

*Sixth Regular Meeting*  
**June 9, 2009**

The Sixth Regular Meeting of 2009 was called to order by the Chair at 6:04 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Roberts to have a moment of prayer. “Our Father who art Lord of Heaven and of all earth, thou knowest the difficulties these men and women have to face and the grave decisions they must make. Have mercy upon them.”

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

There were nine people in attendance.

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		641.70
A1165	District Attorney		1,192.18
A1170	Public Defender		2,902.45
A1172	Assigned Counsel		23,639.51
A1325	Treasurer		1,912.50
A1355	Assessments		622.41
A1410	County Clerk		306.01
A1411	Department of Motor Vehicles		354.63
A1420	Law		1,661.96
A1430	Personnel		7,527.59
A1450	Elections	16.00	844.78
A1460	Records		28.36
A1460.41	Records Management		13,938.18
A1490	Public Works Administration	120.00	348.92
A1620	Buildings	85.00	53,401.98
A1680	Information Technology		7,855.32
A2960	Education of Handicapped Children		203,805.05
A3020	Public Safety Communication	51.00	4,228.81
A3110	Sheriff		13,963.06
A3110.41	Sheriff-Court Attendants		2,148.11
A3140	Probation		487.05
A3142	Alternatives to Incarceration		1,621.25
A3146	Sex Offender Program		8,766.67
A3150	Jail		43,344.51
A3315	Special Traffic Programs		1,468.00

A3410	Fire		5,405.29
A3640	Emergency Management		369.74
A3653	EMO Grant Education	630.42	
A3997	Sheriff DCJS Grant	347.97	
A4010	Public Health Nursing		35,526.48
A4011	Public Health Administration		8,455.01
A4012	Public Health Education	2,746.50	9,170.92
A4042	Rabies Control		655.62
A4044	Early Intervention	328.55	49,217.29
A4053	Preventive and Primary Health Services		102.51
A4054	Preventive Dental Services		2,704.19
A4064	Managed Care-Dental Services		14,374.94
A4070	Disease Control		2,993.56
A4090	Environmental Health		9,611.86
A4210	Alcohol and Drug Services		2,708.88
A4211	Council on Alcoholism		32,321.66
A4309	Mental Hygiene County Administration		4,395.10
A4310	Mental Health Clinic		31,364.81
A4315	Mental Retardation		14,646.24
A4320	Crisis Intervention		13,524.34
A4321	Intensive Case Management		1,551.02
A6010	Social Services Administration		78,878.27
A6422	Economic Development		297.08
A6510	Veterans'		140.00
A6610	Sealer of Weights and Measures		254.00
A8020	Planning		244.72
SOLID WASTE FUND			\$ 98,437.74
COUNTY ROAD FUND			44,367.54
SPECIAL GRANT FUND			11,344.01
CONSOLIDATED HEALTH FUND			924,481.05
CAPITAL FUND			85,878.59
LIABILITY INSURANCE FUND			655.56
WORKERS' COMP			37,954.67
<b>GRAND TOTAL</b>			<b>\$1,923,369.12</b>

Legislator Roberts made a motion to approve the minutes of May 7 and 12, 2009, seconded by Legislator McEwen, and carried.

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

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 177-09                      *ERRONEOUS ASSESSMENT  
TOWN OF SPENCER***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**WHEREAS: An application for corrected tax roll indicates that property no. 25 assessed to Amanda Becken (now assessed to Evan Rudnick) on the 2009 tax roll in the Town of Spencer is erroneous in that the assessor for the Town of Spencer stipulates that the property has been vacant land since 10/07, when all buildings, the well, and the septic were removed, and the assessment was never lowered to reflect the change; and**

**WHEREAS: The 2009 taxes for property no. 25 in the Town of Spencer were paid on 2/2/09; be it therefore**

**RESOLVED: That the taxable value on property no. 25 in the Town of Spencer be lowered from \$10,000 to \$1,000, and a refund of \$358.41 be issued to Amanda Becken (assessed owner on 2009 tax bill) for overpayment of the 2009 taxes; and be it further**

**RESOLVED: That the erroneous solid waste tax of \$14.44 be charged back to the Solid Waste Fund; and be it further**

**RESOLVED: That the erroneous county tax of \$343.97 be charged to the proper account in the records of the County Treasurer**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 178-09                      *DESIGNATION OF TIOGA COUNTY  
TOURISM OFFICE AS AUTHORIZED  
TOURISM PROMOTION AGENT  
FOR 2010***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan.**

**WHEREAS:** The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

**WHEREAS:** The State has appropriated funds for this purpose in the 2010 Commerce Department budget; and

**WHEREAS:** The guidelines for this local assistance program encourage counties to appoint a Tourism Promotion Agency; and

**WHEREAS:** The Tioga County Tourism Office has been, and currently is, engaged in tourism promotional activities and coordinates with the state in its tourism grants program, 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 2010 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:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 179-09 *URGING THE NEW YORK STATE LEGISLATURE AND THE NEW YORK STATE BOARD OF ELECTIONS TO ENACT LAWS, RULES AND REGULATIONS THAT SPECIFICALLY AUTHORIZE THE CONTINUED USE OF LEVER-STYLE VOTING MACHINES***

**Adoption moved by Legislator Sullivan,  
seconded by Legislator Roberts.**

**WHEREAS:** For many decades Tioga County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous to continue to do so, and

**WHEREAS:** New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future election in New York State, and

**WHEREAS: New York State Legislation relating to voting machines far exceeds the federal requirements of the Help America Vote Act; and**

**WHEREAS: Tioga County has been the recipient of federal funds to implement HAVA, but the state’s additional requirements and method of allocating funds has created undue financial hardships with mandated expenses far exceeding formula based revenues, and**

**WHEREAS: HAVA funding formula is not equitable to the smaller counties in that after purchasing the necessary voting machines there are no funds available for the necessary future operation of machines and the future hiring of personnel to program machines or to do the necessary quarterly testing, ballot definition, etc. as there is for larger counties, and**

**WHEREAS: These requirements place a severe burden on counties that have a smaller population and tax base with less ability to raise the funds necessary to maintain the demands of the optical scan voting machines, and**

**WHEREAS: Both in the terms of efficacy and the cost efficiency, Tioga County believes that the continued use of the lever-style machines is in the best interest of the Tioga County taxpayers, and in these difficult continuing unstable economic times, the cost to implement elections with these new machines will not be paid for by New York State and is a perpetual unfunded mandate; and**

**WHEREAS: The State’s statutorily required elimination of lever-style voting machines is unnecessary, inappropriate, and costly to Tioga County taxpayers; now therefore be it**

**RESOLVED: That the Tioga County Legislature hereby urges the New York State Assembly, Senate, Governor and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize the continued use of the lever-style voting machines with the ballot marking device as a solution to the unwarranted expense to citizens of Tioga County relative to HAVA and ensuring New York State continued maintenance of a transparent, secure, accurate and reliable electoral system using lever-style voting machines, and be it further**

**RESOLVED: That the Clerk of the Tioga County Legislature shall forward copies of this resolution to Governor David Paterson, New York State Comptroller’s Office, Senate Majority Leader Dean O. Skelos, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Senator George H. Winner, Jr., Senator Thomas W. Libous, Assemblyman Gary D. Finch, Assemblyman Thomas F. O’Mara, the New York State Association of Counties (NYSAC), and Inter-County Association of Western New York.**

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 180-09**      *RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO DESIGNATE STATE ROUTE 38 AS THE NEW YORK STATE VIETNAM VETERANS' MEMORIAL HIGHWAY*

Adoption moved by Legislator Sullivan,  
 Seconded by Legislator Sauerbrey.

**WHEREAS:** Over eight million men and women bravely served our country during the Vietnam War era, over 400,000 of these coming from New York State; and

**WHEREAS:** New York State Route 38 bisects the state, beginning in Sterling, New York, running through the Finger Lakes South to the Village of Owego, New York; and

**WHEREAS:** State Route 38 passes the final resting place of Congressional Medal of Honor recipient Specialist Robert F. Stryker; now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby requests that the State of New York designate State Route 38 as the New York State Vietnam Veterans' Memorial Highway; and be it further

**RESOLVED:** That a certified copy of this resolution be delivered to New York State Senator Thomas Libous; and New York State Assemblyman Gary Finch.

On roll call vote on the above resolution, seven members voted Aye, Legislator Huttleston voting no, Legislator Monell being absent, and the resolution was adopted.

Legislator Sauerbrey introduced Local Law No. D of 2009

County of Tioga

Local Law No. of the Year 2009.

**A Local Law to prohibit text messaging while driving.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1: Legislative Intent**

**This Legislature understands that according to CTIA, an international organization representing all sectors of wireless communications, including cellular, personal communication services, and enhanced specialization mobile radio, United States subscribers sent close to 65 billion text messages through the first half of 2006.**

**The Legislature further believes that drivers sending text messages while driving are creating great risk to themselves and to others.**

**This Legislature also determines that text messaging while driving inevitably decreases safety on the road, affecting driver reaction time and attention to the surrounding environment.**

**Therefore the purpose of this law is to prohibit text messaging while driving.**

**SECTION 2: Definitions**

**As used in this law, the following terms shall have the meanings indicated:**

**TEXT MESSAGE – also referred to as Short Messaging Service (SMS), which allows users to send or receive short text messages on wireless handsets. For the purpose of this law, an e-mail shall be considered a “text message”.**

**USE – activating, deactivating or initiating functions or keys on a wireless handset.**

**VOICE RECOGNITION – the capability by which wireless handsets can be activated and controlled by voice commands.**

**WIRELESS HANDSET – a portable computing device, including cellular telephones and personal digital assistants (PDA’s), capable of transmitting data in the form of e-mail and/or text message..**

**SECTION 3: Prohibitions**

- A.) Pursuant to Article 9, Section 2(c)(10) of the New York Constitution, and in order to protect the health, safety, and well-being of persons within the County, no person shall use a wireless handset to compose or send text messages while operating a motor vehicle on any public street or public highway within the County of Tioga, while the motor vehicle is in motion on such public street or public highway.
- B.) The prohibition contained in paragraph A above shall not apply to text messages composed via any voice recognition technology.

#### **SECTION 4: Penalties**

- A.) Any violation of any provision of Section 3 of this law shall constitute an offense and be punishable by a fine not to exceed \$150.00 for each violation. Each such violation shall constitute a separate and distinct offense.
- B.) This law shall be enforced by the Tioga County Sheriff's Department and sworn officers of an authorized Police Department or force of a town or village within the geographic boundaries of Tioga County.
- C.) This law shall be enforced by the Tioga County Sheriff's Department and sworn officers of an authorized Police Department or force of a town or village within the geographic boundaries of Tioga County. This law may be enforced anywhere within the geographic boundaries of the County of Tioga by a police officer as defined in Section 1-20(34) of the New York Criminal Procedure Law.

#### **SECTION 5: Applicability**

This law shall apply to all actions occurring on or after the effective date of this law.

#### **SECTION 6: Reverse Pre-emption.**

This law shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administration 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 legislation, or pertinent preempting State or Federal regulations have been enacted for the purposes of triggering the provisions of this section.



**SECTION 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.

**SECTION 8: Effective Date**

This law shall take effect ninety (90) days after its filing in the Office of the Secretary of State.

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 181-09**      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. D OF 2009*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Roberts.

**RESOLVED:** That a public hearing shall be held on Local Law Introductory No. D of 2009 A Local Law to prohibit text messaging while driving in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 9, 2009 at 1:30 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

Legislator McEwen introduced Local Law Introductory No. E of 2009.

County of Tioga

Local Law No. of the Year 2009.

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

Be It Enacted by the Legislature of the County of Tioga as follows:

**SECTION 1:**

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

**SECTION 2:**

Imposition of sales tax.

On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2009, and ending November 30, 2011 there is hereby imposed and there shall be paid an additional tax of one percent upon:

**SECTION 2:**

Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

**SECTION 2-a:**

Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2011, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2011, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2011, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2011, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2011.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vender of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the premises, for which such energy sources or services are purchased, is used solely as a residence or identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

### **SECTION 3:**

Section Three of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new subdivision (h) to read as follows:

(h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2009, and ending November 30, 2011, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2009, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2009, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2009. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2009, any transaction which may not be subject to the additional tax imposed effective on that date.

### **SECTION 4:**

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

**SECTION 4:****Imposition of compensating use tax.**

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2009, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

**SECTION 5:**

Subdivision (1) of Section 11 of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new paragraph (C) to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2009, and ending November 30, 2011, in respect to the use of property used by the purchaser in this County prior to December 1, 2009.

**SECTION 6:**

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2009, through November 30, 2011, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.

**SECTION 7:**

This enactment shall take effect on December 1, 2009.

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 182-09                      *SCHEDULE PUBLIC HEARING*  
*LOCAL LAW INTRODUCTORY*  
*NO. E OF 2009***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**RESOLVED:** That a public hearing shall be held on Local Law Introductory No. E of 2009 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 9, 2009 at 1:45 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

**County of Tioga**

**Local Law No. of the Year 2009.**

**A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1: TITLE**

**This Local Law shall be known as Amendment No. 8 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.**

**SECTION 2: TERMINATION**

**Local Law No. 4 of 1989, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007, is hereby amended to read as follows:**

**Section 10 is amended to read:**

**SECTION 10: EFFECTIVE DATE This Local Law originally effective January 1, 1990 shall remain in effect until November 30, 2011.**

**SECTION 3: SEVERABILITY**

**If any provision of this Local Law or the application thereof to any person or circumstances shall be held invalid, the remainder of this Local Law and the application of its provisions to other persons or circumstances shall not be affected thereby.**



**SECTION 5: EFFECTIVE DATE**

**This Local Law shall take effect on December 1, 2009.**

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 183–09      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. F OF 2009***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.**

**RESOLVED: That a public hearing shall be held on Local Law Introductory No. F of 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007 in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 9, 2009 at 2:00 P.M. All persons desiring to present written or oral comments may do so at said time.**

**CARRIED**

**County of Tioga**

**Local Law No. of the Year 2009.**

**A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the Hotel/Motel Tax from 3% to 4%.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1: TITLE**

**This Local Law shall be known as Amendment No. 9 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.**

**SECTION 2: AMENDMENTS**

Local Law No. 4 of 1989, as amended by Local Law No. 3 of 1994, is hereby amended to read as follows:

Section 4(A) of Local Law 4 of 1989, as amended by Local Law No. 3 of 1994, is hereby amended to increase the tax rate from three percent (3%) of the per diem rental rate for each room occupied to four percent (4%).

**SECTION 3: SEVERABILITY**

If any provision of this Local Law or the application thereof to any person or circumstances shall be held invalid, the remainder of this Local Law and the application of its provisions to other persons or circumstances shall not be affected thereby.

**SECTION 5: EFFECTIVE DATE**

This Local Law shall take effect on December 1, 2009.

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 184-09**      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. G OF 2009*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**RESOLVED:** That a public hearing shall be held on Local Law Introductory No. G of 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the Hotel/Motel Tax from 3% to 4% in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 9, 2009 at 2:05 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 185-09**      *APPROVE FUNDING  
2009 YOUTH BUREAU PROGRAMS*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.

**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 2009 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 2009 be approved by the Tioga County Legislature in the amounts indicated:

**Youth Development and Delinquency Prevention Programs**

Cooperative Extension Family Resource Centers	\$15,355
Tioga County Council on Alcohol & Substance Abuse	\$ 7,026
Cooperative Extension Waverly Youth Café	\$ 4,892
Spencer Van Etten After School Connections	\$ 3,346
Camp Ahwaga	\$ 3,460
Newark Valley Historical Society Youth Programs	\$ 1,446

**Special Delinquency Prevention Programs**

Big Brothers Big Sisters of Bradford County, Inc.	\$10,440
A New Hope Center	\$ 9,621
Cooperative Extension Family Resource Centers	<u>\$ 2,771</u>
<b>TOTAL</b>	<b>\$58,357</b>

**Roll Call:**  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO:** ED&P COMMITTEE  
 JOB TRAINING COMMITTEE

**RESOLUTION NO. 186-09** *AMEND TIOGA EMPLOYMENT CENTER BUDGET*

Adoption moved by Legislator Roberts,  
 seconded by Legislator Sullivan.

**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 under the Workforce Investment Act Economic Stimulus Program Grant in the amount of \$236, 555:**

**Adult Funds: \$38,365**

**Dislocated Worker Funds: \$113, 617**

**Youth Funds: \$39,573 + \$45,000(WIA summer) = \$84,573; and**

**WHEREAS: The Tioga Employment Center has also received additional funding in regular PY08 allocation due to contract modifications in the amount of \$23,714:**

**Rapid Reponse Adult: \$6,158**

**Dislocated Worker: \$15,800**

**Administration: \$1,756; therefore be it**

**RESOLVED: That the Tioga Employment Center budget be amended as follows:**

**From: CD4791 – Federal Aid-Federal Employment Program                   \$260,269**

**To: CD6293.40- – Federal Employment Program in the following accounts:**

- 130 Contracts:	\$ 57,064
- 140 Contracting Services:	\$ 18,750
- 190 Education Reimbursements:	\$136,465
- 420 Office Supplies	\$ 4,000
- 487 Program Expense	\$ 18,000
- 733 Training/All Other	\$ 2,000

**CD6293.10-10 Personnel Full Time   \$ 23,990**

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO: PUBLIC WORKS  
FINANCE**

**RESOLUTION NO. 187-09                    *AWARD DESIGN SERVICES  
CONTRACT TO MCFARLAND-  
JOHNSON ENGINEERS FOR DESIGN  
SERVICES OF THE MAIN ST. BRIDGE  
(BIN:3334800) OVER CAYUTA CREEK  
IN THE TOWN OF LOCKWOOD, NY***

**Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.**

**WHEREAS: Rehabilitation construction for the Main St. Bridge (BIN:3334800)  
over Cayuta Creek is the next bridge on our work program; and**

**WHEREAS: Funds have been budgeted in the amount of \$120,000 for design  
services in Main Street Bridge Account H2009.05; therefore be it**

**RESOLVED: That a design project be awarded to McFarland –Johnson Engineers,  
Binghamton, NY in the amount of \$85,000 for the Main St. Bridge (BIN:3334800)  
over Cayuta Creek to be paid out of Main Street Bridge Account H2009.05.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 188-09                    *APPOINT MEMBER  
BOARD OF ETHICS***

**Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.**

**WHEREAS: J. Dickson Edson, Chairman appointment, on the Board of Ethics  
term has expired as of 12/31/08; and**

**WHEREAS: Thomas Emmett has agreed to serve as his replacement on the Board  
of Ethics; now therefore be it**

**RESOLVED:** That Thomas Emnett, Chairman appointment, be hereby appointed to the Board of Ethics for a term of 6/9/09 through 12/31/11.

**Roll Call:**

Ayes 07

Noes 00

Absent 01

Legislator Sullivan Abstained  
**CARRIED**

**REFERRED TO:** LEGISLATIVE WORKSESSION

**RESOLUTION NO. 189-09** *APPOINT MEMBER  
BOARD OF ETHICS*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator McEwen.

**WHEREAS:** Clarence Windnagel, Majority appointment, on the Board of Ethics term has expired as of 12/31/08; and

**WHEREAS:** Martha Goodsell has agreed to serve as his replacement 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 6/9/09 through 12/31/11.

**Roll Call:**

Ayes 07

Noes 00

Absent 01

Legislator Sullivan Abstained  
**CARRIED**

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 190-09** *AMEND COUNTY POLICY 46  
CONTRACTUAL HIRES*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sullivan.

**WHEREAS:** There has been confusion over which contracts are subject to Policy 46 and which are not; and

**WHEREAS:** Revisions to Policy 46 are necessary for clarification purposes; therefore be it

**RESOLVED:** That the first paragraph be amended to read as follows:

“This policy is intended to apply to all situations where Tioga County contracts for services to be provided to the general public by an individual, a business, or New York State”; and be it further

**RESOLVED:** That item #2 be amended to read as follows:

- “2. A. Contract with an Individual – Conduct the 20-question IRS test with the Personnel Department. If the results indicate the worker is contractual in nature, proceed to Step 3. If the results indicate the worker is employee-like in nature, discuss with the Legislative Committee the possibility of creating a position. A copy of the test results shall be kept on file in the Personnel Department.  
B. Contract with a Business – No IRS test required; Proceed to Step 3.”

And be it further

**RESOLVED:** That the remainder of Policy 46 shall remain in full force and effect.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** LEGISLATIVE SUPPORT COMMITTEE  
FINANCE COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 191-09**

*AUTHORIZE MEMORANDUM OF  
UNDERSTANDING BETWEEN TIOGA  
COUNTY AND RURAL ECONOMIC  
AREA PARTNERSHIP (REAP)*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Oberbeck.

**WHEREAS: Rural Economic Area Partnership (REAP) is in need of contracting for secretarial and other administrative support services; and**

**WHEREAS: Tioga County is able to provide such services under the terms and conditions set forth in the Memorandum of Understanding; and**

**WHEREAS: The Deputy Clerk to the Tioga County Legislature is willing to provide the necessary secretarial and other administrative support services set forth in the Memorandum of Understanding; and**

**WHEREAS: The Legislative Clerk is willing to allow such services to be rendered in the total amount of \$1,224.00 as set forth in the Memorandum of Understanding; and**

**WHEREAS: The County Attorney has reviewed and approved said Memorandum of Understanding; therefore be it**

**RESOLVED: That the Tioga County Legislature authorize the Legislative Chair to enter into contract via said Memorandum of Understanding with Amber Keefer providing the secretarial and other administrative support services to Rural Economic Area Partnership for the six month period of July 1, 2009 through December 31, 2009; and be it further**

**RESOLVED: That the Legislative Clerk will invoice Rural Economic Area Partnership for six equal payments of \$204.00 per month for the total amount of \$1,224.00 for said secretarial and other administrative services and monies received shall be forwarded to Tioga County Treasurer's Office for deposit in Other General Government Income Revenue Account 1289.10.**

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO:**

**RECORDS MANAGEMENT  
ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 192-09**

***AUTHORIZE CONTRACT TO HIRE  
CONSULTANT FOR PROGRAMMING  
SERVICES***

**Adoption moved by Legislator Sullivan,  
seconded by Legislator Sauerbrey.**



**WHEREAS: The County Clerk’s office is responsible for the recording, filing and maintaining of public records for Tioga County; and**

**WHEREAS: The Tioga County Clerk was awarded a grant from New York State Archives Local Government Records Management to scan and index survey maps into our Electronic Document Management System (EDMS) to preserve these records for the public use; and**

**WHEREAS: The Tioga County Clerk’s office was awarded \$11,520.00 for purchased services of which \$5,000.00 was allocated for the creation of survey map index and document import programs; and**

**WHEREAS: The Tioga County Clerk has contracted with Systems Development Group, Inc. to enter into a contract to complete this portion of the grant project; and**

**WHEREAS: Said contract would provide for payment of said services not to exceed \$5,000.00; therefore be it**

**RESOLVED: That the Tioga County Legislature authorize the Tioga County Clerk to enter into a contract with Systems Development Group, Inc. at a total payment of said services not to exceed \$5,000.00 effective June 10, 2009 and to be paid for out of Records Management account A1460.41-140.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 193–09 AMEND RESOLUTION 45-09;  
AUTHORIZE CONTRACT REVISIONS  
WITH TIOGA OPPORTUNITIES, INC.  
SOCIAL SERVICES**

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.**

**WHEREAS:** Resolution 45-09 authorized the Tioga County Department of Social Services to enter into a contract with Tioga Opportunities, Inc. to provide services in the form of one full-time Work Experience Crew Coordinator in conjunction with Tioga County's 2009 Flexible Funding for Family Services Plan; and

**WHEREAS:** According to County Policy 46, legislative approval is required prior to entering into any new or revising an existing contractual agreement for Tioga County; and

**WHEREAS:** The steps outlined in County Policy 46 have been completed and approval to proceed has been received; and

**WHEREAS:** Tioga County's 2009 Flexible Funding for Family Services Plan includes 100% State funding for the provision of Intensive Case Management Services for the Disabled Population remaining on Public Assistance and one full-time and one additional part-time Work Experience Crew Coordinator; and

**WHEREAS:** These state allocations are time-limited and do not warrant the hiring of a permanent County employee; and

**WHEREAS:** Tioga Opportunities, Inc. has agreed to provide the services and is well-equipped within the community to provide said services; therefore be it

**RESOLVED:** Resolution 45-09 is amended to authorize Tioga County DSS to utilize FFFS funding by revising the contract between Tioga Opportunities, Inc. for the provision of Intensive Case Management Services for the Disabled Population remaining on Public Assistance with one part-time Work Experience Crew Coordinator in addition to the existing one full-time Work Experience Crew Coordinator; and be it further

**RESOLVED:** That the revised contract for services with Tioga Opportunities, Inc. will run concurrent with the funding source for the period of July 1 through June 30.

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO:**

**ED&P COMMITTEE  
JOB TRAINING COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 194-09**

***AUTHORIZE CONTRACT  
KELLY SERVICES  
TIOGA EMPLOYMENT CENTER***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Sauerbrey.**

**WHEREAS: Broome & Tioga Counties, in partnership through the Broome/Tioga Workforce Development Board, provides for the delivery of employment and training services under the Workforce Investment Act of 1998; and**

**WHEREAS: The Tioga Employment Center has a need for a Resource Room Aide to assist individuals in the Employment Center’s Resource Room with operation of computers and various computer programs, to instruct clients on how to use America’s Job Exchange, and to assist clients in accessing employment opportunities; and**

**WHEREAS: The Employment Center has had a worker assigned by Title V (federal grant program for mature workers) for the past couple of years and the arrangement with the current Title V provider, Tioga Opportunities, will be ending by June 30, 2009; and**

**WHEREAS: Kelly Services will be able to provide such services for the Tioga Employment Center, and said contract is to be funded entirely by the Workforce Investment Act, and**

**WHEREAS: The funds necessary for said contract were included in the WIA PY 2009 Budget under the WIA Stimulus Grant; and**

**WHEREAS: The Supervisor of the Tioga Employment Center is authorized to enter into such contract as indicated; and**

**WHEREAS: Said contract would provide for compensation at the hourly rate of \$12.52 per hour at a maximum of 27 hours per week; therefore be it**

**RESOLVED: That the Tioga County Legislature authorize the Supervisor of Employment and Training to enter into a contract with Kelly Services at the hourly NYS Contract rate of \$12.52 per hour, at a maximum of 27 hours per week, effective July 1, 2009 through June 30, 2010.**

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 195-09 *AMEND RESOLUTION #412-01*  
*POLICY ON PART-TIME HOURLY RATES*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sullivan.

WHEREAS: Since 2001, part-time hourly rates have been adjusted annually in accordance with Resolution #412-01 and based on the full-time pay for the corresponding title; and

WHEREAS: This has been true for all part-time, temporary and seasonal positions, with the exception of Seasonal Clerks; and

WHEREAS: The Tioga County Legislature is reviewing all means of containing costs; therefore be it

RESOLVED: That, effective immediately, the hourly rates for all part-time, temporary and seasonal positions, with the exception of Seasonal Clerks, shall be frozen at the 2009 rate until such time as the County Legislature takes action to change this; and be it further

RESOLVED: That the incumbents of said positions shall not have their rate(s) increased until such time as the County Legislature takes action which allows such.

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 196-09 SEASONAL CLERK(S)  
HOURLY RATE OF PAY**

Adoption moved by Legislator Oberbeck,  
seconded by Legislator McEwen.

**WHEREAS:** Each summer since 1999, Seasonal Clerk positions have been paid a rate of minimum wage plus one dollar; and

**WHEREAS:** An individual rehired as a Seasonal Clerk in subsequent summers was given an additional twenty cents per hour; and

**WHEREAS:** The Tioga County Legislature has identified this program as an area where future costs may be contained; therefore be it

**RESOLVED:** That effective in 2010, the Seasonal Clerks shall earn a rate of minimum wage plus one dollar; and be it further

**RESOLVED:** That, Seasonal Clerks returning to work in subsequent years shall be paid their 2009 rate including any adjustment as a result of an increase in the minimum wage.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

Legislator McEwen made a motion to have the following two late-filed resolutions considered, seconded by Legislator Oberbeck and carried.

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO.197-09 BACKFILL REQUEST  
MARGARET CONOVER, RPN  
PUBLIC HEALTH**

Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.

**WHEREAS:** Resolution 147-09 authorized the commencement of a 60-day delay in backfilling vacancies as a cost saving; and

**WHEREAS: Tioga County Health is certified to operate as a Certified Home Health Agency and Long Term Home Health Agency; and**

**WHEREAS: The clients who are in the two different programs are homebound; and**

**WHEREAS: Each patient has a daily plan of care to have medical services provided on a routine basis in 60 day intervals; and**

**WHEREAS: NYSCRR Section 763.11(a)(2) II requires that the governing authority “ensure adequate personnel/resources”... “provide care in the home, based on the need of the patient served in the plan of care”; and**

**WHEREAS: If the CHHA cannot provide the services within the required timeframes, due to nursing staff vacancies, the result can be significant; including additional health risk to patients, risk of regulatory licensure and the loss of revenue; and**

**WHEREAS: Tioga County has sought to have outside vendors fill the positions of vacant positions; and**

**WHEREAS: The sole provider of skilled nursing, “Gentiva” no longer wishes to contract with Tioga County and has switched to Chenango County to provide services; and**

**WHEREAS: Tioga County nursing staff makes 4-5 visits a day under full staffing, and currently the department has 12 nurses for making home visits at full staff; and**

**WHEREAS: Public Health currently has one nurse out on limited disability, one nurse out on full disability, one vacancy and one vacancy filled with a temporary nurse, the result being almost 1/3 of staff being unavailable; and**

**WHEREAS: These vacancies have resulted in the remaining staff filling in the time slots as indicated in the plan of care, resulting in staff making approximately 8 visits a day, paying overtime; and**

**WHEREAS: Making nurses work these extra hours and increasing the time to complete these visits will continue to cause staff to miss items that need to be taken care of in the plan of care; and**

**WHEREAS: More visits by nursing staff creates a higher stress level to the nurse resulting in nurses leaving, which creates more stress because the nurses needed to cover for the nurses who left or are on leave; therefore be it**

**RESOLVED:** That the Tioga County Health Department be approved to fill the full-time Registered Professional Nurse position vacated by Margaret Conover, effective immediately.

On roll call vote on the above resolution, seven members voted Aye, Legislator Roberts voting no, Legislator Monell being absent, and the resolution was adopted.

**REFERRED TO:** FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 198-09**      *AUTHORIZE TIOGA COUNTY TREASURER  
TO HIRE MANASSE AUCTIONEERS  
TO AUCTION REAL PROPERTY ACQUIRED  
BY COUNTY FORECLOSURE*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**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.

Legislator McEwen made a motion to amend the above resolution to delete the word “Treasurer” from the title, seconded by Legislator Sauerbrey, and the motion to amend was carried.

On roll call vote on the above resolution and amendment, eight members voted Aye, Legislator Monell being absent, and the resolution was adopted.

The meeting was adjourned at 6:20 P.M.