | 23.90 |
| 13733 | 6378 | 80.52 | 50.95 | 29.57 |
| 13734 | 6379 | 86.68 | 54.85 | 31.83 |
| 13735 | 6380 | 147.69 | 93.46 | 54.23 |
| 13739 | 6381 | 53.50 | 33.85 | 19.65 |
| 13740 | 6382 | 68.65 | 43.45 | 25.20 |
| 13741 | 6383 | 76.80 | 48.60 | 28.20 |
| 13742 | 6384 | 113.00 | 71.51 | 41.49 |
| 13743 | 6385 | 135.60 | 85.81 | 49.79 |
| | | 3,934.11 | 2,489.63 | 1,444.48 |

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 41-12 ERRONEOUS ASSESSMENT
TOWN OF CANDOR

WHEREAS: An application for corrected tax roll indicates that property no. 469 assessed to Rebecca Hernandez on the 2012 tax roll of the Town of Candor is erroneous in that a 2011/12 school tax was releived to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 469 was paid on 09/26/11; be it therefore

RESOLVED: That a new 2012 tax bill be issued to Rebecca Hernandez by the Town of Candor tax collector as follows:

| | <u>Hernandez Bill 1279</u> | <u>Hernandez Corrected Bill 1279</u> |
|---------------|----------------------------|--------------------------------------|
| County | \$ 584.92 | \$ 584.92 |
| Recycle | 26.45 | 26.45 |
| Townwide | 310.39 | 310.39 |
| PartTown | 81.07 | 81.07 |
| Return School | 923.74 | - |
| Candor Fire | <u>109.41</u> | <u>109.41</u> |
| | \$2,035.98 | \$1,112.24 |

and be it further

RESOLVED: That the erroneous school tax and interest of \$863.31 be charged back to the Candor School District; and be it further

RESOLVED: That the erroneous county penalty of \$60.43 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 42-12 *ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: An application for corrected tax roll indicates that property no. 555 assessed to Mary McDowell on the 2012 tax roll of the Town of Candor is erroneous in that a 2011/12 school tax was releived to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 555 was paid on 10/2/11; be it therefore

RESOLVED: That a new 2012 tax bill be issued to Mary McDowell by the Town of Candor tax collector as follows:

| | <u>McDowell Bill 1756</u> | <u>McDowell Corrected Bill 1756</u> |
|---------------|---------------------------|-------------------------------------|
| County | \$ 357.97 | \$ 357.97 |
| Recycle | 16.19 | 16.19 |
| Townwide | 196.10 | 196.10 |
| PartTown | 51.22 | 51.22 |
| Return School | 3.87 | - |
| Candor Fire | <u>78.78</u> | <u>78.78</u> |
| | \$ 704.13 | \$ 700.26 |

and be it further

RESOLVED: That the erroneous school tax and interest of \$3.62 be charged back to the Candor School District; and be it further

RESOLVED: That the erroneous county penalty of \$.25 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 43-12 ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY

WHEREAS: An application for corrected tax roll indicates that property no. 1984 assessed to Richard Powell & Casey Collins-Powell on the 2012 tax roll of the Town of Newark Valley is erroneous in that the 2011-12 school taxes for property no. 1894 assessed to Leroy Wheeland on the 2012 tax roll of the Town of Newark Valley were releived to the town and county bill for property no. 1984 in error; and

WHEREAS: The 2012 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 Richard Powell for property no. 1984, and a new bill be issued to Leroy Wheeland for property no. 1894 by the Town of Newark Valley tax collector as follows:

| | <u>Powell #1984</u> | <u>Wheeland #1894</u> |
|--------------------|---------------------|-----------------------|
| County | \$ 11.33 | \$ 429.71 |
| Recycle | .51 | 19.42 |
| Townwide | 4.33 | 164.14 |
| Return School | - | 1,013.95 |
| Newark Valley Fire | <u>1.33</u> | <u>50.35</u> |
| | \$ 17.50 | \$ 1,677.57 |

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 44-12

*ERRONEOUS ASSESSMENT
TOWN OF BARTON*

WHEREAS: An application for corrected tax roll indicates that property no. 70, assessed to the Loco Holdings LLC on the 2012 tax roll of the Town of Barton is erroneous in that Resolution No. 175-09 was passed on May 12, 2009 exempting the property from all taxes due to environmental concerns; and

WHEREAS: Property no. 70 was purchased by Edward Bowman and Merranda Rought in May 2011, after the March 1st taxable status date; and

WHEREAS: Due to the timing of the purchase, the property should have retained wholly exempt status for assessment roll year 2011, tax roll year 2012; and

WHEREAS: The 2011-12 village bill was issued for property no. 70 erroneously due to the tax exempt status of the property, and the 2012 Town and County bill should have remained exempt and in the name of Loco Holding LLC but was erroneously changed, printed and sent to the new owner, and included the erroneous village tax relevy; be it therefore

RESOLVED: That a new bill be issued by the Town of Barton tax collector in the name of Loco Holding LLC reflecting a zero amount due and sent to the new owners Edward Bowman and Merranda Rought for their records; and be it further

RESOLVED: That the erroneous town tax of \$29.58 be charged back to the Town of Barton, and the erroneous fire tax of \$12.91 be charged back to the Barton Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$5.85 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous village tax and interest of \$717.64 be charged back to the Village of Waverly; and be it further

RESOLVED: That the erroneous county tax of \$129.44 and village penalty of \$50.23 be charged to the appropriate accounts in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 45-12 *ERRONEOUS ASSESSMENT*
TOWN OF SPENCER

WHEREAS: An application for corrected tax roll indicates that property no. 1785, assessed to Larry & Richard Sterling, Debra Scott, and Life Use for Juanita Sterling, etal, on the 2012 tax roll of the Town of Spencer is erroneous in that an aged exemption was not applied for town and county purposes, therefore the tax bill was based on full assessment of \$99,000; and

WHEREAS: The 2012 Town and County tax bill of \$1,473.91 for property no. 1785 has not yet been paid to the Town of Spencer tax collector; be it therefore

RESOLVED: That a new tax bill be issued for property no. 1785 to Larry and Richard Sterling, Debra Scott, and Juanita Sterling, etal (life use) as follows:

| | <u>Sterling/Scott #1785</u> | <u>Corrected Sterling/Scott #1785</u> |
|--------------|-----------------------------|---------------------------------------|
| County | \$ 843.58 | \$ 506.15 |
| Recycle | 38.12 | 38.12 |
| Townwide | 210.33 | 189.30 |
| Part Town | 325.15 | 325.15 |
| Spencer Fire | <u>56.73</u> | <u>56.73</u> |
| | \$ 1,473.91 | \$ 1,115.45 |

and be it further

RESOLVED: That the erroneous town tax of \$21.03 be charged back to the Town of Spencer; and be it further

RESOLVED: That the erroneous county tax of \$337.43 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 46-12

*ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: An application for corrected tax roll indicates that property no. 2238 assessed to Joshua J Sindoni on the 2012 tax roll of the Town of Candor is erroneous in that a 2011/12 school tax was releived to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 2238 was paid on 10/18/11; be it therefore

RESOLVED: That a new 2012 tax bill be issued to Joshua J Sindoni by the Town of Candor tax collector as follows:

| | <u>Sindoni Bill 2273</u> | <u>Sindoni Corrected Bill 2273</u> |
|---------------|--------------------------|------------------------------------|
| County | \$ 1,427.19 | \$ 1,427.19 |
| Recycle | 64.54 | 64.54 |
| Townwide | 757.35 | 757.35 |
| PartTown | 197.82 | 197.82 |
| Return School | 3,031.89 | - |
| Candor Fire | <u>266.97</u> | <u>266.97</u> |
| | \$ 5,745.76 | \$ 2,713.87 |

and be it further

RESOLVED: That the erroneous school tax and interest of \$2,833.54 be charged back to the Candor School District; and be it further

RESOLVED: That the erroneous county penalty of \$198.35 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 47-12 *ERRONEOUS ASSESSMENT
TOWN OF NICHOLS*

WHEREAS: An application for corrected tax roll indicates that property no. 913 assessed to Joseph & Louise McTamney on the 2012 tax roll of the Town of Nichols is erroneous in that a 2011/12 school tax was releived to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 913 was paid on 9/20/11; be it therefore

RESOLVED: That a new 2012 tax bill be issued to Joseph & Louise McTamney by the Town of Nichols tax collector as follows:

| | <u>McTamney Bill #866</u> | <u>McTamney Corrected #Bill 866</u> |
|-----------------|---------------------------|-------------------------------------|
| County | \$ 827.98 | \$ 827.98 |
| Recycle | 37.45 | 37.45 |
| Townwide | 261.29 | 261.29 |
| PartTown | 43.13 | 43.13 |
| Return School | 1,574.17 | - |
| Lounsberry Fire | <u>22.55</u> | <u>22.55</u> |
| | \$2,766.57 | \$1,192.40 |

and be it further

RESOLVED: That the erroneous school tax and interest of \$1,471.19 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$102.98 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 48-12

*ERRONEOUS ASSESSMENT
TOWN OF NICHOLS*

WHEREAS: An application for corrected tax roll indicates that property no. 941 assessed to Richard & Sandra Frederici on the 2012 tax roll of the Town of Nichols is erroneous in that a 2011/12 school tax was relieved to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 941 was paid on 9/20/11; and the 2012 Town & County tax bill including the erroneous school relevy of \$1,708.51 was paid to the Town of Nichols tax collector by Community Bank N.A. on 1/17/12; be it therefore

RESOLVED: That a refund of the erroneous school relevy of \$1,708.51 be issued to Community Bank N.A. by the Town of Nichols tax collector; and be it further

RESOLVED: That the erroneous school tax and interest of \$1,596.74 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$111.77 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 49-12

*ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that (9) properties on the 2012 tax roll of the Town of Owego are erroneous in that 2011/12 school taxes were releived to the 2012 Town/County tax bills in error due to payments collected by Chase Bank not being posted at OACSD; and

WHEREAS: The 2011/12 school taxes for the various (9) properties were paid on 9/20/11; and the 2012 Town & County tax bills including the erroneous school tax releives were paid to the Town of Owego tax collector by Community Bank N.A. on 1/11/12; and

WHEREAS: Michael E Zimmer, Town Clerk and Tax Collector of the Town of Owego has already turned over funds collected in January to the County Treasurer's office to be applied against the 2012 Tax Warrant for the Town of Owego; be it therefore

RESOLVED: That a refund of the (9) erroneous school releives of \$15,890.63 as indicated on following page be issued to Community Bank N.A. by the Tioga County Treasurer; and be it further

RESOLVED: That the erroneous school tax and interest of \$14,851.06 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$1,039.57 be charged to the proper account in the records of the County Treasurer.

| OACSD Erroneous Relevy REFUNDS | | | | | |
|---------------------------------------|----------|---------------|---------------------|--------------------------|---------------------|
| Owner Name | T | Acct # | School Chgbk | 7% Co Pnlty Chgbk | TOTAL REFUND |
| Babcock, Mark/Jennifer | 6 | 7933 | 787.55 | 55.13 | 842.68 |
| Baust, John M | 6 | 1539 | 2,422.73 | 169.59 | 2,592.32 |
| Berryman, Mark/Jennifer | 6 | 7909 | 3,137.97 | 219.66 | 3,357.63 |
| Fisher, Byron/Margaret | 6 | 11354 | 1,478.20 | 103.47 | 1,581.67 |
| Lisak, Christopher M | 6 | 559 | 300.37 | 21.03 | 321.40 |
| Pedro, David & Pamela | 6 | 1111 | 1,738.60 | 121.70 | 1,860.30 |
| Signs, Donald/Nancy | 6 | 204 | 1,360.49 | 95.23 | 1,455.72 |
| Sochor, William/Debra | 6 | 12085 | 987.09 | 69.10 | 1,056.19 |
| Zimmerer, Karl | 6 | 1466 | 2,638.06 | 184.66 | 2,822.72 |
| T/OWEGO TOTALS | | | \$14,851.06 | \$1,039.57 | \$15,890.63 |

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 50-12

ERRONEOUS ASSESSMENT
TOWN OF TIOGA

WHEREAS: An application for corrected tax roll indicates that (5) properties assessed to various owners on the 2012 tax roll of the Town of Tioga are erroneous in that the 2011/12 OACSD school taxes were relieved to the 2012 Town/County tax bills in error; and

WHEREAS: The 2011/12 school taxes for all (5) of the various properties were paid on 9/20/11, and the 2012 tax bills including the erroneous school taxes for the (5) properties were paid on 1/30/12 to the Town of Tioga tax collector; be it therefore

RESOLVED: That a refund of \$10,475.99 for the erroneous school taxes be issued to Community Bank by the Town of Tioga tax collector for the (5) properties listed as follows:

| | |
|--|--------------------|
| <u>Cron Acct 59/Bill 452</u> | |
| Return School Refund | \$ 945.03 |
| <u>Gunther Acct 2164/Bill 711</u> | |
| Return School Refund | \$ 1,352.30 |
| <u>Rollison Acct 101/Bill</u> | |
| Return School Refund | \$ 1,993.13 |
| <u>Silverstein Acct 1307/Bill 1700</u> | |
| Return School Refund | \$ 2,082.97 |
| <u>Tubbs Acct 1238/Bill 1956</u> | |
| Return School Refund | <u>\$ 4,102.56</u> |
| TOTAL | \$10,475.99 |

and be it further

RESOLVED: That the erroneous school tax and interest of \$9,790.65 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$685.34 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 51-12 *ERRONEOUS ASSESSMENT
TOWN OF BARTON*

WHEREAS: An application for refund/corrected tax roll indicates that (9) special franchise properties assessed to Norfolk Southern Railway Company on the 2012 tax roll of the Town of Barton are erroneous in that the taxable values exceeded ceiling limits; and

WHEREAS: The taxes on the (9) properties were paid to the County Treasurer's office on 2/1/12; and

WHEREAS: The Tioga County Real Property office has calculated the taxable values based upon percent and provided the amount to be refunded; therefore be it

RESOLVED: That a refund of \$3,930.02 as set by Real Property, be issued by the Tioga County Treasurer to Norfolk Southern Railway Company for overpayment of the (9) properties in the Town of Barton; and be it further

RESOLVED: That the erroneous town tax of \$653.90 be charged back to the Town of Barton, and the erroneous fire tax of \$285.46 be charged back to the Barton Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$129.32 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$2,861.34 be charged to the appropriate accounts in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 52-12 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: Tioga County Health Department (TCHD) has received funding through the Tioga County Healthy Community Partnership (TCHCP); and

WHEREAS: The funding is earmarked for TCHD costs related to the TCHCP program activities; and

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

RESOLVED: That funding be appropriated as follows:

| | |
|-----------------------------|----------|
| From: A2280.00 Local Awards | \$ 5,270 |
|-----------------------------|----------|

| | |
|--|----------|
| To: A4012.40-590 Health Education: Services Rendered | \$ 5,270 |
|--|----------|

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 53-12 TRANSFER OF FUNDS
WORKERS' COMPENSATION

WHEREAS: Resolution 237-11 authorized purchase of workers' compensation specific excess Insurance from Safety National for the period of January 1, 2012 through December 31, 2012; and

WHEREAS: The 2012 renewal rate for this policy was not finalized by Safety National until late December 2011; and

WHEREAS: The 2012 amount budgeted for this policy was \$110,000.00 but the actual cost came in at \$112,170.00; therefore be it

RESOLVED: That the following sums be transferred:

| | |
|--|------------|
| From: Workers' Compensation Account S1710.40 (270) insurance-liability | |
| | \$ 513.00 |
| Workers' Compensation Account S1720.40 (330) legal fees | |
| | \$1,657.00 |
| | |
| To: Workers' Compensation Account S1722.40 (270) insurance-liability | |
| | \$2,170.00 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 54-12 *RESOLUTION TO REDUCE
CORNELL COOPERATIVE
EXTENSION (CCE)
TIOGA COUNTY RENT*

WHEREAS: Due to Tropical Storm Lee in September 2011 rooms rented by Cornell Cooperative Extension of Tioga County in the basement at 56 Main Street have been unavailable; and

WHEREAS: The total square footage represents approximately 25% of the entire area rented by CCE Tioga; and

WHEREAS: This space houses the kitchen used by CCE educators for the federally funded Food Stamp Nutrition Education and many other programs; and

WHEREAS: The loss of this space substantially reduces the CCE Tioga's work area and decreases monthly revenue from the programs using the space and will impact the in-kind space pledged to current grant funded programs; and

WHEREAS: CCE Tioga is requesting that the County reduce their rent by 25% for the period which the rooms are unavailable; therefore be it

RESOLVED: That to compensate for the loss of the meeting space, work area, and revenue, the Tioga County Legislature approves that the CCE Board of Directors request to reduce CCE Tioga's rent by 25% for the period which the rooms are unavailable by the County from \$8,066.00 per quarter to \$6,049.50 per quarter be approved retroactive to January 1, 2012.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: INFORMATION TECHNOLOGY

RESOLUTION NO. 55-12 REAPPOINT MEMBER
RECORDS MGMT. ADVISORY BOARD

WHEREAS: Representative of the Media appointment on the Records Management Advisory Board is up; and

WHEREAS: Current Incumbent Mary Beth Jones has expressed an interest to continue to serve on the Records Management Advisory Board; therefore be it

RESOLVED: That the following Representative of the Media member be reappointed to the Records Management Advisory Board as follows:

Mary Beth Jones – Tioga County Courier – 2/28/2012 -2/27/2014

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 56-12 RABIES DONATION COMMITTEE
PUBLIC HEALTH

WHEREAS: Terms of office for the members of the Rabies Donation Committee have expired; and

WHEREAS: The Public Health Director, Chair of Health and Human Services Committee and Treasurer or his/her designee, have agreed to serve for another three year term; therefore be it

RESOLVED: That the Public Health Director, Chair of Health and Human Services Committee and Treasurer or his/her designee, be re-appointed to the Rabies Donation Committee for the term January 1, 2012 through December 31, 2014.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 57-12 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 Richard Huttleston on the Board of Health expired 12/31/11; and

WHEREAS: Legislative representatives on the Board of Health serve only the length of their elected term; and

WHEREAS: Richard Huttleston has agreed to serve for another term; therefore be it

RESOLVED: That Richard Huttleston be re-appointed to the Tioga County Board of Health for a term of 1/1/2012 – 12/31/2015.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 58-12 APPOINT AND EXTEND TERMS 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. 104-10 and vacancies exist and terms have expired; now therefore be it

RESOLVED: That the following listed representatives be appointed or terms extended as a member of the Tioga County Youth Board with their corresponding term of office consistent with the requirement of staggered rotation.

| | <u>TERM</u> |
|---|---------------------|
| Daniel Sloat (Extending Term) | 01/01/12-12/31/2014 |
| Carter Bryce Jackson (Extending Term) | 01/01/12-12/31/2014 |
| Zack Baker (Extending Term) | 01/01/12-12/31/2014 |
| Jessica Hobler (Appoint - Replacing T. Rosenberg) | 01/01/12-12/31/2015 |
| Kathleen Clark (Appoint - Replacing N. McGavin) | 01/01/12-12/31/2015 |

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: LEGISLATIVE WORKSESSION

RESOLUTION NO. 59-12 *APPOINT MEMBERS
FISH & WILDLIFE
MANAGEMENT BOARD*

RESOLVED: That Robert Woodburn, County Clerk, be appointed as the Elected Official Representative to the Fish and Wildlife Management Board for a two-year term through December 31, 2013 and Jeff Barnes be appointed as the Sportsman Member to the Fish and Wildlife Management Board for a two-year term through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 60-12 *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 2012:

| | | |
|-----------|---------------|-----------------------|
| OFFICERS: | CHAIRMAN | DCFC STEVE FEDOROWICZ |
| | VICE CHAIRMAN | CHIEF ERNIE TUETKEN |
| | SECRETARY | GINA KLETT (SSFD) |

Membership:

| <u>DEPARTMENT</u> | <u>DELIGATE</u> | <u>ALTERNATE</u> |
|-------------------|------------------------|------------------|
| APALACHIN | CHIEF MIKE GEORGE | DON AMES |
| BERKSHIRE | CHIEF BRET WELCH | KEN BEAN |
| CAMPVILLE | CHIEF ROB ZIEMBA | JOHN HICKEY |
| CANDOR | CHIEF JON ROMAN Jr. | TOM KING |
| HALSEY VALLEY | CHIEF RON FRISBIE | THOMAS COLE |
| LOCKWOOD | CHIEF DAVE CURTIS | BOB LONG |
| NEWARK VALLEY | CHIEF ERNIE TUETKEN | JOHN HANEY |
| NICHOLS | CHIEF TRUMAN KITTLE | LAURA KITTLE |
| OWEGO | CHIEF ED FRANZ | SCOTT GURNEY |
| RICHFORD | CHIEF JOHN KEENER | ZACH ARMSTRONG |
| SOUTHSIDE | CHIEF CHARLES KLETT | FRANK OKRASINSKI |
| SPENCER | CHIEF CHRIS GARLAND | DEREK GRIER |
| TIOGA CENTER | CHIEF MILTON KEMP | ART MAYER |
| WAVERLY | CHIEF DON HOWARD | JEFF WHEELER |
| WELTONVILLE | CHIEF RON HOLBROOK | DOREEN HOLBROOK |
| BUREAU of FIRE | CFC JOHN V. SCOTT | |
| | DCFC JOHN OLSEN | |
| | DCFC LARRY SINGLETON | |
| | DCFC CONNIE FEDOROWICZ | |
| | DCFC KEVIN FORD | |
| | DCFC STEVE FEDOROWICZ | |
| EMO | EMO RICHARD LeCOUNT | |

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 61-12 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 | 4/1/12-3/31/13 |
| Crime Victim | 4/1/12-3/31/13 |
| Rep for Private Organization Operating within County | 4/1/12-3/31/13 |
| State Certified Provider of Alcohol and/or Substance Abuse Treatment | 4/1/12-3/31/13 |

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: AGRICULTURE COMMITTEE

RESOLUTION NO. 62-12 REAPPOINT MEMBERS TO THE TIOGA COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

WHEREAS: Three member’s terms representing active farmers expired as of December 31, 2011 including Lisa Bloodnick, Tim Lawton and Ben Whittlemore; and

WHEREAS: The Agricultural and Farmland Protection Board is desirous of filling these positions and the three said existing members in these positions are willing to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoints Lisa Bloodnick, Tim Lawton, and Ben Whittemore to the Agricultural and Farmland Protection Board, all for four-year terms of 1/1/12 – 12/31/15.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 63-12 *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, 2012:

| | |
|----------------------|--------------------|
| Skilled Nursing Care | \$205.00 per visit |
| Physical Therapy | \$130.00 per visit |
| Occupational Therapy | \$130.00 per visit |
| Home Health Aide | \$55.00 per hour |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: COUNTY CLERK COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 64-12 *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 office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$94,977.00 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 \$94,977.00 for the period of April 2012 – April 2013; be it therefore

RESOLVED: That the County Clerk be authorized to collect or withhold from its disbursements \$7,914.75 for the months of April 2012 through month of April 2013, for a total annum amount of \$94,977.00.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: LEGISLATIVE WORKSESSION

RESOLUTION NO. 65-12 *AUTHORIZE THE SUBMISSION OF
FLOOD MITIGATION GRANT APPLICATION
LEGISLATIVE OFFICE*

WHEREAS: New York State has announced the availability of \$9 million in State Grants for disaster relief to repair streams and to prevent future harm to property, infrastructure, and the environment; and

WHEREAS: Applications for these monies must be received no later than April 11, 2012; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant applications are submitted; therefore be it

RESOLVED: That Tioga County with the assistance of Soil & Water Conservation District 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 Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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 COMMITTEE

RESOLUTION NO. 66-12 *AWARD CONTRACT TO TAYLOR GARBAGE SERVICES FOR DISPOSAL OF SOIL MIXED WITH FLOOD DEBRIS AT THE TOWN OF OWEGO HIGHWAY PIT*

WHEREAS: The flooding from Tropical Storm Lee created emergency conditions requiring the temporary storage of flood debris material at the Town of Owego pit; and

WHEREAS: It was been agreed that Tioga County will provide for the ultimate disposal of the material; and

WHEREAS: In order to have a final inspection by the NYSDEC , all the flood debris needs to be cleaned up which includes small amount mixed in with the soil at the Town of Owego Pit; and

WHEREAS: The Solid Waste Manager requested quotes from Taylor Garbage, Casella Waste Systems and Riccelli for disposal of said flood debris and soil; and

WHEREAS: The quotes were as follows:

| | |
|--------------------------------------|-----------------|
| Taylor Garbage, Owego, NY: | \$41.00 per ton |
| Casella Waste Systems, Newfield, NY: | \$42.50 per ton |
| Riccelli, Syracuse, NY: | \$52.00 per ton |

therefore be it

RESOLVED: That the Tioga County Legislature award the contract for the disposal of flood debris to Taylor Garbage Services, Owego, NY in the amount of \$41.00 per ton to be effective January, 20, 2012 and all work is to be completed by February 20, 2012.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO.67-12

*AWARD COURT HOUSE
FLOOD DAMAGE REPAIR
CONSTRUCTION*

WHEREAS: September 2011 the Tioga County Court House basement was flooded during Tropical Storm Lee; and

WHEREAS: The Tioga County Commissioner of Public Works received sealed bids on February 02, 2012 and the bids were as follows:

| <u>CONTRACTOR</u> | <u>TOTAL BID</u> |
|------------------------------------|------------------|
| W. L. Kline Binghamton, NY | \$198,000.00 |
| F.E. Jones Binghamton, NY | \$199,000.00 |
| William H. Lane Binghamton, NY | \$216,900.00 |
| Andrew Mancini Endicott, NY | \$223,700.00 |
| Marchuska Brothers Endicott, NY | \$248,635.00 |
| McPherson Builders Ithaca, NY | \$259,750.00 |
| Homer C. Gow Vestal, NY | \$299,400.00 |

And

WHEREAS: Labella Associates have completed the review of the bids and finds the low bidder W.L. Kline, 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 W. L. Kline, Binghamton, NY not to exceed \$198,000 to be paid out of the Court House Account H1620.20 use code 927.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 68-12 *AWARD PROFESSIONAL
ENGINEERING SERVICES FOR
TIOGA COUNTY PUBLIC SAFETY
BUILDING MECHANICAL EQUIPMENT
ROOM UPGRADES TO
DELTA ENGINEERS*

WHEREAS: The Commissioner of Public Works received a proposal from Delta Engineers, Endwell, NY to provide Professional Engineering Services for the Tioga County Public Safety Building Mechanical Equipment room upgrades; and

WHEREAS: The Commissioner of Public Works budgeted for this work to be done in 2012; therefore be it

RESOLVED: That the Tioga County Legislature award Professional Services for this project to Delta Engineers, Endwell, NY not to exceed \$29,990 to be paid out of Boiler Account H1620.21 use code 929.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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

RESOLUTION NO.69-12 *AWARD COURT HOUSE
TRUSS PROJECT
CONSTRUCTION*

WHEREAS: Damage to a timber truss was discovered at the Tioga County Court House in 2011 and a temporary repair was done; and

WHEREAS: The Tioga County Commissioner of Public Works received sealed bids on January 24, 2012 and the bids were as follows:

Craig Lee Construction
Mansfield, PA \$ 55,000

W.L. Kline
Cortland, NY \$ 79,000

Joe Orlando
Binghamton, NY \$128,000

And

WHEREAS: Delta Engineers have completed the review of the bids and find the low bidder Craig Lee Construction, Mansfield, PA meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Craig Lee Construction, Mansfield, PA not to exceed \$55,000 to be paid out of the Court House Account H1620.20 use code 927.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: ED&P LEGISLATIVE COMMITTEE

RESOLUTION NO. 70-12 *AUTHORIZE SIGNATURE OF THE
SUSQUEHANNA HERITAGE AREA
MANAGEMENT COMMISSION AGREEMENT
AND APPOINT MEMBERS*

WHEREAS: Per resolution 162-10, the Tioga County Legislature approved the Susquehanna Heritage Area Management Plan Amendment which expanded the designation boundaries to all of Broome and Tioga Counties; and

WHEREAS: Since that time all the required municipalities have made such approval and the Susquehanna Heritage Area (SHA) Commission has been working on amending their intermunicipal agreement under GML Article 5-G to reflect said changes; and

WHEREAS: This new agreement has just been finalized by the SHA Commission and is now ready to be authorized by each municipality; and

WHEREAS: This new agreement requires two appointments from each municipality to the Susquehanna Heritage Commission and Elaine Jardine, County Planning Director and Stella Reschke, Tioga County Tourism Office Director have been participating in the SHA Commission and are willing and able to serve in this capacity; and

WHEREAS: The County Attorney has aided in the development of this agreement by reviewing earlier versions and providing input and then reviewed and approved the final draft for signature, therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to sign said agreement, and be it further

RESOLVED: That the Tioga County Legislature hereby appoints Elaine Jardine and Stella Reschke as Tioga County representatives on the Susquehanna Heritage Area Commission, both for Term of Office.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 71-12 *AUTHORIZE DEFERRED COMPENSATION
EXTENSION AGREEMENT*

WHEREAS: Tioga County currently uses the services of Nationwide Retirement Solutions to administer the deferred compensation program, 457 plan, available to all employees; and

WHEREAS: The contract with Nationwide Retirement Solutions expires on March 8, 2012; and

WHEREAS: The County has the option of renewing the contract for an additional one year period; and

WHEREAS: Tioga County recently amended the model plan to allow Roth contributions and a loan option through the Nationwide plan; and

WHEREAS: All terms and provisions of the original contract will remain in full force and effect; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Legislative Chair to execute the necessary documents, subject to review by the County Attorney, to extend the services of Nationwide Retirement Solutions as our deferred compensation administrator for the period of March 8, 2012 through March 8, 2013.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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:

LEGAL/FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 72-12

*AUTHORIZE RETAINER
AGREEMENT FOR PERSONNEL
SERVICES*

WHEREAS: The law firm of Roemer, Wallens, Gold & Mineaux LLP has proposed a retainer agreement to provide Tioga County with comprehensive personnel services; and

WHEREAS: Labor contracts for the Tioga County Law Enforcement Union and the Tioga County Corrections Association are due to expire at the end of 2012; and

WHEREAS: The hiring of outside counsel appears to be necessary and appropriate due to the increased workload to the Law Department as a result of the 2011 Flood and other pending issues; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to execute a retainer agreement with the law firm of Roemer, Wallens, Gold & Mineaux LLP, retaining their services retroactive to February 1, 2012, which agreement shall be approved in advance by the Tioga County Attorney.

ROLL CALL VOTE

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

No – Legislator Huttleston.

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. 73-12 *REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZE BACKFILL VOTING MACHINE
TECHNICIAN
BOARD OF ELECTIONS*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Effective January 20, 2012, Sharon Alamo resigned as the Republican Voting Machine Technician; and

WHEREAS: Said vacancy is occurring within a one month window of the creation of ballots for all voters as required by Federal Judge Gary Sharpe, under the Military and Overseas Voter Act, MOVE, to be sent to New York State Military and Overseas voters at a minimum of 45 days prior to the upcoming April 24, 2012 Presidential Primary Election; and

WHEREAS: The Republican Commissioner of Elections received authorization to begin recruiting for said vacancy at the February 9, 2012, Legislative work session; and

WHEREAS: The Board of Elections seeks to immediately fill the position to allow this person to be trained by the Dominion Voting company to be a certified Voting Machine Technician; therefore be it

RESOLVED: That the Republican Election Commissioner is hereby granted a waiver from the 90-day hiring delay and is authorized to fill the Voting Machine Technician position at an hourly salary of \$15.00, effective February 15, 2012.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 74-12 *REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZE BACKFILL PART-TIME 2nd
ASSISTANT PUBLIC DEFENDER POSITION
PUBLIC DEFENDER*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Robin Hutchison, 1st Assistant Public Defender, has announced his retirement, effective February 28, 2012; and

WHEREAS: The Public Defender intends to reassign the 2nd Public Defender, Todd Miller, to the duties of 1st Assistant Public Defender effective February 29, 2012, and by doing so cause a vacancy of the 2nd Assistant Public Defender position; and

WHEREAS: The Public Defender received authorization to begin recruiting for said part-time vacancy at the February 9, 2012, Legislative work session; 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 salary of \$30,500, effective February 29, 2012.

ROLL CALL VOTE

Yes – Legislators Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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
PERSONNEL

RESOLUTION NO. 75-12 *CREATE AND FILL TEMPORARY
SEASONAL HIGHWAY WORKER
POSITION; AUTHORIZATION OF
90-DAY HIRING DELAY WAIVER
PUBLIC WORKS*

WHEREAS: There will be a need for the Highway Department to employ one seasonal Highway Worker for 2012; 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 2012 season; and

WHEREAS: The Commissioner of Public Works received authorization to begin recruiting for said part-time vacancy at the February 9, 2012, Legislative work session; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Commissioner of Public Works a waiver from the 90-day hiring delay upon the creation of one (1) Highway Worker position at an hourly rate of \$9.40/hr. effective 03/01/12 for a temporary duration not to exceed 11/30/12.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:20 p.m.

Third Regular Meeting
March 13, 2012

The Third Regular Meeting of 2012 was held on March 13, 2012 and was called to order by the Chair at 6:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. "All mighty God and eternal God you know the longings of peoples hearts and you protect their rights. In your goodness watch over those in authority so that people everywhere may enjoy freedom, security, and peace."

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

There were 22 people in attendance.

James Cornell presented Employee of the 1st quarter 2012 to Brad Talcott of the Sheriff's Department. "Thank you. I serve on the Employee Recognition Committee and on behalf of that committee I would like to take this opportunity to thank the Legislature for their continued support of the Employee Recognition Committee.

"The Employee of the Quarter for the first quarter of 2012 is Brad Talcott. Brad started with the Tioga County Sheriff's Office as a Correction Officer in 1988. He was promoted to Road Patrol Deputy in 1989 and then to Criminal Investigator in 1994. In 2004, Brad was redeployed within the Criminal Investigations Division and was assigned as the Sheriffs' Office Evidence Technician, as well as accepting sole responsibility for managing all requirements of the Sex Offender Registration Act, and the Tioga County Pistol Permit Program.

"Brad received certification through the F.B.I. as an Evidence Technician and as such, is directly responsible for managing evidence at major crimes scenes, as well as all other evidence and property which comes under the supervision of the Sheriffs' Office. He is responsible for maintaining the integrity of these items, until they can be legally disposed of. In 2005 Brad advanced the Sheriffs' Office Evidence Program by researching and procuring a digital bar-coding system. This computerized

system allows for more efficient transferring, monitoring and processing of thousands of pieces of evidence currently held at the Sheriffs' Office.

"Brad also oversees the Tioga County Pistol Permit program, which supports the Tioga County Court Judge in the issuance of handgun permits to private citizens within Tioga County. His responsibility for keeping the Sheriffs' Office compliant with the Sex Offender Registration Act requires him to keep track of more than one hundred registered Sex Offenders living within Tioga County.

"Brad is known for his calm, professional demeanor and is well respected by his co-workers. His professional experience and knowledge, matched with his exceptional attention to detail and interpersonal skills has earned him numerous commendations and respect throughout the law enforcement community.

"Brad currently resides in Tioga Center, where he lives with his wife Linda (of 25 years) and their five children. He has coached youth sports in the Tioga County area for 15 years, primarily football and wrestling. Brad says he enjoys family time and drag racing, and he and Linda have recently opened an antique business at their home."

Legislator Marte Sauerbrey spoke. "This is a great day for the Tioga County Legislature to award Brad this award because your hard work and your dedication obviously has been recognized and you can see the respect of your peers by the great outpouring of support here. That is great. You do a good job, you work hard, and we appreciate it. The entire Legislature feels the same way and representing Public Safety I am especially proud."

Sheriff Gary Howard spoke. "I want to make an apology to the Employee Recognition Committee, when I went over and spoke to about Bradley becoming employee of the quarter, I told them he had about 10,000 pieces of evidence and that is not really true and I apologize, it is just shy of 15,000 pieces of evidence. Evidence is a crucial part of the Sheriff's Office and Bradley does an outstanding job with it, from a license plate, DNA sample, all the way up to a car. The chain of evidence in a trial can throw the whole trial out the window and it is a start over. The District Attorney's Office has never said anything but good things about how our evidence is handled and that reflects directly upon Investigator Talcott.

“With the 100 sex offenders we have in the County that answer to him, that is a job in itself not counting the 15,000 pieces of evidence that he controls. Logging evidence in, getting it to the laboratory, getting it tested, getting it back, getting it to Court, testifying about it, all falls under Bradley. We will not even go into the pistol permits and the nuisance guns that he has to handle throughout the year. I cannot say enough. I was Bradley’s immediate supervisor when I was in the Investigative Division. I relied on him all the time as I did all the men in the Criminal Division. As I told the Committee, Bradley needs no supervision. He comes in, he does his job, and I wish we had a whole room full of these guys like him.”

Brad Talcott spoke. “Thank you to the Legislature for giving us the floor and thank you for the support that you do give the Committee. First time being a recipient of it, I can tell you that it is nice to be recognized and I can tell you that there are hundreds of employees throughout the County that are deserving. With that being said, I really want to thank the members of the Sheriff’s Office, Sheriff Howard, Undersheriff Jackson for really giving us a great place to work, a lot of leadership, and you do not do this without guidance and direction, and that just goes to show what type of leadership the Sheriff’s Office does have. Thanks to everybody that helps me on a daily basis, this is not a one man show, I get a lot of help, and I do appreciate it from everybody. Thank you.”

Chair Weston noted the following two recognition resolutions:

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 76-12 *RECOGNITION OF DAVID MAYO’S
YEARS OF SERVICE
INFORMATION TECHNOLOGY AND
COMMUNICATION SERVICES*

WHEREAS: David Mayo began his career as a Computer Maintenance Technician on October 24, 1999; and

WHEREAS: Mr. Mayo has seen many changes within the Information Technology and Communication Services department within the 12 years with them and has grown with these changes; and

WHEREAS: Mr. Mayo will retire on March 1, 2012; 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 and recognize David Mayo for his 12 years of service to 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, David Mayo.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO:

HEALTH & HUMAN SERVICES

RESOLUTION NO. 77-12

*RECOGNITION OF DAVID ROLLS'
YEARS OF SERVICE
PUBLIC HEALTH*

WHEREAS: David Rolls began his career as a Public Health Technician in the Environmental Health Department on March 14, 1988. He was promoted to Public Health Sanitarian on February 14, 1994, the position he held until his retirement; and

WHEREAS: In 2001 David was honored as County Employee of the Second Quarter by his peers in Tioga County; and

WHEREAS: In 2010 David was honored as Team Member of the First Quarter by his peers in the Tioga County Health Department; and

WHEREAS: In August of 2011 David was honored as the 2011 Public Health Works Honor Roll Winner through New York State Department of Health; and

WHEREAS: Mr. Rolls has been extremely dedicated, loyal and professional in the performance of his duties and responsibilities during the past 24 years in the Public Health Department. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Rolls retired on March 2, 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 and recognize David Rolls for his 24 years of service to 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, David Rolls.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

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 | | 104.03 |
| A1165 | District Attorney | | 3,422.56 |
| A1170 | Public Defender | | 2,330.59 |
| A1172 | Assigned Counsel | | 39,141.06 |
| A1185 | Medical Examiners/Coroners | | 1,853.06 |
| A1325 | Treasurer | | 1,321.50 |
| A1355 | Assessments | | 2,865.00 |
| A1362 | Tax Advertising and Expenses | | 4,500.47 |
| A1410 | County Clerk | | 528.20 |

| | | | |
|-------|------------------------------------|--------|------------|
| A1411 | Department of Motor Vehicles | | 79.76 |
| A1420 | Law | | 1,145.54 |
| A1430 | Personnel | | 6,908.83 |
| A1450 | Elections | | 111.35 |
| A1460 | Records Management | | 267.32 |
| A1490 | Public Works Administration | | 398.33 |
| A1620 | Buildings | | 45,981.22 |
| A1621 | Buildings | | 12,558.35 |
| A1680 | Information Technology | | 53,830.03 |
| A2490 | Community College Tuition | | 755.00 |
| A2960 | Education Handicapped Children | | 215,703.60 |
| A3020 | Public Safety Comm E911 System | 277.33 | 17,816.32 |
| A3110 | Sheriff | 564.59 | 18,253.17 |
| A3140 | Probation | | 612.72 |
| A3146 | Sex Offender Program | | 9,240.00 |
| A3150 | Jail-Annex | | 44,993.19 |
| A3315 | Special Traffic Programs | | 1,001.43 |
| A3410 | Fire | | 4,319.27 |
| A3640 | Emergency Mgmt Office | | 572.61 |
| A4010 | Public Health Nursing | | 33,035.57 |
| A4011 | Public Health Administration | | 3,562.03 |
| A4012 | Public Health Education | | 213.51 |
| A4042 | Rabies Control | | 812.38 |
| A4044 | Early Intervention | | 36,953.93 |
| A4053 | Preventive/Primary Health Services | | 302.02 |
| A4054 | Preventive Dental Services | | 213.67 |
| A4062 | Lead Poisoning Program | | 36.98 |
| A4064 | Managed Care-Dental Services | | 2,963.19 |
| A4070 | Disease Control | | 1,569.66 |
| A4090 | Environmental Health | | 778.94 |
| A4210 | Alcohol and Drug Services | | 4,163.27 |
| A4211 | Council on Alcoholism | | 10,990.34 |
| A4309 | Mental Hygiene Co Admin | | 10,267.36 |
| A4310 | Mental Health Clinic | | 177,193.17 |
| A4315 | Mental Retardation | | 621.24 |
| A4320 | Crisis Intervention Services | | 39,389.39 |
| A4321 | Intensive Case Management | | 1,483.65 |
| A4333 | Psycho Social Club | | 3,615.93 |
| A6010 | Social Services Administration | | 64,009.70 |
| A6422 | Economic Development | | 771.04 |
| A6610 | Sealer Weights & Measures | | 105.40 |
| A7180 | Snowmobile Grant Program | | 30,527.00 |

| | | |
|------------------------------|----------------------------------|-------------------|
| A8020 | Planning | 426.10 |
| A8025.41 | Regional Planning 7-County Board | 10,000.00 |
| A9060 | Health Insurance | 3,929.40 |
| SOLID WASTE | | 90,936.38 |
| SPECIAL GRANT FUND | | 9,370.95 |
| LIABILITY INSURANCE FUND | | 2,936.50 |
| COUNTY ROAD | | 59,731.39 |
| CAPITAL FUND | | 314,272.44 |
| CONSOLIDATE HEALTH INSURANCE | | 124,696.61 |
| SELF-INSURANCE | | <u>124,937.00</u> |
| GRAND TOTAL | | \$ 1,656,272.57 |

Legislator Roberts made a motion to approve the minutes of February 14, 2012, seconded by Legislator Hollenbeck, and carried.

Chair Weston made the following appointments:

Tioga County Corrections Association Union

Legislator Sullivan

Legislator Monell

Sheriff Howard

Personnel Officer O'Rourke

Legal Rep from Roemer, Wallens, Gold & Mineaux LLP

Tioga County Law Enforcement Union

Legislator Sullivan

Legislator Monell

Sheriff Howard

Personnel Officer O'Rourke

Legal Rep from Roemer, Wallens, Gold & Mineaux LLP

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

Chair Weston gave the State of the County Address:

STATE OF THE COUNTY 3/1/2012

What's happening in Tioga County— The Good and the Bad

Let's start with **THE BAD** and save the Good for last.

By far, the most devastating event that occurred in 2011 was the September flood. In rough figures, the potential impact of this event to the County budget could be a \$4 million dollar deficit, if no financial assistance from FEMA, the Federal Emergency Management Agency, or SEMO, the State Emergency Management Office, is forthcoming. The best funding scenario would be a 75% reimbursement, or \$3 million dollars from FEMA, and 25% reimbursement or \$1 million dollars from SEMO. I'm afraid that the truth lies somewhere in between.

The FEMA reimbursement is dependent on the acceptance of required documents called Project Worksheets (PW's). These documents list the scope of work performed and the costs that the County incurred for flood damages. The Heads of the County Departments are responsible for compiling this information. If the PW's survive the scrutiny of the Federal government representatives, we would be eligible to receive up to 75% of our total costs.

Whereas in the 2006 flood the County received a 25% reimbursement from SEMO, it appears that SEMO will only provide 12.5% of the total loss for the 2011 flood. This would leave the County to pay the remaining 12.5% of our loss, or approximately \$500,000 - \$600,000. If the State provides nothing, we would have to pay \$1 million out of pocket, which would mean an increase of 5.5 – 6% on our tax levy. By law our current tax levy increase is capped by NYS at 2%. Any amount above that 2% would have to be taken from our fund balance, which would further deplete our reserves. At this point in time, the state has not reimbursed us for any of our costs.

The following are **POINTS OF INFORMATION** regarding Tioga County in 2011 **WORTHY OF NOTE**:

- Mandates from the State are responsible for consuming an increasing proportion of county budget and are a major contributor to increases in county property taxes. Nine major mandates consume over 90 percent of a typical county's property tax levy. These include Medicaid, Early Intervention, Special Education Pre-School, Pensions, Probation, Indigent Defense, Youth Detention, Safety Net, and Child Welfare. In 2012, those 9 mandates will consume \$65 million of our \$72 million dollar budget.
- For example, retirement costs to the County for 2011 were \$2.7 million. The projected number for 2012 is \$3.2 million.
- The Medicaid mandate alone will cost Tioga County taxpayers \$8.3 million in 2012 which is up \$285,000 from 2011.

Although less dramatic, the following are just 3 examples of situations that have also impacted Tioga County residents.

- The 10 year census numbers resulted in local reapportionment. Unfortunately the County lost 659 residents. However, through the efforts of the GIS and our attorney, we avoided redistricting, a much more extensive and expensive process.
- The flood of September 2011 was devastating to the Real Property Tax Office, one of the departments that was hardest hit, as they were located in the basement of the County Clerk's Office and the majority of records were heavily damaged.
- The cost of curbside recycling to the taxpayers for 2011 was \$602,160.00.

However, **ALL IS NOT GLOOM AND DOOM** on the County horizon.

- The Governor's Budget includes mandate relief items that will be phased in, and which consist of eliminating the current 3% annual increase in the local share of Medicaid. After that 3-year phase in, Tioga County's estimated annual savings will be \$250,000. It will be interesting to see how the State will fund this self-imposed mandate.
- Pension reform is one of the state's priorities, and it would relieve us of burdensome increasing costs.
- The majority of County employees have switched to a high-deductible health plan effective February 1, 2012, providing for a significant savings in premiums for years to come.
- Distribution of Video Lottery Terminal Aid for 2012 will be approximately \$183,000.
- Medicaid recoveries from accident settlements, estates, and liens totaled \$274,367. The total of local revenues and recoveries was \$1.1 million.
- The Child Support Enforcement Unit collected \$5.5 million for the children in Tioga County.
- The number of DWI arrests decreased 15.5% for 2010.

- The County Clerk collected fees of \$6.0 million. Of that, \$4.3 million went to NYS and \$1.6 million stayed in Tioga County. Our campaign to encourage County residents to send DMV registration payments to the County netted an increase of \$4,256 over one year.
- Information Technology applied for and received a grant of \$46,416 for the County Clerk to perform back-filing activities.
- The Barton Transfer Station was severely flooded in September 2011, and due to that damage, as well as declining tonnages, and three consecutive years of loss, it was decided to close the facility and put it out to bid. Bids were received and a resolution will be forthcoming to accept the highest responsible bid. The sale saved the County money, put a \$172,000 property back on the tax roles, and the new owner has indicated that the station will continue with the same services.
- At no cost to the County, the 4th annual tire and scrap metal collection program was held in 2011, with the participation of the Towns of Barton, Owego, Spencer, and Tioga. This program resulted in the collection of 6000 tires off the rim, and it removed eyesores from our environment. We appreciate the generosity of Upstate Shredding for absorbing the cost.
- The Guthrie Clinic broke ground on a new multi-million dollar facility on Route 38, next to the Health and Human Services Building.
- Taylor Garbage has begun construction of a new recycling facility in Apalachin.
- Central New York Oil & Gas completed a \$30 million dollar gas compression station in Owego.
- Infrastructure was installed in Nichols to service a planned Army Reserve Center that is expected to start construction in the spring of 2012. This center will hire 12 full-time employees and will result in 150 people per week who will patronize our motels and restaurants.
- Tioga Downs constructed a sewage treatment facility to upgrade their property. The prospect of the addition of gaming tables will help solidify plans for a conference center.
- A \$441,000 grant was administered by Economic Development to enhance streetscape in our County seat, and to assist 12 property owners with property improvements.
- An independent auditing firm delivered a clean audit opinion with no issues regarding the 2010 County financial statements.
- 2011 County Sales Tax collections grew by 8.9% in 2011 to \$19 million. \$4.9 million of that was distributed to the towns and villages.
- Our Community College costs were down by \$240,000 in 2011.
- The Treasurer's Office netted over \$900,000 in delinquent tax enforcement operations.
- 22 properties were sold at the tax auction sale with a surplus of \$249,000.
- The Sheriff's Department operational costs came in under budget by approximately 2%. Revenues finished 13% above our goal at \$587,822.

- Economic Development applied for and received a \$500,000 Community Recovery Fund to assist businesses in rebuilding from the flood.
- A savings of \$677,000 was accomplished by the 2011 continuation of our hiring freeze and by increasing the hiring delay to 90 days.
- In 2011, the County unemployment rate decreased by ½ % compared to 2010.

It is always encouraging to focus on the **HIGHLIGHTS** of our year, and the following are but a few examples of them.

- The Law Department reviewed 240 contracts for 2011, worked with Personnel and the negotiating team on the CSEA contract, which was ratified on December 29, 2011.
- The County Attorney and Budget Officer spent massive hours due to the flood on addressing issues related to insurance and FEMA, document restoration, preparation of RFP's for consulting services, sale of the Barton Transfer Station, and updating the Tioga County All Hazard Mitigation Plan. Thanks to the Law office for stellar work!
- Floyd Hooker Foundation provided over \$340,000 in funding to youth programs that were impacted by September's flooding.
- The Emergency 911 Communications Center received 17,601 E911 calls, up nearly 19% from 2010, and they dispatched 56,025 calls-for-service, and increase of 5%.
- The ATI Weekend Work Program performed more than 4,616 man-hours of labor throughout the County during 2011.
- The Fire Bureau was significantly instrumental during the flood event by assisting the County Fire Service in the EOC for a total of 648 hours during a 2-week period; four local fire departments were assisted by 95 units manned by 322 firefighters from 25 counties throughout NYS in a 72-hour deployment.
- The Department of Environmental Health was instrumental in getting the public water systems up and running after the flood. That was closely followed by the inspection of all food service establishments that had also been affected.

Any attempt to give credit to all of those who are deserving of recognition is futile, and I apologize to those who are not included in this summary.

Looking to the future, I would like to share some of our **2012 Goals**:

- The delivery of \$500,000 to nearly 60 businesses in flood recovery assistance will be administered by Economic Development
- Important services to the County will be maintained in spite of limited revenues imposed by the 2% Property Tax Cap.

- A decision will be made after evaluating the impact of the Reassessment Law as it applies to approximately 800-900 properties affected by the 2011 flooding. This decision will address the plight of the homeowners, but also consider the implications for the remainder of Tioga County taxpayers.
- A strategy will be devised as a means of dealing with the potential loss of part of anticipated State revenue in the amount of 25% reimbursement for costs incurred in lood cleanup.
- The Public Works Department plans to
 - Rebuild bridges on Dean Creek Road, Sabin Road, Gridleyville Crossing, and Gaskill Road.
 - Reconstruct Glen Mary Drive.
 - Flood damage bridge work on Pennsylvania Avenue and Gaskill Road.

It is with mixed emotions that I proceed to address Tioga County's challenges in 2012. The immediate concern is identifying and mobilizing the resources necessary to minimize the devastating impact of the flood on our residents and infrastructure. However, it is my belief that our County must address the critical issue that in the long term, we cannot survive without economic growth. Over time we have made the transition from the creation of marketable products to the providing of services. Production generates revenues, whereas services deplete them. The question then becomes, "How do we promote economic development and reduce services in order to bring the budget and the health of our county back into balance?"

Through the tireless efforts of our flooded taxpayers, our fire/police and emergency personnel, volunteers from both inside and outside our community and our County Departments, we have come a long way from the September flooding. I am proud to report that 95% of our businesses have reopened.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 78-12

*ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that property no. 6293 assessed to Stanley L Payne on the 2012 tax roll of the Town of Owego is erroneous in that 2011/12 school taxes of \$2,004.74 were relevied to the 2012 Town/County tax bill in error due to the bank erroneously issuing a stop payment on a legitimate school tax payment; and

WHEREAS: The 2012 Town & County taxes for property no. 6293 have not yet been paid to the Town of Owego tax collector; be it therefore

RESOLVED: That a new bill be issued to Stanley L Payne for property no. 6293 (Bill #6571) by the Town of Owego tax collector as follows:

| <u>Incorrect Payne Bill #6571</u> | | <u>Payne Bill #6571 Corrected</u> | |
|-----------------------------------|---------------|-----------------------------------|--|
| County | \$ 766.74 | \$ 766.74 | |
| Recycle | 34.70 | 34.70 | |
| Townwide | 70.17 | 70.17 | |
| Part Town | 165.82 | 165.82 | |
| Return School | 2,004.74 | - | |
| Apalachin Fire | <u>159.27</u> | <u>159.27</u> | |
| | \$ 3,201.44 | \$ 1,196.70 | |

and be it further

RESOLVED: That the erroneous school tax and interest of \$1,873.59 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$131.15 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 79-12

*ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY*

WHEREAS: An application for corrected tax roll indicates that property no. 492 assessed to George Hoffmier (under land contract between George Hoffmier and Steven and Rebecca Pado) on the 2012 tax roll of the Town of Newark Valley is erroneous in that the Pado's STAR exemption for the 2011-12 school tax was removed in error; and

WHEREAS: The unpaid 2011-12 school taxes were relevied to the 2012 Town and County tax bill, which has not yet been paid to the Town of Newark Valley tax collector; be it therefore

RESOLVED: That a new bill be issued to George Hoffmier c/o Steven & Rebecca Pado for property no. 492 and mailed to the Pado's at 148 Courtright Hill Rd, Newark Valley, NY 13811 by the Town of Newark Valley tax collector as follows:

| | Original Bill <u>Hoffmier/Pado #1036</u> | Corrected Bill <u>Hoffmier/Pado #1036</u> |
|--------------------|---|--|
| County | \$ 566.90 | \$ 566.90 |
| Recycle | 25.62 | 25.62 |
| Townwide | 216.55 | 216.55 |
| Return School | 1,337.68 | 746.72 |
| Newark Valley Fire | <u>66.43</u> | <u>66.43</u> |
| | \$ 2,213.18 | \$ 1,622.22 |

and be it further

RESOLVED: That the erroneous school tax and interest of \$552.30 be charged back to the Newark Valley School District; and be it further

RESOLVED: That the erroneous county penalty of \$38.66 be charged to the appropriate account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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: LEGISLATIVE WORKSESSION

RESOLUTION NO. 80-12 *RESOLUTION CALLING ON ALL COUNTIES
TO UNITE TO BRING ABOUT REAL AND
MEANINGFUL MANDATE RELIEF IN
NEW YORK STATE*

WHEREAS: At the 2012 NYSAC Legislative Conference in Albany, the membership of NYSAC adopted 28 separate and distinct resolutions concerning the 2012/13 State Budget and its impact on county agencies; and

WHEREAS: State mandates are the number one barrier to providing property tax relief to New Yorkers; and

WHEREAS: There are nine State mandates that consume more than 90 percent of the county property tax levy statewide, and that amount grows when the many other State mandates are included; and

WHEREAS: There is a need for counties to unify behind a common message to preserve local service delivery and stabilize local property taxes; and

WHEREAS: NYSAC will continue to provide research, education and information to the 62 counties of New York, concerning the mandate programs detailing federal and state reimbursement (if any); and

WHEREAS: To assist in informing the public, counties from across the state must continue to educate the public of the impact on local service delivery and property taxes should the state not provide meaningful mandate relief in 2012; therefore be it

RESOLVED: As follows:

Section 1: That the Tioga County Legislature hereby calls upon counties to come together in partnership with NYSAC to influence the enactment of serious mandate relief measures by the New York State Legislature, the Governor, and all Executive Agencies, NYSAC's advocacy for mandate relief requires the support of all counties.

Section 2: Each and every County Board in New York State that favors action during the 2012 Legislative session for major mandate relief is hereby urged to take all actions necessary and proper at the local level to inform the citizens of the need for mandate and the impact on local service delivery and property taxes.

Section 3: Each and every County Board that favors action during the 2012 Legislative session for major mandate relief is hereby urged to consistently communicate with the Governor and State Legislators detailing the local impact of state mandates on local service delivery and property taxes; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature is hereby directed to forward a certified copy of this Resolution to NYSAC and to each County Board in New York State.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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

RESOLUTION NO. 81-12 *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 Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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: LEGISLATIVE WORKSESSION

RESOLUTION NO. 82-12 *RESOLUTION TO GOVERNOR CUOMO AND THE NEW YORK STATE LEGISLATURE TO REQUEST ADVANCE FUNDING AND EXPEDITE COMPLETION OF PROJECTS IN BROOME, DELAWARE, SULLIVAN, AND ORANGE COUNTIES, AND PLACING SIGNAGE RECOGNIZING THE DESIGNATION OF THE DANIEL PATRICK MOYNIHAN INTERSTATE HIGHWAY 86*

WHEREAS: Governors have made commitments to the revitalization and improvement of the economy of "Upstate" New York; and

WHEREAS: Steuben County, along U.S. Route 15 (Corridor U-1 I-99), Chemung County and twelve other counties along the U.S. Route 17 (Corridor T I-86) corridor make up the three Local Development Districts in the thirteen state Appalachian Regional Commission; and

WHEREAS: U.S. Route 15 is the only north/south route in Central Pennsylvania that serves as a vital and direct link between western New York and Canada and the ports of Baltimore and Philadelphia and the mid-Atlantic states; and

WHEREAS: Governor Pataki committed to a ten-to-twelve year construction program to complete the Route 17 conversion to I-86 beginning with the first designation (177 miles Chemung County West to Pennsylvania) on December 3, 1999; and

WHEREAS: Completing the I-99 U-1 Corridor fulfills the desires of both the Commonwealth of Pennsylvania and the State of New York to accelerate economic development opportunities in this area of Appalachia as well as respond to the increasing traffic volumes (primarily commercial vehicles) in the Route 15 Corridor since the passage of the North American Free Trade Agreement; and

WHEREAS: The New York State and Commonwealth of Pennsylvania Departments of Transportation are in the final stages of completing the conversion of Route 15 to Interstate standards (I-99) to meet New York State I-86 (July 2014); and

WHEREAS: The designation of New York State Route 17 to I-86 and Route 15 to I-99 provides a highway network with connection to every Interstate Highway located within New York State and Interstate Highways leading into Pennsylvania; and

WHEREAS: The upgrade and designation of Route 17 as I-86 will make the region more competitive and able to attract substantial growth in business, industry, and tourism as well as improve the safety of the traveling public; and

WHEREAS: The New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed; and

WHEREAS: With proper funding and resources for the remaining projects in Broome, Delaware, Sullivan, and Orange Counties, the conversion of Route 17 to I-86 could be completed many years sooner than on the present schedule, and it would provide the vast economic benefits to the region foreseen by the Appalachian Regional Commission in its study entitled "Economic Impact of Completing the Appalachian Development Highway System," which states in pertinent part that "Completion of the Appalachian Development Highway System (ADHS) would yield significant economic benefits for both the Appalachian Region and the nation...By facilitating national freight flows, reducing travel times, improving safety, and enhancing access to markets, completion of the ADHS would create new jobs and greater value-added activity, returning \$3 in economic benefits to the nation for every \$1 spent to complete the system;" and

WHEREAS: The Three Rivers Development Foundation, utilizing funds from the Appalachian Regional Commission, has developed an Economic Blueprint, which was released in June 2009 for the I-86/I-99 Corridor in Southeast Steuben County utilizing properties that have the potential for providing sustainable future economic development opportunities; therefore be it

RESOLVED: That the Tioga County Legislature does hereby request Governor Andrew Cuomo and the New York State Legislature advance funding and expedite completion of the projects in Broome, Delaware, Sullivan, and Orange Counties on New York State Route 17 (I-86); and be it further

RESOLVED: That the Tioga County Legislature does hereby further request the placement of signage along I-86 recognizing the designation of this highway system as the Daniel Patrick Moynihan Interstate Highway 86 as decreed by the State of New York; and be it further

RESOLVED: That the Clerk of the Legislature be and she hereby is authorized and directed to forward a certified copy of this resolution to Governor Andrew Cuomo, Honorable Sheldon Silver, Honorable Dean Skelos, Honorable Christopher Friend, Honorable Thomas O'Mara, Honorable Charles Fuschillo, Honorable David Gantt, Honorable Catherine Young, Honorable Thomas Libous, Honorable David Carlucci, Honorable John Bonacic, Honorable William Larkin, Honorable Joseph Giglio, Honorable Daniel Burling, Honorable Gary Finch, Honorable Clifford Crouch, Honorable Peter Lopez, Honorable Nancy Calhoun, Honorable Philip Palmesano, Honorable Annie Rabbit, Honorable Donna Lupardo, Honorable Aileen Gunther, Honorable Andy Goodell, Honorable Thomas Santulli, the Inter-County Association of Western New York, the New York State Association of Counties, and the I-86 Corridor Counties (Cattaraugus, Chautauqua, Allegany, Steuben, Tioga, Broome, Delaware, Sullivan, Orange).

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 83-12

*RESOLUTION TO AUTHORIZE
ACCEPTANCE OF NYS DOS LONG
TERM COMMUNITY RECOVERY
STRATEGY GRANTS FOR TOWNS OF
TIOGA AND NICHOLS*

WHEREAS: Tioga County has received award notification of said grant from NYS DOS in the amount of \$50,000 per Town, with no local match required and allowance up to 15% of award to be used for grant coordination and administration; and

WHEREAS: Tioga County Planning Department will handle the grant coordination and administration; and

WHEREAS: Town of Nichols will be allocated \$46,000 for consultant services, Town of Tioga will be allocated \$46,000 for consultant services, and Tioga County Planning will be allocated \$8,000 for grant coordination and administration; therefore be it

RESOLVED: That the Tioga County Legislature does hereby accept said grant funds in the amount of \$100,000 with up to \$8,000 dedicated as county revenue for grant coordination and administration; 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 DOS LTCRS Grant Revenue Account A3960.00 | \$92,000 |
| To: NYS DOS LTCRS Grant Account A8760.40-140 | \$92,000 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 84-12 TRANSFER OF FUNDS
COUNTY ATTORNEY

WHEREAS: Resolution 72-12 authorized a retainer agreement with the law firm of Roemer, Wallens, Gold & Mineaux LLP; and

WHEREAS: This retainer payment will be made from the County Attorney's Office budget with the Treasurer's Office and the Personnel Office contributing part of the retainer payment; and

WHEREAS: Funds need to be transferred from the budgets of the Treasurer's Office and the Personnel Office to the County Attorney's budget to pay for said retainer services; therefore be it

RESOLVED: That the following sums be transferred:

| | | |
|-------|------------------------------|----------|
| From: | Treasurer A1325.40-330 | \$10,000 |
| | Personnel A1430-40-330 | \$ 1,500 |
| To: | County Attorney A1420.40-330 | \$11,500 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 85-12

*AWARDING BID FOR BARTON
TRANSFER STATION, REAL PROPERTY
AND SOLID WASTE MANAGEMENT
PERMIT*

WHEREAS: The Barton Transfer Station has suffered extensive damage due to Tropical Storm Lee; and

WHEREAS: It appears that is no longer in the best interests of the taxpayers of Tioga County to operate the Barton Transfer Station inasmuch as the cost exceeds the projected revenue; and

WHEREAS: If the Barton Transfer Station is not reopened by Tioga County, the Real Property upon which it is situated will no longer be necessary for public use; and

WHEREAS: NYS County Law Section 215(6) provides that the property may be sold only to the highest responsible bidder after public advertisement; and

WHEREAS: The Barton Transfer Station, including the real property upon which it is situate and the Solid Waste Management Permit for the facility, was put out to bid; and

WHEREAS: The following bids were received:

| | |
|-----------------------------|--------------|
| Taylor Garbage Service Inc | \$172,000.00 |
| Contento Auto Service Inc | \$151,500.00 |
| B & E Disposal Services Inc | \$100,051.51 |

NOW THEREFORE BE IT

RESOLVED: That the Tioga County Legislature does hereby determine that it is no longer cost effective for the County to operate the Barton Transfer Station and will not reopen the facility, and so the real property upon which the Transfer Station is situated is no longer necessary for public use; and it is further

RESOLVED: That after public advertisement and bid, Taylor Garbage Service Inc is the highest responsible bidder; and it is further

RESOLVED: That the Tioga County Legislature does hereby award the bid to Taylor Garbage Service Inc for the sum of \$172,000.00; and it is further

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute any and all documents necessary to transfer, sell and convey to Taylor Garbage Service Inc all right, title and interest in and to the Barton Transfer Station, the real property upon which it is situated and the Solid Waste Management Permit for the facility.

ROLL CALL VOTE

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

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. 86-12 APPOINT MEMBER
BOARD OF ETHICS

WHEREAS: Martha Goodsell's term on the Board of Ethics has expired and she has agreed to serve another term on the Board of Ethics; now therefore be it

RESOLVED: That Martha Goodsell, Majority appointment, be hereby appointed to the Board of Ethics for a term of 1/1/12 through 3/31/15.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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: ED&P COMMITTEE

RESOLUTION NO. 87-12 RE-APPOINT MEMBER TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member Scott McDonald expires as of March 31, 2012; and

WHEREAS: Scott McDonald has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Scott McDonald for another three-year term of 4/1/12 – 3/31/15.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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: ED&P COMMITTEE

RESOLUTION NO. 88-12 RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member Beth Johnson expires as of March 31, 2012; and

WHEREAS: Beth Johnson has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Beth Johnson for another three-year term of 4/1/12 – 3/31/15.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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: ED&P COMMITTEE

RESOLUTION NO. 89-12 *RE-APPOINT MEMBER TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION (TCLDC)*

WHEREAS: The term of Tioga County Local Development Corporation member Eva Mae Musgrave expires as of March 31, 2012; and

WHEREAS: Eva Mae Musgrave has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Eva Mae Musgrave for another three-year term of 4/1/12 – 3/31/15.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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: PERSONNEL COMMITTEE

RESOLUTION NO. 90-12 *RETIREE CONTRIBUTIONS FOR HIGH
DEDUCTIBLE HEALTH PLAN*

WHEREAS: Tioga County introduced a High Deductible Health Plan and Health Reimbursement Accounts for CSEA and Non-Union employees as of February 1, 2012; and

WHEREAS: Retiree contributions toward the cost of the Classic Blue or PPO coverage have been established previously; and

WHEREAS: Retiree contributions toward the cost of the High Deductible Health Plan in 2012 needs to be established; therefore be it

RESOLVED: That effective March 1, 2012, any retiree who is covered by County Policy 3, Section IV.A shall be required to pay 4½ % of the Individual Premium or 2½ % of the Family Premium; and be it further

RESOLVED: That a retiree enrolled in the High Deductible Health Plan with a retirement date during 2012 shall have the remaining balance of his/her Health Reimbursement Account available through December 31, 2012; and be it further

RESOLVED: That if, as of January 1, 2013, the High Deductible Health Plan or Health Reimbursement Account is no longer available or is changed in any way, those retirees enrolled in the High Deductible Health Plan and Health Reimbursement Accounts during 2012 shall be allowed to enroll as of January 1, 2013 in whatever plan(s) are available to retirees as of January 1, 2013.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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
PERSONNEL COMMITTEE

RESOLUTION NO. 91-12 CREATE AND FILL TWO PART-TIME MAIL
CLERK POSITIONS
PUBLIC HEALTH

WHEREAS: Tioga County Health and Human Service (HHS) departments oversee the county-wide courier and mail metering processes through the current two part-time Mail Clerk positions; and

WHEREAS: Whenever either of the current two part-time Mail Clerks are absent, the responsibility for the tasks falls to one of the three HHS department staff to complete; and

WHEREAS: The HHS staff responsible to cover these county-wide functions are currently pulled from their higher salary grade level work, resulting in reductions in staffing in the various areas of the HHS departments; and

WHEREAS: The current two part-time Mail Clerk positions are categorized under the Public Health Department's head count; and

WHEREAS: The HHS departments desire to create and fill two part-time Mail Clerk positions to serve as substitutes in the absence of the current two part-time Mail Clerks for efficiency in operations; and

WHEREAS: No additional costs are associated with the creating/filling of the part-time Mail Clerk positions due to their being substitutes and being paid only when they are called into work (with no additional benefits offered to part-time positions) coupled with the fact the existing Mail Clerk positions are part-time hourly and therefore only paid for hours worked; and

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

WHEREAS: The Personnel Officer has reviewed the headcount for 2012 submitted by the Public Health Director; therefore be it

RESOLVED: That two positions of part-time Mail Clerk in the Public Health Department be created (and filled) effective March 14, 2012, at an hourly rate of \$11.32; and be it further

RESOLVED: That as a result of creating the two part-time positions, the 2012 authorized headcount for the Public Health Department for part-time positions will change from 10 to 12.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, Quinlan, 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
PERSONNEL COMMITTEE

RESOLUTION NO. -12 REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZE BACKFILL OF VACANT FULL-TIME,
ACCOUNT CLERK-TYPIST POSITION
MENTAL HYGIENE

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Deborah Caforio, Account Clerk-Typist, has submitted her resignation effective March 16, 2012; and

WHEREAS: The Account Clerk-Typist position provides essential office support; and

WHEREAS: The Director of Community Services abolished one clerical position as of December 31, 2011, leaving a bare minimum level of clerical staff; and

WHEREAS: The Mental Hygiene Department has extended work hours to cover due to the offering of evening appointments to clients; and

WHEREAS: The Director of Community Services wishes to ensure that support functions, client service, and accounting processes are not delayed due to this upcoming vacancy; therefore be it

RESOLVED: That the Director of Community Services is hereby granted a waiver from the 90-day hiring delay and is authorized to fill a full-time, Account Clerk-Typist vacancy from the appropriate civil service eligible list at an annual salary of 23,621 (CSEA Salary Grade IV) effective March 19, 2012.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, and Huttleston.

No – Legislator Roberts, Standinger, Quinlan, Monell, and Weston

Absent – None.

RESOLUTION FAILED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 92-12 *AUTHORIZE CREATION OF TEMPORARY,
PART TIME
PUBLIC HEALTH SANITARIAN POSITION
PUBLIC HEALTH*

WHEREAS: Legislative approval is required for the creation of any position within Tioga County; and

WHEREAS: A vacancy currently exists for a Public Health Sanitarian position within the Environmental Health unit of the Public Health Department due to the retirement of David Rolls effective March 2, 2012; and

WHEREAS: Due to limited staff within the Environmental Health unit, the vacancy is causing an inability address important, on-going sanitation issues within Tioga County as well as causing a backlog of unfinished work which the prior incumbent was solely involved with at the time of his retirement; and

WHEREAS: Assistance is sought in order to transition and train a replacement for the permanent full-time vacant position; therefore be it

RESOLVED: That the Public Health Director be authorized to create a temporary, part-time Public Health Sanitarian position effective March 14, 2012, which will be filled by Mr. Rolls at an hourly rate of \$23.165; and be it further

RESOLVED: That said temporary, part-time position shall continue for a duration not to exceed four (4) months; and be it further

RESOLVED: That the 90 days toward the Hiring Delay for the Public Health Sanitarian position vacated by David Rolls shall not start being counted until 3 weeks after the date upon which the position became vacant, in order to offset the cost of this temporary part-time position which is expected to work 105 hours over the 4 months it is in place.

ROLL CALL VOTE

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

No – Legislators Roberts, Quinlan, and Monell

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:35 P.M.

Second Special Meeting
March 22, 2012

The Second Special Meeting of 2012 was called to order by the Chair at 10:04 A.M. Six Legislative members were present, Legislators Sauerbrey, Standinger, and Sullivan being absent.

The Chair asked Legislator Roberts to have a moment of prayer. "I would ask for a moment of silence for the men and women in our military."

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

There were six persons in attendance.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 93-12 *AUTHORIZE EXECUTION OF LEASE WITH TIOGA TRANSPORT, INC FOR DOCUMENT STORAGE*

WHEREAS: Thousands of boxes of Tioga County records were damaged during the flood of September, 2011; and

WHEREAS: The records have been dried and sanitized, but must be sorted to determine the appropriate disposition for the records; and

WHEREAS: The buildings in which the records were stored prior to the flood are no longer appropriate for storage and additional temporary storage space is needed for the records until they can be properly disposed of; and

WHEREAS: Temporary storage space of approximately 2000 square feet is available in a building located on Central Avenue in the Village of Owego, owned by Tioga Transport, Inc., at a cost of \$300.00 per month; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute a month to month lease with Tioga Transport, Inc. for the rental of approximately 2000 square feet of storage space in a building located on Central Avenue in the Village of Owego, at a cost of \$300.00 per month.

ROLL CALL VOTE

Yes – Legislators Roberts, Hollenbeck, Huttleston, Monell, Quinlan, and Weston.

No – None.

Absent – Legislators Sauerbrey, Standinger, and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 94-12 *AUTHORIZE EXECUTION OF CONTRACT WITH
PIAKER AND LYONS FOR AUDITING SERVICES FOR
FLOOD CLEAN UP BILLS*

WHEREAS: Tioga County buildings suffered extensive damage as a result of the Flood of September 2011; and

WHEREAS: Clean up costs in excess of one million dollars have been incurred as a result of the flood; and

WHEREAS: A determination has been made that due diligence requires an audit of the clean up bills before payment can be made; and

WHEREAS: The accounting firm of Piaker and Lyons CPA proposes to conduct the audit of the clean up bills at an average rate of \$100.00 per hour, with a total cost not to exceed \$7,500.00; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute an agreement with Piaker and Lyons CPA to conduct an audit of the clean up bills at an average rate of \$100.00 per hour, with the total cost not to exceed \$7,500.00.

ROLL CALL VOTE

Yes – Legislators Roberts, Hollenbeck, Huttleston, Monell, Quinlan, and Weston.

No – None.

Absent – Legislators Sauerbrey, Standinger, and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 95-12 *AUTHORIZE EXECUTION OF CONTRACT
WITH CDM TO DESIGN ELEVATOR
REPAIRS AND OTHER FLOOD REPAIRS*

WHEREAS: Facilities owned by Tioga County were damaged during the flood of September, 2011; and

WHEREAS: Elevators, electrical, boilers, and other building items were damaged at these facilities; and

WHEREAS: A contract has been secured to repair and mitigate these facilities to insure their operability and reduce the damage if a future flood occurs; and

WHEREAS: Tioga County Office Buildings are in need of flood repairs; and

WHEREAS: Tioga County would like to contract with CDM for the design and inspection of the damages; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute a contract with CDM for the design and inspection of these repairs and mitigation. There will be a contract with attachments as new repairs and/or mitigation is identified.

ROLL CALL VOTE

Yes – Legislators Roberts, Hollenbeck, Huttleston, Monell, Quinlan, and Weston.

No – None.

Absent – Legislators Sauerbrey, Standinger, and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 96-12 *AUTHORIZE EXECUTION OF CONTRACT WITH ROGERS SERVICE GROUP FOR TRUCKING SERVICES FOR DOCUMENTS*

WHEREAS: Tioga County buildings suffered extensive damage as a result of the Flood of September 2011; and

WHEREAS: Thousands of boxes of Tioga County records were damaged, and were freeze dried and sanitized by a company in Rushville, NY; and

WHEREAS: The records need to be transported back to Tioga County for further processing; and

WHEREAS: Rogers Service Group has agreed to transport the records from Rushville NY to Tioga County at a cost of \$250.00 per day per truck, and it is estimated that no more than 6 truckloads will be required in total to transport said records; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute an agreement with Rogers Service Group to provide transport services for Tioga County's records from Rushville NY to Tioga County at a cost of \$250.00 per day per truck.

ROLL CALL VOTE

Yes – Legislators Roberts, Hollenbeck, Huttleston, Monell, Quinlan, and Weston.

No – None.

Absent – Legislators Sauerbrey, Standinger, and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 97-12 AWARD BID – GASKILL ROAD BRIDGE 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: 3335370) as part of the Bond Issue; and

WHEREAS: The commissioner of Public Works received sealed bids on March 14, 2012 and the bids were as follows:

| | |
|--|--------------|
| Vector Construction Cicero, NY | \$721,387.00 |
| ING Civil Inc. Watervliet, NY | \$757,700.00 |
| Economy Paving Cortland, NY | \$764,880.80 |
| R. DeVincentis Binghamton, NY | \$830,000.00 |
| Slate Hill Construction Warners, NY | \$866,503.10 |

Procon Construction
Vestal, NY \$988,000.00

Fahs Construction
Binghamton, NY \$1,057,000.00

And

WHEREAS: McFarland Johnson have completed the review of the bids and finds the low bidder Vector Construction, Cicero, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Vector Construction , Cicero, NY not to exceed \$721,387.00 to be paid out of Gaskill Rd. Bridge (BIN: 3335370) Account H2011.08.

ROLL CALL VOTE

Yes – Legislators Roberts, Hollenbeck, Huttleston, Monell, Quinlan, and Weston.

No – None.

Absent – Legislators Sauerbrey, Standinger, and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 98-12 *AWARD BID – DEAN CREEK ROAD
BRIDGE (BIN: 3334850) AND SABIN
ROAD BRIDGE (BIN: 334860)
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 Dean Creek Rd Bridge (BIN: 3334850) and Sabin Rd. Bridge (BIN: 3334860) as part of the Bond Issue; and

WHEREAS: The commissioner of Public Works received sealed bids on March 14, 2012 and the bids were as follows:

| | |
|--|----------------|
| Silverline Construction Burdett, NY | \$897,639.00 |
| G. DeVincentis Binghamton, NY | \$927,000.00 |
| Vector Construction Cicero, NY | \$929,774.40 |
| Economy Paving Cortland, NY | \$954,295.38 |
| Slate Hill Construction Warners, NY | \$993,322.90 |
| Procon Construction Vestal, NY | \$996,000.00 |
| ING Civil Inc. Watervliet, NY | \$1,014,840.00 |
| R. DeVincentis Binghamton, NY | \$1,035,000.00 |
| Fahs Construction Binghamton, NY | \$1,354,313.60 |

And

WHEREAS: Shumaker Consulting Engineering & Land Surveying have completed the review of the bids and finds the low bidder Silverline Construction, Burdett, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Silverline Construction, Burdett, NY not to exceed \$897,639.00 to be paid out of Dean Creek Rd. Bridge (BIN: 3334850) and Sabin Rd. Bridge (BIN: 3334860) Account H2011.09.

ROLL CALL VOTE

Yes – Legislators Roberts, Hollenbeck, Huttleston, Monell, Quinlan, and Weston.

No – None.

Absent – Legislators Sauerbrey, Standinger, and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 99-12

*AWARD CONTRACT TO SHUMAKER
CONSULTING AND LAND SURVEYING FOR
CONSTRUCTION INSPECTION OF BRIDGES*

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; therefore be it

RESOLVED: That the Tioga County Legislature award the construction inspection services contract to Shumaker Consulting & Land Surveying, Binghamton, NY 13901 not to exceed \$96,958 to be paid out of Dean Creek Rd. Bridge (BIN: 3334850) and Sabin Rd. Bridge (BIN: 3334860) account H2011.09.

ROLL CALL VOTE

Yes – Legislators Roberts, Hollenbeck, Huttleston, Monell, Quinlan, and Weston.

No – None.

Absent – Legislators Sauerbrey, Standinger, and Sullivan.

RESOLUTION ADOPTED.

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

WHEREAS: Richard L. Gorman will retire from the Tioga County Sheriff's Office on April 20, 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 Richard L. Gorman for his 40 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, Richard L. Gorman.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey spoke. "We do appreciate your commitment and hanging out with us all these years, and it is people like you that make this County great."

Sheriff Gary Howard spoke. "I do not know where everybody was 40 years ago, September 28, 1971, but I was a junior in high school. I do not know what you say to a man who has served 40 years for this County. Rick was my mentor, my trainer, he was my shift supervisor, and for the last nine years it has been payback. With all that said, for the last 35 years Rick has also been one of my best friends. I do not know what else to say other than 40 years is 40 years of dedication to this County. The Sheriff's Office is certainly going to miss him, although we are hiring him back, his wife called me and asked me to hire him back just to get rid of him a couple of days out of the week, for her sake I did. He will be around the office as a part-time Deputy handling some stuff for us. Forty years of dedicated service, it goes beyond anything anybody can say. I would just like to say congratulations."

Chair Weston noted the following three proclamations on Child Abuse Prevention Month, Infant Immunization Awareness Week, and National Nurses Week.

Child Abuse Prevention Month Proclamation

WHEREAS: The Tioga County Department of Social Services received 1,036 reports of alleged abuse/neglect involving 2,256 children in 2011; 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 Tioga County Youth Bureau and Board are again sponsoring an annual awareness event titled Building Strong, Safe Communities. This will be held April 26th at 6 p.m. at the SRAC in Waverly; and

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 2012 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.

WHEREAS: Currently, the United States has the safest, most effective vaccine supply in its history.

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.

WHEREAS: Most parents vaccinate their children, resulting in high vaccine coverage rates in the U.S.

WHEREAS: When people are unvaccinated, outbreaks of diseases like pertussis (whooping cough) and measles can—and do—return.

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.

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.

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, 2012.

WHEREAS: The week of April 21 – April 28, 2012, 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 21 – April 28, 2012 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: 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, 2012 is "NATIONAL NURSING 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, 2012 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.

Ed Nizalowski had privilege of the floor. "Thank you for giving me an opportunity to speak. I am a resident of Newark Valley. I am here to express my concerns about gas drilling in Tioga County. This is something that I have studied with a great deal of time and effort going back five years now when the first gas leases were signed, and I feel I have tried to keep an open mind regarding both sides of the issue. It is one of the more controversial issues, it is not just Tioga County, but it is on a national level, and based on what I have read and reading newspaper articles, websites, going to meetings and so on, I feel that it is inherently an unsafe activity and it cannot be regulated, and it just should not take place. Where they actually are drilling for the method of hydrofracturing, they ought to stop before they do any more damage.

"There are a number of people in the County that feel the same way I do. We have formed a group called "RAFT", Residents Against Fracking Tioga. We have had a couple of public forums, which have been quite well attended, one which took place March 18 in the Auditorium here. There is also an active group that is soliciting names for a ban or moratorium in the Town of Owego. I think that is something probably most of you are aware of. We also have a couple of

meetings that are coming up, April 20 and April 28. This is kind of an ongoing effort.

“I have had a couple of letters in the Pennysaver, which some of you may have read and I had one that appeared on March 18, which I thought was really quite incredible. It was from a website I looked at that was developed by Robert Meyers. He is a PhD of Lock Haven University. He is actually an English Professor, but he is also head of Environmental Studies and he makes a statement that he looks at hydrofracturing as the greatest threat to the environment in Pennsylvania in this generation, and based on my study of environmental history and I have spent quite a bit of time on that, especially locally, I do not see any other phenomenon that is a greater threat to the environment than hydrofracturing as far as New York State is concerned. What was quite remarkable about his website and his information was that he found testimony that was given by Range Resources, which is one of the major gas drilling companies, and when they testified in front of the SEC about their business, this is back in 2006, they mentioned all the things that happen on gas drilling sites, you know, explosions, fires, pipeline ruptures, and things of that sort. At the end of it they said if any of these hazards occurs, we would sustain substantial losses as a result of injury or loss of life, severe damage to destruction of property, natural resources, and equipment, pollution or other environmental damage, cleanup responsibilities, regulatory investigations and penalties, or suspension of operations.

“As we begin drilling to deeper horizons and in more geologically complex areas, we could experience a greater increase in operating financial risk due to inherent higher reservoir pressures and unknown down hole risk exposures. I am assuming they do this that kind of helps protect them against lawsuits from their investors if they actually have these things happen, which those things have occurred. My question at the end of the letter was is this something we really want to have happen in Tioga County or in New York State, or anywhere?

“One of the other recent developments is another method for getting natural gas, using gelled propane called gas fracking and it certainly eliminates the use of millions of gallons of water per well and also the hazards of this toxic water, which comes up, and disposal problems of that plus all of the hazardous water that stays in the ground as well, but there are certain risks with gas fracking. It is a relatively new type of technology and some people are trying to see if they can squeeze it in under guidelines from New York State that are 20 years old, which I think is irresponsible. It also does not completely address casing failure, which is the main reason for poisoning of the aquifer and in

general one well out of 100 is going to fail even under the best of conditions, the best of equipment, the best crew, so on and so forth, and our aquifer is basically a big lake underneath us, so you poison it in one spot and everybody gets poisoned to a lesser or greater degree.

“The other thing that I find puzzling is that just from the business sense they are trying to go forward with this when our assets, you know the gas that you would get from Marcellus shale is at a 10-year low. What good business man or capitalist is selling their assets at what is historically low prices, that is something else, which does not make complete sense to me. Thank you very much.”

Chris Bonner had privilege of the floor. He spoke regarding gas fracking and of the Towns that have banned gas fracking.

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 | | 317.07 |
| A1165 | District Attorney | | 492.52 |
| A1170 | Public Defender | | 2,493.15 |
| A1172 | Assigned Counsel | | 12,199.21 |
| A1185 | Medical Examiners/Coroners | | 804.17 |
| A1325 | Treasurer | | 1,840.15 |
| A1355 | Assessments | | 2,603.38 |
| A1362 | Tax Advertising/Expense | | 7,928.30 |
| A1410 | County Clerk | | 436.71 |
| A1420 | Law | | 6,445.17 |
| A1430 | Personnel | | 1,013.17 |
| A1450 | Elections | | 1,097.70 |
| A1460 | Records Management | | 242.50 |
| A1490 | Public Works Administration | | 281.79 |
| A1620 | Buildings | | 47,618.65 |
| A1621 | Buildings | | 20,390.57 |
| A1680 | Information Technology | | 15,160.43 |
| A2490 | Community College Tuition | | 629,094.37 |
| A2960 | Education Handicapped Children | | 184,135.90 |
| A3020 | Public Safety Comm E911 System | | 2,816.45 |
| A3110 | Sheriff | 202.74 | 21,094.96 |
| A3140 | Probation | 318.12 | 7,074.05 |
| A3146 | Sex Offender Program | | 9,240.00 |
| A3150 | Jail | | 53,519.35 |
| A3315 | Special Traffic Programs | | 749.40 |

| | | | |
|-------------------------------|------------------------------------|----------|------------------|
| A3410 | Fire | | 5,145.04 |
| A3640 | Emergency Mgmt Office | | 578.95 |
| A4010 | Public Health Nursing | | 33,992.27 |
| A4011 | Public Health Administration | 291.95 | 2,965.02 |
| A4012 | Public Health Education | | 61.45 |
| A4042 | Rabies Control | | 170.95 |
| A4044 | Early Intervention | | 28,983.58 |
| A4053 | Preventive/Primary Health Services | | 45.13 |
| A4054 | Preventive Dental Services | | 93.28 |
| A4062 | Pre-Natal Care and Assistance | | 3.18 |
| A4064 | Managed Care-Dental Services | | 846.91 |
| A4070 | Disease Control | | 4,604.79 |
| A4090 | Environmental Health | 1,011.00 | 709.56 |
| A4210 | Alcohol and Drug Services | | 1,746.02 |
| A4211 | Council on Alcoholism | | 10,990.34 |
| A4309 | Mental Hygiene Co Admin | | 11,111.43 |
| A4310 | Mental Health Clinic | | 58,371.93 |
| A4311 | Rehabilitation Support Services | | 1,854.00 |
| A4320 | Crisis Intervention Services | | 5,153.32 |
| A4321 | Intensive Case Management | | 1,851.33 |
| A4333 | Psycho Social Club | | 37,546.75 |
| A6010 | Social Services Administration | | 37,390.96 |
| A6422 | Economic Development | | 202.74 |
| A6510 | Veterans' Service | | 173.00 |
| A6610 | Sealer Weights/Measures | | 257.55 |
| A8020 | Planning | | 41.82 |
| SOLID WASTE FUND | | | 89,984.28 |
| SPECIAL GRANT FUND | | | 7,294.18 |
| LIABILITY INSURANCE FUND | | | 521.68 |
| COUNTY ROAD FUNDG | | | 32,721.83 |
| CAPITAL FUND | | | 404,263.94 |
| CONSOLIDATED HEALTH INSURANCE | | | 542,323.07 |
| SELF-INSURANCE | | | <u>10,352.00</u> |
| GRAND TOTAL | | | \$ 2,363,265.21 |

Legislator Roberts made a motion to approve the minutes of March 13 and 22, 2012, seconded by Legislator Monell, and carried.

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

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 101-12 *APPOINT FREEDOM OF
INFORMATION OFFICER*

WHEREAS: The Tioga County Sheriff's Office handles a significant number of Freedom of Information requests; and

WHEREAS: Maureen Dougherty, Clerk of the Tioga County Legislature, is the Freedom of Information Officer for Tioga County with the County Attorney acting as Freedom of Information Officer in her absence; and

WHEREAS: Lieutenant Randy Kipling who was the designated Freedom of Information Officer for the Sheriff's Office has been assigned other duties; therefore be it

RESOLVED: That Lieutenant Paul C. Rhodes of the Tioga County Sheriff's Office be and hereby is appointed Freedom of Information Officer for Tioga County to handle the Freedom of Information requests received by the Tioga County Sheriff's Office; and be it further

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

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 102-12 *RESOLUTION REAPPOINTING
MEMBERS TO COMMUNITY
SERVICES BOARD*

WHEREAS: Carolyn Galatzan's and Jennifer Berryman's appointments to the Community Services Board will expire on March 31, 2012; and

WHEREAS: The Community Services Board has recommended Ms. Galatzan's and Ms. Berryman's reappointments; 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 Ms. Galatzan and Ms. Berryman be reappointed to the Community Services Board, for terms starting April 1, 2012 and ending March 31, 2016.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 103-12 *AUTHORIZE THE COMMISSIONER OF
PUBLIC WORKS TO PURCHASE BUCKET
TRUCK AT AUCTION*

WHEREAS: The Department of Public Works is in need of a bucket truck; and

WHEREAS: The Commissioner of Public Works has money in the budget to purchase a used bucket truck; and

WHEREAS: The best pricing for this particular piece of equipment has been found on the internet auction; and

WHEREAS: General Municipal Law allows purchase of used or second hand equipment without bidding only if you are purchasing from certain municipalities; and

WHEREAS: According to Tioga County Policy 23 VII C5 the Tioga County Legislature can use their discretion to allow the Department of Public Works to purchase the used Bucket Truck from an auction; therefore be it

RESOLVED: That the Tioga County Legislature waive the procedure of receiving quotes and deems it justifiable to purchase the bucket truck at auction if pricing is under \$20,000.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 104-12 *AWARD INSPECTION SERVICES CONTRACT
MCFARLAND – JOHNSON ENGINEERS FOR
INSPECTION SERVICES OF THE GASKILL RD BRIDGE
OVER LITTLE NANTICOKE CREEK (BIN: 3335370)*

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: 3335370) is one of the bridges in the program; and

WHEREAS: McFarland Johnson 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: 3335370 in the amount of \$174,362; therefore be it

RESOLVED: That the Tioga County Legislature award the inspection services contract to McFarland-Johnson Engineers, Binghamton, NY 13901 in the amount of \$174,362 to be paid out the Gaskill Rd. Bridge Account H2011.08.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 105-12

*AMEND RESOLUTION 244-11
RESOLUTION TO AUTHORIZE AWARD
INCREASES FOR THE 2011 NYS OFFICE OF
COMMUNITY RENEWAL AGRICULTURE AND
COMMUNITY RELIEF GRANT PROGRAM -
FARM OPERATIONS GRANT*

WHEREAS: Per resolution 244-11, the Tioga County Legislature authorized acceptance of the NYS Office of Community Renewal Agriculture and Community Relief Grant – Farm Operations for \$122,000; and

WHEREAS: Since resolution 244-11, the initial amount actually received from NYS OCR was \$128,714.06, which went directly to the farm applicants; and

WHEREAS: NYS Department of Agriculture and Markets made a clerical error in one farm's application resulting in an additional \$26,750 being awarded to Tioga County in Round 1; and

WHEREAS: Additionally, NYS Office of Community Renewal has solicited and awarded grants for the same exact purpose under a Round 2 and Tioga County has been awarded \$89,143.70 for Round 2; and

WHEREAS: Tioga County is additionally eligible under this grant program up to 5% grant administration funds as well as 13% program delivery funds, and

WHEREAS: It is necessary to keep the dedicated accounts updated per resolution of the Tioga County Legislature; therefore be it

RESOLVED: That Resolution 244-11 be and is hereby amended that the Tioga County Legislature does hereby accept said grant funds in the total amount of \$244,607.76 plus grant administration and program delivery and that the funds be appropriated to the following accounts minus the initial \$122,000.00 that was already appropriated:

From: CE4910.17 NYS OCR ACRF \$122,607.76

To: CE8688.40-487 NYS OCR ACRF Exp \$122,607.76

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 106-12 *AUTHORIZE THE SUBMISSION OF GRANT APPLICATIONS
SHERIFF'S OFFICE*

WHEREAS: The NYS Office of Homeland Security has announced the FY '12 State Law Enforcement Terrorism Prevention Program (SLETPP) for Tioga County Law Enforcement; and

WHEREAS: Applications for these monies must be received no later than April 30, 2012; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant applications are submitted; therefore be it

RESOLVED: That the Tioga County Sheriff'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 Sauerbrey, Standinger, Sullivan, Hollenbeck, Quinlan, Monell, Weston, and Roberts.

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 107-12 *AUTHORIZE THE SUBMISSION OF
HOMELAND SECURITY GRANT
APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security will be issuing a grant to the Tioga County Office of Emergency Management. The grant will be used for the purchase of equipment to strengthen the command and control function of the County; and

WHEREAS: The Tioga County Emergency Management Office has a 30 day period to submit an application after the allocation of funds by state has been issued; and

WHEREAS: Tioga County 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 Sauerbrey, Standinger, Sullivan, Hollenbeck, Quinlan, Monell, Weston, and Roberts.

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 108-12 *AUTHORIZE EXECUTION OF TASK ORDER WITH CAMP, DRESSER AND MCKEE INC. TO ASSIST COUNTY IN PREPARATION OF DOCUMENTS RELATED TO NYS CDBG DISASTER RECOVERY GRANT*

WHEREAS: The U.S. Congress has appropriated \$400 million to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Disaster Recovery (CDBG DR), of which New York State will receive \$93.2 million to assist Tioga County and other NYS Counties in disaster recovery efforts; and

WHEREAS: No less than 80% of said funds are committed to Tioga, Broome, Greene, Schoharie and Orange Counties; and

WHEREAS: The NYS Office of Community Renewal will oversee the allocation of the grant monies to the NYS Counties; and

WHEREAS: Tioga County, in partnership with their local municipalities impacted by Tropical Storm Lee, must submit a Needs Assessment and other documentation in order to be eligible for the grant monies; and

WHEREAS: Camp, Dresser and McKee Inc. (CDM) was previously awarded the contract for Tioga County Disaster Recovery, which included technical assistance in applying for CDBG grant monies; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute a Task Order with CDM to provide to Tioga County all assistance necessary to process the Needs Assessment and any other documents that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 109-12 *AUTHORIZE EXECUTION OF DOCUMENTS RELATED TO CDBG DISASTER RECOVERY GRANT*

WHEREAS: The U.S. Congress has appropriated \$400 million to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Disaster Recovery (CDBG DR), of which New York State will receive \$93.2 million to assist Tioga County and other NYS Counties in disaster recovery efforts; and

WHEREAS: No less than 80% of said funds are committed to Tioga, Broome, Greene, Schoharie and Orange Counties; and

WHEREAS: The NYS Office of Community Renewal will oversee the allocation of the grant monies to the NYS Counties; and

WHEREAS: Tioga County, in partnership with their local municipalities impacted by Tropical Storm Lee, must submit a Needs Assessment and other documentation in order to be eligible for the grant monies; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute the Needs Assessment and any other documents that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 110-12 *AMEND POLICY 40*
PERMIT REQUIRED CONFINED SPACE (PRCS)
"NO ENTRY" POLICY

WHEREAS: Policy 40 must be amended to comply with OSHA requirements pertaining to confined spaces; therefore be it

RESOLVED: That Policy 40 is hereby amended in its entirety to provide as follows:

Tioga County Policy 40
Permit Required Confined Space (PRCS)
"No Entry" Policy

Tioga County is committed to providing a safe and healthful workplace for its employees. In compliance with PESH (OSHA) Confined Space Standard, CFR 29, 1910.146 a survey of all Tioga County spaces was conducted in January 2012 to identify Permit Required Confined Spaces (PRCS). As a result of the survey, PRCS spaces were identified and a "no entry" policy was developed to protect County employees, contract employees and the public from hazards identified in the survey.

A confined space is defined by OSHA as a space that:

- Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- Has limited or restricted means for entry or exit (for example tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and
- Is not designated for continuous employee occupancy.

A permit-required confined space (permit space) is a confined space that has one or more of the following characteristics:

- Contains or has a potential to contain a hazardous atmosphere;
- Contains a material that has the potential for engulfing an entrant;
- Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- Contains any other recognized serious safety or health hazard.

An evaluation of our workplace(s) has revealed that permit-required confined spaces are present. The specific location and the hazards within the permit spaces are described in the table below:

| PERMIT SPACE NAME | LOCATION | HAZARDS INSIDE THE SPACE |
|---------------------------|---|--------------------------|
| Diesel Fuel Tank | Highway Dept Garage Parking lot | Chemical and atmospheric |
| Hot Water Holding Tank #1 | Public Safety Bldg Workshop | Burn and electrocution |
| Hot Water Tank Holding #2 | Public Safety Bldg Workshop | Burn and electrocution |
| Sewer Manhole #1 | Public Safety Bldg Jail Main Hallway | atmospheric |
| Sewer Manhole #2 | | |

Because of the potential risks and dangers associated with permit space entry, **OUR EMPLOYEES ARE NOT ALLOWED TO ENTER ANY PERMIT-REQUIRED CONFINED SPACES.**

To prevent unauthorized entry, the spaces have been locked, or otherwise secured, and “Danger – Permit-Required Confined Space. Do Not Enter” signs similar to the sign depicted below have been posted on or near the permit space entry way(s).



In addition to the permit spaces identified in the table above, there may be other non-permit confined spaces at some of our workplaces. Whenever there are changes in the use or configuration of a non-permit confined space that might increase the hazards to entrants, the spaces must be reevaluated by a qualified person (e.g. the safety officer) and, if necessary, reclassified as a permit-required confined space.

If entry into a permit space becomes necessary, a qualified contractor(s) will be hired to perform the entry. The contractor(s) must be informed of the following:

- That permit spaces are present;
- Our experiences with and the specific hazards known to be present in the permit-space(s) the contractor(s) will enter;
- That entry into the permit space must be done in compliance with the OSHA Permit-required Confined Space Standard 29 CFR 1910.146; and
- The precautions and procedures that our staff will take during contractor entry to protect persons working in or near the permit space.

If employees belonging to more than one contractor will simultaneously enter our permit spaces, the entry operations must be coordinated by a qualified person (e.g. the contractor safety coordinator) to ensure the safety of all the entrants.

At the conclusion of entry operations, access to the permit space must be secured and the contractor(s) must be debriefed by a qualified person (e.g. the County Safety Officer) regarding the entry procedures followed and any unforeseen hazards confronted or created during the entry operations which may impact the safety of future entry operations.

If you have any questions regarding this policy, or if you feel that other permit spaces are present at our workplace(s) that have not been identified or evaluated, please contact the County Safety Officer.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 111-12 *AMEND POLICY 50
POLICY REGARDING NOTICE TO TAXPAYERS IN
FORECLOSURE MATTERS*

WHEREAS: Policy 50, Article II should be amended to give the Treasurer more flexibility in reconveying property to former owners after entry of a foreclosure judgement; therefore be it

RESOLVED: That Policy 50, Article II. Sale to former owner(s) under certain, limited circumstances is hereby amended to provide as follows:

II. Sale to former owner(s) under certain, limited circumstances:

The County Treasurer is authorized and empowered to sell foreclosure acquired property back to its immediate former owner(s) within thirty days of the Treasurer's receipt of the County Court's notice of entry of judgment of a foreclosure under the following limited circumstances:

1. No other lien holders had an interest in the real property prior to foreclosure, which interest was foreclosed as a result of the judgment.
2. The sale back to the former owner(s) is in the best financial interest of the County.

Payment shall be by means of United States currency, a certified check or a bank check and shall include all delinquent taxes, all current year's taxes, all statutory penalties and interest and fees, plus an additional penalty of 20% of the total of the aforesaid items. The County Treasurer is authorized and empowered to accept such an offer and shall cause to be prepared such documents as the County Attorney deems necessary to reconvey the same to the prior owner(s) without an enabling resolution for each such act. He shall notify the Legislature immediately of any such offer and sale upon the closing thereof.

And be it further

RESOLVED: That the remainder of Policy 50 shall remain in full force and effect.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 112-12 *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 2013 Plan Year, January 1, 2013 through December 31, 2013; and

WHEREAS: Creditable coverage notices must be provided to all Part D eligible participants no later than October 15, 2012 and the deadline to file for the 2013 Plan Year subsidy is October 2, 2012; 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 2012 for the 2013 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 2013 Plan Year at a cost of \$4,100 to be paid for out of the TCCMHIP Fund.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 113-12 *AUTHORIZE CONTRACTS WITH RURAL HEALTH
NETWORK TO HOST AMERICORPS
PUBLIC HEALTH*

WHEREAS: Tioga County Health Department (TCHD) has been provided an opportunity to host an AmeriCorps member through the Rural Health Network for 900 hours in 2012; and

WHEREAS: TCHD is developing a workplan with the Rural Health Network for the AmeriCorps member to work in the Diagnostic & Treatment Clinic assisting both TCHD and clients; and

WHEREAS: The AmeriCorps program has a nominal “host agency fee” to offset the costs for Rural Health Network to administer the program; and

WHEREAS: TCHD included the “host agency fee” of \$2,750 in its 2012 budget; and

WHEREAS: The AmeriCorps program is unique in that it is both a quasi-internship and quasi-contractual position as defined in County Policies 46 & 56; and

WHEREAS: TCHD may be provided additional opportunities of AmeriCorps members in the future; and

WHEREAS: Legislative approval is required to be authorized to enter into contracts per Policy 46; therefore be it

RESOLVED: That TCHD is authorized to enter into contract with Rural Health Network for an AmeriCorps member effective April 11, 2012; and be it further

RESOLVED: That TCHD is authorized to enter into future contracts with Rural Health Network for AmeriCorps members.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEES

RESOLUTION NO. 114-12 RECLASSIFY VACANT PUBLIC HEALTH SANITARIAN
PUBLIC HEALTH

WHEREAS: David Rolls retired effective March 2, 2012, creating a Public Health Sanitarian vacancy; and

WHEREAS: The Public Health Director has reviewed such vacancy and decided, at this time, to decrease the level of responsibility of the position; and

WHEREAS: In order to appropriately represent these decreased responsibilities, the Public Health Director is desirous of reclassifying the position of Public Health Sanitarian, salary grade IX (\$34,047) to Public Health Technician, salary grade VII(\$30,511); and

WHEREAS: The Personnel/Civil Service Department has reviewed the job duties and determined the appropriate title shall be Public Health Technician; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of Public Health Sanitarian to Public Health Technician, and that the Public Health Director is authorized to make said appointment from the appropriate civil service eligible list at CSEA salary grade VII, \$30,511; and be it further

RESOLVED: That in accordance with Resolution 92-12, said Public Health Technician vacancy is subject to the 90-day hiring delay and will be eligible for backfill effective June 22, 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 115-12 *APPROPRIATE FUNDS TROPICAL STORM LEE
WATER DAMAGE TO COUNTY FACILITIES*

WHEREAS: The County suffered severe damages during Tropical Storm Lee water disaster in September, 2011; and

WHEREAS: Resolutions 180-11, 198-11, and 257-11 appropriated funds into a Tropical Storm Lee capital account totaling \$3,000,000; and

WHEREAS: Expenses are expected to total upwards of \$4,000,000; and

WHEREAS: Reimbursement is expected from FEMA, SEMO and our insurance for reimbursement of related expenses, which process will take several months; and

WHEREAS: There are outstanding bills that need to be taken care of and another \$1,000,000 needs to be transferred; therefore be it

RESOLVED: That the sum of \$1,000,000 be appropriated for transfer as follows:

General Fund

From:

| | |
|--------------------------------------|-------------|
| H4960-Federal Aid-Emergency Disaster | \$1,000,000 |
|--------------------------------------|-------------|

To:

| | |
|---|-------------|
| H1625.20 Tropical Storm Lee Disaster-Expenditures | \$1,000,000 |
|---|-------------|

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:23. P.M.

Third Special Meeting
April 19, 2012

The Third Special Meeting of 2012 was called to order by the Chair at 10:04 A.M. Seven Legislative members were present, Legislators Huttleston and Monell being absent.

The Chair asked Legislator Sauerbrey to have a moment of prayer. "Guide us as we make decisions for the County and bless those people that are on their way to recovery from the flood and trying to put their homes back together."

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

There were six persons in attendance.

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

| | |
|-----------------------|--|
| REFERRED TO: | PUBLIC WORKS |
| RESOLUTION NO. 116-12 | <i>AWARD BID – GRIDLEYVILLE CROSSING RD BRIDGE (BIN: 3335090) CONSTRUCTION</i> |

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 Gridleyville Crossing Rd Bridge (BIN: 3335090) as part of the Bond Issue; and

WHEREAS: The Commissioner of Public Works received sealed bids on April 10, 2012 and the bids were as follows:

| | |
|---|--------------|
| Economy Paving Cortland, NY 13045 | \$536,808.60 |
| Procon Construction Vestal, NY 13851 | \$624,000.00 |

R. DeVincentis Construction
Binghamton, NY 13901 \$676,000.00

Silverline Construction
Burdett, NY 14818 \$644,761.00

Vector Construction
Cicero, NY 13039 \$584,886.70

And

WHEREAS: Delta Engineers have completed the review of the bids and finds the low bidder Economy Paving, Cortland, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Economy Paving, Cortland, NY not to exceed \$536,808.60 to be paid out of the Gridleyville Crossing Rd Bridge(BIN: 3335090) Project Account H2011.10.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Huttleston and Monell

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 117-12 *AWARD CONTRACT TO DELTA ENGINEERS
FOR CONSTRUCTION INSPECTION OF
GRIDLEYVILLE CROSSING RD. BRIDGE
BIN: 3335090*

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; therefore be it

RESOLVED: That the Tioga County Legislature award the construction inspection services contract to Delta Engineers, Endicott, NY 13760 not to exceed \$94,390 to be paid out of Gridleyville Crossing Rd account H2011.10.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Huttleston and Monell

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 118–12 *TEMPORARY SUSPENSION OF 56 MAIN STREET BUILDING USE PER POLICY NO. 38 BUILDING USE POLICY*

WHEREAS: Policy 38 is currently being amended, and it appears necessary to temporarily suspend weekend usage of the building until certain decisions can be made concerning the policy; therefore be it

RESOLVED: That Policy 38 is hereby amended to temporarily suspend use of the 56 Main Street Building by non-county government users of County buildings, except that any applicant who has already been approved for use at the time of the adoption of this resolution shall be permitted to use the building on the date applied for. All county government users and tenants may continue weekend use of 56 Main Street.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Huttleston and Monell

RESOLUTION ADOPTED.

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

REFERRED TO PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 119-12 *REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZATION TO FILL VACANT PART-TIME
DEPUTY SHERIFF POSITION WITHIN
SHERIFF'S OFFICE*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: A vacancy will result on April 30, 2012 in the title of Deputy Sheriff (PT) due to Daniel Eiklor's notice of resignation; and

WHEREAS: Said part-time position is dedicated as the Monitor for the Interlock Program associated with Leandra's Law, a child passenger protection act mandated in New York State; and

WHEREAS: In order for Tioga County to maintain compliance with said legal mandates, a waiver to the 90-day hiring delay is necessary to fill this upcoming vacancy; therefore be it

RESOLVED: That the Tioga County Sheriff is hereby granted a waiver from the 90-day hiring delay and is authorized to backfill one (1) vacant Deputy Sheriff (PT) position at the rate of \$18.67 per hour effective May 1, 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Huttleston and Monell

RESOLUTION ADOPTED.

The meeting was adjourned at 10:06 A.M.

Fifth Regular Meeting
May 15, 2012

The Fifth Regular Meeting of 2012 was held on May 15, 2012 and was called to order by the Chair at 12:05 P.M. Eight Legislative members were present, Legislator Huttleston being absent.

Chair Weston asked Legislator Standinger to have a moment of prayer. "Lord we ask you to guide our hand as we conduct the business of government for the citizens of Tioga County and grant us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference."

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

There were approximately 44 people in attendance.

Jamie Cornell of the Employee Recognition Committee spoke. "First I would like to thank the Legislature for their continued support of the Employee Recognition Program, in particular the efforts of the Employee Recognition Committee. The current members of the Committee are Nate Marsh, Tina Lounsbury, Co-Chairs, Sandy Saddlemire is our Secretary, Judy Westmiller is our Treasurer, Roy Schreiner, Sandy Hoose, and Kim Ward.

"At this time I would like to ask the honorees in attendance to please come forward. Each of these individuals will be honored at the annual luncheon next week where their biographies will be read. There will be comments from their Department Heads or others and the presentation of the gifts they have each selected from Van Horn Jewelers in recognition of their years of service. At this time I would like to ask Legislator Ed Hollenbeck to come to the podium to read the proclamation and provide each of you with a certified copy of the proclamation. Thank you."

Legislator Hollenbeck read and presented the following Employee Recognition and Appreciation Week Proclamation:

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, 35 or 40 years since last year's ceremonies:

| <u>Name</u> | <u>Department</u> | <u>Years</u> |
|-------------------|-------------------|--------------|
| Richard Gorman | Sheriff's Office | 40 |
| Gail Barton | Social Services | 35 |
| Jeffrey Brown | Public Works | 35 |
| Thomas Duff | Probation | 30 |
| Michael Jackson | Sheriff's Office | 30 |
| Maureen Dougherty | Legislature | 25 |
| Mary McKee | Social Services | 25 |
| Carlton Snapp | Public Works | 25 |
| Janet Seymour | Mental Hygiene | 25 |

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE, does hereby proclaim and designate the week of May 14-18, 2012 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.

Legislator Standinger read and presented the following Proclamation on American Stroke Month to Heather Morgan-Gulnac of the Public Health Department:

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 2012 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.

Heather Morgan-Gulnac spoke. "Good afternoon everyone. I am a Health Educator at the Health Department. Mr. Standinger approached us several months ago asking myself and my coworker to do something regarding stroke awareness, and at the time we were not really sure what that was going to be, but on Saturday, May 5 at Moyer Park in Candor we had a Stroke Awareness Event. It was an okay turnout. We did not have quite the number as we anticipated, but we did educate several people that were there about stroke symptoms, awareness, prevention, and I think that is the biggest piece, especially as a Health Educator that a stroke can most of the time be prevented. We look at things like smoking, blood pressure, cholesterol, all those things that people can do to make a lifestyle change, but in any event I wanted to thank you very much for accepting this proclamation and putting it out there to the residents of Tioga County because I do believe that it is very important, especially as we look at the numbers, things that stand out to me most alarming in the research that we did for stroke, is that in Tioga County alone over 41

residents in the past two years have had a stroke and nationwide every four minutes someone has a stroke.

“Sometimes people have the mini strokes that they do not even recognize that they are having and that is the most important piece that we continue to get the information out so people are aware that they are having a stroke so that their life can be saved. Again, I just wanted to thank you for the opportunity for doing this proclamation and as we continue in the summer and the spring as we get into the fairs and do additional education, if anyone, whether it is one of the Legislator members or the residents would like the education staff at the Health Department to do something on a specific topic, please let us know because we are very open to educating the community and Legislators, and anyone else that needs the information. We are here to serve the community.”

Chair Weston noted the following proclamations on Elder Abuse Prevention Month and Foster Care Recognition 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 does hereby proclaim the month of May 2012 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.

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 38 children in foster care in Tioga County, 24 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 does hereby Proclaim May 2012 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.

Legislator Sauerbrey read and presented the following recognition resolution to Charlotte Thomas and her daughter Kim regarding recognizing Leon U. Thomas posthumously.

“It was over 40 years ago I worked in the manufacturing floor at IBM and I remember meeting a very scary big guy and his name was Leon Thomas, I think he was the manager of maintenance then. Through the years we ran into each other. I worked sort of underneath him, under his guidance, and Economic Development for the brief time that I worked there, he was a Legislator for that. I have to say he was a very strong leader in the community and whether you like his politics or not, you knew he was there. I think it is very appropriate today that we honor Leon.”

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

| | |
|-----------------------|---|
| REFERRED TO: | LEGISLATIVE WORKSESSION |
| RESOLUTION NO. 120-12 | <i>RECOGNITION RESOLUTION RECOGNIZING LEON U. THOMAS POSTHUMOUSLY</i> |

WHEREAS: Leon U. Thomas passed away on April 27, 2012; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Thomas for his many years of dedicated service as a Tioga County Legislator; and

WHEREAS: Leon was elected to the position of Tioga County Legislator on January 1, 1972 and served for 30 years until leaving office on December 31, 2001; and

WHEREAS: Leon was instrumental in many projects during his tenure as Tioga County Legislator, specifically in creating the Department of Economic Development and Planning, and was extremely dedicated and loyal in the performance of his duties and responsibilities as a Legislator; and

WHEREAS: Leon is survived by his wife, Charlotte 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 Leon U. Thomas posthumously for his years of dedicated service to Tioga County as a Tioga County Legislator; 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 Leon U. Thomas.

ROLL CALL VOTE

Unanimously Yes – Legislators Standinger, Sullivan, Hollenbeck, Monell, Quinlan, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED UNANIMOUSLY.

Chris Bonner had privilege of the floor. He spoke regarding contracts, specifically adhesion contracts.

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 | | 300.96 |
| A1165 | District Attorney | | 4,119.62 |
| A1170 | Public Defender | | 2,213.84 |
| A1172 | Assigned Counsel | | 18,723.86 |
| A1185 | Medical Examiners/Coroners | | 6,480.82 |
| A1325 | Treasurer | | 184.15 |
| A1355 | Assessments | | 2,214.80 |
| A1410 | County Clerk | | 1,062.45 |
| A1411 | Department of Motor Vehicles | | 84.74 |
| A1420 | Law | | 4,484.22 |
| A1430 | Personnel | | 59.94 |
| A1450 | Elections | | 7,502.08 |
| A1490 | Public Works Administration | | 209.21 |
| A1620 | Buildings | | 59,112.57 |
| A1621 | Buildings | | 14,264.79 |
| A1680 | Information Technology | | 17,277.77 |
| A2490 | Community College Tuition | | 195,331.74 |
| A2960 | Education Handicapped Children | | 129,162.33 |

| | | | |
|-------------------------------|------------------------------------|----------|------------------|
| A3020 | Public Safety Comm E911 System | | 2,603.88 |
| A3110 | Sheriff | | 26,952.34 |
| A3119 | LEO9-1035-EOO | 1,623.12 | |
| A3140 | Probation | 1,307.62 | 213.13 |
| A3146 | Sex Offender Program | | 9,240.00 |
| A3150 | Jail | | 45,535.27 |
| A3315 | Special Traffic Programs | | 5,100.00 |
| A3410 | Fire | | 5,554.84 |
| A3640 | Emergency Mgmt Office | | 562.23 |
| A3641 | Emergency Mgmt Grant Program | 101.99 | |
| A3656 | EMO C837900 Grant | 780.00 | |
| A3957 | Hazard Mitigation Plan | | 14,700.00 |
| A4010 | Public Health Nursing | | 26,397.08 |
| A4011 | Public Health Administration | | 12,825.79 |
| A4012 | Public Health Education | | 476.34 |
| A4042 | Rabies Control | | 790.05 |
| A4044 | Early Intervention | | 41,288.52 |
| A4053 | Preventive/Primary Health Services | | 1,397.80 |
| A4054 | Preventive Dental Services | | 65.83 |
| A4062 | Lead Poisoning Program | | 516.76 |
| A4064 | Managed Care-Dental Services | 87.99 | 2,501.04 |
| A4070 | Disease Control | | 3,388.38 |
| A4090 | Environmental Health | | 1,840.57 |
| A4210 | Alcohol and Drug Services | | 2,101.80 |
| A4309 | Mental Hygiene Co Admin | | 7,189.37 |
| A4310 | Mental Health Clinic | | 22,736.27 |
| A4315 | Mental Retardation | | 4,926.00 |
| A4320 | Crisis Intervention Services | | 10,048.13 |
| A4321 | Intensive Case Management | | 2,539.87 |
| A6010 | Social Services Administration | | 129,239.44 |
| A6422 | Economic Development | | 795.24 |
| A6610 | Sealer Weights/Measures | | 387.04 |
| A8020 | Planning | | 130.25 |
| A9060 | Health Insurance | | 1,309.80 |
| SOLID WASTE | | | 88,497.13 |
| SPECIAL GRANT FUND | | | 51.51 |
| LIABILITY INSURANCE FUND | | | 232.00 |
| COUNTY ROAD FUND | | | 57,927.96 |
| CAPITAL FUND | | | 118,538.28 |
| CONSOLIDATED HEALTH INSURANCE | | | 303,336.98 |
| SELF-INSURANCE FUND | | | <u>61,059.00</u> |

GRAND TOTAL \$ 1,479,686.53

Legislator Sauerbrey made a motion to approve the minutes of April 10 and 19, 2012, seconded by Legislator Sullivan, and carried.

Chair Weston made the following appointments to the Broome-Tioga Workforce Development Board:

| | |
|--|-----------------|
| Chris Powers | 5/16/12-6/30/14 |
| Economic Development & Planning Director | 7/1/12-6/30/15 |

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: ED&P COMMITTEE
JOB TRAINING COMMITTEE

RESOLUTION NO. 121-12 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 funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center has been allocated additional funds: New York State Revised Allocation of WIA Title 1B PY2011 funds in the amount of \$2,427.20; and Dislocated Worker Supplemental Funds in the amount of \$5,250.45; therefore be it

RESOLVED: That the Tioga Employment Center budget be amended as follows:

| | |
|---|------------|
| From: CD4791 – Federal Aid-Federal Employment Program | \$7,677.65 |
| To: CD6293.10-10 – Federal Employment Program 1 | \$2,427.20 |
| CD6293.40-190- Federal Employment Program 1 | \$5,250.45 |

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 122-12 *AMEND RESOLUTION NO. 22-12*
RE-ESTABLISH PRIOR YEAR
PUBLIC WORKS PROJECTS

WHEREAS: Resolution 22-12 established prior year Public Works Projects for completion in 2012; and

WHEREAS: During year-end close out it was determined that some of the projects had been totally completed and sums transferred per resolution 22-12 need to be readjusted; therefore be it

RESOLVED: That Resolution 22-12 be amended to reflect adjustments in the following accounts for Public Works Projects:

| From: <u>Bridge Projects</u> | | <u>BIN #</u> | <u>Amt to Adjust</u> |
|------------------------------|-----------------------|--------------|----------------------|
| H2007.14 | Tappan Rd. | 3335280 | (\$ 240,000.00) |
| H2009.05 | Main St. Bridge | 3334800 | (\$ 380,932.73) |
| H2010.06 | Straits Corners Rd. | 3335040 | (\$ 2,422.97) |
| H2010.10 | Halsey Valley Rd. | 3334970 | (\$ 40,679.81) |
| <u>Bond Issue</u> | | | |
| H2011.08 | Gaskill Rd. Bridge | | (\$ 5,081.59) |
| H2011.09 | Dean Creek/Sabin Rd. | | (\$ 9,907.43) |
| H2011.10 | Gridleyville Crossing | | (\$ 45,990.00) |

Capital Construction

H1620.20-927 Court House Ext. Renov. (\$ 156,029.90)

Capital Equipment

H1620.21-988 Court House Renov. (\$ 1,053.17)

To: H522 Appropriated Fund Balance \$ 882,097.60

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 123-12 TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: The Commissioner of Public Works budgeted the following road projects for the 2012 construction season:

| | | |
|----------|-----------------------------|-----------|
| H2012.01 | Penn Ave 3.3 miles | \$165,000 |
| H2012.02 | Halsey Valley Rd 9.13 miles | \$200,000 |
| H2012.03 | Glen Mary Dr. 5.7 miles | \$661,971 |

And

WHEREAS: A review of these three (3) roads this spring revealed that the southerly 3.3 miles of Penn. Ave and all of Halsey Valley Rd. were in good condition, while Glen Mary Dr. was in need of major reconstruction; and

WHEREAS: The entrance to Corporate Dr. from Rt 38 is causing significant turning problems for trucks and the IDA has had a design done and project bid to rectify the problem and the County has agreed to contribute \$50,000 for the construction; and

WHEREAS: A project account 2012.04 needs to be established for Corporate Dr - IDA Project.; and

WHEREAS: The County road construction projects are funded 100% by state funds received from the CHIPS (Consolidated Local Street and Highway Improvement Program); and

WHEREAS: Tioga County will receive \$1,026,970.95 for 2012 from CHIPS and there is a \$171,505.69 carry over from 2011 to be deposited in CHIPS account H3501; therefore be it

RESOLVED: The Tioga County Legislature authorizes the following transfers:

| | | | |
|-------|----------|-----------------------------|----------------------|
| From: | H2012.01 | Penn Ave 3.3 miles | \$ 165,000.00 |
| | H2012.02 | Halsey Valley Rd 9.13 miles | \$ 200,000.00 |
| | H3501 | Chips Revenue | <u>\$ 171,505.69</u> |
| | | | \$ 536,505.69 |
| TO: | H2012.03 | Glen Mary Dr. 5.7 miles | \$ 486,505.69 |
| | H2012.04 | Corporate Dr. – IDA Project | <u>\$ 50,000.00</u> |
| | | | \$ 536,505.69 |

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 124-12 TRANSFER FUNDS-LOADER
PUBLIC WORKS

WHEREAS: The loader that was located at the Solid Waste Transfer Station was damaged beyond repair in the September 2011 Tropical Storm Lee; and

WHEREAS: Insurance funds have replaced a portion of the cost of the loader; and

WHEREAS: The total cost of the loader was \$138,000 and insurance funds are anticipated to be \$113,000; and

WHEREAS: Insurance funds need to be placed in the Road Machinery Capital fund to pay for the replaced loader and other funds transferred to pay for the total replacement cost of the loader; therefore be it

RESOLVED: That the follows sums be transferred as follows:

| | | | |
|-------|--------------|----------------------|----------------------|
| From: | H2680 | Insurance Recoveries | \$ 113,000.00 |
| | H2007.14 | Tappan Road | \$ 10,000.00 |
| | | | <u>\$ 123,000.00</u> |
| TO: | H5130.21-920 | Road Machinery | \$ 123,000.00 |

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 125-12 *AUTHORIZE AND FUND
CONSTRUCTION OF A BACK-UP E911
EMERGENCY COMMUNICATIONS
CENTER*

WHEREAS: The current backup 911 center located at the County Highway Department on State Route 96 was flooded during Tropical Storm Lee and is no longer a suitable location; and

WHEREAS: It is essential to have a backup E911 Center that is capable of performing redundant operations when needed; and,

WHEREAS: Funds are available in the E911 Capital Reserve Account; and;

WHEREAS: The Commissioner of Public Works has agreed to construct a building at the Sheriff's Office radio tower site located on Carmichael Hill Road in Owego; and

WHEREAS: The County will be attempting to secure funding through an alternative project (FEMA) to refund money back into the E911 Center Reserve Account; therefore it be

RESOLVED: That authorization is granted to construct a suitably sized building to serve as a backup E911 Center; and be it further

RESOLVED: Funding in the amount of \$60,000 to be appropriated as follows for the purpose of this construction:

| | |
|---|----------|
| From: A889.03 Reserve E911 Telephone System | \$60,000 |
| To: A9950.93-715 Transfer to Capital | \$60,000 |
| From: H5031.30 Interfund Transfer | \$60,000 |
| To: H1620.20-990 E911 Backup Center | \$60,000 |

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 126-12 *AUTHORIZE THE SUBMISSION OF A FY' 2013 GTSC STEP GRANT APPLICATION - SHERIFF'S OFFICE*

WHEREAS: The NYS Governors Traffic Safety Council has announced a FY '13 STEP (Selective Traffic Enforcement Program) grant; and

WHEREAS: Applications for this grant must be received no later than May 15, 2012; 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 Sheriff'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 Standinger, Sullivan, Hollenbeck, Monell, Quinlan, Weston, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

RESOLVED: That the Chairman of the Tioga County Legislature of the County of Tioga be and is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED: That this Resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

County Attorney Quigley spoke. "I provided everyone with the short form EAF and this is for the conveyance of the Barton Transfer Station and the property upon which it is situated in Barton, New York. The law provided that any time this kind of conveyance takes place it is considered an unlisted action and therefore the potential environmental impact should be reviewed by this body, and a short form filled out.

"Part 1 describes the project and that has been completed by Ken Del Bianco, and it sets forth the address of the Barton Transfer Station. It sits on approximately 19.7 acres in an agricultural area. The Solid Waste Management Permit, which is now being used by the County will be transferred to Taylor Garbage Service as a part of the conveyance, although it is not part of this process because the transfer of the Permit is actually a type 2 action, which does not require any kind of environmental review because none of the Permit conditions are being changed.

"That will then takes us to part 2 and under New York State Law the Lead Agency, which is the Tioga County Legislature, is required to take what is called a hard look at the potential environmental impact of the action, and I just wanted to remind you that this is not pertaining to the actual operation of the Transfer Station, it is actually just the real estate closing. It is a little strange sometimes going through the environmental impacts of a real estate closing because most of what they talk about is not applicable, but we are still required to go through this process.

"Part 2A says "Does this action exceed any type 1 threshold under 6NYCRR part 617.4?" Because it is less than 100 acres, it does not meet the threshold, which would require type 1 review, which would then require a longer environmental assessment form be completed. The answer to that has already been completed. It is no.

"Part B says "Will the action receive a coordinated review as provided for unlisted actions in 6NYCRR part 617.6?" Box no has been checked. As an unlisted action you have the option of having what is called a coordinated review, which would include including any agencies that might also have an interest in this and since there really are not any other agencies involved in this process, then it appeared appropriate for there to be not a coordinated review, instead you are the Lead Agency and you are the only entity reviewing the project.

"Part C is a list of possible adverse impacts, which could result from a particular project and you are being asked to review these and determine whether there is any adverse result or if it is not applicable.

"Part C1 asks if there will be any adverse effect on existing air quality, surface or ground water quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage, or flooding problems, and it says explain briefly. Again, it is a real estate transaction so the answer to these would not be applicable.

"Part C2 reads "will there be any adverse effect on aesthetic, agricultural, archaeological, historic, or other natural or culture resources, or community or neighborhood character", and again that is not applicable. It is really changing titles, so none of those would be affected.

"Part C3 vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species, and again it is not applicable.

“Part C4 any adverse impacts on community’s existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources, and again it is not applicable.

“Part C5 growth, subsequent development, or related activities likely to be induced by the proposed action, again not applicable.

“Part C6 any adverse impacts on long term, short term, cumulative, or other effects not identified in C1 through C5, and that is not applicable.

“Then the final one is any other impacts.

“Paragraph D asks “will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area?” It is a CAE, we have none of those in this area.

“Paragraph E asks “is there likely to be a controversy related to potential adverse environmental impacts?” and since there are none and it appears there are no controversies, then the answer to that is no.

“If you disagree with any of the things that I have just said, then now is your opportunity to discuss it amongst each other. Does anyone feel like they disagree or that they see any environmental impacts as a result of this conveyance? None noted. Then it would appear appropriate to make a determination that the proposed action will not result in any significant adverse environmental impact and direct the Chair to file a determination of nonsignificance, and all that is set forth in this resolution, so if you adopt the resolution you would be so directing that.”

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

REFERRED TO:

LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 128-12

*SEQRA CONSIDERATION FOR BARTON
TRANSFER STATION, REAL PROPERTY AND
SOLID WASTE MANAGEMENT PERMIT*

WHEREAS: The Barton Transfer Station, including the real property upon which it is situated and the Solid Waste Management Permit for the facility, was put out to bid and Taylor Garbage Service Inc was the highest responsible bidder; and

WHEREAS: The conveyance of the Solid Waste Management Permit is a Type II action as defined by 6 NYCRR 617.5(c)(26) and is not subject to review; and

WHEREAS: The conveyance of the Barton Transfer Station and the real property upon which it is situated is an Unlisted Action requiring Tioga County to consider the environmental significance of the conveyance; 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 it is 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 it is 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 Standing, Sullivan, Hollenbeck, Monell, Quinlan, Weston, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 129-12 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period October 1, 2011 to March 31, 2012 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 | \$ 30,757.76 |
| Village of Waverly | 7,807.38 |
| Town of Berkshire | 4,149.34 |
| Town of Candor | 21,226.06 |
| Village of Candor | 1,192.84 |
| Town of Newark Valley | 14,160.03 |
| Village of Newark Valley | 1,694.40 |
| Town of Nichols | 9,861.28 |
| Village of Nichols | 743.29 |
| Town of Owego | 129,393.44 |
| Village of Owego | 9,653.89 |
| Town of Richford | 6,831.14 |
| Town of Spencer | 11,398.49 |
| Village of Spencer | 1,369.92 |
| Town of Tioga | <u>19,446.35</u> |
| | \$269,685.61 |

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 130-12 *AMEND RESOLUTION NO. 2-12*
DESIGNATION OF OFFICIAL
DEPOSITORIES

WHEREAS: Resolution No. 2-12 designated the depositories for the deposit of all monies received by the County Treasurer; and

WHEREAS: HSBC Bank USA, N.A. effective May 18, 2012 will be owned by First Niagara, N.A.; therefore be it

RESOLVED: That Resolution No. 2-12 be hereby amended to rename HSBC Bank USA, N.A. to First Niagara, N.A. with an amount not to exceed \$25,000,000 effective May 18, 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 131-12 *ERRONEOUS ASSESSMENT*
TOWN OF SPENCER

WHEREAS: An application for corrected tax roll indicates that property no. 1625, assessed to County of Tioga on the 2012 tax roll of the Town of Spencer is erroneous in that an exemption code was not entered, therefore a tax bill was created for County owned foreclosure property; and

WHEREAS: The County isn't taxed on county owned property for two years after which it is only taxed for school purposes; be it therefore

RESOLVED: That the erroneous town tax of \$329.95 be charged back to the Town of Spencer and the erroneous fire tax of \$34.96 be charged back to the Spencer Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$23.49 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$1,047.48 be charged back to the Spencer-VanEtten School District; and be it further

RESOLVED: That the erroneous county tax and school penalty of \$593.10 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 132-12 *AMEND RESOLUTION NO. 186-03*
APPOINT MITIGATION PLAN
COMMITTEE IN TIOGA COUNTY

WHEREAS: Resolution No. 186-03 appointed a Mitigation Plan Committee; and

WHEREAS: Since 2003 the staff of the Mitigation Plan Committee has changed; and

WHEREAS: It is recommended that the Mitigation Plan Committee be renamed to All Hazards Mitigation Plan Committee; therefore be it

RESOLVED: That Resolution No. 186-03 be hereby amended to reflect a name change from Mitigation Plan Committee to All Hazards Mitigation Plan Committee; and be it further

RESOLVED: That Resolution No. 186-03 be hereby amended to reflect the following members:

Member

Richard LeCount, Emergency Management Officer
Barb Crannell, Town of Nichols
Gary Hammond, Deputy Director, Department of Public Works
Elaine Jardine, Planning Director
Kevin Millar, Mayor, Village of Owego
William Ostrander, GIS Manager
Judith Quigley, County Attorney
Martha Sauerbrey, Tioga County Legislator and Chamber of Commerce
Debbie Standing, Town of Owego Planning & Zoning
Wendy Walsh, Director, Tioga County Soil & Water Conservation District
Andrew Fagan, Director, Cornell Cooperative Extension

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 133-12

*RESOLUTION DECLARING MAY 15, 2012
TO BE "MAYDAY FOR MANDATE RELIEF"
AND URGING THE MANDATE RELIEF
COUNCIL TO TAKE SWIFT ACTION IN
SUBMITTING A PACKAGE OF MANDATE
RELIEF PROPOSALS TO GOVERNOR
CUOMO AND THE STATE LEGISLATURE
TO BE VOTED ON THIS SESSION*

WHEREAS: The State of New York mandates (requires) the delivery of State programs using local resources, causing some counties to dedicate more than 80 percent of their entire budget toward the funding of State mandated programs and fixed costs; and

WHEREAS: The New York State Association of Counties has identified just 9 state mandates that equal 90 percent of all county property taxes levied in 2010 (outside of New York City), consuming \$4 billion of \$4.4 billion in county property taxes levied. These mandates include: Medicaid, TANF/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 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; and

WHEREAS: These State imposed mandates continue to contribute to New York's highest in the nation local tax burden for residents and businesses, severely damaging New York's ability to attract, create and maintain good paying jobs, as well as contributing to population losses to other states; and

WHEREAS: When the State enacted a property tax cap in 2011, a Mandate Relief Council was established to review specific mandates and advance legislative proposals to reduce the statutory and regulatory burden on municipalities; now therefore be it

RESOLVED: That Tioga County hereby declares May 15, 2012 to be "Mayday for Mandate Relief" to demonstrate that the 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

| Title | Name | Social Security Number (Last 4 digits) | Registration Number | Standard Work Day (Hrs/day) | Term Begins/Ends | Participates in Employer's Time Keeping System (Y/N) | Days/Month (based on Record of Activities) |
|---|--------------------|---|---------------------|------------------------------------|------------------|---|---|
| Elected Officials | | | | | | | |
| Legislator | Richard Huttleston | 5967 | 36781888 | 6 | 1/1/12-12/31/15 | N | 6.63 |
| Legislator | Martha Sauerbrey | 6731 | 35867738 | 6 | 1/1/12-12/31/15 | N | 12.25 |
| Legislator | Tracy Monell | 2447 | 43404367 | 6 | 1/1/12-12/31/15 | N | 7.31 |
| Legislator | Loretta Sullivan | 4442 | 43419340 | 6 | 1/1/12-12/31/15 | N | 8.97 |
| County Clerk | Robert Woodburn | 1032 | 32165003 | 7 | 1/1/12-12/31/15 | N | 20 |
| District Attorney | Gerald Keene | 8744 | 32183204 | 7 | 1/1/12-12/31/15 | N | 20 |
| Appointed Officials | | | | | | | |
| County Attorney | Judith Quigley | 9431 | 33345877 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Assistant County Attorney | Christian Root | 9133 | 38282877 | 7 | 1/1/12-12/31/15 | Y | N/A |
| 2 nd Assistant County Attorney | John VanWert | 5483 | 33612086 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Secretary to County Attorney | Diane Stephens | 9215 | 35745058 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Secretary to District Attorney | Jill VanHousen | 7510 | 30784300 | 7 | 1/1/12-12/31/15 | Y | N/A |
| 1st Assistant District Attorney | Irene Graven | 1694 | 36555498 | 7 | 1/1/12-12/31/15 | N | 13.32 |
| 2nd Assistant District Attorney | Adam Schumacher | 9362 | 39750161 | 7 | 1/1/12-12/31/15 | N | 8.74 |
| 3rd Assistant District Attorney | Cheryl Mancini | 7475 | 38662920 | 7 | 1/1/12-12/31/15 | N | 7.98 |
| Public Defender | George Awad | 3474 | 34261867 | 6 | 1/1/12-12/31/15 | N | 15.34 |
| Assistant Public Defender | Robin Hutchison | 6170 | 36781870 | 6 | 1/1/12-12/31/15 | N | 9.92 |
| Assistant Public Defender | Todd Miller | 5337 | 41939943 | 6 | 1/1/12-12/31/15 | N | 10.82 |
| Assistant Fire Coordinator | Kevin Ford | 9509 | 43140425 | 6 | 1/1/12-12/31/15 | N | 4.50 |
| Youth Bureau Director | Maureen Hawley | 5688 | 43232180 | 7 | 1/1/12-12/31/15 | N | 11.18 |
| Coroner | Charles Thayer | 9198 | 39807623 | 6 | 1/1/12-12/31/15 | N | 0.3 |
| Deputy County Clerk | Lisa Poole | 4214 | 38332698 | 7 | 1/1/12-12/31/15 | Y | N/A |

| | | | | | | | |
|---|-----------------------|------|----------|---|-----------------|---|-------|
| Secretary to Sheriff | Diane Rockwell | 9694 | 33151002 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Undersheriff | Michael Jackson | 9425 | 32860561 | 8 | 1/1/12-12/31/15 | Y | N/A |
| Director of Information Technology Services | Suzanne Horton | 9697 | 38701538 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Legislative Clerk | Maureen Dougherty | 9415 | 34583062 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Deputy Legislative Clerk | Cathy Haskell | 6338 | 37234465 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Community Services Board Director | Sue Romanczuk-Smelcer | 8677 | 34842526 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Director of Economic Development & Planning | Douglas Barton | 4088 | 37628245 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Secretary to Economic Development & Planning Director | Linda Sampson | 0618 | 50559186 | 7 | 1/1/12-12/31/15 | Y | N/A |
| Budget Officer | Chuck Shager | 9031 | 50427822 | 7 | 1/1/12-12/31/15 | N | 13.16 |

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY
PERSONNEL

RESOLUTION NO. 135-12

*APPROVAL TO WAIVE 90-DAY HIRING
DELAY AND BACKFILL PRINCIPAL ACCOUNT
CLERK; AUTHORIZE CREATION OF
TEMPORARY, FULL TIME PRINCIPAL
ACCOUNT CLERK
PROBATION DEPARTMENT*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Legislative approval is required for the creation of any position within Tioga County; and

WHEREAS: The Probation Department will experience a vacancy on August 24, 2012, when a long term employee, Maria Genovese, retires from the position of Principal Account Clerk; and

WHEREAS: The Principal Account Clerk position is essential to the fiscal operations of the Probation Department; and

WHEREAS: The Probation Director received verbal authorization at the April 19, 2012, Legislative work session to backfill Mrs. Genovese's position immediately upon her retirement and to create a temporary full-time Principal Account Clerk position in order for Mrs. Genovese to train her replacement; therefore be it

RESOLVED: That the Probation Director is granted a waiver from the 90-day hiring delay and is authorized to backfill a full-time Principal Account Clerk at an annual salary of \$30,511.00 (CSEA Salary Grade VII) effective September 4, 2012; and be it further

RESOLVED: That the Probation Director be authorized to create and fill a full-time temporary Principal Account Clerk position effective September 4, 2012, at an hourly rate of \$18.92, which will be filled by Mrs. Genovese in order to help train her replacement; and be it further

RESOLVED: That the duration of said temporary, full-time Principal Account Clerk position shall not extend beyond September 28, 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

Chair Weston noted the following Proclamation on Mental Health Awareness Month and Children's Mental Health Week.

2012 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 2012 as *Mental Health Awareness Month* and May 6 – 12, 2012 as *Children's Mental Health Week* in Tioga County.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 136-12 *AUTHORIZE CREATION OF TEMPORARY, PART TIME SECRETARY TO COUNTY ATTORNEY*

WHEREAS: Legislative approval is required for the creation of any position within Tioga County; and

WHEREAS: Due to an unexpected leave of absence, currently paid, the time sensitive and confidential duties performed by the Secretary to the County Attorney are presently not being accomplished; and

WHEREAS: The County Attorney is in need of securing coverage during said leave in order to effectively carry out functions of her department; therefore be it

RESOLVED: That the County Attorney is authorized to create a temporary, part-time Secretary to the County Attorney position retroactive to May 14, 2012, at an hourly rate of \$20.00; and be it further

RESOLVED: That said temporary, part-time position shall continue for the duration of the Secretary to the County Attorney's either paid or unpaid leave of absence.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 137-12 *56 MAIN STREET ROOM RESERVATION
USAGE*

WHEREAS: Resolution 118-12 temporarily suspended use of the 56 Main Street Building on weekends by non-county government users with the exception of county government users and tenants; and

WHEREAS: Policy 38 Building Use Policy is currently in the process of being amended; and

WHEREAS: The Tioga County Legislature has determined that use during week days by non-county government users should be monitored more closely as to meetings being held that are open to the public and that may be controversial; and

WHEREAS: The Tioga County Legislature would like the Chair of the Legislature to more closely monitor meetings that are being scheduled at 56 Main Street by non-county government users that are open to the public and may be controversial by making a decision whether the non-county government user should pay to have security present during said meeting; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes and designates the Chair of the Tioga County Legislature to monitor week day meetings held at 56 Main Street by non-county government users and have the authority to determine if such meetings might be controversial that would need security, and be authorized through the Legislative Office to inform such non-county government users that they shall pay for security to be provided by Tioga County for their meeting being held at 56 Main Street if the Chair so designates.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:37 P.M.

Sixth Regular Meeting
June 12, 2012

The Sixth Regular Meeting of 2012 was held on June 12, 2012 and was called to order by the Chair at 6:06 P.M. Seven Legislative members were present, Legislators Monell and Sauerbrey being absent.

Chair Weston asked Legislator Sullivan to have a moment of prayer. "Dear Lord, we ask you to be with us today and every day that we conduct County business. Please guide us so that we can make the best possible decisions and serve the residents of the County as best we can."

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

There were 15 people in attendance.

Legislator Hollenbeck read and presented a recognition resolution to Suzanne Horton, Director of Information Technology and Communication Services.

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

| | |
|-----------------------|---|
| REFERRED TO: | LEGISLATIVE WORKSESSION |
| RESOLUTION NO. 138-12 | <i>RECOGNITION OF SUZANNE HORTON'S YEARS OF SERVICE INFORMATION TECHNOLOGY AND COMMUNICATION SERVICES</i> |

WHEREAS: Suzanne Horton began her career as Director of Information Technology and Communication Services on March 2, 1998; and

WHEREAS: Ms. Horton has been very instrumental with the changes within the Information Technology and Communication Services department during her 14 year tenure; and

WHEREAS: Ms. Horton assumed the duties of the fixed assets and records management program effective March 31, 2008; and

WHEREAS: Ms. Horton demonstrated exemplary efforts by going above and beyond during the September 2011 flood event; and

WHEREAS: Ms. Horton will retire on June 30, 2012; 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 and recognize Suzanne Horton for her 14 years of service to 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, Suzanne Horton.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Suzanne Horton, Director of ITCS spoke. “I am grateful that I have had the opportunity to be the Director of Information Technology and help move the County forward with technology. Over the last 14 years I have met a lot of challenges that’s for sure and I met a lot of great people. I worked with a lot of great people and made a lot of friends along the way. I really appreciate this. Thank you very much.”

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 | | 116.66 |
| A1165 | District Attorney | | 4,016.34 |
| A1170 | Public Defender | | 2,189.75 |
| A1172 | Assigned Counsel | | 32,147.39 |
| A1185 | Medical Examiners/Coroners | | 6,042.34 |
| A1325 | Treasurer | | 9,540.63 |
| A1355 | Assessments | | 4,426.05 |
| A1410 | County Clerk | | 538.46 |

| | | | |
|----------|----------------------------------|-----------|------------|
| A1420 | Law | | 21,121.93 |
| A1430 | Personnel | | 12,710.60 |
| A1450 | Elections | | 34,649.34 |
| A1460.41 | Records Management | | 22.50 |
| A1490 | Public Works Administration | | 512.27 |
| A1620 | Buildings | | 44,029.38 |
| A1621 | Buildings | | 19,173.13 |
| A1680 | Information Technology | | 15,036.86 |
| A2490 | Community College Tuition | | 146,650.29 |
| A2960 | Education Handicapped Children | | 308,275.68 |
| A3020 | Public Safety Comm E911 System | | 10,719.73 |
| A3110 | Sheriff | | 32,963.10 |
| A3117 | Sheriff LE10-1038 EOO Grant | 19,500.00 | |
| A3119 | LE09-1035-EOO | 19,175.00 | |
| A3120 | LE10-1038-EOO | 34,608.00 | |
| A3140 | Probation | | 138.78 |
| A3146 | Sex Offender Program | | 9,240.00 |
| A3150 | Jail | | 55,754.37 |
| A3315 | Special Traffic Programs | | 1,262.25 |
| A3410 | Fire | 25.49 | 9,324.34 |
| A3640 | Emergency Mgmt Office | | 694.20 |
| A3641 | Emergency Mgmt Grant Program | 338.11 | |
| A3957 | Hazard Mitigation Plan | | 5,000.00 |
| A4010 | Public Health Nursing | | 38,602.37 |
| A4011 | Public Health Administration | | 4,241.22 |
| A4012 | Public Health Education | | 459.50 |
| A4042 | Rabies Control | | 3,761.98 |
| A4044 | Early Intervention | 718.65 | 51,651.36 |
| A4053 | Preventive/Primary Health Svcs | | 449.32 |
| A4054 | Preventive Dental Services | | 4,459.04 |
| A4064 | Managed Care-Dental Services | | 25,023.55 |
| A4070 | Disease Control | | 3,474.75 |
| A4090 | Environmental Health | | 1,922.63 |
| A4210 | Alcohol and Drug Services | | 1,814.94 |
| A4211 | Council on Alcoholism | | 21,980.68 |
| A4309 | Mental Hygiene Co Admin | 182.95 | 10,310.25 |
| A4310 | Mental Health Clinic | | 52,799.56 |
| A4311 | Rehabilitation Support Services | | 618.00 |
| A4320 | Crisis Intervention Services | | 33,860.52 |
| A4321 | Intensive Case Management | | 2,527.63 |
| A6010 | Social Services Administration | | 136,567.54 |
| A6141 | Energy Crisis Assistance Program | | 32,048.14 |
| A6422 | Economic Development | | 632.54 |
| A6510 | Veterans' Service | | 186.25 |

| | | |
|------------------------------------|---------------------------|------------------|
| A6610 | Sealer Weights & Measures | 85.66 |
| A8020 | Planning | 16.21 |
| A9060 | Health Insurance | 2,619.60 |
| SOLID WASTE FUND | | 92,125.94 |
| SPECIAL GRANT FUND | | 572.52 |
| LIABILITY INSURANCE FUND | | 2,038.40 |
| COUNTY ROAD FUND | | 44,514.01 |
| CAPITAL FUND | | 419,598.39 |
| CONSOLIDATED HEALTH INSURANCE FUND | | 582,689.14 |
| SELF-INSURANCE FUND | | <u>36,701.34</u> |
| GRAND TOTAL | | \$ 2,469,197.55 |

Legislator Roberts made a motion to approve the minutes of May 15, 2012, 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.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 139-12 *APPOINT MEMBER TO THE TIOGA COUNTY BOARD OF 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: Eugene Kemp, DVM, resigned from the Board of Health 2/29/2012; and

WHEREAS: The appointed term for Eugene Kemp, DVM, on the Board of Health expires 12/31/2013; and

WHEREAS: Terry Hills, DVM, has agreed to fill the unexpired term of Eugene Kemp, DVM; therefore be it

RESOLVED: That Terry Hills, DVM, be appointed to the Board of Health to fill the unexpired term of Eugene Kemp, DVM, for a term of 6/21/2012-12/31/2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 140-12

*RESOLUTION TO AUTHORIZE CONSULTANT
HIRE AND CONTRACT FOR NYS DOS LONG
TERM COMMUNITY RECOVERY STRATEGY
GRANTS FOR TOWNS OF TIOGA AND
NICHOLS*

WHEREAS: The Tioga County has authorized the Long Term Community Recovery Strategy (LTCRS) Program and accepted said grant for the towns of Nichols and Tioga via resolution 83-12 in the amount of \$92,000 for consultant services and \$8,000 for the County Planning Director's time doing program coordination and grant administration, and

WHEREAS: The LTCRS Consultant Selection 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 LTCRS Consultant Selection Committee has selected ELAN Planning/Design/Landscape Architecture and subconsultants to perform said services; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the hire of and contract with ELAN Planning/Design/Landscape Architecture and subconsultants to perform said LTCRS services in the amount of \$92,000 to be paid from NYS DOS LTCRS Grant Account A8760.40-140; 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, Sullivan, Hollenbeck, Huttleston, Quinlan, Weston, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 141-12 *AWARD CONTRACT FOR
HOMELAND SECURITY GRANT
AND TRANSFER OF FUNDS*

WHEREAS: Tioga County's All Hazards Emergency Comprehensive Plan needs to be updated; and

WHEREAS: A Homeland Security Grant has been awarded in the amount of \$75,142; and

WHEREAS: A Request for Proposals was issued to hire a consultant to prepare the plan; and

WHEREAS: The Tioga County All Hazards Emergency Comprehensive Committee has met to review the two submissions received in response to the RFP and has recommended that Cannon Design be selected to prepare Tioga County's All Hazards Emergency Comprehensive Plan; therefore be it

RESOLVED: That Cannon Design is hereby selected to prepare Tioga County's All Hazards Emergency Comprehensive Plan; and be it further

RESOLVED: That the Chair of Tioga County Legislature is authorized to execute a contract between Tioga County and Cannon Design setting forth the rights and obligations of the parties consistent with the RFP and the proposal submitted by Cannon Design; and be it further

RESOLVED: That the NYS Homeland Security Grant be appropriated as follows:

| | | |
|-------|-----------------------------|----------|
| FROM: | EMO Plan Grant A3657.00 | \$75,142 |
| TO: | EMO Plan Grant A3658.40-590 | \$51,783 |
| TO: | EMO Plan Grant A3658.20-191 | \$23,359 |

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 142-12 TRANSFER OF FUNDS
PUBLIC DEFENDER

WHEREAS: An Indigent Legal Services Fund Grant was awarded for services for Assigned Counsel and Public Defender; and

WHEREAS: Funds need to be transferred into the Public Defender’s budget to cover services for on line research tools, transcripts, and investigation services; therefore be it

RESOLVED: That the following sums be transferred:

| | | |
|-------|---|------------|
| From: | A1990-40-715-Contingency Account | \$2,039.15 |
| To: | A1170.40-40-Public Defender-Books | \$ 977.40 |
| | A1170.40-280-Public Defender-Investigations | \$ 800.00 |
| | A1170.40-700-Public Defender-Transcripts | \$ 261.75 |

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 143-12 FUNDS TO SOIL AND WATER

WHEREAS: The Tioga County Treasurer's Office received an ACH transfer from NYS Homeland Security for FEMA claims in the amount of \$71,081.92; and after researching the claim it was discovered that the funds were for the federal share of FEMA projects 9910A01 and 9910A04 which should have been sent to Tioga Soil and Water; therefore be it

RESOLVED: That the Tioga County's Treasurer Office return the \$71, 081.92 via check or ACH transfer to Tioga Soil and Water.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 144-12 APPROVE FUNDING
2012 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 2012 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 2012 be approved by the Tioga County Legislature in the amounts indicated:

Youth Development and Delinquency Prevention Programs

| | |
|---|----------|
| Cooperative Extension Family Resource Centers | \$ 8,137 |
| Tioga County Council on Alcohol & Substance Abuse | \$ 3,225 |
| Cooperative Extension Waverly Youth Café | \$ 2,274 |
| Spencer Van Etten Building Foundations | \$ 1,101 |

Special Delinquency Prevention Programs

| | |
|---|-----------------|
| Big Brothers Big Sisters | \$ 4,615 |
| A New Hope Center | \$ 4,253 |
| Cooperative Extension Family Resource Centers | <u>\$ 1,215</u> |
| TOTAL | \$24,820 |

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 145-12 *RESOLUTION IN SUPPORT OF SENATE BILL NO. S5629-B AND ASSEMBLY BILL NO. A6575 AN ACT TO AMEND THE TAX LAW, IN RELATION TO AUTHORIZING CERTAIN COUNTIES, CITIES AND SCHOOL DISTRICTS TO IMPOSE UP TO A FOUR PERCENT RATE OF SALES AND COMPENSATING USE TAXES PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF SUCH LAW AND TO PRESERVE THE AUTHORITY OF CERTAIN COUNTIES AND A CITY TO IMPOSE SUCH TAXES AT RATES IN EXCESS OF FOUR PERCENT; AND TO REPEAL CERTAIN PROVISIONS OF SUCH LAW RELATING THERETO*

WHEREAS: The Tioga County Legislature strongly supports this home rule legislation as it provides mandate relief and enhanced fiscal management tools for local governments; and

WHEREAS: County and State legislative staff, along with elected officials, currently spend significant time and energy in order to deal with the renewals of existing local sales tax rate legislation every two years under the current State legislative model; and

WHEREAS: The proposed legislation would end the practice of requiring state approval and renewal for local sales tax rate changes, up or down, that do not exceed four percent; and

WHEREAS: This will also allow county officials to manage their local sales tax rates in a way that is most efficient for local tax payers, and will reduce waste and redundancy in state and local legislative procedure; and

WHEREAS: County leaders make home rule requests out of necessity, as they are necessary in order to finance, implement and deliver state and federally mandated programs, ensure local public health and safety, foster economic development and enhance local quality of life services demanded by county residents; and

WHEREAS: These home rule requests allow local officials to manage their budgets and pay for state mandated and other services in the least intrusive and burdensome way for local taxpayers and are often requested to limited or prevent property tax increases; and

WHEREAS: This legislation would also provide counties with an important local fiscal management tool consistent with similar financial management flexibility granted to New York City a few years ago; be it therefore

RESOLVED: That the Tioga County Legislature hereby supports the Senate Bill No. S5629-B and Assembly Bill No. A6575 to amend the tax law, and be it further

RESOLVED: That certified copies of this Resolution be forwarded to Governor Cuomo, Senator Thomas F. O'Mara, Assemblyman Christopher S. Friend, the New York State Association of Counties, Inter County Association of Western New York, and any others deemed necessary.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 146-12

APPLY FOR NEW YORK STATE HOUSING TRUST FUND CORPORATION – 2012 NEW YORK MAIN STREET PROGRAM GRANT FUNDS

WHEREAS, The NYS Housing Trust Fund Corporation through their 2012 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 Nichols has expressed interest in applying for 2012 NYMS funding, and

WHEREAS: The Village of Nichols initiated a coordinated effort to revitalize their Downtown Central Business District including working with the Town of Nichols with the development of the Greater Nichols 2020 Plan and

WHEREAS, Tioga County approved resolutions for the Village of Owego for the 2010 NYMS Program in which application was made and said application was awarded and has been encumbered for twelve on-going projects at this time, and for the 2011 Agricultural and Community Flood Recovery Grant in which an application for \$500,000 was made and approved; and

WHEREAS: The Village of Nichols has approved a resolution in support of submittal of application to the 2012 NYMS Program by Tioga County and is desirous of the County conducting this activity for them; and

WHEREAS: Outreach is being made to eligible property owners in the Village of Nichols downtown business district target area for expressed 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 an 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 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 application to New York State Housing Trust Fund, NYMS Program in 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, Hollenbeck, Huttleston, Quinlan, Weston, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO: 147-12 *AWARD DESIGN SERVICES TO
MCFARLAND – JOHNSON ENGINEERS FOR PENN.
AVE. BRIDGE*

WHEREAS: In September of 2011 Tropical Storm Lee damaged the aluminum box culvert on Pennsylvania Ave over Long Creek; and

WHEREAS: Tioga County has been approved for a Federal Emergency Relief Project by NYSDOT in the amount of \$469,084.00; and

WHEREAS: This project will require design services to replace this structure; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to McFarland-Johnson Engineers, Binghamton, NY 13901 in the amount of \$74,447.53 to be paid out of Account H2012.05 Penn Ave. Bridge account.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 148-12 *AWARD BID TO EVANS MECHANICAL
FOR PUBLIC SAFETY BUILDING
MECHANICAL UPGRADES*

WHEREAS: The Commissioner of Public Works included in the 2012 budget, funds for the Public Safety Building boilers; and

WHEREAS: The Commissioner of Public Works received sealed bids on May 23, 2012 and the bids were as follows:

| | |
|------------------------------------|--------------|
| Evans Mechanical Endicott, NY | \$201,000.00 |
| Climate Control Endicott, NY | \$203,895.00 |
| Louis Picciano & Son Vestal, NY | \$236,500.00 |

And

WHEREAS: Delta Engineers, Endwell, NY has completed the review of the bids and finds the low bidder Evans Mechanical, Endicott, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Evans Mechanical, Endicott, NY not to exceed \$201,000.00 to be paid out of the Buildings Capital boiler account H1620.21-929.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 149-12 *INCORPORATION OF TIOGA EMPLOYMENT AND TRAINING DEPARTMENT INTO THE TIOGA COUNTY DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: The Tioga County Employment and Training Department, also known as the Tioga Employment Center, funded by the Workforce Investment Act, has been operating without a Department Head; and

WHEREAS: It appears appropriate for that department to be incorporated and subsumed into the Tioga County Department of Social Services; therefore be it

RESOLVED: That commencing immediately, the Tioga County Employment and Training Department, also known as the Tioga Employment Center, shall be incorporated and subsumed into the Tioga County Department of Social Services and shall no longer be an independent department of Tioga County government; and be it further

RESOLVED: That henceforth, the Commissioner of Social Services shall supervise the operations and personnel of the Tioga Employment Center; and it is further

RESOLVED: That any resolutions previously adopted by the Tioga County Legislature inconsistent with this resolution are hereby rescinded to the extent they are inconsistent herewith, but shall otherwise, to the extent they are not inconsistent herewith, remain in full force and effect.

RESOLVED: That the Tioga County Legislature authorize the Supervisor of Employment and Training to enter into a contract with Staffworks at the bill rate of \$10.25 per hour, at a maximum of 27 hours per week, effective July 1, 2012 through June 30, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 151-12 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE
BACKFILL OF VACANT FULL-TIME, CLEANER I
POSITION FOR A TEMPORARY DURATION
PUBLIC WORKS DEPARTMENT*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: On May 24, 2012, a Cleaner I position became vacant; and

WHEREAS: The Commissioner of Public Works has received notification that an incumbent in another Cleaner I position will be going out on a leave of absence for an eight (8) week duration; and

WHEREAS: The current vacancy and the upcoming leave of absence of said Cleaner I positions will result in diminished services to adequately maintain County buildings; and

WHEREAS: At this time, the Commissioner of Public Works seeks to secure staff coverage for the duration of the leave of absence; therefore be it

RESOLVED: That the Commissioner of Public Works is hereby granted a waiver from the 90-day hiring delay and is authorized to fill a full-time, Cleaner I at an hourly rate of \$10.77 per hour for an 8-week temporary duration effective June 13, 2012 until August 8, 2012.

ROLL CALL VOTE

Yes – Legislators, Sullivan, Hollenbeck, Huttleston, Quinlan, Weston, Roberts, and Standingier.

No – None.

Absent – Legislators Monell and 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. 152-12 *AUTHORIZE TEMPORARY
 APPOINTMENT AND SALARY ADJUSTMENT
 FOR LORI MONK*

WHEREAS: Article 41.05 of the New York State Mental Hygiene Law states that to be eligible for state aid, each local government shall have a Director who shall be its chief executive officer; and

WHEREAS: Under Article 41.09 of New York State Mental Hygiene Law, Tioga County is required to have either an Acting or Permanent Director of Community Services (DCS) appointed by the Tioga County Community Services Board (CSB); and

WHEREAS: The Inter-Office Coordinating Council (IOCC) is mandated by Mental Hygiene Law section 5.05(b) to coordinate the work and functions of the three NYS state agencies: the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, and the Office for People With Developmental Disabilities; and

WHEREAS: The IOCC must be informed of resignations and appointments of both Acting and Permanent county Directors of Community Services to insure appropriate management of and maintain communication with the Local Government Unit; and

WHEREAS: The permanent DCS has informed the CSB and the County Legislature of her resignation to be effective June 4, 2012; and

WHEREAS: The Tioga County CSB notified the IOCC of the permanent DCS' resignation and submitted the required documentation regarding the appointment of Lori Monk as Acting DCS retroactive to June 5, 2012; and

WHEREAS: As of June 5, 2012, Lori Monk will carry out the full powers and responsibilities of the Acting DCS contingent upon the IOCC's acknowledgement of receiving said documentation; and

WHEREAS: Lori Monk will also continue to carry out the responsibilities of Clinical Program Director; and

WHEREAS: The CSB has an undetermined length of time to appoint a permanent DCS, and therefore it is not possible to determine the length of time that Lori Monk will fulfill the role of Acting DCS in addition to her responsibilities as Clinical Program Director; therefore be it

RESOLVED: That Lori Monk be temporarily appointed to the position of Director of Community Services and receive an annual salary increase of \$20,000 as Temporary Director of Community Services retroactive to June 5, 2012; and be it further

RESOLVED: That if Lori Monk does not receive permanent appointment to the Director of Community Services, her salary shall be reduced by \$20,000 immediately upon the filling of the DCS position.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 153-12 *CREATE AND FILL ONE
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 in the Treasurer's Office this summer due to planned vacations, additional flood-related projects, and an unexpected 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: Res # 196-09 established the hourly rate of pay for Seasonal Clerks at minimum wage plus one dollar; therefore be it

RESOLVED: That the County Treasurer be hereby authorized to create and fill one Seasonal Clerk position at the rate of \$8.25 per hour (minimum wage, plus \$1) effective June 18, 2012 through September 28, 2012; and be it further

RESOLVED: That this position shall be paid from the Treasurer's Personal Services Account, A1325.10-10.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

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

REFERRED TO: PERSONNEL COMMITTEE
INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 154-12 *AUTHORIZE TEMPORARY
APPOINTMENT AND SALARY ADJUSTMENT
FOR BRANDI FERRI-GILBERT*

WHEREAS: The Director of Information Technology and Communication Systems has announced her retirement effective June 30, 2012; 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: Brandi Ferri-Gilbert, Network Administrator, is capable of performing duties associated with the Director's position on an acting basis; therefore be it

RESOLVED: That Brandi Ferri-Gilbert be temporarily appointed to the position of Director of Information Technology and Communication Systems and receive an annual salary increase of \$5,000 effective July 2, 2012; and be it further

RESOLVED: That if Ms. Ferri-Gilbert does not receive permanent appointment to the Director of Information Technology and Communication Systems, her salary shall be reduced by \$5,000 immediately upon the filling of the Director's position.

ROLL CALL VOTE

Yes – Legislators, Hollenbeck, Huttleston, Quinlan, Weston, Roberts, and Standing.

No – Legislator Sullivan.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 155-12 *AUTHORIZE CREATION AND BACKFILL OF
TEMPORARY POSITION
INFORMATION TECHNOLOGY*

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: Suzanne Horton, Director of Information Technology and Communication Systems, is retiring effective June 30, 2012; and

WHEREAS: There is a project pending which requires Suzanne Horton's expertise to see it through to completion; and

WHEREAS: Suzanne Horton is willing to return to work on a temporary basis following her retirement to assist with said project; therefore be it

RESOLVED: That one temporary position of Project Manager is created effective July 2, 2012 through August 31, 2012 to assist with the review of Proposals, coordination of a Needs Assessment for the County Departments and explanation of the County's infrastructure to Consultants, as needed; and be it further

RESOLVED: That Suzanne Horton shall be appointed to that position at a rate of \$50 per hour.

ROLL CALL VOTE

Yes – Legislators, Hollenbeck, Huttleston, Quinlan, Weston, Roberts, and Standing.

No – Legislator Sullivan.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO 156-12 *AUTHORIZE REFUND OF TAXES
PAID IN ERROR FOR LEONARD A.
HOWE BY COMMUNITY BANK*

WHEREAS: Property pending Foreclosure by Tioga County for nonpayment of 2010 and 2011 taxes in the Village of Owego, Town of Owego, Tax Map# 128.12-1-14, was assessed to Leonard A. Howe; and

WHEREAS: Community Bank called for a tax amount owed to Leonard A. Howe and sent a Check for 2010 and 2011 taxes in the amount of \$5,155.84 which was receipted by the Treasurer's Office; and

WHEREAS: Community Bank realizes that they hold the mortgage for Leonard Howe Jr., not Leonard A. Howe which taxes they had paid in error, and request a refund of \$5,155.84; therefore be it

RESOLVED: That the Refund of taxes paid in error by Community Bank, for property assessed to Leonard A. Howe, in the Village of Owego, Town of Owego, Tax Map Number 128.12-1-14 in the amount of \$5,155.84 be approved for the property hereinafter identified effective immediately:

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 157-12 *ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: A Supreme Court Order has reduced the assessment for 2009/2010, 2010/2011, and future ongoing for school and town/county for property no. 1211 assessed to Owego LLC/Daniel Scherrer in the 2012 tax rolls of the Town of Candor; and

WHEREAS: The assessment for property no. 1211 should have been reduced from \$16,100 to \$9,925 for tax year 2012 as ordered by the court; and

WHEREAS: The assessment was reduced as indicated for the 2011/12 school tax bills but not for the 2012 Town & County tax bills; and

WHEREAS: The 2011/12 school taxes were not paid to the school collector, and the correct amount (\$3,032.78) was relieved to the 2012 Town and County bill and the Town of Candor Tax Collector issued a new 2012 tax bill reflecting the corrected amount due of \$5,240.58; be it therefore

RESOLVED: That the erroneous town tax of \$483.45 be charged back to the Town of Candor, and the erroneous fire tax of \$135.12 be charged back to the Candor Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$32.67 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$722.37 be charged to the proper accounts in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:23 P.M.

Seventh Regular Meeting
July 10, 2012

The Seventh Regular Meeting of 2012 was held on July 10, 2012 and was called to order by the Chair at 12:03 P.M. Eight Legislative members were present.

Chair Weston asked for a moment of prayer. "I would request a moment of silence for all the families of the Veterans' that have made the supreme sacrifice."

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

There were 26 people in attendance.

Jamie Cornell of the Employee Recognition Committee presented the Employee of the 2nd Quarter 2012 to Teresa Saraceno of the Economic Development & Planning Department.

Jamie Cornell spoke. "The Employee Recognition Committee is pleased to announce that the Employee of the 2nd Quarter for 2012 is Teresa Saraceno. Teresa started with Tioga County on April 19, 1999 and is employed as an Economic Development Specialist, Small Business Contact. In this capacity, Teresa is responsible for assisting new and existing businesses to locate and expand within Tioga County through her promotion and utilization of the New York State Empire Zone Program.

"Teresa leads the County's Small Business Assistance Program. She additionally coordinates and develops resource referrals for our business customers. Prior to joining Tioga County in 1999, Teresa worked with the City of Binghamton Department of Economic Development for 12 years.

"Teresa was one of those people that came to work when many of the county employees were told to stay home during the first few days following the flood of 2011. She went out and gathered damage information on 120 businesses to assess the level of damage and to assist the State in determining the most immediate needs of these businesses. This information was then used by both State and Federal officials in determining appropriate response in Tioga County. The main reason for this recognition has to do with the effort Teresa has put forth in the last four months relative to our business community.

"She secured a \$500,000 grant that was to be used to assist local businesses with flood recovery. This project meant reaching out to all of the businesses, informing them of the parameters of the grant, preparing an application, meeting with each grant applicant, and verifying that all of the required documentation such as receipts, pictures, canceled checks, and other documents have been filed. In all cases she has to verify that work has been completed and eligible purchases were made. There were 59 businesses that applied and were eligible, and each of these 59 applicants required scrutiny. It has become a full time commitment on Teresa's part. She has managed this program while still fulfilling her normal work obligations."

Legislator Mike Roberts spoke. "Congratulations. I have personally had some business dealings with Teresa and I can honestly say that she goes way above and beyond what is needed. I am very impressed with her job. I would like to say again thank you and the County thanks you."

Doug Barton, Director of Economic Development and Planning spoke. "The Employee Recognition Committee has clearly stated why Teresa is the Employee of the Quarter in their write-up, but there is one more very important reason that she is deserving of this award, Teresa cares. She cares about our businesses and their ability to survive. She cares about the people who possess the creativity, initiative, energy, and fortitude that is required to survive in small business arena. She cares enough to help people get to the point of finding a way to make the dream of owning a small business happen. She cares enough to stop someone from allowing an ill planned dream of business ownership from moving forward. She cares what our community looks like. Currently there are no less than three buildings downtown receiving facelifts due to grants that Teresa has solicited and is administering.

"Tri Town Insurance, the Cellar, and the Auto Parts Store at the corner of Main and Central are just three examples. She is working with the Village of Nichols in a similar effort. Teresa wants to see that our community and its people are the best that they can be. Her efforts in bringing Broome Community College classes to Tioga County certainly represents that desire to help people move toward their goal of a better life. Teresa with this most recent project of bringing grant funds to local businesses for flood damage assistance has shown an ability to grasp the new program and reach out to an entire business community to offer assistance. This took a great deal of patience in explaining the program and then monitoring the progress of nearly 60 different businesses. I am convinced that this program has been very successful due to Teresa's hard work that is driven because she cares. Congratulations."

Teresa Saraceno spoke. "I just want to say thank you for the recognition and especially to Doug for making the nomination. It is a pleasure to work for this community and this county. Last fall when the flooding hit it was devastating for the businesses and just seeing them rebuild, clean-up, help each other was just inspirational. It was really good work. The recognition really needs to go to them. Thank you very much."

Legislator Sauerbrey read and presented the following recognition resolution to Thomas Duff of the Probation Department.

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

| | |
|-----------------------|--|
| REFERRED TO: | PUBLIC SAFETY COMMITTEE |
| RESOLUTION NO. 159-12 | <i>RESOLUTION RECOGNIZING THOMAS E. DUFF'S 30 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY</i> |

WHEREAS: Thomas E. Duff was appointed to the position of Caseworker at Tioga County Department of Social Services on April 26, 1982; November 23, 1987 he was appointed to the position of Senior Caseworker at DSS; September 18, 1989 he was appointed as a Probation Officer at the Tioga County Probation Department. On January 1, 1994, he was appointed as a Senior Probation Officer and on June 8, 2000 as a Probation Supervisor. He has continuously served in the capacity as Probation Supervisor for the past 12 years. As Probation Supervisor, Thomas E. Duff not only insured that the Probation Department carried out its mandates, but provided support to the courts in Tioga County. Further, Mr. Duff always promoted and supported involvement of the Probation Officers in community interagency planning, projects and teamwork, and in their own professional development. Mr. Duff often took the initiative over the years to foster the establishment of structures to improve services in Tioga County such as: Alternatives to Incarceration, Alternatives to Detention and placement for juveniles, Juvenile Justice Committee, and an interagency Juvenile Justice Youth Assessment Team. In addition to Family Court work, Thomas E. Duff supervised and mentored Probation Officer's who work with Youthful Offenders in the Criminal Courts and monitored the community service hours of defendants assigned to the Weekend Work Program; and

WHEREAS: Thomas E. Duff has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 30 years. He has earned the respect of his staff, colleagues, and peers throughout Tioga County; and

WHEREAS: Thomas E. Duff will retire on July 16, 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 Thomas E. Duff for his 30 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, Thomas E. Duff.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey spoke. "This plaque is something for you to put up there and help you remember all your hours of dedication and hard work of which we are really really appreciative, and I know that the Team is going to miss you very much."

Joy Bennett, Probation Director, spoke. "If Tom was a master carpenter, you could see a beautiful chest or a bureau or something that would display his skill, but Tom's craftsmanship is with people, and for the last 30 years Tom has dedicated himself to working with people and for the last significant number of years he has been at the Probation Department working with children. Perhaps our greatest resource in this community is our children and Tom's work with young people in changing their lives and making decisions about their futures. I think Tom's greatest gift is the number of children that he has affected to come only once to the Probation Department and to never darken our doors again.

“The Probation Department and I would just like to join in thanking Tom for his years of service and we will certainly miss his influence and wisdom.”

Tom Duff spoke. “It has been a very enjoyable 30 years, a pleasure working for the County. I enjoyed all of the jobs that I have held. It has just been wonderful. The staff, past and present, have supported me throughout my career and I appreciate it greatly. 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 | | 120.95 |
| A1165 | District Attorney | | 4,922.61 |
| A1170 | Public Defender | | 2,209.20 |
| A1172 | Assigned Counsel | | 18,465.39 |
| A1325 | Treasurer | | 212.06 |
| A1355 | Assessments | | 680.23 |
| A1410 | County Clerk | | 9,320.55 |
| A1411 | Department of Motor Vehicles | | 111.08 |
| A1420 | Law | | 5,936.85 |
| A1430 | Personnel | | 3,040.52 |
| A1450 | Elections | | 11,721.74 |
| A1460 | Records Management | | 125.95 |
| A1460.41 | Records Management Grant | | 1,370.69 |
| A1620 | Buildings | 279.00 | 33,265.24 |
| A1621 | Buildings | | 28,530.61 |
| A1680 | Information Technology | | 12,436.82 |
| A2490 | Community College Tuition | | 20,299.06 |
| A2960 | Education of Handicapped Children | | 134,611.56 |
| A3020 | Public Safety Comm E911 System | | 5,058.72 |
| A3110 | Sheriff | 20.97 | 23,541.53 |
| A3119 | LE09-1035-E00 | 144.99 | |
| A3140 | Probation | | 412.08 |
| A3146 | Sex Offender Program | | 18,480.00 |
| A3150 | Jail | | 48,950.13 |
| A3315 | Special Traffic Programs | 309.00 | 60.00 |
| A3410 | Fire | | 1,675.16 |
| A3640 | Emergency Mgmt Office | | 820.95 |
| A3957 | Hazard Mitigation Plan | | 17,850.00 |
| A3992 | EMO C837990 Grant | | 15,280.00 |

| | | |
|-------------------------------|----------------------------------|-----------------|
| A4010 | Public Health Nursing | 33,384.92 |
| A4011 | Public Health Administration | 12,323.09 |
| A4012 | Public Health Education | 104.46 |
| A4042 | Rabies Control | 2,842.93 |
| A4044 | Early Intervention | 46,149.71 |
| A4054 | Preventive Dental Services | 5,958.42 |
| A4062 | Lead Poisoning Program | 19.00 |
| A4064 | Managed Care-Dental Services | 34,570.16 |
| A4070 | Disease Control | 2,808.53 |
| A4090 | Environmental Health | 622.67 |
| A4210 | Alcohol and Drug Services | 3,989.18 |
| A4211 | Council on Alcoholism | 10,990.34 |
| A4309 | Mental Hygiene Co Administration | 12,575.29 |
| A4310 | Mental Health Clinic | 103,957.85 |
| A4311 | Rehabilitation Support Services | 1,854.00 |
| A4320 | Crisis Intervention Services | 19,101.04 |
| A4321 | Intensive Case Management | 2,539.68 |
| A4333 | Psycho Social Club | 37,546.75 |
| A6010 | Social Services Administration | 49,963.58 |
| A6422 | Economic Development | 562.49 |
| A6610 | Sealer Weights and Measures | 646.85 |
| A8020 | Planning | 21.79 |
| A9060 | Health Insurance | 1,309.80 |
| SOLID WASTE FUND | | 92,996.28 |
| SPECIAL GRANT FUND | | 1,176.80 |
| LIABILITY INSURANCE FUND | | 201.51 |
| CONTY ROAD FUND | | 59,845.10 |
| CAPITAL FUND | | 817,746.66 |
| CONSOLIDATED HEALTH INSURANCE | | 333,138.15 |
| SELF INSURANCE FUND | | <u>1,310.00</u> |
| GRAND TOTAL | | \$ 2,110,520.67 |

Legislator Monell made a motion to approve the minutes of June 12, 2012, seconded by Legislator Hollenbeck, and carried.

Chair Weston made the following appointments to Information Technology Services Review Committee:

- Part Time Project Manager
- Budget Officer
- Personnel Officer
- Commissioner of Social Services
- 1st Assistant County Attorney
- Legislator Hollenbeck
- Legislator Sauerbrey
- Legislator Standinger

Standing Committees for 2012 have been and revised and the new Standing Committees for 2012 are as follows:

**STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2012**

| | Chairman | | | |
|--|-------------------|-----------------|------------|------------|
| 1. County Clerk, Historian, Real Property Veterans/Elections, | Standinger | Huttleston | VACANT | Monell |
| 2. Economic Development/ Planning/Tourism/ Agriculture | Roberts | VACANT | Sullivan | Sauerbrey |
| 3. Finance/Legal & Safety | Sullivan | All Legislators | | |
| 4. Information Technology | Hollenbeck | VACANT | Sauerbrey | Standinger |
| 5. Legislative Worksessions/ Legislative support | Weston | All Legislators | | |
| 6. Health & Human Services | Huttleston | Hollenbeck | VACANT | Monell |
| 7. Public Safety/ Probation & DWI | Sauerbrey | Huttleston | Roberts | Standinger |
| 8. Public Works/ Capital Projects | Roberts | Standinger | 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 Roberts moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 160-12 *AMEND RESOLUTION 244-11 AS
AMENDED BY RESOLUTION 105-12
RESOLUTION TO AUTHORIZE AWARD
INCREASE FOR THE 2011 NYS OFFICE OF
COMMUNITY RENEWAL AGRICULTURE AND
COMMUNITY RELIEF GRANT PROGRAM –
CAPTIAL ON FARM NEEDS GRANT*

WHEREAS: Per resolution 244-11 as amended by Resolution 105-12, the Tioga County Legislature authorized modification of the NYS Office of Community Renewal Agriculture and Community Relief Grant – Farm Operations for a total of \$244,607.76 plus grant administration and program delivery; and

WHEREAS: Since resolution 244-11, NYS OCR has released awards for the final component of this ACRF Program, Capital On Farm Needs, of which an additional \$20,825 will go directly to the 2 farm awardees; and

WHEREAS: Tioga County is additionally eligible under this grant program up to 13% program delivery funds, and

WHEREAS: It is necessary to keep the dedicated accounts updated per resolution of the Tioga County Legislature; therefore be it

RESOLVED: That Resolution 244-11 as amended by Resolution 105-12 be and is hereby amended that the Tioga County Legislature does hereby accept said additional grant funds in the amount of \$20,825 plus program delivery and that said funds be appropriated to the following accounts:

From: CE4910.17 NYS OCR ACRF \$20,825

To: CE8688.40-487 NYS OCR ACRF Exp \$20,825

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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:

HHS COMMITTEE
JOB TRAINING COMMITTEE

RESOLUTION NO. 161-12

*AMEND TIOGA EMPLOYMENT
CENTER BUDGET*

WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce New York, is fully funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center has been allocated additional funds: Broome County Workforce NY has a surplus of funds that need to be 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 \$14,405.88

To: CD6293.20-90 – Federal Employment Program \$14,405.88

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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 COMMITTEE

RESOLUTION NO. 162-12 *APPROPRIATE FUNDS*
SOLID WASTE

WHEREAS: Upstate Shredding-Ben Weitsman has donated \$10,000 to Tioga County Solid Waste; and

WHEREAS: It was agreed that the said monies would be used for Tire Cleanup Events; therefore be it

RESOLVED: That the Tioga County Legislature appropriate \$10,000 from Tipping Fees Revenue Account B1221 into Solid Waste Account B8160.42-680.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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
FINANCE COMMITTEE

RESOLUTION NO. 163-12 *AUTHORIZE RE-FUNDING OF*
THE FINGERPRINT ESCROW
ACCOUNT

WHEREAS: The NYS Division of Criminal Justice Service (DCJS) will only accept digital Civil Fingerprint cards which are routinely submitted for Pistol Permit applications; and

WHEREAS: DCJS requires that a submitting agency establish an escrow account with money deposited up front for the payment of fingerprint search fees, which would be deducted at the time the fingerprint transaction is launched to DCJS for processing; and

WHEREAS: An escrow account was previously created and is reimbursed with money received from Pistol Permit Application fees; and

WHEREAS: The escrow account will soon be depleted; therefore it be

RESOLVED: That the Tioga County Legislature hereby authorizes the re-funding of said fingerprint escrow account as follows:

From: Revenue A2545 Licenses \$10,000

To: Appropriation A3110.40.444-Sheriff-Fees \$10,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -12 PROBATION DEPARTMENT STATE AID
BLOCK GRANT FOR THE 2012-2013 STATE
FISCAL YEAR

WHEREAS: The Tioga County Probation Department has been advised by New York State Division of Criminal Justice Services that NYS will continue to assist Tioga County with expenditures associated with Regular State Aid (RSA) and Enhanced Supervision of Sex Offenders (ESSO) Program; and

WHEREAS: Tioga County Probation was advised on June 4, 2012 that the Department has been allocated \$125,463 for the 2012-2013 state fiscal year. These funds will be proportionally disbursed four times in the SFY, as follows:

| Quarterly Payment Month | Regular State Aid to account A3310 | Enhanced Supervision of Sex Offenders to account A 3316 |
|--------------------------------|------------------------------------|---|
| July 2012 \$ 31,365.75 | \$ 26,660.88 | \$ 4,704.86 |
| September 2012 \$ 31,365.75 | \$ 26,660.88 | \$ 4,704.86 |
| December 2012 \$ 31,365.75 | \$ 26,660.88 | \$ 4,704.86 |
| March 2013 \$ 31,365.75 | \$ 26,660.88 | \$ 4,704.86 |
| Total \$125,463 | \$106,643.55 | \$18,819.45 |

WHEREAS: DCJS will send quarterly payments of \$31,365.75 (totaling the above amount) in July 2012, September 2012, December 2012 and March 2013; therefore be it

RESOLVED: That these monies be credited by the Treasurer's Office to two different accounts, Account A3310 Regular State Aid in the amount of \$106,643.55 and Account A3316 Enhanced Supervision of Sex Offenders in the amount of \$18,819.45 as listed above.

Legislator Sauerbrey made a motion to withdraw the above resolution, seconded by Legislator Roberts.

ROLL CALL VOTE TO WITHDRAW RESOLUTION

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

No – None.

Absent – None.

RESOLUTION WITHDRAWN.

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

REFERRED TO: ED&P AND AG COMMITTEES

RESOLUTION NO. 164-12 *RESOLUTION TO HOLD A PUBLIC
HEARING FOR THE
OWEGO-NICHOLS EIGHT-YEAR
AGRICULTURAL DISTRICT REVIEW*

WHEREAS: The Tioga County Legislature is reviewing a proposed plan for revision of the Owego-Nichols Agricultural District; and

WHEREAS: This review is being conducted pursuant to Article 25-AA of the New York State Agricultural & Markets Law; and 6NYCRR Part 617 State Environmental Quality Review Act; and

WHEREAS: The proposed plan and map, as recommended by the Tioga County Agriculture & Farmland Protection Board and the Tioga County Planning Board, is available for public inspection at the Clerk of Legislature's Office at 56 Main St. in Owego and the Town Halls of Owego and Nichols; now therefore be it

RESOLVED: That a public hearing will be held on Wednesday, July 25, 2012 at the Owego Town Hall, 10:00 am. All interested parties will be heard by the Tioga County Legislature at this hearing.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: ED&P COMMITTEE

RESOLUTION NO. 165-12 *APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: The Tioga County Planning Board position from the Town of Spencer has not been filled since 11/2009; and

WHEREAS: The Spencer Town Board has found Nathan Clark willing to serve and nominated him to this position; therefore be it

RESOLVED: That the Tioga County Legislature appoints Nathan Clark to serve as the Town of Spencer representative on the Tioga County Planning Board replacing Frank Koehler, to serve a term of 7/10/2012 - 12/31/2013.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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 SAFETY COMMITTEE

RESOLUTION NO. 166-12 *AUTHORIZE THE SUBMISSION OF AN
FY2012 ASSISTANCE TO FIREFIGHTERS
GRANT APPLICATION – FIRE
COORDINATORS OFFICE*

WHEREAS: The NYS Division of Homeland Security and Emergency Services has announced Assistance to Firefighters grant funding; and

WHEREAS: Applications for this grant must be received no later than July 6, 2012; 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 Weston, Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 167-12

*AUTHORIZE THE SUBMISSION OF A
ROUND 2 STATEWIDE INTEROPERABLE
COMMUNICATIONS GRANT
APPLICATION – FIRE COORDINATORS
OFFICE*

WHEREAS: The NYS Division of Homeland Security and Emergency Services has announced Interoperable communications grant funding; and

WHEREAS: Applications for this grant must be received no later than July 16, 2012; 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 Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 168-12

*AUTHORIZE THE CHAIR OF THE
LEGISLATURE TO ENTER INTO THE
SOUTHERN TIER EAST REGIONAL
EMERGENCY SERVICE INTEROPERABLE
COMMUNICATION ALLIANCE
AGREEMENT – FIRE COORDINATORS
OFFICE*

WHEREAS: There is a need to cooperate and establish an interoperability communications network for emergency service communications to serve the Southern Tier East Region; and

WHEREAS: This need has been expressed in the National SAFECOM program, is encouraged by the Federal Government through a number of federal grant programs, and is well recognized as the future for planning interoperable communications systems; and

WHEREAS: In order to seek federal funding for such initiatives, it is the desire of the Counties of Broome, Chenango, Cortland, Delaware, Otsego, Schoharie, Tioga and Tompkins, to form the Emergency Service Interoperable Communication Alliance for the Eastern Southern Tier (hereinafter referred to as "Regional Interoperable Communications Alliance"; and

WHEREAS: It is desirable that the Regional Interoperable Communications Alliance be endorsed by its participant active counties, and that its responsibilities be formally set forth; now therefore be it

RESOLVED: That the County of Tioga, for the reasons set forth above , and pursuant to the authority provided under Article 5-G of the New York State General Municipal Law, hereby expresses its desire to work with its neighboring counties as an active member of the Southern Tier East Emergency Service Interoperable Communication Alliance and officially designates its (E-911 Coordinator/ Emergency Services Coordinator/ Chief Communications Officer/ or Fire Coordinator) to be its official representative to said Alliance, and be it further

RESOLVED: That once activated the Regional Interoperable Communications Alliance will be governed in the manner set forth in the Memorandum of Understanding; and be it further

RESOLVED: That the Regional Interoperable Communications Alliance shall be activated upon the adoption of this resolution by this county and any two other counties listed as potential member counties, and that the Alliance shall only represent those counties with active memberships.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 169-12 *HIRE DELTA ENGINEERS FOR
INSPECTION SERVICES FOR PSB
MECHANICAL EQUIPMENT ROOM
UPGRADES PROJECT*

WHEREAS: The Commissioner of Public Works included in the 2012 budget, funds for the Public Safety Building Boilers; and

WHEREAS: June 12, 2012 the Tioga County Legislature awarded the Mechanical Room Upgrades for the Public Safety Building to Evans Mechanical; and

WHEREAS: Delta Engineers, Endwell, NY did the design work for this project; therefore be it

RESOLVED: That the Tioga County Legislature hire Delta Engineers, Endwell, NY for inspection services for this project not to exceed \$32,540 to be paid out of the Buildings Capital Boiler account H1620.21-929.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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 COMMITTEE

RESOLUTION NO. 170-12 *RESOLUTION CANCELLING THE
ENFORCEMENT OF THE COLLECTION OF
DELINQUENT TAXES AND FUTURE TAXES OF
CERTAIN PROPERTIES PURSUANT TO ARTICLE
ELEVEN OF THE REAL PROPERTY TAX LAW*

WHEREAS: The Treasurer of the County of Tioga has recommended that the properties listed below be removed from the collection of past delinquent taxes and future Real Property taxes due to the environmental contamination on the property; and

WHEREAS: The Legislature has reviewed the properties and has concurred with this recommendation; now be it therefore

RESOLVED: That the Tioga County Legislature has and does hereby determine that there is no practical method to enforce the existing tax lien on the following property and that a supplementary proceeding under §1138(5) of the Real Property Tax Law would not be effective; and be it further

RESOLVED: That the Legislature further has and does hereby determine that there is no practical method to enforce any future tax liens against the said parcel, and directs the enforcing officer to issue a Certificate of Prospective Cancellation and file a copy of the Certificate with the Assessor of the assessing unit in which the parcel is located and with the County Director of Real Property Tax Services; and be it further

RESOLVED: That the Treasurer chargeback any portion of the cancelled tax which has been guaranteed to the appropriate Town, Village and School District of the following property:

Northern Tioga Enterprises, LLC – Owned by Leroy Eiklor
Town of Newark Valley
Act. 65
Taxes owed: 2010, 2011 & 2012 (\$34,590.50)
Tax Map Number: 64.19-3-32.2

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 171-12

AUTHORIZE THE SALE OF FRED L. & HELEN M. DRAKE PROPERTY LOCATED IN THE TOWN OF SPENCER TO PATRICIA ADAMS OR HER ASSIGNS

WHEREAS: Property located in the Town of Spencer, assessed to Fred L. & Helen M. Drake, identified as Tax Map number 69.00-2-23.10, parcel number 667 owes 2010, 2011 and 2012 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Fred L. Drakes sister, Patricia Adams, who has made an offer to purchase the property for \$1900.00, "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 \$1,900.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property assessed to Fred L. & Helen M. Drake, located in the, Town of Tioga, identified on the Town of Tioga Tax Map as number 69.00-2-23.10, parcel number 667, to Patricia Adams, or her assigns.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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 COMMITTEE

RESOLUTION NO. 172-12 *AUTHORIZE THE SALE OF BETH STILSON PROPERTY LOCATED IN THE TOWN OF TIOGA TO MARK STILSON OR HIS ASSIGNS*

WHEREAS: Property located in the Town of Tioga, assessed to Beth Stilson, identified as Tax Map number 126.00-1-12.15, parcel number 754 owes 2010, 2011 and 2012 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Mark Stilson, who has made an offer to purchase the property for \$7,700.00, "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 \$7,700.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property assessed to Mark Stilson, located in the, Town of Tioga, identified on the Town of Tioga Tax Map as number 126.00-1-12.15, parcel number 754, to Mark Stilson, or his assigns.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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/LEGAL COMMITTEE

RESOLUTION NO. 173-12 *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 Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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 COMMITTEE

RESOLUTION NO. 174-12 *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 8, 2012 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

146.00-1-1.20, John & Mary Lou Darrah

122.18-21-25.10, Guy & Jennifer Leach

Town of Berkshire:

14.00-2-1, Estate of David N DeGruttalo

22.00-1-5.6, William L McKinnon Jr.

Town of Newark Valley:

64.15-3-32, Joseph Breitwiser

54.00-1-26.12, John & Carol Dingman

64.19-1-20.12, Elsie Muzek

53.00-1-44.20, Diana Ogden

Town of Owego:

175.00-2-57, Marian Card

131.20-1-13, Anna Cederborg

117.19-2-12, Daniel R & Ellen S. Cronk

131.17-2-3.4, Leo & Sheila Cueto

117.20-1-8, Ellen D & Lester L. Harris

152.00-1-12, Charles R. Hawk

152.00-1-11, Charles R. Hawk

152.16-1-2, Walter & Hannah Hickey

162.00-1-22, Michael R. Lindsey

130.00-1-70, Loco Holdings, LLC

142.14-1-27.21, Loco Holdings, LLC

129.00-2-31, Richard McCann

128.08-3-42, Diana Predmore

128.08-3-17, Wendy E. Van Der Karr

132.09-1-7, Evelyn M. Vavra

129.05-3-7, County of Tioga (17 Fulton Street)

Town of Richford:

14.00-1-21, David N. & Gloria M. DeGruttlaio

16.00-1-16, Vernon Gehm

Town of Spencer:

80.00-1-33.10, John Jeffords

69.00-1-25.20, County of Tioga (David Neilsen)

Town of Tioga:

116.00-1-10.11, Grace I. Blunt

102.16-1-5.20, Carl F. & Ami L. Pierce

149.09-1-16, Daniel A. & Bruce P. Stauder

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 175-12

*AMEND POLICY 29
RULES OF PROCEDURE OF THE
TIOGA COUNTY LEGISLATURE*

WHEREAS: Policy 29 Rules of Procedure of the Tioga County Legislature needs to be amended regarding committees and a couple of other minor changes; therefore be it

RESOLVED: That Policy 29 Rules of Procedure of the Tioga County Legislature be and hereby is amended as follows:

Section 1-Organization & Procedure – I. Meetings – (1) Organizational Meeting. The fourth paragraph needs to be changed to reflect “Local Law 2 of the year 2011”.

Section 2 – Committees (11) standing committees needs to be changed as follows: Economic Development/Planning/Tourism/Tioga Employment Center & Agriculture. Tioga Employment Center needs to be removed in the title of the committee and paragraph (4) needs to be eliminated.

Section 2 – Committees (11) standing committees needs to be changed as follows: Health & Human Services. A paragraph (5) needs to be added as follows: (5) All matters pertaining to the operation of the Tioga Employment Center Office.

Section 2- Committees (11) standing committees needs to be changed as follows: Public Works. Paragraph (4) needs to have the words “solid waste” removed.

Section 4 – Appointments (2) (o) needs to read “Manager of Employment & Training who shall serve according to Civil Service Law”.

And be it further

RESOLVED: That the remainder of Policy 29 Rules of Procedure of the Tioga County Legislature shall remain in full force and effect.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: COUNTY CLERK’S COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 176-12 RECLASSIFY VACANT ACCOUNT CLERK-TYPIST
POSITION TO MOTOR VEHICLE EXAMINER;
REQUEST WAIVER OF 90-DAY HIRING DELAY
COUNTY CLERK’S OFFICE

WHEREAS: Legislative approval is required for positions to be reclassified; and

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: The County Clerk's Office, Department of Motor Vehicles, will experience a vacancy on August 31, 2012, when a long term employee, Patricia Zorn, retires from the position of Account Clerk-Typist ; and

WHEREAS: Said position has been ear marked for reclassification upon vacancy due to a classification review conducted in 2004 which created the title of Motor Vehicle Examiner to better reflect the duties performed within the Department of Motor Vehicles; and

WHEREAS: The upcoming vacancy for this revenue generating department will result in diminished services to the public; and

WHEREAS: The Department of Motor Vehicles currently has a part-time staff person serving in the title of Motor Vehicle Examiner who has expressed interest in being reassigned to full-time employment; therefore be it

RESOLVED: That upon Ms. Zorn's retirement, the vacant position of Account Clerk-Typist (CSEA salary grade IV) shall be reclassified to Motor Vehicle Examiner (CSEA salary grade IV); and be it further

RESOLVED: That the County Clerk is hereby granted a waiver from the 90-day hiring delay and is authorized to fill a full-time, Motor Vehicle Examiner position at an annual salary of \$23,621 (CSEA salary grade IV) with the reassignment of Rebecca Gallo from part-time to full-time effective August 31, 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 177-12

*AUTHORIZE THE SALE OF ERIC C. & NANCY
ANDERSON PROPERTY LOCATED IN THE
TOWN OF OWEGO TO ERIC C. ANDERSON
OR HIS ASSIGNS*

WHEREAS: Property located in the Town of Owego, assessed to Eric C. & Nancy Anderson, identified as Tax Map number 162.00-2-19.2, parcel number 7279 owes 2010, 2011 and 2012 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Eric C. Anderson who has made an offer to purchase the property for \$2134.00, "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 \$2134.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property assessed to Eric C. & Nancy Anderson, located in the, Town of Owego, identified on the Town of Owego Tax Map as number 162.00-2-19.2, parcel number 7279 to Eric C. Anderson, or his assigns.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 178-12 *AUTHORIZE CONTRACT WITH OUR LADY OF
LOURDES FOR TIOGA PACT PROGRAM
HEALTH & HUMAN SERVICES DEPARTMENTS*

WHEREAS: Our Lady of Lourdes Memorial Hospital, Inc. has been providing services in Broome and Tioga Counties through Healthy Families America and Healthy Families New York, called Tioga PACT (Parents and Children Together) Healthy Families Program; and

WHEREAS: The Tioga County Health and Human Services Departments have determined that the program offered by Our Lady of Lourdes Memorial Hospital, Inc. is an evidenced-based program that decreases the demand for publicly-funded programs; and

WHEREAS: Our Lady of Lourdes Memorial Hospital, Inc. is in need of space to run the program in Tioga County; and

WHEREAS: Tioga County Health and Human Services Departments have provided the space to Our Lady of Lourdes Memorial Hospital, Inc. for the past five (5) years to run this program; therefore be it

RESOLVED: That the Tioga County Legislature does hereby determine that the real property which is the subject of the Lease is not required for public use; be it further

RESOLVED: That the Chair of the Tioga County Legislature be authorized to sign an extension of the PACT agreement and a Lease with Our Lady of Lourdes Memorial Hospital, Inc. for the purpose of operating a Tioga PACT Healthy Families Program.

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislators Roberts, Standinger, and Sullivan.

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. 179-12 *BACKFILL FULL-TIME DEPUTY
SHERIFF POSITION ABOVE BASE SALARY
SHERIFF'S OFFICE*

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

WHEREAS: The Sheriff has satisfied the 90-day wait to backfill a vacant budgeted Deputy Sheriff position and intends to fill with Samuel Tombs, who has applied to transfer from the City of Binghamton Police Department and who has successfully completed and graduated from the basic Police Academy ; and

WHEREAS: The Sheriff has approval from the TCLEU to hire a new Deputy Sheriff who has successfully completed the basic Police Academy training at the salary reflecting 1 year of experience per the current union contract, or \$46,504; and

WHEREAS: Mr. Tombs has been found to be eligible for a lateral transfer and willing to accept appointment to such position; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the appointment of Mr. Tombs to the vacant full time Deputy Sheriff position at an annual salary of \$46,504 effective 7/21/12.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:28 P.M.

Fourth Special Meeting
July 19, 2012

The Fourth Special Meeting of 2012 was called to order by the Chair at 10:02 A.M. Six Legislative members were present, Legislators Sullivan and Monell being absent.

Chair Weston asked for a moment of silence for the 19,000 people of Syria that have lost their lives trying to have a voice in their own government.

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

There were four persons in attendance.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 180-12

AWARD BID FOR ELEVATOR WORK AT
THE TIOGA COUNTY COURT ANNEX
AND COUNTY OFFICE BUILDING PROJECTS
AND TRANSFER OF FUNDS

WHEREAS: The elevators at the Court Annex and County Office Building were damaged by the flood of 2011; and

WHEREAS: Tioga County desires to repair and mitigate future flood damages to these elevators; and

WHEREAS: The Firm of Clark Patterson has designed the repair/mitigation work and bids have been received as follows:

| | |
|--|--------------|
| Elmira Structures Elmira, New York | \$293,000.00 |
| Marchuska Brothers Endicott, New York | \$313,430.00 |

Now therefore be it

RESOLVED: That based upon the recommendation from Clark Patterson that the elevator projects for the Court Annex and the County Office Building be awarded to the low bidder Elmira Structures in the amount of \$293,000.00 and to be paid out of Tropical Storm Lee Disaster Account H1624.20-121 and be it further

RESOLVED: That the following sums be transferred as follows:

| | |
|---|--------------|
| From: H1620.20-121 – Buildings-Capital | \$ 50,000.00 |
| H1625.20 – Tropical Storm Lee Disaster-Expenditures | \$211,634.58 |
| To: H1624.20-121- Tropical Storm Lee Disaster-Capital | \$261,634.58 |

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:07 A.M.

Public Hearing
Owego-Nichols Agricultural District
July 25, 2012

The Public Hearing on review of a proposed plan for revision of the Owego-Nichols Agricultural District #2 was called to order by the Chair at 10:00 A.M. Legislative members Hollenbeck, Huttleston, Monell, Roberts, Standinger, and Weston were present, Legislators Sauerbrey and Sullivan being absent.

Staff members Elaine Jardine, Faith Pipher, Doug Barton, Maureen Dougherty, Cathy Haskell, and Wendy Walsh were present.

There were 8 people in attendance.

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

Faith Pipher, Agriculture Program Assistant, spoke. "The purpose of today's public hearing is the normal continuation of the mandated review process of Tioga County Agricultural District #2.

"I am pleased to report to the legislators and to the public that this review is on schedule and the only changes we wish to make today are for additions to the district. We do not want to change the boundaries, rules, regulations, or anything like that. We have requests from the review to add more parcels. Mr. Ostrander, Tioga County GIS Manager, has prepared a map which is available for your review today. The map shows the district before the review and the revisions and parcels we wish to add to the district.

"Before I go any further, just from talking to the public, I feel that we need to explain what an Agricultural District is and the Program. Agricultural Districts, in a broad sense of the term, is a Farm Land Preservation Program. New York State Constitution declares agriculture the favored land use in NYS and directs legislature to maintain and protect that land. One way we do this is through Agricultural Districts, which are the cornerstone for this protection. Tioga County proudly maintains three Agricultural Districts; districts #1, #2, and #3. Agricultural Districts allow property owners that own predominately viable agricultural land suitable for agricultural production the opportunity to enroll their property. Once the property is enrolled in the district, NYS Ag & Markets becomes an advocate for the land owner in response to complaints or ordinances that may be restricting the property owner from conducting agricultural practices. The districts also add a layer of protection to the parcel when faced with developmental threats.

"In Tioga County, our districts are under an 8-year normal review process. This district received notice on February 20, 2012 of the review. At the time, our Department began to review the process by initiating a public comment period that took place from March 12th to April 16th 2012. Also at this time, we began a data collection process where we began to investigate the district to see if it was fulfilling its purpose and to see what landowners were actually doing with their property. The protocol used for this data collection included mailing landowners a survey form with a cover letter, conducted personal phone interviews, reviewed many, many parcels with our GIS Department, and direct contact with property owners that stopped by our office with questions.

"The compiled data, so far that I can share with you today shows that prior to the review, Agricultural District #2 was comprised of 20,849 acres. During the review period, we received requests for the inclusion of 3,257 more acres. This represents a net increase of 16%. If these inclusion requests are approved, Tioga County Agricultural District #2 can report to NYS Ag & Markets a total of 10,177 cropped acres.

"Notes from this hearing today and the data collected and presented to you today, will be presented to the Tioga County Agricultural Farm Land Protection Board for their analysis and finally all compiled data, which includes their recommendations, will be presented to the Tioga County Legislature for their final approval before submission to NYS Ag & Markets on September 17, 2012 for their concurrence.

"We have had an overwhelming positive response to this district review. One of the questions we asked on the data form was what was the greatest benefit you received or could receive from this program and overwhelmingly people indicated their desire to preserve farm land. Taking into account the dry weather and recent media attention focus has been placed back on the preservation of farm land and how this may affect our food prices.

"As of today, that is all I have to present today. I leave it open for questions and review of the map. Again, these are the only changes we wish to make. I feel these are good changes to add more parcels to the program."

Chair Weston provided an opportunity for people to view the map and then make a public comment. If no one needs to review the map and wishes to make public comment we would entertain that at this particular time.

John Kopacko, Nichols, NY spoke. "I do not recall receiving any such survey that Ms. Pipher indicated that was mailed. I do not think I will be impacted by any of the changes that were proposed here, but nonetheless, I have a question as to how much of this is going to be affected by the energy drilling for gas wells?"

Faith Pipher spoke. "In answer to your comment about not receiving a survey, we used property class codes for property owners that would most likely have predominately viable agricultural land. As far as drilling, that has been the biggest public comment we have received in our office. The only affect the agricultural district has when it comes to drilling is that there is an added layer of protection around agricultural land, which is written in the Constitution. If you are a land owner and you had your property in the agricultural district and were given the opportunity to have a gas well on your property, in and above the normal permits that would have to be obtained, you would have to go through one more step in obtaining a SEQR Environmental Statement. It is not saying that it can't be done, but there is an added layer of protection".

John Kopacko, Nichols, NY spoke. "I do have a concern with the water safety issue. I came down through Wysox on Route 187 about a month ago and it looked like a war zone. Not only that, but it is my understanding that the gas industry does not have a good safety record and I am a bit concerned the aquifer in the area has the potential for being contaminated".

Faith Pipher spoke. "This is the big concern we have had with people on the phone and how I have tackled it is that this is a real controversial issue, but as far as agricultural districting we do not have to take a side or determine whether it is right or wrong, we can just give the facts back to the people as to how it is going to affect an agricultural district parcel that is enrolled in their district. This is how I have handled it with the public and I think that matter will be taken care of through DEC. Here we are talking about farm land preservation and just trying to put a blanket around it. We are not saying it can't be done, but maybe just have to go through another step.

There being no further public comments, the hearing was adjourned at 10:12 A.M.

Eighth Regular Meeting
August 14, 2012

The Eighth Regular Meeting of 2012 was held on August 14, 2012 and was called to order by the Chair at 12:00 P.M. Eight Legislative members were present.

Chair Weston asked Legislator Hollenbeck to have a moment of prayer. "I would like to have a moment of silence for the families and the victims that were massacred in Aurora, Colorado and Oak Creek, Wisconsin. Thank you."

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

There were 26 people in attendance.

Chair Weston announced that we have four recognition resolutions.

Legislator Huttleston read and presented the following recognition resolution to Judy Lord 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

RESOLUTION NO. 181-12 *RECOGNITION OF JUDY LORD'S
YEARS OF SERVICE
SOCIAL SERVICES*

WHEREAS: Judy Lord began her career as a temporary Data Entry Operator in the Systems Unit on October 3, 1988; was provisionally hired on August 17, 1989; was hired permanently and reclassified to Data Base Clerk on December 11, 1995; and was promoted to Senior Data Entry Machine Operator on September 2, 1996, the title she currently holds; and

WHEREAS: Ms. Lord has seen many changes within the Social Services Department in her nearly 24 years with them and has grown with these changes; and

WHEREAS: Ms. Lord will retire on August 31, 2012; 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 and recognize Judy Lord for her nearly 24 years of service to 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, Judy Lord.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Gary Grant, Director of Administrative Services for the Department of Social Services, spoke. “Thank you for the opportunity to come here today to recognize Judy Lord. She deserves it and she has truly earned it. For 24 years Judy has been a loyal, dependable, humorous, hard working employee. We meet thousands of people in our lives, some of whom we remember and some we do not. If you have met Judy, chances are you will remember her and for all the right reasons.

“She would be the first in line to help another employee, take on extra work, or work late. At five minutes of 5:00 every night instead of starting to wrap things up for the day, Judy is grabbing another case to get entered. I have told this story before as an example of why I love Judy and I will never forget her. The Unit that she works in is a close knit group of four or five and they are located on the second floor of the Health & Human Services Building, and a lot of the work they do is for the staff that resides downstairs. Shortly after I came to the County and to the Department, in consultation with her Supervisor we saw a chance for some efficiencies if we physically located one person from her Department downstairs. Knowing what a tight knit group they were I was warned by Teresa that it probably would not go over well as the idea. I called the group together and gave them my plan that we are going to move one person downstairs to create some efficiencies and explained to them why, and why it was a good idea, but at the time we really had not decided who we were going to move downstairs. The reception that I got to my plan was lukewarm to say the least. There was dead silence in the room until all of a sudden Judy pipes up, “I will go downstairs Gary”. That is what she did, she went downstairs and she worked there and did a great job. I will always remember her for stepping up during that meeting and doing that.

“Judy loves to share a good joke and everyone recognizes her great laugh. She loves to share stories of her grandson Jacob. Everybody who knows her has heard a Jacob story at one time or another so I am sure she will enjoy the extra time she will get to spend with Jacob in retirement. Judy is truly a good person who has given Tioga County 24 years of hard work and dedication, and she will be missed. Judy, we wish you all the best and we thank you for your service.”

Judy Lord spoke. “It has gone too fast. I have enjoyed every day, well maybe not every day, but I looked forward to my work and I enjoyed all the people that contribute. I have many friends who are hard workers too. No matter what they say about Government workers, they ought to spend a day in our shoes. Thank you very much for this recognition.”

Legislator Sauerbrey read and presented the following recognition resolution to Maria Genovese of the Probation Department.

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

| | |
|-----------------------|---|
| REFERRED TO: | PUBLIC SAFETY COMMITTEE |
| RESOLUTION NO. 182-12 | <i>RESOLUTION RECOGNIZING MARIA T. GENOVESE'S 13 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY</i> |

WHEREAS: Maria T. Genovese began her career as a county employee when she was appointed to the position of part-time Account Clerk Typist on November 14, 1997 at the Tioga County Probation Department. On February 11, 1999, she was appointed to full-time Account Clerk Typist; on September 19, 2001 she was promoted to the position of Principal Account Clerk. She has continuously served in the capacity of Principal Account Clerk for the past 11 years; and

WHEREAS: Maria T. Genovese has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 13 years. She has earned the respect of her Director, co-workers, colleagues in other county agencies, and those citizens she professionally interacts with throughout Tioga County; and

WHEREAS: Maria T. Genovese will retire on August 27, 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 Maria T. Genovese for her 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, Maria T. Genovese

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Joy Bennett, Probation Director, spoke. “It is an honor to let all of you share in our honoring of Maria right now. She is a blessing to have as an employee. She is dedicated, she is knowledgeable, she teaches herself if something needs to be learned, and then she teaches me, which is even better. She has given me an opportunity over the last several years to explain finances to me so that I could come and present at budget meetings and not look as ignorant as I am about that topic.

“The other thing that Maria has done for us is kind of the oil on the boiling water at Probation. She is a calming influence. A couple of Probation Officers have referred to her as the rock. She is the one consistent person in the Department that does not ever seem to get ruffled, is always kind, and has a small encouraging word for everyone she sees, and that is a true blessing. We are going to miss her very much.”

Maria Genovese spoke. “I am really looking forward to retirement, but I have to say in some ways it is bitter sweet because I have really deeply enjoyed working for the Probation Department. Yes we do have our lumps and bumps. We are not perfect, but we are like a family and I am going to miss that. I have deeply enjoyed working for the Department for those that have been past employees as well as those that are present in our Department. It has just been a blessing. The teamwork that is involved, I have never worked in a place where we had that kind of teamwork, and everybody working together for the good of the Department, each one helping out no matter what your title is or your position, no matter what is going on, everybody working together. There is nothing like that. It is my desire that every place could be a place like that. I

thank you for honoring me in this way. I do feel humbled by it, but I do so appreciate this acknowledging of my time here and I pray that the person that takes my place will be able to step in, I know she will, and she will do a very excellent job in taking my place. Thank you so much."

The following recognition resolution for Patricia Ann Zorn was duly noted.

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

REFERRED TO: COUNTY CLERK'S COMMITTEE

RESOLUTION NO. 183-12 *RESOLUTION RECOGNIZING
PATRICIA ANN ZORN'S 32 YEARS
OF DEDICATED SERVICE TO
TIOGA COUNTY*

WHEREAS: Patricia Ann Zorn began her career in early 1980 as a county employee when she was appointed to the position of part-time Secretary in the Tioga County Legislature Department. On April 24, 1980, she was hired full-time as a keypunch operator for data processing and eventually transferring to the Department of Social Services as a data entry operator. Several years later, she returned to the Legislature Department working as Deputy Clerk for Legislative Chair Edward Hubbard and later for Legislative Chair General Lyons. In 1986, she transferred to the Department of Motor Vehicle where she has continuously served as an Account Clerk Typist for the past 26 years; and

WHEREAS: Patricia Ann Zorn has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 32 years. She has earned the respect of her Director, co-workers, colleagues in other county agencies, and those citizens she professionally interacts with throughout Tioga County; and

WHEREAS: Patricia Ann Zorn will retire on August 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 Patricia Ann Zorn for her 32 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, Patricia Ann Zorn.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

The following resolution recognizing Theodore Shatara was duly noted.

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

REFERRED TO: PUBLIC SAFETY

RESOLUTION NO. 184-12 *RESOLUTION RECOGNIZING
THEODORE J. SHATARA'S
11 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY*

WHEREAS: Theodore J. Shatara was appointed as a part-time Deputy Sheriff on 2/10/01; and

WHEREAS: Theodore J. Shatara has been dedicated and loyal in the performance of his duties and responsibilities during the past 11 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Theodore J. Shatara will retire from the Tioga County Sheriff's Office on August 14, 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 Theodore J. Shatara for his more than 11 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, Theodore J. Shatara.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

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 2011, the New York State child support program collected more than \$1.8 billion dollars in child support for custodial parents and their children; and

WHEREAS: In 2011, Tioga County collected over \$5.5 million dollars in child support; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2012, 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.

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 | | 47.21 |
| A1165 | District Attorney | | 1,747.59 |
| A1170 | Public Defender | | 2,186.99 |
| A1172 | Assigned Counsel | | 20,294.98 |
| A1185 | Medical Examiners/Coroners | | 7,562.78 |
| A1325 | Treasurer | | 40,037.88 |
| A1355 | Assessments | | 2,908.80 |
| A1364 | Expense of County Owned Property | | 4,509.50 |
| A1410 | County Clerk | | 871.41 |
| A1420 | Law | | 3,349.00 |
| A1430 | Personnel | | 1,797.80 |
| A1450 | Elections | 591.80 | 3,852.24 |
| A1460.41 | Records Management | | 42,754.80 |
| A1620 | Buildings | | 40,833.69 |
| A1621 | Buildings | | 20,207.37 |
| A1680 | Information Technology | | 11,657.19 |
| A2490 | Community College Tuition | | 46,138.33 |
| A2960 | Education of Handicapped Children | | 233,627.37 |
| A3020 | Public Safety Comm E911 System | | 4,309.94 |
| A3110 | Sheriff | | 23,562.27 |
| A3140 | Probation | | 596.76 |
| A3150 | Jail | | 47,225.83 |
| A3315 | Special Traffic Programs | | 537.70 |
| A3410 | Fire | 294.75 | 2,747.26 |
| A3640 | Emergency Mgmt Office | | 512.99 |
| A3957 | Hazard Mitigation Plan | | 7,560.00 |
| A4010 | Public Health Nursing | | 24,057.51 |
| A4011 | Public Health Administration | | 22,141.31 |
| A4012 | Public Health Education | | 39.43 |
| A4042 | Rabies Control | | 7,176.42 |
| A4044 | Early Intervention | | 37,845.59 |
| A4053 | Preventive/Primary Health Svcs | | 137.59 |
| A4054 | Preventive Dental Services | | 1,463.93 |
| A4064 | Managed Care-Dental Services | | 140.00 |
| A4070 | Disease Control | | 3,766.80 |
| A4090 | Environmental Health | | 1,096.84 |
| A4210 | Alcohol and Drug Services | | 1,916.87 |
| A4211 | Council on Alcoholism | | 10,990.34 |
| A4309 | Mental Hygiene Co Administration | | 11,406.45 |

| | | |
|-------------------------------|-----------------------------------|-----------------|
| A4310 | Mental Health Clinic | 7,059.94 |
| A4315 | Mental Retardation | 3,382.90 |
| A4320 | Crisis Intervention Services | 17,144.54 |
| A4321 | Intensive Case Management | 1,209.83 |
| A6010 | Social Services Administration | 126,670.44 |
| A6141 | Energy Crisis Assistance Programs | 8,672.76 |
| A6422 | Economic Development | 36.67 |
| A6510 | Veterans' Service | 38.00 |
| A6610 | Sealer of Weights/Measures | 189.16 |
| A7510 | Historian | 55.00 |
| A8020 | Planning | 12.57 |
| A9060 | Health Insurance | 1,309.80 |
| SOLID WASTE FUND | | 92,087.19 |
| SPECIAL GRANT FUND | | 15,076.88 |
| COUNTY ROAD FUND | | 29,989.04 |
| CAPITAL FUND | | 673,730.73 |
| CONSOLIDATED HEALTH INSURANCE | | 1,266.72 |
| SELF-INSURANCE FUND | | <u>1,300.00</u> |
| GRAND TOTAL | | \$ 1,673,735.48 |

Legislator Sauerbrey made a motion to approve the minutes of July 10, and 19, 2012, seconded by Legislator Monell, and carried.

Chair Weston made the following appointments to Legislative Vacancy Ad Hoc Committee effective July 25, 2012:

Chair Weston
 Legislator Roberts
 Legislator Sullivan
 Legislator Hollenbeck
 Legislator Sauerbrey

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

Legislator Monell introduced Local Law Introductory No. A of 2012:

County of Tioga

Local Law No. of the Year 2012.

A Local Law to authorize a non-county resident to hold a non-elective appointed Tioga County Public Office

BE IT ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1. PURPOSE.

Public Officers Law Section 3 requires that a local public officer be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised. The purpose of this local law is to authorize a person who is a non-resident of Tioga County to hold any non-elective appointed Tioga County public office, provided such person resides in the State of New York.

SECTION 2. AUTHORITY.

Under Municipal Home Rule Law Section 10, the County of Tioga has the authority to authorize a non-county resident to hold a non-elective appointed Tioga County public office, so long as such person resides in the State of New York.

SECTION 3. RESIDENCY.

With respect to non-elective public officers employed by Tioga County, the provisions of Public Officers Law Section 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised shall not prevent a person from holding any non-elective appointed Tioga County public office, provided that such person resides in the State of New York.

SECTION 4. EFFECTIVE DATE.

This local law shall take effect upon filing in the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.

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

REFERRED TO:

LEGAL/FINANCE

RESOLUTION NO. 185-12

*SCHEDULE PUBLIC HEARING
LOCAL LAW INTRO NO. A OF 2012
A LOCAL LAW TO AUTHORIZE
A NON-COUNTY RESIDENT TO
HOLD A NON-ELECTIVE APPOINTED
TIOGA COUNTY PUBLIC OFFICE*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2012 A Local Law to authorize a non-county resident to hold a non-elective appointed Tioga County Public Office in the Edward D. Hubbard Auditorium of

the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, September 6, 2012 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, 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: ED&P COMMITTEE

RESOLUTION NO. 186-12 *APPOINT MEMBER TO THE TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION
(TCLDC)*

WHEREAS: Annette Schweiger has resigned from the Tioga County Local Development Corporation; and

WHEREAS: The Tioga County Local Development Corporation Board of Directors has found Eric Krenner willing and able to fill said vacancy; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Eric Krenner to fill said vacancy and serve the remainder of Annette Schweiger's unexpired term of 8/14/12 – 3/31/14.

ROLL CALL VOTE

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

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. 187-12 *APPOINTMENTS TO TECHNICAL RESCUE
BRANCH OF THE TIOGA COUNTY
SEARCH AND RESCUE TEAM*

WHEREAS: There is a need for a trained Technical Rescue Team residing within the Fire Service of Tioga County; and

WHEREAS: This Technical Rescue task would be best provided as a Branch of the Tioga County Search and Rescue Team which operates as a Special Team reporting to the Tioga County Bureau of Fire under Section 209bb of the General Municipal Law and Section 3.3 of the Volunteer Firefighters' Benefit Law; therefore be it

RESOLVED: That the following persons be appointed to the Tioga County Search and Rescue Team to serve in the Technical Rescue Branch:

| | |
|-------------------|-----------------------------------|
| Robert Blaasch | Tioga County Sheriff's Department |
| James Boland | Owego Fire Department |
| Medard Korbar | Owego Fire Department |
| Carl Laposky | Campville Fire Department |
| Thomas Mundt | Owego Fire Department |
| John Schaffer | Newark Valley Fire Department |
| Kenneth Schneider | Campville Fire Department |
| Joseph Snoden | Newark Valley Fire Department |
| Stephen Solomon | Owego Fire Department |
| Bryan Ward | Owego Fire Department |
| Daniel Woody Jr. | Owego Fire Department |

ROLL CALL VOTE

Yes – Legislators 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: ED&P AND AG COMMITTEES

RESOLUTION NO. 188-12 *RESOLUTION TO HOLD A PUBLIC
HEARING FOR THE
SPENCER EIGHT-YEAR
AGRICULTURAL DISTRICT REVIEW*

WHEREAS: The Tioga County Legislature is reviewing a proposed plan for revision of the Spencer Agricultural District; and

WHEREAS: This review is being conducted pursuant to Article 25-AA of the New York State Agricultural & Markets Law; and 6NYCRR Part 617 State Environmental Quality Review Act; and

WHEREAS: The proposed plan and map, as recommended by the Tioga County Agriculture & Farmland Protection Board and the Tioga County Planning Board, is available for public inspection at the Clerk of Legislature's Office at 56 Main St. in Owego and the Tioga County Legislative Clerk; therefore be it

RESOLVED: That a public hearing will be held on Thursday, September 13, 2012 at the Town of Tioga Town Hall, 1:00 PM. All interested parties will be heard by the Tioga County Legislature at this hearing.

ROLL CALL VOTE

Yes – Legislators 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: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

RESOLUTION NO. 189-12 *SEQRA CONSIDERATION FOR NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION 2012-2013 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 change to S23 as presented to NYSOPRHP by Dryden-Caroline Snowmobile Club is an Unlisted Action requiring Tioga County to consider the environmental significance of this change; and

WHEREAS: A Short Form Environmental Assessment Form has been prepared for review by the Tioga County Legislature; 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 Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, and Sullivan.

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. 190-12 TRANSFER OF FUNDS
(PROBATION DEPARTMENT)

WHEREAS: The Tioga County Probation Department has four personal computers that are on loan from the IT Department and the purchase of replacement computers is going to be necessary in the 2013 budget year; and

WHEREAS: Tioga County Probation has \$12,000 in Alternatives to Incarceration account number 3142.40-140 ear marked for Electronic Monitoring services. To date in 2012, no Court in Tioga County has ordered any defendant to wear an electronic monitoring device; and

WHEREAS: Probation Director would like to move \$8,000 from Alternatives to Incarceration account number 3142.40-140 to Probation account 3140.20-90 to pay for purchase of replacement computers in late fall 2012, under the approval of IT Director; therefore be it

RESOLVED: That the following transfer of funds occur effective September 1, 2012:

| | | |
|--|---------------|---------|
| FROM: Alternatives to Incarceration Acct | A3142.40 -140 | \$8,000 |
| TO: Probation Acct-Computer | A3140.20-90 | \$8,000 |

ROLL CALL VOTE

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

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. 191-12 *TRANSFER OF FUNDS*
CORONER

WHEREAS: There has been an increase in the number of autopsy-related cases for the Coroner's Office and this has affected the Coroner's budget and there will be not be sufficient funds in said budget for the remainder of 2012; therefore be it

RESOLVED: That the sum of \$20,000.00 be transferred from Contingency Account A1990-40-715 to Coroner Account A1185.40-370-Medical Expenses.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 192-12 *FUND HURRICANE IRENE-*
TROPICAL STORM LEE FLOOD
MITIGATION GRANT

WHEREAS: Tioga County has been 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: This Grant calls for up front funding of the 14 projects designated in said Grant; and

WHEREAS: The 14 projects are as follows:

1. Courtright Hill Streambank Stabilization – A 125 ft. long section of a tributary along Courtright Hill Road will be stabilized using rip rap to protect a private residence and Courtright Hill Road. Total Project Cost = \$97,652.51; Total Grant Award - \$28,883.13. Project Sponsor – Town of Newark Valley.
2. Zimmer Road Streambank Stabilization – A 250 ft. long section of rip rap will be installed to stabilize a streambank and protect several structures along the stream. A heavy stone plunge pool will also be constructed to protect a culvert from future erosion. Total Project Cost = \$107,681.31; Total Grant Award = \$31,390.33. Project Sponsor – Town of Newark Valley
3. Sackett Creek Streambank Stabilization – A 630 ft. long section of Sackett Creek will be restored to pre-flood conditions by installing rip rap and in stream structures to prevent future erosion. The project will also repair stabilization measures constructed after the flood. Total Project Cost = \$151,710; Total Grant Award = \$42,397.50. Project Sponsor – Town of Nichols.
4. Foster Road Streambank Stabilization – The project will stabilize a 60 ft. high streambank along Foster Road with stacked heavy stone rip rap to ensure the road is not lost in subsequent flood events. Total Project Cost = \$566,968; Total Grant Award - \$143,242. Project Sponsor – Town of Barton
5. Huntington Creek Dam Removal and Streambank Rehabilitation – The project will remove an existing dam structure and gravel deposit stabilize sections of eroding streambank. Total Project \$225,933.33; Total Grant Award = \$57,983.33. Project Sponsor – Tioga County IDA
6. Gaskill Road Bridge Protection – The project will stabilize about 95 ft. of streambank along Little Nanticoke Creek on the upstream of the Gaskill Road Bridge. The stabilization will protect the exposed section of bridge abutment from further erosion. Total Project Cost = \$56,304.35; Total Grant Award = \$15,576.09. Project Sponsor – Tioga County.
7. Park Settlement Road Culvert Protection – The project will protect a culvert by stabilizing streambanks with rip rap on the downstream side of the culvert and headwall. An engineered plunge pool will also be constructed to prevent further scouring of the streambed. Total Project

Cost = \$40,325.35; Total Grant Award = \$14,551.34. Project Sponsor – Town of Candor.

8. Frost Hollow Streambank Stabilization – The project will stabilize approximately 100 ft. of streambank on a tributary parallel to Frost Hollow Road with stack and pinned rock rip rap. Total Project Cost = \$74,576; Total Grant = \$23,114. Project Sponsor – Town of Tioga.
9. Gaylord Road Culvert Protection – The project will include the installation of heavy stone rip rap on both upstream and downstream of the new culvert providing inlet and outlet protection. Total Project Cost = \$87,100.59; Total Grant Award = \$26,245.15. Project Sponsor – Town of Owego.
10. Halsey Valley Road Culvert Protection – The project will stabilize streambanks both upstream and downstream of Halsey Valley Road to prevent erosion and scour from future flood events. Total Project Cost = \$92,424.51; Total Grant Award = \$27,576.13. Project Sponsor – Tioga County.
11. Mount Pleasant Road Culvert (DSR-T-TN-01) –Project Sponsor- Town of Nichols – Total Project Cost = \$53,374; Total Grant Award = \$13,343.
12. Mount Pleasant Road/Washed Out Road Bank (DSR-T-TN-02) – Project Sponsor - Town of Nichols – Total Project Cost = \$120,855; Total Grant Award = \$30,214.
13. Barton Road (DSR-T-TB-01) – Project Sponsor- Town of Barton – Total Project Cost = \$1,022,720; Total Grant Award = \$255,680.
14. Apalachin Creek (DSR-T-TO-01) – Project Sponsor - Town of Owego – Total Project Cost = \$348,380; Total Grant Award = \$87,095.

Therefore be it

RESOLVED: That the Hurricane Irene-Tropical Storm Lee Flood Mitigation Grant be appropriated as follows:

| | |
|--|-----------|
| From: Revenue Account A3960.01 New York State Stream Grant | \$797,291 |
| To: Account A8745.40-140- Flood & Erosion Grant | \$797,291 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 193-12 *RESOLUTION TO AUTHORIZE
CONSULTANT CONTRACT FOR
HAZARD MITIGATION PLAN
COORDINATOR*

WHEREAS: The Tioga County Hazard Mitigation Plan Steering Committee has worked over the past 7 months to create an updated Multi-Jurisdictional Hazard Mitigation Plan for 2012-2017 in compliance with FEMA regulations; and

WHEREAS: FEMA has requirements that said plan be reviewed and updated in the interim 5 years, which entails many activities that need to be accomplished both at the county and municipal level; and

WHEREAS: While these Hazard Mitigation Plan Coordinator duties typically reside within a county's Planning Department, the Tioga County Planning Department with one staff person currently cannot absorb this amount of additional work; and

WHEREAS: Tioga County Soil & Water Conservation District has presented to the County Legislature a proposal to perform said duties on an annual contract basis with Tioga County for a lump sum of \$25,000 and not to exceed 400 hours of work during the contract period; and

WHEREAS: This resolution will cover the contract for the entire year period, but the funding for only September 1 – December 31, 2012, with the remainder of funding to be addressed during the budget process for 2013; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the contract with Tioga County Soil & Water Conservation District, to perform said Hazard Mitigation Coordinator services from September 1 2012 – August 31, 2013 and authorizes the funding for September 1 – December 31, 2012 at \$8,333.34 to be transferred from A1990.40-715 Contingent Account to A8020.40-140 Planning Consultant Services with the remainder to be addressed in the 2013 budget process; 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 Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standinger, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 194-12

*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 by ensuring that the administration of the assigned counsel plan is undertaken in a consistent, unbiased and fair manner in compliance with Article 18-B; and

WHEREAS: The grant funds will be used to develop a new Assigned Counsel Plan, to hire a part time Assigned Counsel Plan Administrator and to provide the Public Defender's Office with an on line research tool, investigation services and transcription services over the three years of the grant period; and

WHEREAS: There is no local matching funds required under this grant; therefore be it

RESOLVED: 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.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 196-12 *SUPPORT S.5509B/A.8489A*
REVISE THE SHARING FORMULA
FOR WIRELESS E911
SURCHARGE MONIES

WHEREAS: In 1991, the NYS Legislature enacted a statute that placed a monthly surcharge of 70 cents on each cell phone bill and that monthly surcharge was increased to \$1.20 per cell phone in 2002; and

WHEREAS: The allocation of said wireless surcharge monies collected by the State was intended to help defray the costs of operating and maintaining county 911 centers throughout the state; and

WHEREAS: Counties now receive only a small portion of over \$2 million dollars collected from said surcharge by the State each year because the monies have been diverted to other state purposes; and

WHEREAS: S.5509-B/A.8489-A, as proposed, would require that 58.3% of E911 wireless surcharge funds must be used for grants or reimbursements to counties for the development, consolidation, or operation of public safety communications systems, or networks designed to support interoperable communications for first responders, including Next Generation 911 and the remaining 41.7% would be used for miscellaneous state expenses; now therefore be it

RESOLVED: That the Tioga County Legislature hereby urges the State Legislature and Governor Cuomo to approve S.5509-B/A.8489-A that would revise the sharing formula for wireless E911 surcharge monies to ensure that local governments receive the funds necessary to upgrade 911 call centers and maintain emergency dispatch center operations in the name of public safety; and be it further

RESOLVED: That certified copies of this Resolution be forwarded to Governor Cuomo, Senator Thomas Libous, Assemblyman Gary Finch, Assemblyman Chris Friend, and New York State Association of Counties.

ROLL CALL VOTE

Yes – Legislators 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

RESOLUTION NO. 197-12 *URGING NEW YORK STATE AND THE FEDERAL GOVERNMENT TO BAN THE MANUFACTURE, DISTRIBUTION, SALE AND POSSESSION OF DANGEROUS UNREGULATED SYNTHETIC DRUGS*

WHEREAS: The sales and abuses of synthetic “designer” drugs, known commonly as “bath salts,” continue to increase among individuals in our communities; and

WHEREAS: These “designer drugs” are specifically synthesized with a similar, but slightly modified structure of a Schedule 1 controlled substance in order to avoid existing drug laws, and can be continually chemically modified to avoid legal repercussions, while maintaining their intended effects and usages; and

WHEREAS: Hospitals, health agencies, and poison control centers are experiencing increased emergency room cases, illnesses, deaths, and reports linked to the use and abuse of these substances; and

WHEREAS: Law enforcement agencies and courts are seeing increased crime in our local communities associated with the sale and abuse of these substances; and

WHEREAS: Manufacturers and retailers of these substances often directly market them through the Internet and by colorful packaging designs that include no warnings or adequate descriptions of the ingredients, and are deceptively sold as plant food and other ordinary household goods, and which are not approved for medical use in the United States; and

WHEREAS: Individuals obtain the substances either through storefront retailers, indirectly through others, or through Internet sales; and

WHEREAS: The availability and ready access of these substitute drugs, many of which are not detected by normal drug tests, undermines publicly-funded meaningful and effective substance abuse programs directed toward the treatment and counseling of substance abusers; and

WHEREAS: Internet sales of these substances raises questions about interstate commerce regulations and concerns about the distribution of unregulated harmful drugs across state and national boundaries, requiring action at the federal level; and

WHEREAS: The Commissioner of Health in New York State issued an Order for Summary Action to Ban the Sale and Distribution of Designer Drugs Commonly Packaged and Marketed as Bath Salts on May 20, 2011; and

WHEREAS: The State Legislature again has two bills before it - S6694-A (Flanagan) and A9781-A (Cusick) that would classify substituted cathinones as a controlled substances based on foundational chemical structures under the public health law and the penal law (which should address the current practice of making minor alterations to chemicals to subvert statutes that prohibit distinct chemicals) and would create a Statewide substituted Cathinone Surrender Program to allow for surrender of these harmful substances to appropriate authorities; and

WHEREAS: The United States Senate passed a bill to ban permanently two substances commonly used in "bath salts"; and

WHEREAS: All these facts support the assertion that these substances continue to pose a significant and immediate public health threat and danger to public safety; now therefore be it

RESOLVED: That the Tioga County Legislature and the Tioga County Departments of Mental Hygiene, Public Health and Social Services urge the State Legislature and Governor to immediately pass further meaningful and effective legislation criminalizing the manufacture, distribution, sale and possession of these substances and their future derivatives by anyone of any age in New York State with the intent of protecting the health and safety of all citizens of New York State; and be it further

RESOLVED: That the Tioga County Legislature 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, Standinger, and Sullivan.

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

RESOLUTION NO. 198-12 *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, Berkshire, Newark Valley, Owego, Richford, Spencer and Tioga were offered for sale at Public Auction conducted August 8, 2012 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:

| Prior Owner-Tax Map# | <u>Purchaser</u> | <u>Bid</u> |
|---|--------------------|--------------|
| <u>Town of Barton:</u> | | |
| 146.00-1-1.20, John & Mary Lou Darrah | Michael Buinkskis | \$ 2,700.00 |
| 122.18-21-25.10, Guy & Jennifer Leach | Steven T Chaffee | \$ 20,000.00 |
| <u>Town of Berkshire</u> | | |
| 14.00-2-1, Estate of David N DeGruttalo | Joy Emma Goodsell | \$ 7,500.00 |
| 22.00-1-5.6, William L McKinnon Jr. | Cotton Hanlon, LLC | \$ 15,000.00 |

| Prior Owner-Tax Map# | Purchaser | Bid |
|--|------------------------------|--------------|
| <u>Town of Newark Valley</u> | | |
| 64.15-3-32, Joseph Breitwiser | Johanthan B Marks | |
| | Audra Kemmerling | \$ 200.00 |
| 54.00-1-26.12, John & Carol Dingman | Paul E Evenson | \$ 15,000.00 |
| 64.19-1-20.12, Elsie Muzek | Tyler Donahue | \$ 2,000.00 |
| 53.00-1-44.20, Diana Ogden | Craig E Blacker | \$ 23,000.00 |
| <u>Town of Owego</u> | | |
| 129.05-3-7, Loco Holdings LLC | J. Robert Chobot | \$ 500.00 |
| 175.00-2-57, Marian Card | LKI, LLC | \$ 16,500.00 |
| 131.20-1-13, Anna Cederborg | William E & Faye A Schiesser | \$ 1,500.00 |
| 117.19-2-12, Daniel R & Ellen S. Cronk | David Brich | \$ 5,000.00 |
| 131.17-2-3.4, Leo & Sheila Cueto | James M Horton | \$ 1,700.00 |
| <u>Town of Owego, continued</u> | | |
| 117.20-1-8, Ellen D. & Lester L. Harris | Edie Hulbert | \$ 2,900.00 |
| 152.00-1-12, Charles R. Hawk | Tyler Donahue | \$ 23,000.00 |
| 152.00-1-11, Charles R. Hawk | Joseph M Catalano | \$ 9,500.00 |
| 152.16-1-2, Walter & Hannah Hickey | Henry W Huizinga | \$ 6,000.00 |
| 162.00-1-22, Michael R. Lindsey | Jessica R Cady | |
| | Drew A Hust | \$ 42,000.00 |
| 130.00-1-70, Loco Holdings, LLC | Benjamin L Peck | \$ 800.00 |
| 142.14-1-27.21, Loco Holdings, LLC | Jonathan B Marks | |
| | Audra Kemmerling | \$ 250.00 |
| 129.00-2-31, Richard McCann | Matthew H Sloat | \$ 500.00 |
| 128.08-3-42, Diana Predmore | Stuart James Barry Craddock | \$ 1,900.00 |
| 128.08-3-17, Wendy E. Van Der Karr | Stuart James Barry Craddock | \$ 5,000.00 |
| 132.09-1-7, Evelyn M. Vavra | Eric D Slate | \$ 1,300.00 |
| <u>Town of Richford</u> | | |
| 14.00-1-21, David N. & Gloria M. DeGruttlaio | Joy Emma Goodsell | \$ 7,500.00 |
| 16.00-1-16, Vernon Gehm | Elane A VanKuren | |
| | Matt J Smith | \$ 1,000.00 |
| <u>Town of Spencer</u> | | |
| 80.00-1-33.10, John Jeffords | Susquehanna Land Co | \$ 17,500.00 |
| 69.00-1-25.20, David Neilsen | Justin E Carr | \$ 20,500.00 |
| <u>Town of Tioga</u> | | |
| 116.00-1-10.11, Grace I. Blunt | Matthew H Sloat | \$ 400.00 |
| 102.16-1-5.20, Carl F. & Ami L. Pierce | Brandon R Brenza | \$ 2,450.00 |
| 149.09-1-16, Daniel A. & Bruce P. Stauder | Harjit Singh | \$ 6,250.00 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 199-12 *AMEND RESOLUTION NO. 155-12
AUTHORIZE CREATION AND BACKFILL OF
TEMPORARY POSITION
INFORMATION TECHNOLOGY*

WHEREAS: Resolution 155-12 appointed Suzanne Horton to a temporary position of Project Manager for an effective date of July 2, 2012 through August 31, 2012; and

WHEREAS: There continues to be ongoing projects that are not expected to be completed until possibly October 2012 and because of such, there is a need to have Suzanne Horton stay on as Project Manager to work on an as needed basis; therefore be it

RESOLVED: That Resolution No. 155-12 be amended to extend the temporary position of Project Manager through October 31, 2012 on an as needed basis to assist with the review of Proposals, coordination of a Needs Assessment for the County Departments and explanation of the County's infrastructure to Consultants, as needed; and be it further

RESOLVED: That Suzanne Horton's rate of \$50 per hour will continue through October 31, 2012.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: COUNTY CLERK'S COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 200-12 *REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZE BACKFILL OF VACANT PART-
TIME, MOTOR VEHICLE EXAMINER POSITION
COUNTY CLERK'S OFFICE*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Resolution 176-12 authorized the backfill of a full-time Motor Vehicle Examiner vacancy, due to Pat Zorn's retirement, with the reassignment of a part-time Motor Vehicle Examiner, Rebecca Gallo effective August 31, 2012; and

WHEREAS: There is a desire to maintain a level of customer service by filling said vacancy within the Department of Motor Vehicles; therefore be it

RESOLVED: That the County Clerk is hereby granted a waiver from the 90-day hiring delay and is authorized to fill a part-time, Motor Vehicle Examiner position with a provisional appointment at a rate of \$11.99 / hour effective September 4, 2012.

ROLL CALL VOTE

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

No – Legislators Monell and Sullivan.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 201-12 *REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZE BACKFILL OF VACANT FULL-TIME,
MAINTENANCE MECHANIC III POSITION
DPEARTMENT OF PUBLIC WORKS*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Due to an unanticipated resignation, a vacancy has occurred in the title of Maintenance Mechanic III effective 7/13/12; and

WHEREAS: Said position requires specific trade skills as it is the primary position involved with the maintenance of HVAC units within County buildings; and

WHEREAS: There is an immediate need to fill the position due to the type of work performed for the daily operation of multiple County buildings; therefore be it

RESOLVED: That the Commissioner of Public Works is hereby granted a waiver from the 90-day hiring delay and is authorized to fill a full-time, Maintenance Mechanic III position at an hourly rate of \$15.861 (CSEA DPW Grade 3) effective August 15, 2012.

ROLL CALL VOTE

Yes – Legislators 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 PERSONNEL
COMMITTEE

RESOLUTION NO. 202-12 *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 1, 2012; and

WHEREAS: Administrative monies from the Federal government have been reduced; and

WHEREAS: The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner to staff the HEAP Program; and

WHEREAS: The length of the position will be reduced from nine to seven months; 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 12, 2012, through April 15, 2013.

ROLL CALL VOTE

Yes – Legislators 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 Monell.

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 203-12 RECLASSIFY THE POSITION OF ENGINEERING
TECHNICIAN TO ASSISTANT ENGINEER
PUBLIC WORKS ADMINISTRATION

WHEREAS: Legislative approval is required for the reclassification of any position within Tioga County; and

WHEREAS: The Tioga County Public Works Dept. was forced to eliminate the position of Assistant Engineer by the County Manager upon the retirement of the incumbent in 2002; and

WHEREAS: The Commissioner of Public Works submitted a New Position Duties Statement to the Personnel Department which identified how certain efficiencies can be met with a higher level position instead of the present Engineering Technician position (CSEA Salary Grade VII); and

WHEREAS: Based upon this statement, on 7/10/12, the Personnel Officer conducted a desk audit of the Engineering Technician position and determined that the duties being performed by the incumbent, Richard Perkins, are reflective of an Assistant Engineer (CSEA Salary Grade XIII); therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of Mr. Perkins' position of Engineering Technician to that of Assistant Engineer retroactive to 7/10/12 at an annual salary of \$41,308; and be it further

RESOLVED: That Mr. Perkins will be required to successfully complete civil service examination requirements in order to obtain permanent status in the title of Assistant Engineer.

ROLL CALL VOTE

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

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. 204-12 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 | Social Security Number (Last 4 digits) | Registration Number | 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 | | | | | | | |
| 2 ND Assistant Public Defender | Mark J. Loughran | 3273 | 35079698 | 6 | 3/1/12-12/31/15 | N | 8.12 |
| Temporary Director of Information Technology & Communication Services | Brandi Ferri-Gilbert | 7925 | 40883647 | 7 | 7/2/12-12/31/15** | Y | N/A |
| Acting Director of Community Services | Lori Monk | 2467 | 40543464 | 7 | 6/5/12-12/31/15** | Y | N/A |

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

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 205-12 AWARD CONTRACT FOR
CLEANING SERVICES FOR
COUNTY BUILDINGS

WHEREAS: The Commissioner of Public Works received sealed bids for cleaning services for the County Buildings on August 01, 2012 @ 11:00 AM and the bids were as follows;

Matrix Integrated Facility MNG
Johnson City, NY

| <u>COB & DPW</u> | <u>HHS & PSB</u> | <u>Clerk's, CH, CHA</u> | <u>ALL BLDGS.</u> |
|----------------------|----------------------|-------------------------|-------------------|
| \$41,977.00 | \$87,567.00 | \$43,463.00 | \$173,007.00 |

The Night Shift
Endwell, NY

| <u>COB & DPW</u> | <u>HHS & PSB</u> | <u>Clerk's, CH, CHA</u> | <u>ALL BLDGS.</u> |
|----------------------|----------------------|-------------------------|-------------------|
| \$81,122.32 | \$181,962.60 | \$117,174.24 | \$380,259.16 |

therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Matrix Integrated Facility MNG, Johnson City, NY in the amount of \$173,007.00 to be paid out of Buildings & Grounds Contracting Services account A1620.40 use code 140.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 206-12

*AUTHORIZING AMENDMENT OF
CONTRACT WITH TETRA TECH FOR MULTI-
JURISDICTIONAL ALL HAZARD
MITIGATION PLAN*

WHEREAS: A Professional Services Contract was entered into by and between Tetra Tech EM Inc and Tioga County for the preparation of a Multi-jurisdictional All Hazard Mitigation Plan; and

WHEREAS: The payment terms of the contract call for a retention of 20% of each invoice paid, to be held in total as accumulated and to be paid out to Tetra Tech upon approval of the completed plan by FEMA; and

WHEREAS: Preparation of the plan is nearing completion, and portions of said plan have been submitted to FEMA for preliminary approval; and

WHEREAS: Several members of the Tioga County Hazard Mitigation Committee have recommended that the contract be amended to change the retention percentage from 20% to 10%, and to provide half of the accumulated retention be released to Tetra Tech in consideration of the excellent performance by Tetra Tech and the good reviews by FEMA of the portions of the plan submitted thus far; therefore be it

RESOLVED: That the Chair of the Legislature be authorized to execute an amendment to the Tetra Tech contract to change the retention percentage from 20% to 10%, and to permit Tetra Tech to be paid one half of the retention currently accumulated and held by Tioga County pursuant to the original agreement with the remainder of the accumulated retention being paid upon approval of the completed plan by FEMA, and that the rest and remainder of the contract remain in full force and effect.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

Public Hearing
Local Law Introductory No. A of 2012
September 6, 2012

The Public Hearing on Local Introductory No. A of 2012 A Local Law to authorize a non-county resident to hold a non-elective appointed Tioga County Public Office was called to order by the Chair at 1:02 P.M. Eight Legislative members were present.

The following were present: Mr. and Mrs. George Penney, Kathy Roush, CSB Director Lori Monk, ED&P Director Doug Barton, Morning Times Report Colin Hogan, and Marty Borko.

There were seven people in attendance.

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

Marty Borko spoke. "Since the County presently has its Commissioner of Public Works living outside the County, you have that tradition, and we have an excellent Information Technology person, Suzanne Horton, who will be retiring very soon from outside of the County, I think it is critical that we have the potential to hire, if need be, outside the County for those quality persons."

There being no other comments, the hearing was adjourned at 1:04 P.M.

Ninth Regular Meeting
September 11, 2012

The Ninth Regular Meeting of 2012 was held on September 11, 2012 and was called to order by the Chair at 6:00 P.M. Seven Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Huttleston to have a moment of prayer. "When I was coming here today for this special occasion and wonderful example of democracy, which many countries are unable to enjoy, I said to myself this is as good as it gets. I thought 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 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 12 people in attendance

Legislator Sullivan read the following remembrance resolution of September 11, 2001.

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

| | |
|-----------------------|--|
| REFERRED TO: | LEGISLATIVE WORKSESSION |
| RESOLUTION NO. 207-12 | <i>RESOLUTION IN REMEMBRANCE OF SEPTEMBER 11, 2001</i> |

WHEREAS: On September 11, 2001 a series of four suicide attacks were committed in the United States; and

WHEREAS: On that Tuesday morning, 19 terrorists from the Islamist militant group Al-Qaeda hijacked four passenger jets. The hijackers intentionally piloted two of those planes, American Airlines Flight 11 and United Airlines Flight 175 into the North and South Towers of the World Trade Center Complex in New York City; and

WHEREAS: The hijackers also intentionally crashed American Airlines Flight 77 into the Pentagon in Arlington, Virginia, and intended to pilot the fourth hijacked jet, United Airlines Flight 93 into the United States Capitol Building in Washington, D.C., however, the plane crashed into a field near Shanksville, Pennsylvania after its passengers attempted to take control of the jet from the hijackers; and

WHEREAS: Nearly 3000 people died in the attacks, including the 246 civilians and 19 hijackers aboard the four planes, none of whom survived; and

WHEREAS: The United States responded to the attacks by launching the War on Terror and invading Afghanistan to depose the Taliban, which had harbored Al-Qaeda, and in May 2011, after years at large, Bin Laden was located and killed; now therefore be it

RESOLVED: That the Tioga County Legislature would like to remember all those innocent lives lost on September 11, 2001 and applaud all those who worked so hard to save lives during that time, and to herewith take a moment of silence in remembrance of September 11, 2001.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. “How soon we forget the tragedies that have happened, but anyway how many people really knew where they were on September 11, 2001. I was in the Office and my daughter called, by the way it was my daughter’s birthday, she was born on 09/11. She called and said dad turn the TV on, hurry up turn it on. I turned it on and I saw the second bombing of the Trade Center and I thought this is some kind, I could not believe what I was seeing. Anyway, it was hard to fathom that what you witnessed there and I

remember, of course I was born, I think I was 9 years old during the attack on Pearl Harbor and I remember everybody huddled around the radio, they did not have TV then. What ended up to be a joyous day for us and my daughter's birthday, ended up to be a sad day for this country and for everybody.

"The following article appeared in the Miami Herald Newspaper shortly after the terrorist attacks on the United States and it is well said as anyone could say it and I want to share it with you. Reading the article brought tears to my eyes, but it also made me proud to be an American. This article was titled "We Will Go Forward From This Moment" by Leonard Pitts, Jr., of the Miami Herald. It is my job to have something to say. They pay me to provide words that help make sense of that which troubles the American soul, but in this moment of airless shock when hot tears sting disbelieving eyes, the only thing I can find to say, the only words that seem to fit must be addressed to the unknown author of this suffering.

"You monster, you beast, you unspeakable bastard. What lesson did you hope to teach us by your coward's attack on our World Trade Center, our Pentagon, us? What was it you hoped we would learn? Whatever it was, please know that you failed. Did you want us to respect your cause? You just damned your cause. Did you want to make us fear? You just steeled our resolve. Did you want to tear us apart? You just brought us together.

"Let me tell you about my people. We are a vast and quarrelsome family, a family rent by racial, social, political, and class division, but a family nonetheless. We are frivolous, yes, capable of expending tremendous emotional energy on pop culture, a singer's revealing dress, a ball team's misfortune, a cartoon mouse. We are wealthy too, spoiled by the ready availability of trinkets and material goods, and maybe because of that we walk through life with a certain sense of life entitlement. We are fundamentally decent though, peace-loving, compassionate. We struggle to know the right thing and to do it, and the overwhelming majority of us people of faith believes in a just and loving God. Some people, you, perhaps think that any or all of this makes us weak. You are mistaken. We are not weak, instead we are strong in ways that cannot be measured by arsenals.

"Yes we are in pain now. We are in mourning and we are in shock. We are still grappling with the unreality of the awful thing you did, still working to make ourselves understand that this is not a special effect from some Hollywood blockbuster, is not the plot development from a Tom Clancy novel, but in terms of the awful scope of their ambition and the probably final death toll, your attacks are likely to go down as the worse acts of terrorism in the history of the

United States, and probably the history of the world. You have bloodied us as we have never been bloodied before, but there is a gulf of difference between making us bloody and making us fail. This is the lesson Japan was taught to its bitter sorrow the last time anyone hit us this hard, the last time anyone brought us such abrupt and monumental pain. When roused we are righteous in our outrage, terrible in our force. When provoked by this level of barbarism, we will bear any suffering, pay any cost, go to any length in the pursuit of justice.

"I can tell you this without fear of contradiction. I know my people as you I think do not. What I know reassures me. It also causes me to tremble with dread of the future. In the days to come there will be recrimination and accusation, fingers pointing to determine whose failure allowed this to happen and what can be done to prevent it from happening again. There will be heightened security, misguided talk of revoking basic freedoms. We will go forward from this moment sobered, chastened, sad, but determined to, unimaginably determined. You see, the steel in us is not always readily apparent. That aspect of our character is seldom understood by people who do not know us well. On this day the family's bickering is put on hold. As Americans we will weep, as Americans we will mourn, and as Americans we will rise in defense of all that we cherish.

"So I ask you again, what was it you hoped to teach us? It occurs to me that maybe you just wanted us to know the depths of your hatred. If that is the case, consider the message received and take this message in exchange. You do not know my people. You do not know what we are capable of. You do not know what you just started, but you are about to learn. 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 | | 277.58 |
| A1165 | District Attorney | | 1,413.43 |
| A1170 | Public Defender | | 130.00 |
| A1172 | Assigned Counsel | | 20,972.95 |
| A1325 | Treasurer | | 895.71 |
| A1355 | Assessments | | 2,216.05 |
| A1410 | County Clerk | | 983.06 |
| A1411 | Department of Motor Vehicles | | 89.99 |
| A1420 | Law | | 3,323.05 |
| A1430 | Personnel | | 1,854.70 |

| | | | |
|--------------------|--------------------------------------|----------|------------|
| A1450 | Elections | | 22,223.20 |
| A1490 | Public Works Administration | | 116.46 |
| A1620 | Buildings | | 55,498.05 |
| A1621 | Buildings | | 17,818.03 |
| A1680 | Information Technology | | 7,515.08 |
| A2490 | Community College Tuition | | 29,015.67 |
| A2960 | Education of Handicapped Children | | 174,480.03 |
| A3020 | Public Safety Comm E911 System | | 6,913.58 |
| A3110 | Sheriff | 1,930.06 | 15,533.18 |
| A3116 | Sheriff Grant Tioga Co SO-0062-(054) | 1,991.35 | |
| A3140 | Probation | 149.62 | 159.58 |
| A3146 | Sex Offender Program | | 9,240.00 |
| A3150 | Jail | 705.00 | 49,322.93 |
| A3315 | Special Traffic Programs | | 55.00 |
| A3410 | Fire | | 1,401.32 |
| A3640 | Emergency Mgmt Office | | 574.66 |
| A3641 | Emergency Mgmt Grant Program | | 251.45 |
| A4010 | Public Health Nursing | | 33,680.07 |
| A4011 | Public Health Administration | | 3,114.98 |
| A4012 | Public Health Education | | 20.00 |
| A4042 | Rabies Control | | 4,399.01 |
| A4044 | Early Intervention | | 58,340.37 |
| A4053 | Preventive/Primary Health Services | | 115.82 |
| A4054 | Preventive Dental Services | | 2,211.80 |
| A4064 | Managed Care-Dental Services | | 7,000.00 |
| A4070 | Disease Control | | 2,745.40 |
| A4090 | Environmental Health | | 1,496.64 |
| A4210 | Alcohol and Drug Services | | 2,354.04 |
| A4309 | Mental Hygiene Co Admin | | 8,548.95 |
| A4310 | Mental Health Clinic | | 51,181.56 |
| A4315 | Mental Retardation | | 5,828.12 |
| A4320 | Crisis Intervention Services | | 17,869.23 |
| A4321 | Intensive Case Management | | 1,264.63 |
| A6010 | Social Services Administration | | 36,651.17 |
| A6422 | Economic Development | | 165.26 |
| A6510 | Veterans' Services | | 30.00 |
| A6610 | Sealer of Weights and Measures | | 100.50 |
| A8020 | Planning | | 1,027.35 |
| A9060 | Health Insurance | | 1,846.16 |
| SOLID WASTE FUND | | | 93,573.51 |
| SPECIAL GRANT FUND | | | 3,179.02 |
| COUNTY ROAD FUND | | | 82,815.83 |

| | |
|-------------------------------|-----------------|
| CAPITAL FUND | 685,625.59 |
| CONSOLIDATED HEALTH INSURANCE | 301,932.01 |
| SELF INSURANCE FUND | <u>7,974.00</u> |
| GRAND TOTAL | \$ 1,842,141.79 |

Legislator Sullivan made a motion to approve the minutes of August 14, 2012, seconded by Legislator Standing, and carried with Legislator Monell being absent.

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

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

REFERRED TO: HHS Committee
JOB TRAINING COMMITTEE

RESOLUTION NO. 208-12 *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 funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center has been allocated Program Year 12 (July 1, 2012 – June 30, 2013) funding of \$277,329.03; and

WHEREAS: The funding is allocated in the following amounts:

\$ 85,538.74 for Adult services;
\$ 91,964.19 for Dislocated Worker services;
\$ 81,093.20 for Youth services;
\$18,732.90 for Administration; therefore be it

RESOLVED: That the Tioga Employment Center budget be amended as follows:

From: CD4791 – Federal Aid-Federal Employment Program \$277,329.03

To: CD6293- Federal Employment Program 1 in the following:

| | |
|-----------------------------------|--------------|
| CD6293.10-10 -Full time Personnel | \$166,919.00 |
| CD6293.30-100 -Data Processing | \$ 550.00 |
| CD6293.30-300 -Legal | \$ 175.00 |

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 211-12 *AUTHORIZE THE TRANSFER OF FUNDS
COUNTY CLERK*

WHEREAS: The Tioga County Clerk’s Office has seven (7) computers that need to be replaced in the year 2013; and

WHEREAS: The County Clerks budget has monies available to transfer out of 2012 budget to replace and upgrade these seven (7) computers; and

WHEREAS: The Tioga County Clerk would like to move \$4,645 from County Clerk Account A1410.40-420/485/520 to pay for the purchase of the replacement computers in late fall 2012, under approval of the IT Director; therefore be it

RESOLVED: That the following sums be transferred as follows:

| | |
|---|-------------|
| From: County Clerk Account A1410.40-420-Office Supplies | \$2,500 |
| County Clerk Account A1410.40-485-Printing/Paper | \$ 600 |
| County Clerk Account A1410.40-520-Recording/Microfilm | \$1,545 |
| To: County Clerk Account A1410.20-90-computers | \$4,645 |

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 212-12 *AUTHORIZE THE TRANSFER OF FUNDS DEPARTMENT OF MOTOR VEHICLES*

WHEREAS: The Tioga County DMV Office has one (1) computer that needs to be replaced in the year 2013; and

WHEREAS: The DMV budget has money available to transfer out of 2012 budget to replace and upgrade the one (1) computer; and

WHEREAS: The DMV would like to move \$664 from DMV Account A1411.40-485 to pay for the purchase of the replacement computer in late fall 2012, under approval of the IT Director; therefore be it

RESOLVED: That the following sums be transferred as follows:

From: DMV Account A1411.40-485-Printing/Paper \$664

To: DMV Account A1411.20-90-Computers \$664

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 213-12 ADOPT LOCAL LAW NO. 1 OF 2012

WHEREAS: A public hearing was held on September 6, 2012, following due notice thereof to consider the adoption of Local Law Introductory No. A of the Year 2012 A Local Law to authorize a non-county resident to hold a non-elective appointed Tioga County Public Office; 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 2012; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 1 of the Year 2012.

A Local Law to authorize a non-county resident to hold a non-elective appointed Tioga County Public Office

BE IT ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1. PURPOSE.

Public Officers Law Section 3 requires that a local public officer be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised. The purpose of this local law is to authorize a person who is a non-resident of Tioga County to hold any non-elective appointed Tioga County public office, provided such person resides in the State of New York.

SECTION 2. AUTHORITY.

Under Municipal Home Rule Law Section 10, the County of Tioga has the authority to authorize a non-county resident to hold a non-elective appointed Tioga County public office, so long as such person resides in the State of New York.

SECTION 3. RESIDENCY.

With respect to non-elective public officers employed by Tioga County, the provisions of Public Officers Law Section 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised shall not prevent a person from holding any non-elective appointed Tioga County public office, provided that such person resides in the State of New York.

SECTION 4. EFFECTIVE DATE.

This local law shall take effect upon filing in the Office of the Secretary of State as provided in 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 Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: ED&P & AGRICULTURE COMMITTEES

RESOLUTION NO. 214-12 *RESOLUTION TO ADOPT OWEGO-NICHOLS
AGRICULTURAL DISTRICT (#2) EIGHT-YEAR REVIEW
MODIFICATION AND SEQR NEGATIVE
DECLARATION AND SUBMIT SAME TO THE NYS
DEPARTMENT OF AGRICULTURE AND MARKETS
FOR APPROVAL*

WHEREAS: Pursuant to the New York State Agriculture and Markets Law Article 25AA and upon 300-day notice by the Department of Agriculture and Markets, the Tioga County Legislature has initiated a review of the existing Owego-Nichols Agricultural District (#2) to determine if it should be modified or terminated; and

WHEREAS: The Tioga County Planning Department has conducted this review and has created a corresponding modification plan based on public comments, surveys and extensive consultation with area farmers; and

WHEREAS: The required public hearing was held on July 25th, 2012 at which time the District map and findings along with the proposed revisions were presented to the public; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed the plan for modification to Agricultural District #2 and voted unanimously to recommend approval of the modification plan to the Tioga County Legislature; and

WHEREAS: The modification of a state Agricultural District is subject to SEQR review and the Tioga County Legislature is the lead agency for SEQR (State Environmental Quality Review) requirements; therefore be it

RESOLVED: That based upon SEQR review of the above as outlined on the New York State Department of Agriculture & Markets "Environmental Assessment Form" provided by them for this purpose, the County of Tioga has determined that the proposed modifications of the Owego-Nichols Agricultural District would not have a significant adverse impact on the environment and therefore makes a Negative Declaration and shall submit such documentation to NYS Department of Agriculture & Markets; and be it further

RESOLVED: That the Tioga County Legislature does hereby approve the proposed plan as revised to date, and directs the Planning Department to prepare a submission package including the findings report and map as required by the NYS Department of Agriculture and Markets in accordance with NYS Agricultural Districts Law, Article 25AA.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 215-12

*SUPPORT OF SOUTHERN TIER REGION
ECONOMIC DEVELOPMENT CORPORATION
COMMUNITY REVITALIZATION PROGRAM
GRANT FUNDING TO ESTABLISH A TIOGA
COUNTY COMMERCIAL FAÇADE
IMPROVEMENT LOAN PROGRAM*

WHEREAS: The Southern Tier Region Economic Development Corporation Community Revitalization Program has made available a funding opportunity for rehabilitation of building stock to foster small business development, 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 properties within the County commercial business districts through façade improvement; 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 the Susquehanna Heritage Area Management Plan Amendment Goal 1, Objective

3 is to preserve and protect historic buildings, structures, districts and enhance the historic cultural resources within the Susquehanna Heritage Area; and

WHEREAS: Tioga County approved resolutions supporting applications for the Village of Owego for the 2010 NYMS Program for \$471,173.00 in funding was made and approved, for the 2011 Agricultural and Community Flood Recovery Grant \$500,000 in funding was made and approved, and the Village of Nichols for the 2012 NYMS Program for \$250,000 in funding has been made and is pending; and

WHEREAS: Inquiries and interest has been made by eligible commercial property owners throughout Tioga County's downtown business district areas to utilize funding for façade improvements; and

WHEREAS: This grant funding will be used for the establishment of a 0% loan program to meet this funding need; 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

WHEREAS: The Tioga County Local Development Corporation will make application and provide for administration of said Tioga County Commercial Façade Improvement Program; and

WHEREAS: The Community Revitalization Program grant application will be submitted for \$250,000.00 to establish a Tioga County Commercial Façade Improvement Loan Program with 50% cash match provided by property owners; therefore be it

RESOLVED: That the Tioga County Legislature hereby supports the submission and administration of said grant application by the Tioga County Local Development Corporation to the Southern Tier Region Economic Development Corporation Community Revitalization Program for \$250,000.00 to establish a Tioga County Commercial Façade Improvement Loan Program with 50% cash match provided by property owners.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 216-12 *AWARD DESIGN SERVICES TO
LABELLA ASSOCIATES FOR DESIGN
SERVICES FOR GASKILL RD BRIDGE
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 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; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Labella Associates, Rochester, NY 14614 in the amount of \$45,700; and be it further

RESOLVED: That account H2012.06 be established for this project by transferring \$45,700 from H511 Appropriated Reserve Account into H2012.06 Gaskill Rd. Bridge over Little Nanticoke Creek (BIN: 3335390).

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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

RESOLUTION NO. 217-12 *AUTHORIZE THE CHAIRMAN TO RESPOND TO THE STATE HEALTH DEPARTMENT'S STATEMENT OF INTEREST*

WHEREAS: Section 6 of Part F of Chapter 56 of the laws of 2012 authorizes the Department of Health (Department) to transfer responsibility for the administration of the Medicaid program from local social services districts over a period of six years (by March 31, 2018); and

WHEREAS: The Department will accomplish the assumption of administrative responsibilities with state staff, contracted entities, and contracts with counties; and

WHEREAS: The legislation requires the Department to send a Statement of Interest to counties to elicit their interest and capacity to contract with the Department to perform Medicaid administrative functions; and

WHEREAS: Results from the Statement of Interest questionnaire will be used to guide the State in planning the transition of Medicaid administrative functions; and

WHEREAS: Based upon the results of the Statement of Interest and the creation of the necessary infrastructure, the Department will determine the timing of the administrative function assumption and will publish the results of the Statement of Interest; and

WHEREAS: Counties should maintain the capacity to perform Medicaid administration until the State has assumed the function from the county; and

WHEREAS: The Tioga County Department of Social Services recommends that Tioga County respond to the Statement of Interest; and

WHEREAS: The recommendations have been reviewed by the Health and Human Services Committee; now therefore be it

RESOLVED: That the Chairman of the Legislature is hereby authorized to respond to the Statement of Interest on behalf of the County of Tioga in the form as is on file with the Clerk of the Legislature.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 218-12 *AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY
ASSOCIATES, PC, AND TIOGA COUNTY*

WHEREAS: Beginning January 1, 2013 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 1/1/13 through 12/31/13.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY

RESOLUTION NO. 219-12

*AUTHORIZING CHAIR OF THE
LEGISLATURE TO EXERCISE CERTAIN
LEGISLATIVE POWERS DURING A
DECLARED STATE OF EMERGENCY*

WHEREAS: During a declared local state of emergency, Executive Law Article 2B confers upon the “chief executive” certain emergency powers to protect the life and property of the County or to bring the emergency situation under control; and

WHEREAS: The term “chief executive” includes the Chair of the Legislature in the absence of a county executive or manager; and

WHEREAS: During a state of emergency, it may be difficult or impossible for a quorum of the Tioga County Legislature to convene to conduct the business of the County to ensure the continuity of government during the disaster; and

WHEREAS: The Tioga County Legislature would like to authorize the Chair of the Legislature to make the decisions necessary to protect the life and property of the citizens of Tioga County during a declared local state of emergency; therefore be it

RESOLVED: That once a local state of emergency is declared by the Chair of the Legislature pursuant to Executive Law Article 2B, the Tioga County Legislature authorizes the Chair to promulgate any orders necessary to govern the County and ensure continuity of government until such time that the a quorum of the Legislature can convene.

ROLL CALL VOTE

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

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. 220-12 *AUTHORIZE CONTRACT WITH POMCO
GROUP FOR WORKERS'
COMPENSATION ADMINISTRATION*

WHEREAS: The Tioga County Self-Insurance Plan has been using the services of POMCO Group, a third-party administrator for our workers' compensation program, since January 1, 2003; and

WHEREAS: POMCO representatives have a dedicated in-house team of supervisors, claims adjusters, case managers, and medical bill auditors that work together to provide effective proactive management on all workers' compensation claims; and

WHEREAS: POMCO communicates with all representatives of the Tioga County Self-Insurance Plan to ensure that cases are handled as desired by the self-insured employer; and

WHEREAS: POMCO actively works to recoup any medical savings or recover any funds under New York State Workers' Compensation Law on our workers' compensation cases; and

WHEREAS: POMCO has submitted a two year contract with no increase in the workers' compensation administration fees from the previous two year contract; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a two year contract with POMCO Group, subject to review by the County Attorney, to be our third party administrator for the Tioga County Self Insurance Plan, for the period of January 1, 2013 through December 31, 2014 at a flat per year plan administration, claim handling, and reporting cost of \$19,275.00 for 2013 and \$19,275.00 for 2014.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 221-12 ABOLISH TWO (2) FULL-TIME &
ONE (1) PART-TIME CLEANER
POSITIONS

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

WHEREAS: The Commissioner of Public Works received sealed bids for Cleaning Services for all County Office Buildings on July 30, 2012; and

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan made a motion to have the following late-filed resolutions considered, seconded by Legislator Hollenbeck and carried with Legislator Monell being absent.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 223-12 APPROVAL FOR GRANT APPLICATION
PUBLIC HEALTH

WHEREAS: Tioga County Health Department (TCHD) has received notice of a grant funding opportunity through the New York State Association of County Health Officials (NYSACHO); and

WHEREAS: Accreditation of Public Health Departments nationwide is new and still being developed, yet it is clear future State Aid and grant funding will be based upon successful accreditation; and

WHEREAS: TCHD was selected in 2009 to be a BETA test site for the National Public Health Accreditation Board (PHAB); and

WHEREAS: TCHD is in the formal process of self-evaluating readiness and preparation of the accreditation process and needs assistance in this endeavor; and

WHEREAS: NYSACHO is proactively assisting New York counties to prepare for the requirements of accreditation, which is the intent and purpose of the NYSACHO Accreditation Support Grant; and

WHEREAS: TCHD desires to apply for this grant; and

RESOLVED: That Raymond P. Case is hereby appointed Legislator effective September 11, 2012 to fill the remainder of the term of Legislative District 5, said term ending December 31, 2015.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

County Clerk Woodburn sworn in Legislator Raymond P. Case for the remainder of vacant Legislative District 5 term.

The meeting was adjourned at 6:25 p.m.

Public Hearing
Spencer Agricultural District #1
September 13, 2012

The Public Hearing on review of a proposed plan for revision of the *Spencer Agricultural District* was called to order by the Chair at 1:00 P.M. at the Town of Tioga Hall, Tioga Center, NY. Legislative members Case, Hollenbeck, Huttleston, Standinger, Sullivan and Weston were present, Legislators Monell, Roberts and Sauerbrey being absent.

Staff members Elaine Jardine, Faith Pipher, Maureen Dougherty, Cathy Haskell, and Bill Ostrander were present.

There were 3 people in attendance.

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

Faith Pipher, Agriculture Program Assistant, spoke. "I have been working with the Planning Department on this review and the proposed changes we wish to make after thorough investigation and review are only and strictly only for additions of parcels to be included. We did have a request for one withdrawal. We wish to make no changes to the boundaries, rules, or regulations regarding the district.

"We received our notice of review from NYS Agriculture and Markets on March 19, 2012. At that time, the Department began the proper review process by initiating a public comment period from April 18th – May 17th, 2012. From that time forward, we began a mailing to all rural residents within the district for a collection of data and if they had a request for inclusion they could return it within this time. We made many telephone interviews and went over parcel data with our GIS Manager, Bill Ostrander, who is in attendance today. Mr. Ostrander is the one who put together the map of the proposed changes. I would like to stress to those in attendance today that these are not final changes. We have 40,000 acres to review and I have brought with me today what data forms have not been included as of this date, but will be prior to final submission.

"Compiled data so far shows that the prior Agricultural District #1 was composed of 40,073 acres and during this review period thus far, we have received requests for 8,685 acres. This represents, if adopted, a net increase of 21%. We can also report to NYS Agriculture and Markets that we have 17,992 acres thus far, if approved, as croppable acres.

“Notes from this hearing and the results from the data collection process will be presented to Tioga County Agricultural and Farmland Protection Board for their analysis and then to the Tioga County Legislature for their final approval before a January 2013 submission to NYS Agriculture and Markets for their concurrence.

“Those are the only changes we wish to make except for the one withdrawal and I have not tallied the acreage from that withdrawal as of this date. I feel these are all positive changes. ”

Chair Weston provided an opportunity for people to view the map and then make a public comment.

Bob Strong spoke. “I have 400 plus acres that I submitted, but are not on the map. ”

Faith Pipher spoke. “The map that was dropped off here today did not include any data that was prior to the review. If you look at the map today it may not be actually included. We have two reviews going on in the County at this time. The County maintains three districts and two of them are under review and they are approximately 30 days apart so this is 30 days behind the last review, so we are a little bit behind in getting data in which is a normal situation for two ongoing reviews. Bob, if you look over this map and your acreage is not here, it is probably yet to be added.”

Bob Strong spoke. “What was listed on the report for here had all of my land, but did not have Craig’s and Brian’s land listed.”

Faith Pipher spoke. “I think I talked with Craig on the phone and I am almost positive that we have his information to be added”. I would like to stress that this is an ongoing map and is not final until January 2013.” We are in the process of putting it together.”

Elaine Jardine spoke. “We will send Mr. Strong a pdf copy of the map as we get closer to finalization.” The date of the public hearing is prescribed by the law, so it has to be within 120-180 days of the anniversary date, therefore, we had to have this public hearing now. The data is so voluminous and we have so little human resources we are kind of in a bottleneck, but we will make sure Mr. Strong that you get a review of this before final submission.”

Faith Pipher spoke. "Bill Ostrander takes care of the whole County and not just the Planning Department, therefore, he has a lot more on his plate to take care of. " I remember reviewing your son's data form and talking to him on the phone. I am sure that your son's data is ready to go in and just needs to be added to the map."

Elaine Jardine spoke. "I know there were some inclusions for Craig a couple of years ago, so we will check that as well to make sure all parcels are in." So, the map here at the Town Hall does not have all of your parcels?"

Bob Strong spoke. "The map has all of mine and none of Craig's and Brian's.

Elaine Jardine spoke. "Ok, we have to check that again Bill. This isn't the first time that somebody has told us that inclusions were not in there."

Carol Ayers spoke. "I wasn't sure if my niece's property was in the Agricultural District. My brother, George, originally had this property and I think it was in the Agricultural District and now the property belongs to my niece."

Legislative Clerk Dougherty spoke. "Where is the property located? Is it still Hagadorn Hill? What is your niece's name?"

Carol Ayers spoke. "Yes, the property is on Hagadorn Hill Road and my niece's name is Melody Simmons."

Legislative Clerk Dougherty spoke. "They will need to research this to see if the property is still in the Agricultural District, but unless someone requested a withdrawal, the property would still be in the District."

Faith Pipher spoke. "You believe the property is already in the District? The only time that a property can be taken out of the Agricultural District is if you request to have it withdrawn during one of these 8-Year reviews. What is your brother's name?"

Carol Ayers spoke. "My brother's name is George Ayers."

Legislative Clerk Dougherty spoke. "What is your home phone number? They will do some research on the parcel and contact you to know the status."

Faith Pipher spoke. "The simplest way to understand this program is that this is New York State's effort for farmland preservation. This is done two ways by putting a little blanket of protection around the property for intrusive municipal laws and maybe even infrastructure being built around it, but it also gives the operator of the land an advocate with NYS Agriculture and Markets to help protect them with their endeavors of the land. For instance, if they were to receive a nuisance complaint from an individual or even a local municipality if what they are doing is producing the nuisance. The fact that they are practicing sound agricultural practices, New York State will stand in there and help represent them. It is preservation in two ways; for the property and the operator. There is really no monetary gain."

Marv Fisher spoke. "Is it too late to request property to be included in the Agricultural District?"

Faith Pipher spoke. "Not for this particular Agricultural District. I brought some forms with me today. As we go on, it will become harder for us. I would also like to remind you that there is an annual inclusion period that is usually after Christmas. I can give you a form to complete."

Marv Fisher spoke. "I rent land out to a farmer for the past few years."

Elaine Jardine spoke. "That's great. When you see the form, you will check non-farmer and there is a place for the farmer to fill out too."

Faith Pipher spoke. "I have a cover letter that explains what an Agricultural District is and you can also check out the NYS Agriculture and Markets website to give you a little bit more information than what I can tell you here today." It is a good program and I have never worked with it before. It has been exciting this year with a great overwhelming public response. Not just rural property owners, but I have had people who live in town that also received notification of this hearing call for information. I think people understand that with the drought this year in the national media how fragile our agricultural base is. So, I have been excited to have a good response like this."

There being no further public comments, the hearing was adjourned at 1:12 P.M.

Tenth Regular Meeting
October 9, 2012

The Tenth Regular Meeting of 2012 was held on October 9, 2012 and was called to order by the Chair at 12:07 P.M. All Legislative members were present.

Chair Weston asked Legislator Monell to have a moment of prayer. "Lord we thank you for this time that we have been able to come together to discuss the doings of the County of Tioga. We pray Lord that you would bless this group as we make decisions, help us to remember who we represent, and help us to do the job that we have been put here to do."

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

There were 21 people in attendance.

Jamie Cornell of the Employee Recognition Committee presented the Employee of the 3rd Quarter 2012 to Teresa Ryder of the Department of Social Services. "I would like to take this opportunity to thank the members of the Legislature for continuing to support this very valuable program that allows us to recognize the best and the brightest that have dedicated their lives to serving the people of Tioga County.

"Today it is my pleasure and my privilege to announce the Employee of the 3rd Quarter in Tioga County is Teresa Ryder. Teresa began her career with Tioga County in 1980 as a Social Welfare Examiner at the Department of Social Services. 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 also tackled the large undertaking of moving the Department of Social Services into the new Health and Human Services Building. Initiating these changes often required increased commitment on Teresa's part in both time and training, which she tackled 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 as demonstrated by the fact that she 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, often sharing her creations with her coworkers and she also likes to garden. Teresa says that her greatest joy is her family and she enjoys planning and hosting parties for her family and friends. Thank you very much for your service.”

Legislator Huttleston spoke. “Teresa is always so bubbly. It is a great honor when we recognize the employees in this County because we have a lot of good employees. They all do a beautiful job and I am very pleased. It makes my job easier, it makes Shawn’s job easier. I really appreciate it and I appreciate all the job that all of you people do, and that is what makes this County so great is that we have so many good, dedicated employees. The people that live in this County are so lucky to have employees that we hire. Thank you.”

Gary Grant, Director of Administrative Services of the Department of Social Services spoke.” I am pleased to be here to speak about Teresa and share some of the comments I made to the Recognition Committee in support of her nomination. Teresa, as Jamie said, is one of the most highly regarded land administrators in the State. When the State wants to test a new program or technology, they will often choose Tioga because of Teresa. They know that Teresa will put it through its paces and offer her honest, sometimes brutally honest opinion of whether it is good or bad. This benefits us because we often get things first and more importantly free. We were one of the first Counties to get laptops for our Child Welfare Staff to use in the field and if I recall correctly I think we got nine of them free as a test site. I can say other examples of where the County and the Department has benefited by Teresa’s stellar reputation.

“Teresa is also very highly regarded by her peers at DSS. Staff knows that any issue with hardware, software will be quickly resolved. Her staff is well trained and focused on customer service. I just wish I knew where Teresa got all of her energy from. She only knows one speed and it is really fast. She is just always on the go. She is a role model for all with her work ethic. I am proud to know her, I am proud to work with her, and I am thrilled that she has received this well-deserved recognition.”

Teresa Ryder spoke. "I just want to say thank you to the Employee Recognition Committee, past and present members, and to the Legislators and Administrators who support this program. Most of all I want to say thank you to all of the County employees. I have worked for Tioga County and been in civil service for over half of my life now. More importantly, I have lived in Tioga County all my life and I know how hard people work and they are dedicated. We have a lot to be proud of in this County and the employees are the reasons for it in large part. Thank you everybody. I am humbled and privileged to get this award and I am little prejudiced, but I feel like I work for the best of the best in the County at Social Services."

Chair Weston noted the following two Proclamations on Breast Cancer Awareness Month and Food Day.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: A woman receives a diagnosis of breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers; and

WHEREAS: Through research and advocacy, significant advances have been made in the fight against breast cancer, including an increase in five-year relative survival rates for localized breast cancer from 74 percent to 98 percent; and

WHEREAS: The 2.5 million breast cancer survivors living in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected; and

WHEREAS: Various organizations are spreading breast cancer awareness to both women and men through outreach, education, and screening programs, and have empowered women with the life-saving message of early detection and the importance of having annual mammograms; and the County of Tioga would like to support and encourage these ongoing efforts on behalf of our citizens, and

WHEREAS: Throughout the month of October, women are encouraged to make a renewed commitment to following recommended screening guidelines and to make a mammogram appointment; and

WHEREAS: Throughout the month of October, organizations and health practitioners in Tioga County are encouraged to use this opportunity to promote awareness about breast cancer and proper breast health, and to encourage annual mammograms; and

WHEREAS: Public officials and citizens of Tioga County are urged to observe this month with appropriate activities and programs that encourage annual mammograms; and

WHEREAS: The County of Tioga recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of October 2012 as

BREAST CANCER AWARENESS MONTH

and urges all residents to take steps to get life-saving mammograms and educate themselves, their families, and the community about breast cancer.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: The health and well-being of our citizens is of primary concern for the County of Tioga, New York; and

WHEREAS: Reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens' overall health; and

WHEREAS: Supporting sustainable family farms and local agriculture benefits the local economy; and

WHEREAS: Obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer so that the food we produce and consume is safe and fair for all; and

WHEREAS: Expanding access to food and ending hunger is of critical importance to aid those who live in food deserts; and

WHEREAS: Curbing junk-food marketing aimed at children is vitally important in order to combat rising obesity rates and raise a generation of healthy children; and

WHEREAS: Protecting the environment and farm animals is necessary to sustain future generations, therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim Monday, October 24, 2012 as:

FOOD DAY

and encourages businesses, government agencies, national organizations, community-based organization and service groups to spread the food day message throughout their communities.

Chris Bonner had privilege of the floor. He spoke regarding the political debates that are currently going on.

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 | | 290.33 |
| A1165 | District Attorney | | 607.23 |
| A1170 | Public Defender | | 5,101.86 |
| A1172 | Assigned Counsel | | 10,861.60 |
| A1185 | Medical Examiners/Coroners | | 508.08 |
| A1325 | Treasurer | | 5,104.83 |
| A1355 | Assessments | | 2,575.45 |
| A1410 | County Clerk | | 1,110.58 |
| A1420 | Law | | 632.06 |
| A1430 | Personnel | | 2,786.15 |
| A1450 | Elections | | 8,408.72 |
| A1620 | Buildings | | 29,684.70 |
| A1621 | Buildings | | 13,874.97 |
| A1680 | Information Technology | | 26,851.90 |
| A2490 | Community College Tuition | | 1,192.33 |
| A2960 | Education of Handicapped Children | | 44,965.48 |
| A3020 | Public Safety Comm E911 System | | 4,712.78 |
| A3110 | Sheriff | | 15,588.72 |
| A3140 | Probation | | 231.22 |
| A3146 | Sex Offender Program | | 9,240.00 |
| A3150 | Jail | | 55,528.30 |
| A3315 | Special Traffic Programs | | 500.00 |
| A3410 | Fire | 441.29 | 6,820.56 |
| A3640 | Emergency Management Office | | 494.72 |
| A4010 | Public Health Nursing | | 28,987.21 |
| A4011 | Public Health Administration | | 3,100.76 |
| A4012 | Public Health Education | | 176.07 |
| A4042 | Rabies Control | | 1,931.23 |
| A4044 | Early Intervention | | 32,053.50 |
| A4054 | Preventive Dental Services | 998.84 | 4,095.09 |
| A4062 | Lead Poisoning Program | | 9.50 |
| A4064 | Managed Care-Dental Services | | 6,769.00 |

| | | |
|------------------------------------|-----------------------------------|-------------------|
| A4070 | Disease Control | 13,536.93 |
| A4090 | Environmental Health | 886.55 |
| A4210 | Alcohol and Drug Services | 1,886.54 |
| A4211 | Council on Alcoholism | 21,980.68 |
| A4309 | Mental Hygiene Co Admin | 7,299.55 |
| A4310 | Mental Health Clinic | 44,505.16 |
| A4311 | Rehabilitation Support Services | 1,854.00 |
| A4320 | Crisis Intervention Services | 14,320.00 |
| A4321 | Intensive Case Management | 1,507.09 |
| A4333 | Psycho Social Club | 37,546.75 |
| A4309 | Criminal Psychiatric Expenditures | 4,050.12 |
| A6010 | Social Services Administration | 85,460.33 |
| A6422 | Economic Development | 271.10 |
| A6510 | Veterans' Service | 207.00 |
| A6620 | Sealer of Weights and Measures | 193.12 |
| A8020 | Planning | 1,898.28 |
| SOLID WASTE FUND | | 92,327.61 |
| SPECIAL GRANT FUND | | 4,916.86 |
| LIABILITY INSURANCE FUND | | 294.24 |
| COUNTY ROAD FUND | | 80,086.43 |
| CAPITAL FUND | | 537,013.53 |
| CONSOLIDATED HEALTH INSURANCE FUND | | <u>291,804.82</u> |
| GRAND TOTAL | | \$ 1,570,081.75 |

Legislator Sullivan made a motion to approve the minutes of September 6, 11, and 13, 2012, seconded by Legislator Monell, and carried.

Chair Weston made the following appointments:

Broome-Tioga County Workforce Investment Board
J. Brian Scanlon- 10/09/2012 – 06/30/2014

Community Development Block Grant Management Team
Legislative Chair
County Attorney
Planning Director
Commissioner of Public Works or his designee.

This designee will also serve as a Point of Contact for the County.

The 2012 Standing Committees were revised to acknowledge Legislator Case has filled the current vacancy.

**STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2012**

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 225-12

*RESOLUTION OF SUPPORT FOR
HAEFELE TV INC.’S CONNECT NY
BROADBAND GRANT APPLICATION*

WHEREAS: Governor Andrew Cuomo of the State of New York has committed \$25 million to increase broadband deployment and adoption in New York State; and

WHEREAS: The program, entitled The Connect NY Broadband Grant, would provide up to eighty percent of installation and construction costs, but requires a local contribution of twenty percent; and

WHEREAS: The Tioga County Legislature believes that portions of Tioga County are, with regard to High Speed Internet access, currently under or unserved; and

WHEREAS: Haefele TV Inc. has expressed its intent to the Tioga County Legislature to seek a portion of the aforementioned funds to increase its coverage network to include almost all of the under or unserved portions of Tioga County; and

WHEREAS: Haefele TV Inc. has expressed its intention to provide all of the matching funds required by the Connect NY Broadband Grant; and

WHEREAS: The State of New York has requested that applicants for a Connect NY Broadband Grant provide proof of public-private partnerships in the implementation of said grants; now therefore be it

RESOLVED: That the Tioga County Legislature endorses and supports Haefele TV Inc. and its application to receive broadband development funds from the Connect NY Broadband Grant program.

ROLL CALL VOTE

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

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. 226-12 TRANSFER OF FUNDS
MENTAL HYGIENE

WHEREAS: No prior notice was provided, and therefore no funding was appropriated within the Sheriffs' Office 2012 budget for this purpose; and,

WHEREAS: The Budget Director has instructed that funding to upgrade these computers be allocated from foreseeable unspent funds contained in the various appropriation accounts within the Sheriffs' Office 2012 budget; and

WHEREAS: The Tioga County Sheriff's Office has identified \$16,669 within these appropriation accounts that could be transferred to fund these computer upgrades; therefore be it

RESOLVED: That the following monies be transferred as follows:

| | |
|---|----------------|
| FROM: Sheriff's Account 3110.40.20 – Ammunition | \$ 369 |
| Sheriff's Account 3110.40.70 – Car Maintenance | \$5,000 |
| Sheriff's Account 3110.40.90 – Clothing | \$5,000 |
| Sheriff's Account 3110.40.350 – Office Equip Maint. | \$ 500 |
| Sheriff's Account 3110.40.470 – Physicals | \$1,000 |
| Sheriff's Account 3110.40.480 – Postage | \$ 500 |
| Sheriff's Account 3110.40.485 – Printing/Paper | \$ 500 |
| Sheriff's Account 3110.40.560 – Repairs | \$ 300 |
| Sheriff's Account 3110.40.640 – Supplies (not office) | \$ 500 |
| Sheriff's Account 3110.40.660 – Telephone | \$1,000 |
| Sheriff's Account 3110.40.680 – Tires | \$1,000 |
| Sheriff's Account 3110.40.731 - Training mandatory | <u>\$1,000</u> |
| | \$16,669 |

TO: Sheriff's Account 3110.20.130 – Equipment not car \$16,669

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 228-12 *AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE OF
EQUIPMENT FOR ECONOMIC DEVELOPMENT &
PLANNING*

WHEREAS: The Economic Development & Planning Staff and the department laptop, have computer systems that need updating and are in need of replacement; and

WHEREAS: The Information Technology Department has recommended replacements; 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 computer systems not to exceed \$2606.25 and that the following sums be transferred:

From: ED&P Account A6422.40-10 \$2606.25

To: ED&P Account A6422.20-90 \$2606.25

ROLL CALL VOTE

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

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. 229-12 TRANSFER OF FUNDS (PERSONNEL)

WHEREAS: The Information Technology Department has determined that all the computers in the Personnel Department need to be replaced by December 31, 2012; and

WHEREAS: This is an unexpected expense and the Personnel budget does not have any money in the computer account; and

WHEREAS: The Personnel budget does have money in the Contracting Services account due to the fact a program that was budgeted for 2012 was not implemented; therefore be it

RESOLVED: That \$4,000 be transferred from Contracting Services account A1430.40-140 to Computer account A1430.20-90 effective October 10, 2012 for the purpose of purchasing 6 computers.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 230-12 *APROVE 2013 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 2013 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2013 STOP DWI Plan including the following budgeted appropriations:

| | |
|---------------------|-----------------|
| Enforcement | \$46,050 |
| Prosecution Related | \$14,300 |
| Probation | \$16,200 |
| Rehabilitation | \$13,300 |
| PI&E | \$19,000 |
| Administration | <u>\$ 6,000</u> |
| | \$114,850 |

ROLL CALL VOTE

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

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. 231-12 *DESIGNATION OF TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION,
D.B.A. TIOGA COUNTY TOURISM, AS
AUTHORIZED TOURISM PROMOTION
AGENCY FOR 2013*

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 2013 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 Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

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. 232-12 *SCHEDULE PUBLIC HEARING COMMUNITY
DEVELOPMENT BLOCK GRANT DISASTER
RECOVERY (CDBG-DR) PROGRAM*

RESOLVED: That a public hearing shall be held on the Community Development Block Grant Disaster Recovery (CDBG-DR) Program in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, November 8, 2012 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 Monell, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Huttleston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 233-12 *AUTHORIZE CONTRACT WITH SADD
SCHOOL ASSOCIATES*

WHEREAS: It is the desire of the STOP DWI Program to contract with SADD School Associates which are defined as Independent contractors not entitled to County Employee benefits; and

WHEREAS: The current Waverly SADD School Associate contract with Debra Lauper expired in June of 2012; and

RESOLVED: That Lori Monk be appointed to the position of Director of Community Services effective October 10, 2012 at an annual salary of \$79,262.00; and be it further

RESOLVED: That the 2013 annual salary shall also be \$79,262.00; and be it further

RESOLVED: That the incumbent shall serve an 8-52 week probationary period.

ROLL CALL VOTE

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

No – Legislator Sullivan.

Absent – None.

RESOLUTION ADOPTED.

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

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 235-12

*AWARD PROFESSIONAL
ENGINEERING SERVICES FOR
FLOOD MITIGATION FOR THE
COUNTY OFFICE, CLERK/ANNEX
AND COURT HOUSE BUILDINGS*

WHEREAS: The Commissioner of Public Works received a proposal from McFarland Johnson, Binghamton, NY to provide Professional Engineering Services for Flood Mitigation for the County Office Building, Clerk/Annex and Court House buildings; and

WHEREAS: The Engineering Services will consist of performing evaluations, preparing letter report(s), preliminary and final cost opinions, as well as final construction drawings and specifications; therefore be it

RESOLVED: That the Tioga County Legislature award Professional Engineering Services for this project to McFarland Johnson, Binghamton, NY not to exceed \$68,100 to be paid out of Tropical Storm Lee Disaster-expenditure account H1625.20.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 236-12 *A RESOLUTION REQUESTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION RELEASE ITS MAINTENANCE JURISDICTION OVER A PORTION OF HIGHWAY RIGHT OF WAY ALONG ROUTE 434 IN THE TOWN OF OWEGO AND FURTHER AUTHORIZE TIOGA COUNTY TO CONVEY ITS INTEREST IN SAID PORTION TO ROBERT D. ABELL*

WHEREAS: Robert D. Abell has expressed a desire to acquire property which is between his property and Route 434 in the Town of Owego in order to gain access to his property; and

WHEREAS: Tioga County originally acquired the property when New York State abandoned the parcel to Tioga County in 1937 after construction of the highway; and

WHEREAS: The New York State Department of Transportation (NYSDOT) has indicated a willingness to release its maintenance jurisdiction over that portion of land to Robert D. Abell pursuant to NYS Highway Law Section 65; and

WHEREAS: That portion of land is no longer necessary for highway purposes; and

WHEREAS: With the abandonment by the NYSDOT, the County can proceed to convey its interest in that portion of land to Robert D. Abell for the sum of \$1500.00; therefore be it

RESOLVED: That the Chairman of the Tioga County Legislature hereby requests the NYSDOT release its maintenance jurisdiction over that portion of highway right of way along Route 434 in the Town of Owego as shown on Map No. 11-C, parcel No. 49 prepared by George W. Whistle, P.E., P.L.S. dated August 23, 2011; and be it further

RESOLVED: That the Chairman of the Tioga County Legislature is herewith authorized to take any action and execute any documents that may be necessary to convey the County's interest in said parcel of land to Robert D. Abell for the sum of \$1500.00 plus filing fees.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:27 p.m.

RESOLVED: That Resolution No. 155-12 as amended by Resolution No. 199-12 be amended to extend the temporary position of Project Manager through December 31, 2012 on an as needed basis to assist with the review of Proposals, coordination of a Needs Assessment for the County Departments and explanation of the County's infrastructure to Consultants, as needed; and be it further

RESOLVED: That Suzanne Horton's rate of \$50 per hour will continue through December 31, 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 238-12 AMEND RESOLUTION #151-12
EXTEND END DATE (PERSONNEL)

WHEREAS: Resolution #151-12 authorized the creation of a temporary part-time Cleaner position from 6/13/12 through 8/8/12 because of a cleaner vacancy and a leave of absence; and

WHEREAS: It became necessary to extend that temporary appointment beyond August 8, 2012 due to the County's agreement with the CSEA to delay the start of contracted cleaning to accommodate the termination of our employee cleaners; and

WHEREAS: The temporary Cleaner worked through September 28, 2012; therefore be it

RESOLVED: That Resolution #151-12 is hereby amended to reflect an end date of September 28, 2012 instead of August 8, 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 239-12 *TRANSFER OF FUNDS*
ROAD PROJECT - PUBLIC WORKS

WHEREAS: The Department of Public Works worked in conjunction with the Tioga County Industrial Development Agency to improve the intersection at Corporate Drive and NYS Rte 38; and

WHEREAS: The Department of Public Works completed the Glen Mary Drive rehabilitation project under budget; and

WHEREAS: The funds for the Corporate Drive Project qualify for CHIPS reimbursement; therefore be it

RESOLVED: That the Tioga County Legislature authorize the transfer of funds from Glen Mary Drive Account H2012.03 in the amount of \$72,137.88 into Corporate Drive Account H2012.04

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:12 A.M.

*Public Hearing
Community Development Block Grant
Disaster Recovery (CDBG-DR)
November 8, 2012*

The Public Hearing on Community Development Block Grant Disaster Recovery (CDBG-DR) was called to order by the Chair at 1:03 P.M. Legislative members Case, Hollenbeck, Huttleston, Monell, Roberts, Sauerbrey, Standing, and Weston were present, Legislator Sullivan being absent.

There were 7 people in attendance.

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

There being no comments, the hearing was adjourned at 1:06 P.M.

Eleventh Regular Meeting
November 13, 2012

The Eleventh Regular Meeting of 2012 was held on November 13, 2012 and was called to order by the Chair at 12:04 P.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would like to have a moment of silence for all the Veterans."

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

There were 10 people in attendance.

Chair Weston noted the following Proclamation on Adoption Awareness Month.

PROCLAMATION

This November marks the 22nd annual National Adoption Month. November 17th is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized 9 adoptions for 2012. 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.

Legislator Huttleston presented the following Proclamation on Prematurity Awareness Month. Heather Morgan-Gulnac, Health Educator of the Health Department read the Proclamation.

County of Tioga EXECUTIVE PROCLAMATION

WHEREAS: Prematurity has been increasing steadily and alarmingly over the past two decades; and our country's premature birth rate has risen by 36 percent over the last 25 years. That is serious cause for concern; and

WHEREAS: Prematurity is the leading killer of America's newborns. In the United States 1 in 8 babies are born prematurely each year and 5,000 of those born will not survive, that's one baby every 30 seconds; and

WHEREAS: Many premature babies will be too small and too sick to go home. Instead, these babies may face weeks or even months in neonatal intensive care units (NICU); and those who survive often have lifelong health problems, including cerebral palsy, intellectual disabilities, chronic lung diseases, blindness and hearing loss to name a few; and

WHEREAS: Doctors have made marvelous advances in caring for babies born too small and too soon, we need to find out how to prevent premature birth from happening in the first place; and

WHEREAS: Women who have had a previous preterm birth, who are pregnant with twins, triplets or more, or women with certain uterine or cervical abnormalities are more at risk to have premature births, but recognize that preterm labor and delivery can happen to any pregnant woman; and

WHEREAS: Advocacy for organizations, such as March of Dimes and Mothers and Babies Perinatal Network of South Central New York, is essential to the Prematurity Awareness Campaign, to educate the public about the problems of prematurity and to decrease the rate of preterm birth in the United States, New York and Tioga County; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of November 2012 as

PREMATURITY AWARENESS MONTH

and urges all residents to get life-saving prenatal care and educate themselves, their families and the community about prematurity.

Health Morgan-Gulnac spoke. "Just on a closing note, as Mr. Huttleston said, I am a Health Educator at the Tioga County Health Department and I am privileged to come before you this afternoon and accept this Proclamation for prematurity awareness. The statistics that were shared with you in this Proclamation are alarming and prematurity is clearly an important issue in the United States.

"More specifically, from 2009 to 2011 in Tioga County here locally 1400 babies were born. That means approximately 175 were premature. That is 175 to many. Some of you may know at least one of these babies or more. Maybe one of you even has a connection to one of them. I myself know of several babies that were born to soon including four of my nieces and my own daughter. Prior to working at the Tioga County Health Department I worked with teen parents in public health for five years and educated them about having healthy pregnancies. I never once thought that I would develop a problem during my pregnancy, especially one that resulted in having a preemie baby.

"I had the perfect pregnancy until I developed preeclampsia or high blood pressure overnight during my 31st week of pregnancy and my daughter's growth was being restricted. Therefore it was decided the best thing to do was to have Lila. She weighed only 2 pounds 12 ounces and was 14 inches long, but she was absolutely perfect. She stayed in the NICU for 48 very long days, but I am very fortunate because by the grace of God and the wonderful doctors and nurses she just celebrated her second birthday this past October and is healthy.

"I am very passionate about raising awareness around prematurity and advocating for more research to find answers and education, and working with organizations in our community that can help us better reach out to the public and create better lives for moms and babies. Thank you for your support today and in this Proclamation, and in the lives of the babies here in Tioga County including my daughter's."

Gerri Wiley had privilege of the floor. "I am a registered nurse and as you were just told, November is Prematurity Awareness Month. As far as I know there is no low birth weight month or small for gestational age month, or low APGAR score month, yet these three are issues of infant health as well.

"In July of 2012 Elaine Hill of the Charles Dyson School of Applied Economics and Management at Cornell University published preliminary data regarding unconventional natural gas development and infant health, evidence from Pennsylvania. I have this website link in the letter that I will supply to you. From the attached abstract, the results suggest that exposure to natural gas development before birth increases the overall prevalence of low birth weight by 25%, increases overall prevalence of small for gestational age by 17%, and reduces five minute APGAR scores.

"As I said, prematurity is not involved, but these other indices are of equal importance, maybe not so much necessary for the lung development, but they have other sequelae. The County intends to pass a local law I noted criminalizing the sale or possession of psychoactive bath salts as they are dangerous substances, public nuisances, substantially and seriously interfering with the interest of the public and quality of life, total environment, property values, the common good, and are detrimental to the public health safety and welfare. The process of high volume horizontal hydrofracturing results in substantially more harm to the quality of life, again the total community, environment, property values, the common good, and is detrimental to the public health safety and welfare. Therefore I respectfully request Tioga County to do whatever it can to pass any laws protecting its citizens from high volume hydrofracturing.

"Along with my request comes Chapter 6 of Gas Pretrolite, How Shale Gas Development risks public health in Pennsylvania, listing of links to community impacts listed on our RAFT website, and a 47 page list of the harmed composed of 565 families who have been harmed by this process. Additionally, I would like to ask the Legislature to include high volume hydraulic fracturing as part of its hazard mitigation plans. 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 | 2,111.81 | 206.24 |
| A1165 | District Attorney | | 2,764.36 |
| A1172 | Assigned Counsel | | 32,275.39 |
| A1325 | Treasurer | | 50.50 |
| A1410 | County Clerk | | 386.64 |
| A1411 | Department of Motor Vehicles | | 315.25 |
| A1420 | Law | 554.00 | 3,580.00 |
| A1430 | Personnel | | 327.60 |
| A1450 | Elections | | 3,022.23 |
| A1460 | Records Management | | 611.19 |
| A1490 | Public Works Administration | | 267.23 |
| A1620 | Buildings | | 41,792.54 |
| A1621 | Buildings | | 17,502.00 |
| A1680 | Information Technology | | 4,063.15 |
| A2490 | Community College Tuition | | 26,028.20 |
| A2960 | Education Handicapped Children | | 194,101.42 |
| A3020 | Public Safety Comm E911 | | 4,691.84 |
| A3110 | Sheriff | 105.41 | 13,891.71 |
| A3140 | Probation | | 997.30 |
| A3146 | Sex Offender Program | | 9,240.00 |
| A3150 | Jail | | 49,475.53 |
| A3315 | Special Traffic Programs | | 800.00 |
| A3410 | Fire | | 3,467.55 |
| A3640 | Emergency Mgmt Office | | 631.45 |
| A3657 | Hazard Mitigation Plan | | 15,013.50 |
| A4010 | Public Health Nursing | | 28,706.54 |
| A4011 | Public Health Administration | | 11,619.63 |
| A4012 | Public Health Education | | 135.00 |
| A4042 | Rabies Control | | 538.00 |
| A4044 | Early Intervention | | 47,896.04 |
| A4053 | Preventive/Primary Health Svcs | | 482.78 |
| A4054 | Preventive Dental Services | | 3,721.32 |
| A4062 | Lead Poisoning Program | | 8.53 |
| A4064 | Managed Care-Dental Services | | 8,284.00 |
| A4070 | Disease Control | | 8,983.33 |
| A4090 | Environmental Health | | 1,056.10 |
| A4210 | Alcohol and Drug Services | | 2,246.05 |
| A4309 | Mental Hygiene Co Admin | | 22,074.17 |
| A4310 | Mental Health Clinic | | 58,157.90 |
| A4320 | Crisis Intervention Services | | 4,736.67 |

| | | |
|-------------------------------|--------------------------------|-----------------|
| A4321 | Intensive Case Management | 1,551.41 |
| A6010 | Social Services Administration | 196,384.94 |
| A6422 | Economic Development | 571.74 |
| A6510 | Veterans' Service | 1,170.00 |
| A7310.41 | Youth Programs, Refundable | 10,374.16 |
| A8020 | Planning | 1,879.03 |
| A8760 | NYS DOS LTCRS Grant | 4,795.45 |
| A9060 | Health Insurance | 1,846.16 |
| SOLID WASTE FUND | | 102,924.96 |
| SPECIAL GRANT FUND | | 7,524.06 |
| LIABILITY INSURANCE FUND | | 386.00 |
| COUNTY ROAD FUND | | 33,698.02 |
| CAPITAL FUND | | 548,319.33 |
| CONSOLIDATED HEALTH INSURANCE | | 302,497.36 |
| SELF INSURANCE FUND | | <u>1,300.00</u> |
| GRAND TOTAL | | \$ 1,842,142.72 |

Legislator Monell made a motion to approve the minutes of October 9 and 18, 2012, seconded by Legislator Sullivan, and carried.

Chair Weston made the following appointments:

Flood Recovery Oversight Committee (FROC)
Legislator Standinger

Information Technology Services Review Committee
Legislator Case

Open Space Advisory Committee
Elaine Jardine, Planning Director
Term 1/1/13-12/31/13

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 Sullivan.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 240-12 *SET PUBLIC HEARING*
2013 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2013 be held at 6:00 P.M., Tuesday, November 20, 2012 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

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: LEGISLATIVE WORKSESSION

RESOLUTION NO. 241-12 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2013 County taxes among the several Towns are hereby established as follows:

| | |
|-----------------------|--------|
| Town of Barton | 95.00 |
| Town of Berkshire | 100.00 |
| Town of Candor | 100.00 |
| Town of Newark Valley | 66.50 |
| Town of Nichols | 28.00 |
| Town of Owego | 80.00 |
| Town of Richford | 100.00 |
| Town of Spencer | 100.00 |
| Town of Tioga | 7.50 |

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: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 242-12 *MORTGAGE TAX DISTRIBUTION*

RESOLVED: That the mortgage tax report for the period April 1, 2012 to September 31, 2012 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 | \$ 41,823.01 |
| Village of Waverly | 10,612.59 |
| Town of Berkshire | 4,306.25 |
| Town of Candor | 22,709.12 |
| Village of Candor | 1,041.78 |
| Town of Newark Valley | 16,819.28 |
| Village of Newark Valley | 1,976.43 |
| Town of Nichols | 10,714.47 |
| Village of Nichols | 805.67 |
| Town of Owego | 128,681.29 |
| Village of Owego | 9,273.25 |
| Town of Richford | 4,618.69 |
| Town of Spencer | 11,591.67 |
| Village of Spencer | 1,397.45 |
| Town of Tioga | <u>23,888.21</u> |

\$290,259.16

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell introduced Local Law Introductory No. B of 2012:

County of Tioga

Local Law No. of the Year 2012.

A Local Law overriding the Tax Levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 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 2012”.

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 2013 Tioga County Budget. The slow recovery of the national, state, and local economies from the most recent recession and the continued financial obligations imposed on the County by the State in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2013, in addition to those mandated by the State, which are important to our citizens. In addition, the regulations regarding the tax cap continue to evolve, making it difficult to be certain that the 2013 budget falls under the tax levy limit established by the General Municipal Law. After serious consideration, the Tioga County Legislature has made a determination that although it is the intent to stay under the tax levy limit for the 2103 budget, an override of General Municipal Law Section 3-c (5) is necessary as a protective measure in the event

the NYS Comptroller later determines that the calculation performed by Tioga County was incorrect and the tax levy limit was exceeded.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby overrides the tax levy limit for Tioga County for 2013 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 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 Sullivan moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO:

LEGAL/FINANCE

RESOLUTION NO. 243-12

*SCHEDULE PUBLIC HEARING
LOCAL LAW INTRO NO. B OF 2012
A LOCAL LAW OVERRIDING THE
TAX LEVY LIMIT FOR TIOGA COUNTY
FOR 2013 AND AUTHORIZING THE
ADOPTION BY TIOGA COUNTY OF A
BUDGET FOR 2013 THAT REQUIRES A
TAX LEVY THAT IS GREATER THAN THE
TAX LEVY LIMIT FOR THE 2013
FISCAL YEAR*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2012 A Local Law overriding the tax levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 fiscal year in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Wednesday, November 21, 2012 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey introduced Local Law Introductory No. C of 2012:

County of Tioga

Local Law No. of the Year 2012.

A LOCAL LAW PROHIBITING THE SALE AND POSSESSION OF PSYCHOACTIVE BATH SALTS, PSYCHOACTIVE HERBAL INCENSE AND SYNTHETIC HALLUCINOGENS WITHIN THE COUNTY OF TIOGA

Be It Enacted by the Legislature of the County of Tioga as follows:

Article 1. Purpose and Intent

The Legislature of the County of Tioga finds that psychoactive bath salts, psychoactive herbal incense also known as synthetic marihuana, synthetic hallucinogens and other synthetic drugs are dangerous substances, public nuisances, pose an immediate threat to the public health and safety within the County of Tioga, all of which substantially and seriously interfere with the interest of the public in the quality of life, the total community environment, commerce in the county, property values, the common good and are detrimental to the public health, safety and welfare.

The Tioga County Legislature further finds that the sale and/or possession of said substances are unlawful, detrimental to the health, safety and welfare of the residents of the County of Tioga and visitors thereto. It is the purpose of this local law to criminalize the sale and/or possession of psychoactive bath salts, psychoactive herbal incense also known as synthetic marijuana, synthetic drugs and synthetic hallucinogens and to deter or eradicate same and such powers may be exercised either in conjunction with, or apart from, the powers contained in other laws without prejudice to the use of procedures and remedies available under such other laws. The Tioga County Legislature further finds that the sanctions and penalties imposed by this local law constitute an additional and appropriate response to the proliferation of the above described dangerous substances. The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the County of Tioga and to promote the general welfare and safety pursuant to the county's police powers and municipal home rule authority.

Article 2. **Definitions**

For the purposes of this local law, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

1. **"Sale"** shall mean and cover the following activities: to offer for sale, to sell, to distribute, to furnish, to gift, to transfer, to barter, exchange or give, to any person or minor and each and every transaction of the same or similar nature made by any person, whether as principal, proprietor, agent, servant, or employee, with or without actual consideration.
2. **"Person"** shall mean any individual, minor, corporation, business trust, estate, trust, partnership or association, or any other entity or business organization of any kind.
3. **"Possession"** shall mean to possess on one's own person or possession by a person exercising dominion or control over the immediate area where contraband is found whether in a vehicle, vessel, container, snowmobile, dwelling, building or structure or whether upon public or private property.

4. **"Psychoactive Bath Salts"** shall be defined herein as follows:

(A). Any crystalline or powder product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including but not limited to the following substances: 3,4-Methylenedioxymethcathinone (Methylone); 3,4-Methylenedioxypropylamphetamine (MDPV); 4-Methylmethcathinone (Mephedrone); 4-Methoxymethcathinone (Methedrone); 4-Fluoromethcathinone (Flephedrone); 3-Fluoromethcathinone (3-FMC); naphthylpropylamphetamine; 2-amino-1-phenyl-1-propanone (cathinone); or any derivatives, analogues, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the *same* effects and/or any other substantially similar chemical structure or compound.

(B). "Psychoactive bath salts" are commonly marketed under the following trade names: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Glass Cleaner, Hurricane, Ivory Snow, Ivory Wave, Legal Phunk, Tranquility, Zoom, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Plant Food, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

(C). "Psychoactive bath salts" as defined herein shall exclude normal, typical bath salts which do not contain synthetic chemical compounds listed above that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate (Epsom salts), sodium chloride (table salt), sodium bicarbonate (baking soda), sodium hexametaphosphate (Calgon, amorphous/glassy sodium metaphosphate), sodium sesquicarbonate and borax.

5. **"Psychoactive herbal incense"** shall be defined herein as follows:

(A). Any organic product consisting of plant material that contains a synthetic chemical compound that elicits *psychoactive* or psychotropic euphoric effects including, but not limited to the following: any synthetic cannabinoid compound that contains 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl)indole(JWH-073), 1-2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200), 5-(1,1-dimethylheptyl)-2-(1R,3S)-3-hydroxycyclohexyl]-phenol, (CP-47,497), 5-(1,1-dimethyloctyl)-2-(1R,3S)-3-hydroxycyclohexyl]-phenol, (cannabicyclohexanol;CP-47,497C8homologue); 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent; 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent; 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent; 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which

exhibit the same effects and/or any other substantially similar chemical structure or compound.

(B). "Psychoactive herbal incense" products are commonly marketed under the following names: K2, K3, Spice, Genie, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Serenity, Fake Weed, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

(C). "Psychoactive herbal incense" shall exclude typical, standard incense that is sold as incense sticks, oils or cones that is commonly used for their aromatic qualities that do not contain any synthetic chemical compounds listed above which elicit psychoactive or psychotropic euphoric effects.

6. **"Synthetic Hallucinogens"** shall be defined as any crystalline or powder product or any organic plant material that is laced with or contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including, but not limited to the following substances:

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E); 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D); 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C); 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I); 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2); 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4); 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H); 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N); and, 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

(7) **"Synthetic Marijuana"** or **"Synthetic Cannabanoids"** shall include the definition of psychoactive herbal incense herein.

(8) **"Synthetic Drug"** shall include the definitions contained in paragraphs 4 through 7 of this section and shall additionally be defined as:

(a) Any substance prohibited in the federal "Synthetic Drug Abuse Prevention Act of 2012," (S. 3187); and

(b) Any synthetic drug *analog* which shall include a substance prohibited by 21 U.S.C. 813, the Federal Analog Act, or any synthetic drug prohibited hereunder where:

1. The chemical structure of which is substantially similar to the chemical structure of a Synthetic Drug as described above; or

2. Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above; or

3. Which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above.

Article 3. Enforcement

This local law may be enforced by any police officer, as that term is defined by New York State Criminal Procedure Law § 1.20(34), within the County of Tioga

Article 4. Sale or Possession of Synthetic Drugs Prohibited

1. **Unlawful Possession of a Synthetic Drug** - A person is guilty of unlawful possession of a synthetic drug when said person knowingly and unlawfully possesses a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise prescribed by a licensed physician.

2. **Criminal Sale of a Synthetic Drug** - A person is guilty of criminal sale of a Synthetic Drug when said person knowingly and unlawfully sells a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise licensed by the U.S. Drug Enforcement Agency, the Food and Drug Administration or NYS Department of Health.

Article 5. Penalties for offenses

Any person who knowingly and unlawfully violates the provisions of Article 5 of this local law shall be guilty of an unclassified misdemeanor as defined by this local law and NYS Penal Law§55.10.(2)(c) and, upon conviction, shall be punishable by a fine of up to \$1,000 or up to one year's imprisonment, or both.

Article 6. Applicability

This local law shall apply to all actions occurring on or after the effective date of this local law.

Article 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Article 8. Reverse Preemption

This local law shall be null and void on the date that statewide legislation goes into effect, incorporating either the same or substantially similar provisions under the New York State Penal Law and/or New York State Public Health Law as are contained in this local law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Tioga. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

Article 9. Administrative liability

Neither the County of Tioga, nor any officer, agent, or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this local law.

Article 10. SEQRA Determination

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20),(21) and/or (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York State Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Clerk of the Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance as may be necessary in accordance with this local law.

Article 11. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

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

REFERRED TO:

LEGAL/FINANCE

RESOLUTION NO. 244-12

*SCHEDULE PUBLIC HEARING
LOCAL LAW INTRO NO. C OF 2012
A LOCAL LAW PROHIBITING THE
SALE AND POSSESSION OF
PSYCHOACTIVE BATH SALTS,
PSYCHOACTIVE HERBAL INCENSE
AND SYNTHETIC HALLUCINOGENS
WITHIN THE COUNTY OF TIOGA*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2012 A Local Law prohibiting the sale and possession of psychoactive bath salts, psychoactive herbal incense, and synthetic hallucinogens within the County of Tioga in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, December 6, 2012 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 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 Roberts.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 245-12 *CONFINEMENT OF DOGS
FOR PROTECTION OF DEER*

WHEREAS: The Tioga County Board of Legislators hereby determine that there is a possibility that the deer population in said County could suffer severe depredation due to the possibility of dogs attacking, chasing or worrying deer. That pursuant to the provisions of §122 of the Ag & Markets Law; it is

RESOLVED: That it is hereby ordered that all dogs within the County of Tioga shall be securely contained at all times from November 17, 2012 until April 15, 2013.

NOTICE of this order shall be published one time in the Morning Times and the Tioga County Courier, and a certified copy of this order shall be filed in the Office of the County Clerk and all Town Clerks and all Village Clerks in the County of Tioga.

All provisions set forth in said Agriculture and Markets Law §122 as to the destruction and seizure of any dog by any Dog Control Officer or Peace Officer, and civil penalty on the owner of the dog and all other provisions of said §122 are hereby adopted in this order.

ROLL CALL VOTE

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

No – Legislator Sullivan.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 246-12 *AUTHORIZE 2013 TAX MAP MAINTENANCE CONTRACT*

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized to enter into a Tioga County tax map maintenance contract with MRB Group, for the calendar year 2013 for an annual charge of \$27,235, 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 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 Sauerbrey.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 247-12 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: One member term on the Tioga County Planning Board expires as of 12/31/12; and

WHEREAS: The Town of Owego has nominated John Current to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint John Current to the Tioga County Planning Board to serve a 3-year term of 1/1/13 – 12/31/15.

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 Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 248-12 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: One member term on the Tioga County Planning Board expires as of 12/31/12; and

WHEREAS: The Town of Nichols has nominated Pam Moore to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Pam Moore to the Tioga County Planning Board to serve a 3-year term of 1/1/13 – 12/31/15.

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 Monell.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 249-12 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: One member term on the Tioga County Planning Board expires as of 12/31/12; and

WHEREAS: One of the alternate, at-large members, Jason Bellis of the Town of Candor, to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Jason Bellis to the Tioga County Planning Board to serve a 3-year term of 1/1/13 – 12/31/15.

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

RESOLUTION NO. 250-12 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. 242-10 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> |
|---|---------------------|
| Petrea Rae (Appoint – Replacing Elisa Harris) | 11/01/12-12/31/2014 |

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. 251-12 *APPOINT MEMBERS TO
TRAFFIC SAFETY BOARD*

RESOLVED: That the following members be reappointed to the Traffic Safety Board for a term as follows:

| TITLE | TERM |
|---|----------------|
| Arthur Cacciola-Candor | 4/1/13-3/31/16 |
| Public Works Commissioner or designee | 4/1/13-3/31/16 |
| Tioga County EMO Director | 4/1/13-3/31/16 |
| Tioga County Sheriff or designee | 4/1/13-3/31/16 |
| Tioga County Economic Development or designee | 4/1/13-3/31/16 |
| Vacant-County Representative | 4/1/13-3/31/16 |
| Public Health Director or designee | 4/1/13-3/31/16 |

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

RESOLUTION NO. 252-12 *AWARD CONTRACT TO TAYLOR GARBAGE
SERVICES FOR COUNTY OFFICE BUILDING'S
GARBAGE COLLECTION/DISPOSAL SERVICES*

WHEREAS: The County Office Building's Garbage Collection/Disposal contract is ending December 31, 2012; and

WHEREAS: The Department of Solid Waste solicited bids for the collection and disposal services for the County Offices; and

WHEREAS: The Department of Solid Waste held a bid opening on October 23, 2012, with the following results:

| <u>Bidder Name</u> | <u>Annual Cost</u> | <u>Length of Contract</u> |
|-------------------------------------|--------------------|---------------------------|
| B&E Disposal Service Nichols, NY | \$10,995.00 | 3-year |
| Taylor Garbage Service Owego, NY | \$ 8,988.00 | 3-year |

therefore be it

RESOLVED: That the Tioga County Legislature award the contract for the collection/disposal of garbage at County Office Building’s to Taylor Garbage Services, Owego, NY effective January, 1, 2013.

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. 253-12
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 2013; and

WHEREAS: The Family and Children's Society is continuing to offer a sexual offender treatment program for a maximum of 20 adult sex offenders 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 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

RESOLUTION NO. 254-12 *EXERCISE EXTENSION OF TRANSPORTATION
CONTRACT BETWEEN TIOGA COUNTY AND
TIOGA TRANSPORT, INC.*

WHEREAS: The existing contract between Tioga County and Tioga Transport, Inc. for the provision of Public Transportation and Non-Emergency Medicaid Transportation is in effect through December 31, 2012; and

WHEREAS: The aforementioned contract between Tioga County and Tioga Transport, Inc. allows for two one-year extensions of the contract that may be exercised by Tioga County; and

WHEREAS: The first one-year extension is in effect this year; now therefore be it

RESOLVED: That Tioga County authorizes the second one-year extension of the existing contract with Tioga Transport, Inc. from January 1, 2013 through December 31, 2013.

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

RESOLUTION NO. 255-12 *AUTHORIZATION TO MAKE FEDERAL SECTION 5311
CONSOLIDATED GRANT
APPLICATION - SOCIAL SERVICES*

WHEREAS: Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the states; and

WHEREAS: The County of Tioga may make application annually to the New York State Department of Transportation for such federal aid for operating assistance for a project to provide public mass transportation service on a continuing basis in Tioga County with limited service to contiguous counties; and

WHEREAS: The County of Tioga desires to enter into a continuing agreement with the State of New York for the undertaking of the project; now therefore be it

RESOLVED: That the Chair of the Legislature is authorized to sign the following:

1. A continuing agreement between the County of Tioga and the State of New York providing for the undertaking of the project and authorizing annual grant applications for such Section 5311 funds;

2. Any and all agreements between the County of Tioga and any third party subcontractors necessary to complete the project.

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 Sauerbrey.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 256-12 *AUTHORIZE THE SUBMISSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROGRAM GRANT*

WHEREAS: The Community Development Block Grant (CDBG) Program has made grant money available for the recovery from Tropical Storm Lee which will be utilized to repay the New York State share of approved FEMA projects ; and

WHEREAS: The application for this grant must be received no later than 5 days after the November 8, 2012 Public Hearing; and

WHEREAS: County Policy #47 requires that a resolution be approved before any grant applications are submitted; therefore be it

RESOLVED: That effective November 8, 2012, Tioga County be authorized to submit the appropriate grant application for the purpose of securing this funding and that the Chair of the Legislature be authorized to sign such application and any other documents necessary to process the grant.

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. 257-12 *AUTHORIZE THE SUBMISSION OF A NYS
HOMELAND SECURITY – PUBLIC SAFETY
ANSWERING POINT GRANT – SHERIFFS'
OFFICE*

WHEREAS: The NYS Office of Homeland Security has announced a Public Safety Answering Point Grant; and

WHEREAS: Applications for this grant must be received no later than December 11, 2012; 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
FINANCE COMMITTEE

RESOLUTION NO. 258-12

*ACCEPTANCE OF THE BUREAU OF FIRE 2012
NYS DIVISION OF HOMELAND SECURITY
TECHNICAL RESCUE GRANT AND
APPROPRIATION
OF FUNDS*

WHEREAS: The Bureau of Fire has been awarded a NYS Division of Homeland Security and Emergency Services Technical Rescue Grant in the amount of \$23,353; and

WHEREAS: This funding will be allocated to be used on Technical Rescue Equipment and Training for the Technical Rescue Branch of the Tioga County Search and Rescue Team. This Special Team will assist the Fire and Emergency Services in Tioga County with Technical rescues such as High Angle, Trench, Confined Space and Building Collapse Rescues where skills and Specialized Equipment are not currently available; and

WHEREAS: This funding now needs to be appropriated in the Bureau of Fire Budget to be used on Technical Rescue Equipment and Training for the Technical Rescue Branch of the Tioga County Search and Rescue Team; be it therefore

RESOLVED: That the Tioga County Legislature accepts this New York State Division of Homeland Security Technical Rescue Grant and the Chair of the Legislature authorized to sign the grant contract upon approval of the County Attorney; and be it further

RESOLVED: That the Homeland Security Technical Rescue Grant Program (Project # T192619) be appropriated as follows:

| | |
|--|----------|
| From: State Aid-Tech Rescue T192619-A3306.12 | \$23,353 |
| To: 2012 NYS Technical Rescue Grant A3412.20-130 | \$20,353 |
| 2012 NYS Technical Rescue Grant A3412.40-140 | \$ 3,000 |

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: | HHS COMMITTEE JOB TRAINING COMMITTEE |
|--------------|---|

| | |
|-----------------------|---|
| RESOLUTION NO. 259-12 | <i>AMEND TIOGA EMPLOYMENT CENTER BUDGET</i> |
|-----------------------|---|

WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce New York for employment and training services, is funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center had been allocated Program Year 2012 (July 1, 2012 – June 30, 2013) funding to include \$81,093.20 Youth funds; and

WHEREAS: Broome Workforce NY needs to hold back \$44,500 from the Youth allocation for the administration of the Tioga contract for the WIA Youth Program contract for education and workforce development youth services; and

WHEREAS: Tioga Employment Center has an increase in allocations for unexpended PY11 funds in the amount of \$1,190.91 in Adult allocation and \$1,190.94 in Dislocated Worker allocation ; therefore be it

RESOLVED: That the Tioga Employment Center budget be amended as follows:

From: CD4791 – Federal Aid-Federal Employment Program \$ (42,118.15)

To: CD6293- Federal Employment Program 1 in the following:

 CD6293.40-130- Contracts \$ 2,381.85

 CD6293.40-140- Contract Services \$ (44,500.00)

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
 FINANCE COMMITTEE

RESOLUTION NO. 260-12 *TRANSFER OF FUNDS*
 SHERIFF'S OFFICE

WHEREAS: The Tioga County Information Technology Department has advised the Sheriff's Office that the majority of their computers will have an unserviceable operating system and must be upgraded by the end of 2012; and

WHEREAS: No prior notice was provided, and therefore no funding was appropriated within the Sheriffs' Office 2012 budget for this purpose; and

WHEREAS: The Budget Director has instructed that funding to upgrade these computers be allocated from foreseeable unspent funds contained in the various appropriation accounts within the Sheriffs' Office 2012 budget; and

WHEREAS: The Tioga County Sheriff's Office has identified \$6,000 within a Jail Appropriation account that could be transferred to fund these computer upgrades; therefore be it

RESOLVED: That the following monies be transferred as follows:

FROM: Jail Account 3150.40.93 – Building Maintenance \$6,000

TO: Sheriff's Account 3110.20.130 – Equipment not car \$6,000

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 Sullivan.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 261-12 *TRANSFER OF FUNDS*
VETERANS' SERVICE AGENCY

WHEREAS: The Tioga County Information Technology Department has advised the Veterans' Service Agency that their computers will have an unserviceable operating system and must be upgraded by the end of 2012; and

WHEREAS: No prior notice was provided and therefore no funding was appropriated within the Veterans' Service Agency 2012 budget for this purpose; and

WHEREAS: The Budget Director has instructed that funding to upgrade these computers be allocated from foreseeable unspent funds contained in the various appropriation accounts within the Veterans' Service Agency 2012 budget; and

WHEREAS: The Tioga County Veterans' Service Agency has identified \$750 within an advertising account that could be transferred to fund these computer upgrades; therefore be it

RESOLVED: That the following monies be transferred as follows:

| | | |
|-------|---------------------------------------|----------|
| From: | Veterans' Service Account A6510.40-10 | \$750.00 |
| To: | Veterans' Service Account A6510.20-90 | \$750.00 |

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

RESOLUTION NO. 262-12 *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 | \$43,428.19 |
| To: | A6010.40.140 Contractual | \$43,428.19 |

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. 263-12 *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 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 | \$15,000 |
| To: | A4042.40-590 | Rabies Control – Services Rendered | \$15,000 |

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
FINANCE COMMITTEE

RESOLUTION NO. 264-12 *AWARD CONTRACT FOR
FY12 HOMELAND SECURITY GRANT
AND TRANSFER OF FUNDS*

WHEREAS: A 2012 State Homeland Security Grant (SH12-1047-D00) has been awarded in the amount of \$59,000. \$45,250 has been allotted for Tioga County Emergency Management with the remaining balance of \$13,750 allotted for the Waverly Police Department; and

WHEREAS: These monies are budgeted for upgrading county radio systems, the satellite telephone contract, and reverse 911 calling notification system; therefore be it

RESOLVED: That the FY12 NYS Homeland Security Grant (SH12-1047-D00) be appropriated as follows:

FROM: EMO Grant Revenue 3356.12 \$45,250

TO: EMO Grant Equipment 3358.20.130 \$30,000
 EMO Grant Contracting 3358.40.140 \$15,250

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
FINANCE COMMITTEE

RESOLUTION NO. 265-12 *AWARD CONTRACT FOR
FY11 HOMELAND SECURITY GRANT
AND TRANSFER OF FUNDS*

WHEREAS: A 2011 State Homeland Security Grant (SH11-10340-E00) has been awarded in the amount of \$66,862; and

WHEREAS: These monies are budgeted to update the County’s Comprehensive Emergency Plan, and for the purchase of equipment to enhance the security and efficiency of the EOC (Emergency Operating Center); therefore be it

RESOLVED: That the FY11 NYS Homeland Security Grant (SH11-1034-E00) be appropriated as follows:

| | | |
|---------------------------|-------------|----------|
| FROM: EMO Grant Revenue | 3356.11 | \$66,862 |
| TO: EMO Grant Contracting | 3357.40.140 | \$50,000 |
| EMO Grant Equipment | 3357.20.130 | \$16,862 |

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 Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 266-12 *AMEND COUNTY POLICY 44:
NON-UNION BENEFITS*

WHEREAS: County Policy 44, Section 5 (Health & Dental Insurance) addresses how much employees contribute toward insurance; and

WHEREAS: The County Legislature has determined that an increase in contributions for some Non-Union staff is necessary in order to accomplish the County's long range goal of having employees contribute at least 15% of the health insurance premium; therefore be it

RESOLVED: That the following chart be inserted in Policy 44, Section 5 (Health & Dental Insurance) replacing paragraphs 5-7:

Effective January 1, 2013:

| | Contributions: | |
|------------------------------------|----------------|----------------|
| | 2012 | 2013 |
| Legislators | 7% of premium | 7% of premium |
| Full-time hired prior to 1/1/09 | 7% of premium | 10% of premium |
| Full-time hired on or after 1/1/09 | 15% of premium | 15% of premium |
| Part-time Attorney | 20% of premium | 20% of premium |

ROLL CALL VOTE

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

No – Legislators Hollenbeck and Weston.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 267-12 *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 and members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to continue administering said programs for the period of January 1, 2013 through December 31, 2013; 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 other participants in the TCCMHIP for the period January 1, 2013 through December 31, 2013.

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 Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 268-12 *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, 2013 through December 31, 2013; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2013 through December 31, 2013; 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, 2013 through December 31, 2013.

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 Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 269-12 *AUTHORIZE PURCHASE OF SPECIFIC AND
AGGREGATE STOP-LOSS FOR
CONSOLIDATED HEALTH INSURANCE
PROGRAM*

WHEREAS: The Tioga County Consolidated Municipal Health Insurance Program's (TCCMHIP) specific and aggregate stop-loss policies expire December 31, 2012; and

WHEREAS: TCCMHIP continues to experience rising health insurance costs and large claims incurred by individual members; and

WHEREAS: The continuance of both specific and aggregate stop-loss coverage help to limit exposure to the TCCMHIP; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase specific and aggregate stop-loss, subject to review by the County Attorney, from an A Rated or better Insurance Company who can provide the best coverage not to exceed a cost of \$388,040 dependent on enrollment, for the Tioga County Consolidated Municipal Health Insurance Program for the period of January 1, 2013 through December 31, 2013.

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 Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 270-12 *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, 2012; and

WHEREAS: The Tioga County Self-Insurance Plan's employers' liability insurance policy through Capital Indemnity Corp expires December 31, 2012; 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, 2013 through December 31, 2013 to be paid for out of the 2013 Tioga County Self-Insurance budget account S1722.40; 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, 2013 through December 31, 2013 to be paid for out of the 2013 Tioga County Self-Insurance budget account S1710.40-270

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
PERSONNEL COMMITTEE

RESOLUTION NO. 271-12 *AUTHORIZE CONTRACTS WITH SADD
SCHOOL ASSOCIATES FOR 2013*

WHEREAS: It is the desire of the STOP DWI Program to award 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 2013 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 Debra Lauper to serve the Waverly School District; 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 | | | | | |
| 2 ND Assistant Public Defender | Mark J. Loughran | 6 | 3/1/12-12/31/15 | N | 11.84 |
| Director of Community Services | Lori Monk | 7 | 10/10/12-10/09/17 | Y | N/A |

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
PERSONNEL COMMITTEE

RESOLUTION NO. 273-12 *AUTHORIZE BACKFILL OF VACANT SECRETARY TO THE DIRECTOR OF COMMUNITY SERVICES MENTAL HYGIENE DEPARTMENT*

WHEREAS: The position of Secretary to the Director of Community Services became vacant on 7/18/12 due to an announced resignation; and

WHEREAS: On 7/24/12, written authorization was obtained by the Legislative Chair to recruit and on 10/5/12 Legislative Chair also provided written authorization to fill said position upon the conclusion of the 90-day waiting period; and

WHEREAS: Both the recruitment process and the 90-day waiting period have concluded and the Director of Community Services has identified a well qualified candidate to fill the position; therefore be it

RESOLVED: That the Director of Community Services is hereby authorized to backfill the Secretary to the Director of Community Services with the provisional appointment of Nancy Shea at an annual, non-union salary of \$31,400 effective on 12/03/12; and be it further

RESOLVED: That Ms. Shea shall not be eligible for a salary increase until after December 31, 2013.

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
PERSONNEL COMMITTEE

RESOLUTION NO. 274-12 *AUTHORIZE 2013 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; therefore be it

RESOLVED: That the 2013 rates of pay, for the Board of Elections staff shall be as follow:

| | |
|--------------------------|----------|
| | 2013 pay |
| Commissioners (2) | \$37,283 |
| Deputy Commissioners (2) | \$30,189 |

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 Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 275-12 *AMEND RESOLUTION #277-11
EXTEND HIRING DELAY THROUGH 2013*

WHEREAS: Resolution #277-11 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 2013 as one step toward controlling the 2013 County Budget; therefore be it

RESOLVED: That Resolution 277-11 is hereby amended to be effective through December 31, 2013.

ROLL CALL VOTE

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

No – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:30 P.M.

Public Hearing
2013 Budget
November 20, 2012

The Public Hearing on the 2013 Budget was called to order by the Chair at 6:00 P.M. Eight Legislative members were present, Legislator Monell being absent.

There were 9 people in attendance along with Treasurer James McFadden and 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 2013.

"During the past year, we have made great strides in getting through the flood of 2011, with road and bridge repairs, building cleanup, financial reimbursements from the state, FEMA, and our own insurance providers, emergency preparedness for the future, all while trying to operate under the 2% property tax cap enacted by the state.

"Many state and local governments nationwide have seen an erosion of their finances, and we are no exception. Our fund balance at the end of 2013 is anticipated to drop by 50% since the end of 2010. Our county, along with most of New York State, has seen limited economic rebound. At the same time the demand for government services such as unemployment benefits, social services, mental health and Medicaid has increased. Employee benefits have also raised especially health insurance and retirement costs.

"Through October 2012, the Sales Tax Revenue the County receives increased 7.26% from 2011. Though it cannot be documented it is believed the increase is attributed to products being purchased to rebuild the County after the flood of 2011. This is a large increase and it is difficult to project whether this revenue level can be sustained in the coming year.

"Despite these challenges, local officials along with department heads were asked to reduce their budgets. As a result, we are presenting a budget that decreases spending by over \$2 million dollars and increases revenue by \$600,000 in the general fund. Throughout this process we have looked at becoming more efficient in the way we operate while still providing both valuable and mandated services for the citizens of Tioga County.

"General Fund expenses have decreased from \$71,547,147 in 2012 to \$69,472,318 in the proposed spending plan. This represents a decrease of 2.93% or \$2,074,829. The largest decreases were in Mental Hygiene, Public Health, DSS, IT, Buildings and Road Equipment.

"The budget will see an increase in General Fund Revenues of \$684,829 or 1.53%, from \$44,935,249 in 2012 to \$45,620,079 in the 2013 proposal. Most of this increase in revenue is from sales tax collections.

"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 five bridges in 2013, including the Pennsylvania Ave Bridge which was destroyed in the 2011 flood.

"The total proposed spending plan of \$91,397,811 is a decrease of \$3,839,982 or 4.04% over the current year. It is proposed that an appropriation from the fund balance (the county's savings account) in the amount of \$2,951,446, be used to minimize tax increases. In 2012; \$6,015,000 was appropriated from the fund balance. It is estimated that this will bring the unappropriated fund balance at the end of 2013 to roughly \$7,000,000. This reduction in the fund balance is warranted at this time, but it cannot be sustained in the future. Therefore the County needs to continue to look at ways of presenting cost efficient services and using technology to assist in offering these services to the residents of Tioga County. In this budget there are 28 vacated unfunded positions, up from nine in 2012, and future budgets may require staff reductions.

"The county tax levy will increase by \$290,632 or 1.35%, to \$20,900,794. Tax rates will vary from town to town due to state established equalization rates. The composite tax rate for all taxing districts has decreased \$2.29 to \$11.18 per \$1000 due to an increase in net assessments. Within the County an owner of a \$100,000 home will pay between \$856 and \$872 in County Property Taxes.

"The other tax that appears on your bill is the recycling tax. The tax levy for recycling in the solid waste budget has decreased from \$931,408 to \$918,144, a decrease of \$13,264 or 1.43% for 2013. Appropriations have increased \$16,264 or 1.39% from 2012. However, revenues have also increased \$29,528 or 20.73%. The proposed composite rate for all taxing districts will drop from \$0.566 to \$0.494 per \$1000 of assessed value.

"I have suggested to the legislative body to pass an override on the 2% property tax cap. Under this proposed budget we are under the cap by a significant amount, but the terms of this law are constantly under review and changing. By passing this override, the County is protected from any changes that occur in the law that are as yet unknown to us.

"I would like to thank the County Legislature, department heads and all county employees for working very diligently to formulate this 2013 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 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. "As a citizen I am very well pleased with what has just been done."

There being no further comments, the hearing was adjourned at 6:10 P.M.

Public Hearing
Local Law Introductory No. B of 2012
November 21, 2012

The Public Hearing on Local Introductory No. B of 2012 A Local Law overriding the tax levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 fiscal year was called to order by the Chair at 10:01 A.M. All Legislative members were present.

The following were present: James McFadden, County Treasurer.

There were four people in attendance.

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

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

Sixth Special Meeting
November 21, 2012

The Sixth Special Meeting of 2012 was called to order by the Chair at 10:05 A.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would like to ask for a moment of silence for all the victims affected by Super Storm Sandy."

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

There were seven persons in attendance.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 276-12 ADOPT LOCAL LAW NO. 2 OF 2012

WHEREAS: A public hearing was held on November 21, 2012, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2012 A Local Law overriding the tax levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 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 2012; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 2 of the Year 2012.

A Local Law overriding the Tax Levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 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 2012".

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 2013 Tioga County Budget. The slow recovery of the national, state, and local economies from the most recent recession and the continued financial obligations imposed on the County by the State in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2013, in addition to those mandated by the State, which are important to our citizens. In addition, the regulations regarding the tax cap continue to evolve, making it difficult to be certain that the 2013 budget falls under the tax levy limit established by the General Municipal Law. After serious consideration, the Tioga County Legislature has made a determination that although it is the intent to stay under the tax levy limit for the 2103 budget, an override of General Municipal Law Section 3-c (5) is necessary as a protective measure in the event the NYS Comptroller later determines that the calculation performed by Tioga County was incorrect and the tax levy limit was exceeded.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby overrides the tax levy limit for Tioga County for 2013 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 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 Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Monell.

No – Legislators Roberts, Huttleston, and Weston.

Absent – None.

RESOLUTION ADOPTED.

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

Public Hearing
Local Law Introductory No. C of 2012
December 6, 2012

The Public Hearing on Local Introductory No. C of 2012 A Local Law prohibiting the sale and possession of psychoactive bath salts, psychoactive herbal incense and synthetic hallucinogens within the County of Tioga was called to order by the Chair at 1:00 P.M. All Legislative members were present.

There were five people in attendance.

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

There being no comments, the hearing was adjourned at 1:01 P.M.

Twelfth Regular Meeting
December 11, 2012

The Twelfth Regular Meeting of 2012 was held on December 11, 2012 and was called to order by the Chair at 6:01 P.M. All Legislative members were present.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. "Heavenly Father thank you for the blessings on this Country and we ask for your guidance and knowledge as we make decisions for the good of others."

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

There were 37 people in attendance.

The Chair asked for unanimous motion and second for the following four recognition resolutions.

Legislator Sullivan read and presented the following recognition resolution to Gerald Keene, District Attorney.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 277-12 *RESOLUTION RECOGNIZING
GERALD A. KEENE'S
32 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Gerald A. Keene began his career as Assistant Public Defender in the Public Defender's Office on January 1, 1981. On January 1, 1983 he was appointed 2nd Assistant Public Defender; on November 15, 1985 he was appointed 3rd Assistant District Attorney in the District Attorney's Office; on August 24, 1992 he was appointed 2nd Assistant District Attorney; on January 1, 1998 he was appointed 1st Assistant District Attorney; on September 1, 1999 he was appointed Acting District Attorney; and on January 1, 2000 was elected District Attorney; and

WHEREAS: Jerry has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 32 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: Jerry was very instrumental as District Attorney in some very high profile cases including the Cal Harris murder trial, Francis Strasser, Eunice Baker, Giuseppe Cataldo, Joseph Brown, just to name a few; and

WHEREAS: Jerry will be leaving County employment 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 Gerald A. Keene for his 32 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, Gerald A. Keene.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan spoke. "After 32 years thank you so much and congratulations on your new assignment. Jerry is going to continue serving the public of Tioga County in his new position as Judge. Good luck to you."

District Attorney Gerald Keene spoke. "First of all I want to say that I am relieved because I thought you were asking me here to give back all the money that you had paid me over the years and I am glad that that is not the purpose of this. Seriously, I feel like I should be presenting a plaque to the Legislature instead of me getting a plaque from you because Tioga County has been a great employer for me over the years and I really do appreciate everything that the County has done for me, provided medical insurance that got me through my wife's bout with breast cancer, two children that all their medical bills were paid when they were born, and it has been great working for Tioga County. It has been great working with the different agencies in Tioga County and the

nice thing about this retirement is that I really do not have to go anywhere, I am going to be right down the street and hopefully continuing to serve the County for at least the next 10 years. Thank you very much for this honor and thank you for the job that you have given me over the years. I do appreciate it.”

Chair Weston noted the following recognition resolution for Jill Van Housen’s 34 years of dedicated service to Tioga County.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 278-12

*RESOLUTION RECOGNIZING
JILL E. VAN HOUSEN’S
34 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Jill E. Van Housen began her career as a Clerk Typist in the Department of Social Services on March 6, 1978. On September 15, 1986 she was appointed Account Clerk Typist to Employment & Training; on January 1, 1988 she was appointed Senior Account Clerk Typist to Employment & Training; on May 2, 1988 she was reinstated to Account Clerk Typist for Tioga Allied Services Assessment Program; on February 2, 1989 she was appointed Stenographer to the Department of Social Services; on July 9, 1990 she was appointed Administrative Secretary to the Department of Social Services; on August 10, 1992 she was appointed Secretary to the Senior Assistant County Attorney in the Law Department; and on December 8, 1997 she was appointed Secretary to the District Attorney; and

WHEREAS: Jill has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 34 years. She has earned the respect of the District Attorney, co-workers, colleagues in other county agencies, and those citizens she professionally interacts with throughout Tioga County; and

WHEREAS: Jill E. Van Housen will retire on December 26, 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 Jill E. Van Housen for her 34 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, Jill E. Van Housen.

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 read and presented the following recognition resolution to Kathleen Klossner.

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

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 279-12 *RECOGNITION OF
KATHLEEN A. KLOSSNER'S 22 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
HEALTH DEPARTMENT*

WHEREAS: Kathleen A. Klossner was appointed to the position of Home Health Aide on May 7, 1990 in the Tioga County Health Department; the position she still holds; and

WHEREAS: Kathleen A. Klossner has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 22 years to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Klossner will retire 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 Kathleen A. Klossner for her over 22 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, Kathleen A. Klossner.

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. “You are the winner because you are retiring, but the people you served for all those years are probably the losers, and probably are going to miss you. I really appreciate all you have done.”

Kathleen Klossner spoke. “Thank you. It is great to have a job that you really love what you are doing. It was a pleasure to come to work every day. Thank you.”

Sandy Hoose of the Public Health Department spoke. “I have had the pleasure of being Kathy’s Supervisor for about five years now and I can honestly say that she does love her job, the way she treats her patients and how she cares for the people in Tioga County with compassion and hard work. She is always there to help when we need her and she is always willing to volunteer to do extra. She even earned her LPN degree while working as a Home Health Aide full time and decided to stay with us even though she could have gone elsewhere. We were really pleased about that.

“We have only heard positive things from her clients. They love her. They truly do. We are grateful that we had her for so long with the Health Department, but also we wish her much luck. Thank you.”

Johannes Peeters, Public Health Director, spoke. “I just want to talk a little bit about what a Home Health Aide does. For those people that do not know, they go into people’s houses, some of them are not the best in the world. They have to take people out of bed and get those things done, and that is not a very easy job. In managed care you will find out that Health Aides are going to be more of a thing that is going to be required because of the savings that it does for health insurance. They do a lot of hard work. If you do not know the types of work they do, it is very difficult. I mean they get to clean people’s

houses and some of the houses you would not even want to go into and yet they still go in there and do their task.

“In past life I have had a Home Health Aide that even got beat up while they were in a home. It is a demanding job. It takes a special person to do that and I want to thank Kathy because she is one of those very special persons to do that and for 22 years. That is a long time to be doing that. Most people in that job burnout long before that occurs. I want to thank her for all of that. I wish her all the best in her retirement. She has been a great gal to be working for us for all those years. Thank you.”

Legislator Huttleston read and presented the following recognition resolution to Patricia Brown of the Mental Hygiene Department.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 280-12

*RESOLUTION RECOGNIZING
PATRICIA A. BROWN'S
25 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Patricia A. Brown began her career as a county employee when she was appointed to the position of Account Clerk Typist on September 23, 1987 at the Tioga County Mental Hygiene Department. On July 17, 1989, she was appointed to Office Manager; on July 16, 1990 she was promoted to the position of Principal Account Clerk; and on January 1, 1994 she was promoted to Administrative Accounting Supervisor; and

WHEREAS: Patricia A. Brown has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 25 years. She has earned the respect of her Director, co-workers, colleagues in other county agencies, and those citizens she professionally interacts with throughout Tioga County; and

WHEREAS: Patricia A. Brown will retire on December 29, 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 Patricia Brown for her 25 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, Patricia A. Brown.

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 and I guess Lori the way she was moving up the ladder, if she stayed there you might not of had the job you have. She would have went right into that job running the whole show. We really appreciate people and we hate to see people like you leave, but we also wish you a lot of luck and a lot of success. Thank you.”

Lori Monk, Director of Community Services spoke. “I am very sad to be saying goodbye to Pat, but very happy that she will be enjoying her retirement. Thank you Pat for your 25 years of dedication to the Department where you have shared your wisdom and served with honor and integrity. The Department will be emptier without you, but we will always be grateful for your honest opinions, work ethic like no other, and a commitment that will continue to be recognized in the Department. I would like to wish you the very best in starting a new chapter in your life.”

Chris Korba, Director of Administrative Services for Mental Hygiene spoke. “As Pat’s Supervisor for the last two and a half years it has just been an absolute pleasure to have her work for me. She has made my job so much easier. She is honest, dedicated. Her integrity is second to none. May God Bless you in your retirement.”

Pat Brown spoke. “I really appreciate it. I have had the pleasure of working with a lot of great people and have been very fortunate working with these wonderful billing people that help do my job. I appreciate everything and may God Bless you.”

Sandy Hoose from the Employee Recognition Committee presented Employee of the 4th Quarter 2012 to Barbara McCormick of the Public Health Department.

“On behalf of the Employee Recognition Committee we would like to thank the Legislators for their continued support as we recognize those who serve our County so well. I would like to recognize Barb McCormick as the Employee of the 4th Quarter 2012.

“Barb’s Supervisor Denis could not be here. Barb started with the County in 1988 as an Account Clerk Typist and has been promoted several times all the way to her current position as Confidential Assistant to Denis McCann. One constant through all these positions is that Barb has processed payroll for the Health Department. We love her dearly for that.

“Other responsibilities include preparing grants and state aid reimbursement claims, supervision of staff, purchase orders, liaison with Buildings and Grounds for daily building issues. She reconciles and prepares monthly fiscal reports and access badge system operator, and the right hand of her Supervisor. In addition, Barb regularly assists many in their daily tasks. She is the go to person for many even outside the Health Department. Barb does not wait to be asked to help someone as she typically sees a need and she offers help first. Barb is respected by all her colleagues and supervisors for her thoroughness, compliance, productivity, initiative, accuracy, loyalty, and overall team work approach. She represents Tioga County in a positive manner every day.”

Johannes Peeters, Public Health Director, spoke. “Barb has been here ever since I have been here and I will not go through all the standard stuff about she is a hard worker, she completes all her assignments, always on time, she is a team player, I want to go a little bit about what is in her job description. I would say if I did not know her and she had changed her career a little bit and had gone to college instead of raising a family, I would have assumed that we would have all been working for her at one point. She is smart, she is clever, she is bright.

“She devoted her life to her family and to her job. While Denis is going about doing his day-to-day stuff, running here and there, there is somebody in the background that is doing all the hard work on that and that is Barb. She is doing all the hard work while her Supervisor is out doing different things. He has to do his job, but I am just saying she is the lady behind all the work doing the stuff. I want to give her credit where credit is due. She does a great job and she has been a pleasure to work with for all these years. I will have to also let you know this is her second time as Employee of the Quarter. I wish her all the best.”

Legislator Huttleston spoke. "I congratulate you. She is just one of the many good employees we have. Everybody tells me she is not only a good employee, but she is a lot of fun to be around. I appreciate what you do. I appreciate the whole Department and everybody else. Thank you."

Barb McCormick spoke. "I just want to say thank you. I enjoy working for the County and I work with a great group of people so it makes it all that easier to work with. 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 | | 800.90 |
| A1165 | District Attorney | | 1,428.46 |
| A1170 | Public Defender | | 4,334.34 |
| A1172 | Assigned Counsel | | 25,341.24 |
| A1185 | Medical Examiners/Coroners | | 4,781.38 |
| A1325 | Treasurer | | 12,794.05 |
| A1355 | Assessments | | 6,623.22 |
| A1410 | County Clerk | | 242.54 |
| A1411 | Department of Motor Vehicles | | 78.19 |
| A1420 | Law | | 6,181.73 |
| A1430 | Personnel | | 3,631.20 |
| A1450 | Elections | | 42,914.25 |
| A1460 | Records Management | | 3,183.78 |
| A1490 | Public Works Administration | | 5.75 |
| A1620 | Buildings | 20.99 | 52,076.46 |
| A1621 | Buildings | | 11,089.12 |
| A1680 | Information Technology | | 37,773.55 |
| A2490 | Community College Tuition | | 942,794.63 |
| A2960 | Education Handicapped Children | | 86,979.29 |
| A3020 | Public Safety Comm E911 System | | 7,806.61 |
| A3110 | Sheriff | 6,367.50 | 27,776.64 |
| A3119 | LE09-1035-E00 | 2,779.03 | |
| A3140 | Probation | | 839.59 |
| A3146 | Sex Offender Program | | 18,480.00 |
| A3150 | Jail | | 60,680.76 |
| A3315 | Special Traffic Programs | | 2,442.80 |
| A3410 | Fire | | 9,358.16 |
| A3640 | Emergency Mgmt Office | | 1,040.18 |
| A3641 | Emergency Mgmt Grant Program | | 1,029.50 |
| A3957 | Hazard Mitigation Plan | | 2,126.25 |

| | | |
|--------------------------|------------------------------------|-----------------|
| A4010 | Public Health Nursing | 44,335.37 |
| A4011 | Public Health Administration | 3,725.81 |
| A4012 | Public Health Education | 111.89 |
| A4042 | Rabies Control | 4,195.90 |
| A4044 | Early Intervention | 27,536.63 |
| A4053 | Preventive/Primary Health Services | 334.83 |
| A4054 | Preventive Dental Services | 4,062.21 |
| A4062 | Lead Poisoning Program | 254.00 |
| A4064 | Managed Care-Dental Services | 8,485.42 |
| A4070 | Disease Control | 3,068.17 |
| A4090 | Environmental Health | 1,209.51 |
| A4210 | Alcohol and Drug Services | 3,258.70 |
| A4211 | Council on Alcoholism | 21,980.60 |
| A4309 | Mental Hygiene Co Admin | 8,482.20 |
| A4311 | Mental Health Clinic | 56,975.11 |
| A4320 | Crisis Intervention Services | 33,116.34 |
| A4321 | Intensive Case Management | 1,963.85 |
| A4390 | Criminal Psychiatric Expenditures | 6,075.18 |
| A6010 | Social Services Administration | 63,853.50 |
| A6422 | Economic Development | 274.17 |
| A6510 | Veterans' Service | 124.25 |
| A6610 | Sealer Weights and Measures | 235.82 |
| A7180 | Snowmobile Grant Program | 6,018.07 |
| A7310 | Youth Programs | 37.78 |
| A7310.41 | Youth Programs, Refundable | 2,932.47 |
| A8020 | Planning | 48.24 |
| A8760 | NYS DOS LTCRS Grant | 2,417.39 |
| A9060 | Health Insurance | 3,692.32 |
| SOLID WASTE FUND | | 92,165.50 |
| SPECIAL GRANT FUND | | 6,882.02 |
| LIABILITY INSURANCE FUND | | 716.00 |
| COUNTY ROAD FUND | | 58,155.73 |
| CAPITAL FUND | | 951,050.56 |
| CONSOLIDATED HEALTH FUND | | 576,736.21 |
| SELF INSURANCE FUND | | <u>5,118.00</u> |
| GRAND TOTAL | | \$ 3,383,431.84 |

Legislator Monell made a motion to approve the minutes of November 13, 20, and 21, 2012, seconded by Legislator Roberts, and carried.

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. 281-12 *FIX TIME OF
ORGANIZATIONAL MEETING*

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 A.M., Wednesday, January 2, 2013.

ROLL CALL VOTE

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

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. 282-12 *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 Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

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. 283-12 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 Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

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. 284-12 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, 2012 to allow proper coding of bills for payment in January.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 285-12 *ADOPT COUNTY BUDGET FOR 2013,
APPROPRIATIONS AND SALARY
SCHEDULE*

RESOLVED: That the tentative budget for Tioga County for the year 2013 submitted by the Budget Officer on November 15, 2012 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2013; 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, 2013; and be it further

RESOLVED: That the full time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2013.

ROLL CALL VOTE

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

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. 286-12 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, 2013; 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 | 53,460.00 | 217,380.00 |
| Newark Valley | - | - |
| Nichols | 12,009.00 | 38,458.00 |
| Owego | - | 1,745,943.00 |
| Spencer | 26,692.00 | 399,141.00 |

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within 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 | 17,046.00 |
| Lockwood Fire Protection | 38,000.00 |
| Waverly Joint Fire Protection | 253,348.00 |
| Town of Berkshire | |
| Berkshire Fire District | 146,783.00 |
| Town of Candor | |
| Candor Fire District | 420,203.00 |
| Town of Newark Valley | |
| Newark Valley Fire District | 186,297.74 |

| | |
|----------------------------------|------------|
| Town of Nichols | |
| Lounsberry Fire Protection | 3,000.00 |
| Nichols Joint Fire Protection | 137,900.00 |
| | |
| Town of Owego | |
| Apalachin Fire District | 715,481.00 |
| Owego Fire District | 981,994.00 |
| Newark Valley Fire District | 27,646.26 |
| | |
| Town of Richford | |
| Richford Fire District | 76,705.00 |
| | |
| Town of Spencer | |
| Spencer Fire Protection District | 75,000.00 |
| | |
| Town of Tioga | |
| Tioga Fire District | 181,039.00 |
| 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 | 11,438.00 |
| Water District No. 4/Ext. 15 | 7,228.00 |
| Water District No. 4/Ext. 17 | 20,075.00 |
| Water District No. 4/Ext. 20 | 16,925.00 |
| Sewer District No. 2/Ext. 14 | 12,950.00 |
| Sewer District No. 2/Ext. 15 | 12,280.00 |
| Lighting District No. 1 | 6,344.00 |
| Lighting District No. 2 | 13,374.00 |
| Lighting District No. 3 | 12,400.00 |
| Lighting District No. 4A | 695.00 |
| Lighting District No. 4B | 2,197.00 |
| Lighting District No. 5 | 7,486.00 |
| Lighting District No. 6 | 17,243.00 |
| Lighting District No. 7 | 2,287.00 |
| Lighting District No. 8 | 1,476.00 |
| Lighting District No. 9 | 680.00 |
| Lighting District No. 10 | 951.00 |

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 \$221,305.92; 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 \$2,311.18; 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 | 187,880.00 | 476,180.00 |
| Berkshire | 82,455.00 | 333,750.00 |
| Candor | 407,041.00 | 753,006.00 |
| Newark Valley | 286,431.00 | 307,200.00 |
| Nichols | 100,601.00 | 240,192.00 |
| Owego | 860,766.00 | - |
| Richford | 150,510.00 | 407,689.00 |
| Spencer | 291,257.00 | 101,255.00 |
| Tioga | 221,494.00 | 522,533.00 |

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

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. 287-12 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. 285-12 dated December 11, 2012 adopted a Budget for the fiscal year 2013 and by Resolution No. 285-12 dated December 11, 2012 has made appropriations for the conduct of the County Government during said fiscal year and has by resolution No. 286-12 dated December 11, 2012 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 | 131,242.72 |
| Berkshire | 22,604.28 |
| Candor | 93,930.07 |
| Newark Valley | 65,010.86 |
| Nichols | 46,239.67 |
| Owego | 397,228.08 |
| Richford | 22,355.45 |
| Spencer | 61,657.85 |
| <u>Tioga</u> | <u>77,875.02</u> |
| Total | 918,144.00 |

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 \$20,900,794.00 and in addition thereto upon the real property liable therefore, and following taxes:

| | |
|--|--------------|
| For Returned Village Taxes | 438,383.40 |
| For School Tax Returned | 4,351,878.28 |
| For Deficits from prior years' taxes | 11.00 |
| For Reimbursement of Erroneous taxes, etc. | 2,927.99 |

All of the forgoing being subject to
 Credit for excess collection the prior year of 308.49

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. 286-12 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, 2012; and be it further

RESOLVED: That the tax rates for each of the Towns, excluding Solid Waste, are as follows:

| | | |
|---------------|-----|---------|
| Barton | Out | 9.104 |
| | In | 9.104 |
| Berkshire | | 8.720 |
| Candor | Out | 8.635 |
| | In | 8.635 |
| Newark Valley | Out | 12.988 |
| | In | 12.988 |
| Nichols | Out | 30.768 |
| | In | 30.768 |
| Owego | Out | 10.791 |
| | In | 10.791 |
| Richford | | 6.681 |
| Spencer | Out | 8.560 |
| | In | 8.560 |
| Tioga | | 115.351 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY AND LEGAL

RESOLUTION NO. 288-12 *A RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF TIOGA AUTHORIZING THE ADOPTION OF THE TIOGA COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN*

WHEREAS: All of Tioga County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS: Pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS: The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS: The Tioga County Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS: A coalition of Tioga County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Tioga County; and

WHEREAS: The coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy; now therefore be it

RESOLVED: That the Tioga County Legislature:

- 1) Adopts in its entirety, the Tioga County Multi-Jurisdictional All-Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.

- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P & AGRICULTURE COMMITTEES

RESOLUTION NO. 289-12 *RESOLUTION TO ADOPT SPENCER AGRICULTURAL DISTRICT (#1) EIGHT-YEAR REVIEW MODIFICATION AND SEQR NEGATIVE DECLARATION AND SUBMIT SAME TO THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR APPROVAL*

WHEREAS: Pursuant to the New York State Agriculture and Markets Law Article 25AA and upon 300-day notice by the Department of Agriculture and Markets, the Tioga County Legislature has initiated a review of the existing Spencer Agricultural District (#1) to determine if it should be modified or terminated; and

WHEREAS: The Tioga County Planning Department has conducted this review and has created a corresponding modification plan based on public comments, surveys and extensive consultation with area farmers; and

WHEREAS: The required public hearing was held on September 13th, 2012 at which time the District map and findings along with the proposed revisions were presented to the public; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed the plan for modification to the Spencer Agricultural District #1 and voted unanimously to recommend approval of the modification plan to the Tioga County Legislature; and

WHEREAS: The modification of a state Agricultural District is subject to SEQR review and the Tioga County Legislature is the lead agency for SEQR (State Environmental Quality Review) requirements; therefore be it

RESOLVED: That based upon SEQR review of the above as outlined on the New York State Department of Agriculture & Markets “Environmental Assessment Form” provided by them for this purpose, the County of Tioga has determined that the proposed modifications of the Spencer Agricultural District would not have a significant adverse impact on the environment and therefore makes a Negative Declaration and shall submit such documentation to NYS Department of Agriculture & Markets; and be it further

RESOLVED: That the Tioga County Legislature does hereby approve the proposed plan as revised to date, and directs the Planning Department to prepare a submission package including the findings report and map as required by the NYS Department of Agriculture and Markets in accordance with NYS Agricultural Districts Law, Article 25AA.

ROLL CALL VOTE

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

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. 290-12 *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: The contract will expire on December 31, 2012; and

WHEREAS: Smith-Ingalls-French has requested in writing a one-year extension 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 first 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, 2013 and expire on December 31, 2013.

ROLL CALL VOTE

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

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. 291-12 *AUTHORIZE THE TIOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO USE 2012 FUNDS TO HAVE BLUE SPRING ENERGY CONDUCT A COMPRESSED NATURAL GAS STUDY FOR COUNTY FLEET*

WHEREAS: The Department of Public Works would like to investigate the feasibility of converting the County's fleet to compressed natural gas; and

WHEREAS: Blue Springs Energy has proposed to conduct a comprehensive study at the cost of \$5,000.00 on the feasibility of converting the County's fleet; and

WHEREAS: Information obtained from said study would be very helpful in obtaining upcoming grants in 2013; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Department of Public Works to use said funds to have Blue Spring Energy conduct a study on the feasibility and possible benefits of switching the County's fleet to Compressed Natural Gas (CNG).

ROLL CALL VOTE

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

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. 292-12 *AWARD BID FOR CONSTRUCTION
PENN. AVE BRIDGE PROJECT
AND TRANSFER OF FUNDS*

WHEREAS: On November 20, 2012 the Department of Public Works received sealed bids for the construction of the Penn. Ave. Bridge: and

WHEREAS: The bids were as follows:

| <u>Company Name</u> | <u>Bid</u> |
|------------------------------|-------------------|
| Bothar Construction | \$719,172.00 |
| Dycon Construction Northeast | \$643,236.10 |
| Economy Paving | \$495,271.91 |
| FAHS Construction | \$587,000.00 |
| Procon Contracting * | \$463,999.00 |
| R.DeVincentis Construction | \$546,000.00 |

Silverline Construction**\$536,568.00**

And

WHEREAS: McFarland Johnson Engineers have completed the review of the bids and finds the low bidder Procon Contracting, Vestal, NY meets all of the qualifications of the bid specifications; and

WHEREAS: This project is receiving Federal Funding and was authorized in resolution 127-12; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid subject to approval of their DBE submission to Procon Contracting, Vestal, NY not to exceed \$463,999 to be paid out of the Penn. Ave Bridge Account H2012.05; and be it further

RESOLVED: That the following sums be transferred:

| | |
|--|--------------|
| From: H2011.09-Dean Creek/Sabin Rd Bridges | \$200,000.00 |
|--|--------------|

| | |
|------------------------------|--------------|
| To: H2012.05-Penn Ave Bridge | \$200,000.00 |
|------------------------------|--------------|

ROLL CALL VOTE

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

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. 293-12

*AWARD CONSTRUCTION SERVICES
TO MCFARLAND JOHNSON FOR
PENN AVE BRIDGE PROJECT*

WHEREAS: The Tioga County Legislature authorized the Penn Ave Bridge Project on Resolution 127-12; and

WHEREAS: On November 20, 2012 the Dept of Public Works received sealed bids for the construction of this project; and

WHEREAS: This is a federally funded project and inspections services are included; therefore be it

RESOLVED: That the Tioga County Legislature hire McFarland Johnson, Binghamton, NY for inspection services for the Penn Ave Bridge Project not to exceed \$117,359 to be paid out of Penn Ave Bridge Account H2012.05.

ROLL CALL VOTE

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

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. 294-12

*AWARD INSPECTION SERVICES FOR
CONSTRUCTION & ROOF REPAIR
OF COURT HOUSE PROJECT TO
C & S ENGINEERS*

WHEREAS: The Tioga County Legislature has authorized a three phase Court House Project; and

WHEREAS: In 2013 we will be entering the third and final phase of this project; and

WHEREAS: The Commissioner of Public Works received a proposal from C & S Engineers, Syracuse, NY for the Inspection services and to include design of roof replacement in the amount of \$19,000; therefore be it

RESOLVED: That the Tioga County Legislature award the contract for Inspection Services to C & S Engineers, Syracuse, NY not to exceed \$19,000 to be paid out of Court House Renovation account H1620.20 use code 927.

ROLL CALL VOTE

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

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. 295-12 *AWARD CABLING INSTALLATION FOR
COURTS TO
MATRIX COMMUNICATIONS*

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

WHEREAS: The Court House basement and Court Annex received water damage during the 2011 Tropical Storm Lee including damage to the OCA's server and cabling system; and

WHEREAS: The Commissioner of Public Works requested proposals from firms approved by the Office of Court Administration and received one proposal from Matrix Communications, Syracuse, NY for the cable installation at the basement of the Court House and the Court Annex; and

WHEREAS: The proposal was as follows:

| | |
|-------------|--------------------|
| Court House | \$24,596.00 |
| Court Annex | <u>\$28,018.00</u> |
| Total | \$52,614.00 |

And

WHEREAS: Tioga County will be receiving reimbursements from FEMA & the Unified Court System to assist in funding for this project as follows:

| | |
|----------------------|---------------------|
| Court House | \$24,596.00 |
| Reimb. From FEMA | -\$ 5,631.23 |
| Reimb. From Courts | <u>-\$18,000.00</u> |
| Total cost to County | 964.77 |

| | |
|----------------------|---------------------|
| Court Annex | \$28,018.00 |
| Reimb From FEMA | -\$ 9,554.52 |
| Reimb. From Courts | <u>-\$17,000.00</u> |
| Total cost to County | \$ 1,463.48 |

And

WHEREAS: The Commissioner of Public Works has funds in the Court House Renovations Account H1620.21 use code 988; therefore be it

RESOLVED: That the Tioga County Legislature award the cabling installation for the Court House & Court Annex to Matrix Communications, Syracuse, NY for the total amount of \$52,614.00 to be paid out of the Court House Renovations Account H1620.21 use code 988.

ROLL CALL VOTE

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

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. 296-12 *AUTHORIZE FUNDS TO BE USED FOR MANDATORY COMPUTER UPGRADES*

WHEREAS: The Tioga County Department of Public Works is required to replace six (6) computers by the end of the year; and

WHEREAS: Tioga County Department of Public Works has received scrap steel beams from the Gridleyville Bridge Project valued at \$7,000; and

WHEREAS: This amount from the sale of the scrap will pay for the computer upgrades; therefore be it resolved

RESOLVED: That the Tioga County Legislature authorize the sale of this scrap with the sales amount being applied to revenue account A1293 and that revenue be applied to Public Works Office Equipment Account A1490.20 use code 90 to be used to purchase the required computers.

ROLL CALL VOTE

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

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. 297-12 *APPROVE CHANGE ORDER FOR
PSB BOILER PROJECT*

WHEREAS: The Tioga County Legislature authorized the PSB Boiler Project in the 2012 Budget; and

WHEREAS: The construction bid for this project came in under budget; and

WHEREAS: The engineer overseeing the project, Delta Engineers, has recommended some changes to the control sequencer and associated work with a cost of \$17,418; therefore be it

RESOLVED: That the Tioga County Legislature authorize approval of the change order in the amount of \$17,418 to be paid out of the boiler account H1620.21 use code 929.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/SAFETY COMMITTEE

RESOLUTION NO. 298-12 *RENEW CONTRACT
PARTNERS IN SAFETY, INC.
(CDL DRUG & ALCOHOL TESTING)*

WHEREAS: Federal Law requires random drug and alcohol testing of CDL drivers performing “safety sensitive” tasks; and

WHEREAS: The Safety Department has coordinated with several of the Towns and Villages within Tioga County to have this testing done by an outside agency since 1995; and

WHEREAS: All the municipalities involved, including the County are in agreement that the contract should be renewed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, pending approval by the County Attorney, to renew the contract with Partners in Safety, Inc. for random drug and alcohol testing in accordance with Federal regulations at the following rates indicated:

Complete DOT Random Testing Program \$43.00 Per Employee Per Year

To Include:

- Random Selection of Employees (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- Blind Specimen Submissions
- MIS Reports
- Supervisor Training for Reasonable Cause

- Collection Site Management

ADDITIONAL CHARGES: For pre-employment, post-accident, reasonable cause or follow-up tests performed during business hours:

| | |
|---|--|
| Drug Test (at lab or office of Partners in Safety): | \$46.00 per test |
| Drug Test (at Walk-In Medical Facilities, Hospitals, etc.): | \$76.00 per test |
| Return to Duty/Follow-Up drug test including observed Specimen collection performed at: Offices of Partners in Safety: Approved walk-in Medical facility | \$76.00 |
| Breath Alcohol Test: | \$40.00 per test |
| DOT/19A Physicals (at the office of Partners in Safety): | \$50.00 per person |
| Emergency Service | \$125 per hour Minimum 2 hours plus the cost of the test |
| Split Specimen Testing (re-test of positive specimen by other SAMHSA certified lab, including shipping and maintenance of chain of custody; only when requested by employee within 72 hours of MRO's notification): | \$250.00 |
| On-site 19A/DOT physicals available upon request (minimum volume required). | |

Additional services are billed monthly. Payment is due prior to the 30th of the month following the month in which services were provided.

and be it further

RESOLVED: That this contract shall be effective January 1, 2013 - December 31, 2013.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 299-12 TRANSFER OF FUNDS
BOARD OF ELECTIONS

WHEREAS: The Tioga County Board of Elections has advised their committee during the year that there would be a budget shortfall as a result of the Federal Primary held on June 26, 2012 within New York State; and

WHEREAS: The Tioga County Board of Elections has identified \$2133.82 within current appropriation accounts that could be transferred to the Part Time/Temporay to cover the salary for the Voting Machine Technicians through the remainder of 2012; therefore be it

RESOLVED: That the following monies be transferred as follows:

| | | |
|-------|--|------------|
| FROM: | Account A1450.40.420 – Office Supplies | \$1,500.00 |
| | Account A1450.40.520 – Recording/Microfilm | \$ 450.00 |
| | Account A1450.40.560 – Repairs | \$ 42.00 |
| | Account A1450.40.733 – Training/All Other | \$ 141.82 |
| TO: | Account 1450.10.20 – Part Time/Temporary | \$2,133.82 |

ROLL CALL VOTE

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

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

RESOLUTION NO. 300-12 TRANSFER OF FUNDS
TROPICAL STORM LEE DISASTER

WHEREAS: There are repairs and related work that still needs to be done from the Tropical Storm Lee Disaster; and

Whereas: Funds need to be spent before we can get reimbursed from FEMA and/or the State; and

WHEREAS: Some examples are local Fire Departments need to be reimbursed for items we submitted on their behalf, repairs and mitigation plans for County owned property; and

WHEREAS: Funds need to be transferred from Contingency to the Tropical Storm Lee Disaster Account by the end of 2012 to cover these expenses; therefore be it

RESOLVED: That the following sums be transferred:

| | | |
|-------|--------------------------------------|-----------|
| From: | A1990.40-715 Contingency Account | \$300,000 |
| To: | A9950.93-715 Transfer to Capital | \$300,000 |
| From: | H5031.30 Interfund Transfers | \$300,000 |
| To: | H1624.20 Tropical Storm Lee Disaster | \$300,000 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

| | |
|-----------------------|---|
| REFERRED TO: | ECONOMIC DEVELOPMENT & PLANNING COMMITTEE |
| RESOLUTION NO. 301-12 | APPOINT TIOGA COUNTY EMPIRE ZONE ADMINISTRATIVE BOARD |

RESOLVED: That the following members be appointed to the Tioga County Empire Zone Administrative Board for a term of two (2) years from January 1, 2013 until December 31, 2014:

| Appointee: | Representing: | Affiliation: |
|-----------------------|-------------------------|----------------------------------|
| LDC President | Community Organization | Tioga Co Local Development Corp. |
| Wendy Solomon | Financial Institution | Tioga State Bank |
| Stephen M. Lounsberry | Local Business | Applied Technology Mfg Corp. |
| Dr. Wm. C. Russell | Educational Institution | Owego-Apalachin CSD |
| Laura St George | Organized Labor | Broome Community College |
| Christine Baust | Resident | NA |

ROLL CALL VOTE

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

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. 302-12 *APPOINT MEMBER TO THE TIOGA COUNTY PLANNING BOARD*

WHEREAS: The Tioga County Planning Board position from the Town of Barton has been vacated due to the resignation of David Mumbulo; and

WHEREAS: The Barton Town Board has found Arrah Richards willing to serve and nominated her to this position; therefore be it

RESOLVED: That the Tioga County Legislature appoints Arrah Richards to serve as the Town of Barton representative on the Tioga County Planning Board replacing David Mumbulo, to serve a term of 12/11/2012 - 12/31/2013.

ROLL CALL VOTE

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

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. 303-12 ADOPT LOCAL LAW NO. 3 OF 2012

WHEREAS: A public hearing was held on December 6, 2012, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2012 A Local Law prohibiting the sale and possession of psychoactive bath salts, psychoactive herbal incense and synthetic hallucinogens within the County of Tioga; 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 2012; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 3 of the Year 2012.

A LOCAL LAW PROHIBITING THE SALE AND POSSESSION OF PSYCHOACTIVE BATH SALTS, PSYCHOACTIVE HERBAL INCENSE AND SYNTHETIC HALLUCINOGENS WITHIN THE COUNTY OF TIOGA

Be It Enacted by the Legislature of the County of Tioga as follows:

Article 1. Purpose and Intent

The Legislature of the County of Tioga finds that psychoactive bath salts, psychoactive herbal incense also known as synthetic marihuana, synthetic hallucinogens and other synthetic drugs are dangerous substances, public nuisances, pose an immediate threat to the public health and safety within the

County of Tioga, all of which substantially and seriously interfere with the interest of the public in the quality of life, the total community environment, commerce in the county, property values, the common good and are detrimental to the public health, safety and welfare.

The Tioga County Legislature further finds that the sale and/or possession of said substances are unlawful, detrimental to the health, safety and welfare of the residents of the County of Tioga and visitors thereto. It is the purpose of this local law to criminalize the sale and/or possession of psychoactive bath salts, psychoactive herbal incense also known as synthetic marijuana, synthetic drugs and synthetic hallucinogens and to deter or eradicate same and such powers may be exercised either in conjunction with, or apart from, the powers contained in other laws without prejudice to the use of procedures and remedies available under such other laws. The Tioga County Legislature further finds that the sanctions and penalties imposed by this local law constitute an additional and appropriate response to the proliferation of the above described dangerous substances. The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the County of Tioga and to promote the general welfare and safety pursuant to the county's police powers and municipal home rule authority.

Article 2. Definitions

For the purposes of this local law, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

1. "Sale" shall mean and cover the following activities: to offer for sale, to sell, to distribute, to furnish, to gift, to transfer, to barter, exchange or give, to any person or minor and each and every transaction of the same or similar nature made by any person, whether as principal, proprietor, agent, servant, or employee, with or without actual consideration.
2. "Person" shall mean any individual, minor, corporation, business trust, estate, trust, partnership or association, or any other entity or business organization of any kind.
3. "Possession" shall mean to possess on one's own person or possession by a person exercising dominion or control over the immediate area where contraband is found whether in a vehicle, vessel, container, snowmobile, dwelling, building or structure or whether upon public or private property.
4. "Psychoactive Bath Salts" shall be defined herein as follows:

(A). Any crystalline or powder product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including but not limited to the following substances: 3,4-Methylenedioxymethcathinone (Methylone); 3,4-Methylenedioxypropylamphetamine (MDPV); 4-Methylmethcathinone (Mephedrone); 4-Methoxymethcathinone (Methedrone); 4-Fluoromethcathinone (Flephedrone); 3-Fluoromethcathinone (3-FMC); naphthylpyrovalerone; 2-amino-1-phenyl-1-propanone (cathinone); or any derivatives, analogues, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

(B). "Psychoactive bath salts" are commonly marketed under the following trade names: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Glass Cleaner, Hurricane, Ivory Snow, Ivory Wave, Legal Phunk, Tranquility, Zoom, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Plant Food, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

(C). "Psychoactive bath salts" as defined herein shall exclude normal, typical bath salts which do not contain synthetic chemical compounds listed above that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate (Epsom salts), sodium chloride (table salt), sodium bicarbonate (baking soda), sodium hexametaphosphate (Calgon, amorphous/glassy sodium metaphosphate), sodium sesquicarbonate and borax.

5. "Psychoactive herbal incense" shall be defined herein as follows:

(A). Any organic product consisting of plant material that contains a synthetic chemical compound that elicits *psychoactive* or psychotropic euphoric effects including, but not limited to the following: any synthetic cannabinoid compound that contains 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl)indole (JWH-073), 1-(2-(4-morpholinyl)ethyl)-3-(1-naphthoyl)indole (JWH-200), 5-(1,1-dimethylheptyl)-2-(1R,3S)-3-hydroxycyclohexyl]-phenol, (CP-47,497), 5-(1,1-dimethyloctyl)-2-(1R,3S)-3-hydroxycyclohexyl]-phenol, (cannabicyclohexanol; CP-47,497C8 homologue); 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the

phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent; 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent; 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent; 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog); 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

(B). "Psychoactive herbal incense" products are commonly marketed under the following names: K2, K3, Spice, Genie, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Serenity, Fake Weed, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

(C). "Psychoactive herbal incense" shall exclude typical, standard incense that is sold as incense sticks, oils or cones that is commonly used for their aromatic qualities that do not contain any synthetic chemical compounds listed above which elicit psychoactive or psychotropic

euphoric effects.

6. "Synthetic Hallucinogens" shall be defined as any crystalline or powder product or any organic plant material that is laced with or contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including, but not limited to the following substances:

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E); 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D); 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C); 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I); 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2); 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4); 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H); 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N); and, 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

- (7) "Synthetic Marijuana" or "Synthetic Cannabinoids" shall include the definition of psychoactive herbal incense herein.

- (8) "Synthetic Drug" shall include the definitions contained in paragraphs 4 through 7 of this section and shall additionally be defined as:

(a) Any substance prohibited in the federal "Synthetic Drug Abuse Prevention Act of 2012," (S. 3187); and

(b) Any synthetic drug *analog which* shall include a substance prohibited by 21 U.S.C. 813, the Federal Analog Act, or any synthetic drug prohibited hereunder where:

1. The chemical structure of which is substantially similar to the chemical structure of a Synthetic Drug as described above; or

2. Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above; or

3. Which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is

substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above.

Article 3. Enforcement

This local law may be enforced by any police officer, as that term is defined by New York State Criminal Procedure Law § 1.20(34), within the County of Tioga

Article 4. Sale or Possession of Synthetic Drugs Prohibited

1. Unlawful Possession of a Synthetic Drug - A person is guilty of unlawful possession of a synthetic drug when said person knowingly and unlawfully possesses a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise prescribed by a licensed physician.
2. Criminal Sale of a Synthetic Drug - A person is guilty of criminal sale of a Synthetic Drug when said person knowingly and unlawfully sells a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise licensed by the U.S. Drug Enforcement Agency, the Food and Drug Administration or NYS Department of Health.

Article 5. Penalties for offenses

Any person who knowingly and unlawfully violates the provisions of Article 5 of this local law shall be guilty of an unclassified misdemeanor as defined by this local law and NYS Penal Law§55.10.(2)(c) and, upon conviction, shall be punishable by a fine of up to \$1,000 or up to one year's imprisonment, or both.

Article 6. Applicability

This local law shall apply to all actions occurring on or after the effective date of this local law.

Article 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its

operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Article 8. Reverse Preemption

This local law shall be null and void on the date that statewide legislation goes into effect, incorporating either the same or substantially similar provisions under the New York State Penal Law and/or New York State Public Health Law as are contained in this local law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Tioga. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

Article 9. Administrative liability

Neither the County of Tioga, nor any officer, agent, or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this local law.

Article 10. SEQRA Determination

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20),(21) and/or (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York State Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Clerk of the Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance as may be necessary in accordance with this local law.

Article 11. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

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, Monell, Weston, and Roberts.

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. 304-12 *AMEND RESOLUTION 90-12 RETIREE
CONTRIBUTIONS FOR HIGH DEDUCTIBLE HEALTH
PLAN*

WHEREAS: Resolution 90-12 established a 2012 retiree contribution toward the High Deductible Health Plan for retirees covered by County Policy 3, Section 1V.A; and

WHEREAS: Resolution 90-12 established that Tioga County would continue to fund the Deductible for employees who retired during 2012 and who were eligible to carry the High Deductible health insurance into retirement in accordance with County Policy 3, Section IV.A; and

WHEREAS: The Legislature wants to allow retirees and employees who are currently on the High Deductible Health Plan to be able to continue this coverage into retirement until such time that a more cost effective health insurance option for retirees is identified and implemented; and

WHEREAS: Retiree contributions toward the cost of the High Deductible Health Plan in 2013 need to be established; therefore be it

RESOLVED: That Resolution 90-12 shall be amended as follows: That effective January 1, 2013, any retiree who is covered by County Policy 3, Section IV.A and enrolled in the High Deductible Health Plan shall be required to pay 4½ % of the Individual 2013 Premium or 2½ % of the 2013 Family Premium through December 31, 2013; and be it further

RESOLVED: That for the 2013 calendar year Tioga County shall fund the deductible via a Health Reimbursement Account for retirees who enrolled in the High Deductible plan as of 2012; and be it further

RESOLVED: That an employee enrolled in the High Deductible Health Plan with a retirement date during 2013 who keeps the High Deductible Health Plan for 2013 shall have the remaining balance of his/her Health Reimbursement Account available through December 31, 2013; and be it further

RESOLVED: That if, as of January 1, 2014, the High Deductible Health Plan or Health Reimbursement Account is changed in any way or no longer available either due to Excellus Blue Cross Blue Shield changes or due to the Legislature no longer offering the High Deductible Health Plan to retirees, those retirees enrolled in the High Deductible Health Plan and Health Reimbursement Accounts during 2013 shall be allowed to enroll as of January 1, 2014 in whatever plan(s) are available to retirees as of January 1, 2014.

ROLL CALL VOTE

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

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. 305-12 *AUTHORIZE THE REAPPOINTMENT OF
SHAWN L. YETTER AS COMMISSIONER
OF SOCIAL SERVICES*

WHEREAS: Commissioner Shawn L. Yetter's current appointment, effective January 21, 2008, will expire on January 20, 2013; and

WHEREAS: Pursuant to the Social Services Law of the State of New York, Article Three, Section 116, Paragraph 1 which states: "Any inconsistent provision of the law, notwithstanding, the position of the chief executive officer of the county or city social services department, whether referred to as commissioner or by other title, shall be in the non-competitive class of civil service, except any which is or may hereafter be in the competitive class. Appointments to such positions in the non-competitive class shall be for terms of five years and shall be made by the appropriate county or city body or officer."; and

WHEREAS: The Legislature is well pleased with Commissioner Shawn L. Yetter's performance, experience and qualifications and desires to reappoint him as the Tioga County Commissioner of Social Services; now therefore be it

RESOLVED: That Shawn L. Yetter be and hereby is reappointed as Tioga County Commissioner of Social Services for a third five-year term effective January 21, 2013 through January 20, 2018.

ROLL CALL VOTE

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

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
PERSONNEL COMMITTEE

RESOLUTION NO. 306-12 *APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER*

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Bernadette M. Toombs be and hereby is appointed Republican Election Commissioner for Tioga County Board of Elections from January 1, 2013 through December 31, 2014; and be it further

RESOLVED: That Ms. Toombs' annual salary for 2013 is established at \$37,283.00, in accordance with Resolution 274-12.

ROLL CALL VOTE

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

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
PERSONNEL COMMITTEE

RESOLUTION NO. 307-12 *APPOINTMENT OF DEMOCRATIC
ELECTION COMMISSIONER*

WHEREAS: The Chairman of the Democratic Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That John J. Langan be and hereby is appointed Democratic Election Commissioner for Tioga County Board of Elections from January 1, 2013 through December 31, 2014; and be it further

ROLL CALL VOTE

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

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. 309-12 *STAFF CHANGES FOR 2013
(VARIOUS DEPARTMENTS)*

WHEREAS: The Tioga County Legislature reviewed requests from various departments regarding staff changes for 2013; and

WHEREAS: These requests were considered during the 2013 Budget preparation process; and

WHEREAS: Departments were directed by the County Legislature to reduce their budgets, which necessitated staff changes in some departments; therefore be it

RESOLVED: That the following position changes are effective January 1, 2013 unless noted otherwise:

| <u>Name:</u> | <u>Current Title/ Salary Grade:</u> | <u>New Title/ Salary Grade:</u> | <u>Budget Impact:</u> |
|--------------------------------------|---|-------------------------------------|---------------------------|
| <u>DEPARTMENT OF SOCIAL SERVICES</u> | | | |
| Vacant | Typist (Grade III) | Abolished | -22,869 |
| Vacant | Account Clerk-Typist (Grade IV) | Abolished | -24,212 |
| Vacant | Data Base Clerk (Grade IV) | Unfunded | -24,212 |

| <u>Name:</u> | <u>Current Title/ Salary Grade:</u> | <u>New Title/ Salary Grade:</u> | <u>Budget Impact:</u> |
|--------------|---|-------------------------------------|---------------------------|
| Vacant | Support Investigator (Grade VII) | Unfunded | -31,274 |
| Vacant | Records Clerk (Grade IV) | Abolish | -24,212 |
| A. Howe | Managed Care Coord. (Grade VII) | Abolish | -33,569 |
| N. Bostwick | Senior SWE (Grade IX) | Abolish | -35,158 |
| G. Hammond | Quality Control Inspect. (Grade IX) | Abolish | -43,687 |
| C. Olmstead | Principal SWE (Grade X) | Abolish | -38,674 |

MENTAL HYGIENE

| | | | |
|--------|------------------------------------|----------|---------|
| Vacant | Account Clerk-Typist (Grade IV) | Unfunded | -24,212 |
| Vacant | Senior CSW (Grade XVII) | Unfunded | -52,014 |
| Vacant | Supervising CSW (Grade XVIII) | Unfunded | -54,146 |

PROBATION

| | | | |
|----------|-----------------------------------|-----------------------------|------------|
| Vacant | Probation Officer (PT) | Abolish | -18.84/hr. |
| Vacant | Probation Officer (Grade XI) | Unfunded | -38,063 |
| L. Baker | Probation Assistant (Grade VI) | Reallocation (Grade VII) | 3,702 |

| <u>Name:</u> | <u>Current Title/ Salary Grade:</u> | <u>New Title/ Salary Grade:</u> | <u>Budget Impact:</u> |
|-------------------------|---|-------------------------------------|---------------------------|
| <u>PUBLIC HEALTH</u> | | | |
| Vacant | Account Clerk-Typist (Grade IV) | Unfunded | -24,212 |
| Vacant (2) | Home Health Aide (Grade V) | Unfunded | -51,100 |
| Vacant | Public Health Nurse (PT) | Unfunded | -23.64/hr. |
| Vacant | Comm. Health Nurse (Grade XV) | Unfunded | -47,751 |
| <u>REAL PROPERTY</u> | | | |
| S. Griffin | Real Property Tax Service Tech. (PT) | Change to FT (Grade VII) | 17,590 |
| <u>SHERIFF'S OFFICE</u> | | | |
| Vacant | Deputy Sheriff (PT) | Unfunded | -18.67/hr. |

Legislator Standinger moved to amend the above resolution, seconded by Legislator Case as follows:

Remove:

"REAL PROPERTY

| | | | |
|------------|---|------------------------------|--------|
| S. Griffin | Real Property Tax Service Tech. (PT) | Change to FT (Grade VII)" | 17,590 |
|------------|---|------------------------------|--------|

ROLL CALL VOTE ON AMENDMENT

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

No – Legislator Sauerbrey.

Absent – None.

AMENDMENT ADOPTED.

ROLL CALL VOTE ON RESOLUTION AS AMENDED

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

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 310-12 *AUTHORIZE WAIVER OF 90-DAY DELAY;
AUTHORIZE BACKFILL AND
APPOINTMENT
(DISTRICT ATTORNEY'S OFFICE)*

WHEREAS: The position of Secretary to the District Attorney will become vacant upon the retirement of the current incumbent December 26, 2012; and

WHEREAS: The incoming Acting District Attorney would like to backfill the position effective December 27, 2012 due to the limited number of support staff within the office; and

WHEREAS: The Acting District Attorney has found a qualified candidate to accept the appointment; therefore be it

RESOLVED: That a waiver of the 90-day delay is granted so the position may be backfilled as of December 27, 2012; and be it further

RESOLVED: That Stephanie Carrigg is appointed by the Acting District Attorney effective December 27, 2012 with an annual salary of \$41,620; and be it further

RESOLVED: That Ms. Carrigg's salary as Secretary to the District Attorney will remain at \$41,620 through December 31, 2013.

ROLL CALL VOTE

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

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. 311-12 *WAIVE HIRING DELAY;
AUTHORIZE APPOINTMENT
(DISTRICT ATTORNEY'S OFFICE)*

WHEREAS: District Attorney Gerald Keene was elected County Judge and will take office on January 1, 2013, thereby vacating the office of District Attorney; and

WHEREAS: County Law § 702.4 and 702.5 dictate that, in the absence of a District Attorney and until such time a successor is appointed by the Governor, the Assistant District Attorney designated by the District Attorney shall serve in the capacity of District Attorney; and

WHEREAS: 1st Assistant District Attorney, Irene Graven, has been so designated by Mr. Keene; and

WHEREAS: While serving as Acting District Attorney, Ms. Graven will acquire a considerable amount of additional work which is expected to require full-time hours; and

WHEREAS: In accordance with 1962 Opp Atty Gen Feb 13, when serving on a full-time basis, an Acting District Attorney is entitled to the salary of the District Attorney; and

WHEREAS: Additional staffing changes will result from the absence of the District Attorney; and

WHEREAS: The authorized staffing in the District Attorney's Office does not allow for lengthy vacancies if the demands of the workload are to be met; and

WHEREAS: A series of promotions amongst the Assistant District Attorneys are planned, resulting in the 3rd Assistant District Attorney position becoming vacant; and

WHEREAS: Acting District Attorney Graven would like to backfill the vacated position of 3rd Assistant District Attorney effective January 2, 2013; therefore be it

RESOLVED: That effective January 1, 2013, Acting District Attorney Irene Graven shall receive an annual salary of \$146,400 while serving as Acting District Attorney; and be it further

RESOLVED: That the 2nd Assistant District Attorney, Adam Schumacher, shall be promoted to 1st Assistant District Attorney effective January 2, 2013 at an annual salary of \$41,561; and be it further

RESOLVED: That the 3rd Assistant District Attorney, Cheryl Mancini, shall be promoted to 2nd Assistant District Attorney effective January 2, 2013 at an annual salary of \$34,915; and be it further

RESOLVED: That the County Legislature hereby waives the 90-day Hiring Delay for the backfill of the 3rd Assistant District Attorney position and authorizes it be filled on January 2, 2013 at an annual salary of \$30,908; and be it further

RESOLVED: That Acting District Attorney Graven appoints Tim Thayne as 3rd Assistant District Attorney effective January 2, 2013; and be it further

RESOLVED: That upon appointment of a District Attorney by the Governor, if Ms. Graven is not so appointed, she shall return to her 1st Assistant District Attorney position and salary, and the other Assistant District Attorneys shall also return to their previous levels and the newly appointed 3rd Assistant District Attorney Tim Thayne shall be terminated.

ROLL CALL VOTE

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

No – None.

Abstention – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:41 P.M.

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