

Seventh Regular Meeting
July 14, 2009

The Seventh Regular Meeting of 2009 was called to order by the Chair at 1:30 P.M. All Legislative members were present.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. “Heavenly Father we thank you for the freedom of this nation. We ask you to bless the leaders of this country with guidance and knowledge and we ask for your protection on all of the citizens of the United States, both in the country and outside. Amen.”

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

There were 26 people in attendance.

Denis McCann of the Employee Recognition Committee presented the Employee of the 2nd Quarter 2009 award to Frances Berry of the Department of Social Services.

“First of all as the Chairman of the Employee Recognition Committee I would like to thank the Legislators for again supporting this program and recognizing the efforts of the employees. I would also like to thank the members of the Employee Recognition Committee.

“Fran is the selection for the Employee of the Second Quarter of 2009. Fran started her employment with Tioga County on May 19, 1993 as an Account Clerk Typist for the Department of Social Services Accounting Unit. In March of 1998 she was promoted to Senior Account Clerk Typist and in February of 2005 she was again promoted, this time to Principal Account Clerk Typist which she continues to serve in this title in the very same Department Unit that she started with 16 years ago.

“Her current position requires extensive knowledge of a variety of functions, both accounts payable and accounts receivable functions, as well as claiming for Federal and State reimbursement. She currently acts as a lead for four subordinate staff training, coaching, and overseeing the daily activities in a diverse and very busy Accounting Department. She is the primary contact person for the Medical Transportation issues and administrative payments. Fran consistently provides excellent customer service and provides a high quantity of quality work. Her successful interactions with outside departments and agencies are always pleasant, helpful, and professional. She positively represents Tioga County as a dedicated, loyal, caring, and hard working employee.

“Fran has previously won the Department of Social Services Employee of the Quarter. Fran and her husband Frank have three daughters and two grandchildren, Olivia and Sawyer. They live in Apalachin, New York. She is an active member of the Apalachin Garden Club. She participates every year in Relay for Life. Also for the past few years she has been a compassionate and wonderful caregiver for her mother. Even with the recent loss of her mom Fran continues to be supportive for coworkers and friends with their losses and other challenges on a daily basis. Tioga County is blessed to have someone like Fran working for us and I want to say congratulations to Fran.”

Commissioner Shawn Yetter spoke. “Congratulations Fran. Gary Grant is the Administrator over the Division that Fran works in and he is unable to be here today, but he did send a note that he wanted me to read. I would like to read that first. “Fran, I am sorry I am unable to be here today as you receive this well deserved recognition. Your insight and experience have been invaluable to me in working through the sometimes complex world of Medicaid Transportation. I want you to know how much I appreciate all that you do for me and the Department. In your role as Principal Account Clerk you are a great mentor to the newer employees in the Accounting Department. You have the perfect combination of professionalism and personality. Congratulations Gary.”

“Just some thoughts of mine Fran and first I too would like to thank the Legislature for continuing to support this program. It is employees like Fran who go about their business very unnoticed, but who are the type of individual who make everything happen that needs to happen to continue to serve the residents of the County, and it is great to see her recognized. As Denis mentioned, Fran has been with the Fiscal Division for Social Services for over 15 years working her way up to her present title of Principal Account Clerk Typist.

“One thing that is very evident with Fran is she is one of the first ones to step up and get involved in most any project or team that goes on in the agency. Her contributions over the years have been many. More recently to name a few she has participated in what we call our Employee Commissioner meetings, Employee Recognition Team, Relay for Life participant, and numerous process improvement projects that we have had in the agency. Fran has the amazing ability to have empathy for our customers, keeping her interactions professional, courteous, and always helpful to the needs of others, and really her colleagues would call her a jack of all trades and master to many in her field of accounting. She generally is considered the go to person for other agencies as well needing assistance from the DSS fiscal folks. I know I often have to walk down the hall and ask Fran for a report usually related to Medicaid transportation and usually by the time I walk back to my desk I have an e-mail from her with it there already, so she is just extremely efficient and on top of her game.

“I would end Fran by sharing that you definitely live the vision of the Department where we work hard to enhance the quality of life in Tioga County. You are a true example of our core values of community, ownership, respect, and excellence in every way. Thank you for your dedication and congratulations.”

Teresa Ryder from the Department of Social Services spoke. “I am going to read a letter from Rita Hollenbeck. Rita is Fran’s Supervisor in the Accounting Department at Social Services. She could not be here today, but first I want to say congratulations. I work really closely with Fran and it is a very well deserved award. “I would have loved to have been here for this well deserved recognition for Fran, but duty calls me out of town this day. I have worked with Fran for the past 15 years and it truly has been a pleasure and honor. She exhibits the highest caliber of work ethic, compassion, and genuine sacrifice of self that I have ever seen in a friend or coworker. I cannot count the number of people she has nurtured and provided a lending hand to as they come through our doors, be it a customer or a coworker at any level. She strives to learn new things daily and continues to grow and challenge herself. She provides optimum service to others with a smile, kind understanding words, and prompt professional skill and experience. Some say she is more effective than Wonder Woman because she can and does achieve so much. If you came and saw her in action I believe you would agree. Thank you and congratulations Fran you are awesome.”

Legislator Huttleston spoke. “I really appreciate you. I do not know what more I can say, but I am pleased that we have good employees like you and it certainly makes my job easier, it makes Shawn’s job easier, and it makes the Legislators job easier. We really appreciate it and you are certainly deserving of it. I hope for the best for you. I hope you stay with us for a long time. I really appreciate it and it makes my job easier. Thanks a lot for all your dedication.”

Fran spoke. “I just want to say that I really appreciate this award and thank you all 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		1,165.31
A1165	District Attorney		2,201.80
A1170	Public Defender		854.97
A1172	Assigned Counsel		14,420.06
A1325	Treasurer		1,384.20
A1355	Assessments		2,785.00
A1410	County Clerk		680.03
A1411	Department of Motor Vehicles		3,343.91
A1420	Law		4,386.21

A1430	Personnel		1,078.24
A1450	Elections		77.86
A1460	Records Management		6,689.35
A1490	Public Works Administration		758.54
A1620	Buildings		44,184.04
A1680	Information Technology		2,464.80
A2960	Education of Handicapped Children		210,284.30
A3020	Public Safety Comm E911 System		3,290.72
A3110	Sheriff		17,691.12
A310.41	Sheriff-Court Attendants		1707.48
A3140	Probation	384.48	716.04
A3142	Alternatives to Incarceration		1,502.50
A3146	Sex Offender Program		8,766.67
A3150	Jail		42,784.45
A3151	Jail-Alternatives Program		78.41
A3315	Special Traffic Programs	365.00	4,685.00
A3410	Fire		5,235.60
A3640	Emergency Mgmt Office		447.07
A3653	EMO Grant Education	3,115.42	
A4010	Public Health Nursing		48,139.44
A4011	Public Health Administration		3,802.12
A4012	Public Health Education		10,153.31
A4042	Rabies Control		1,889.92
A4044	Early Intervention	1,447.49	43,037.87
A4053	Preventive/Primary Health Services		945.18
A4054	Preventive Dental Services		3,307.37
A4062	Lead Poisoning		388.40
A4064	Managed Care-Dental Services		14,146.88
A4070	Disease Control		2,887.80
A4090	Environmental Health		7,872.01
A4210	Alcohol and Drug Services		26,674.38
A4309	Mental Hygiene Co Admin		8,622.08
A4310	Mental Health Clinic		71,282.26
A4315	Mental Retardation		10,621.24
A4320	Crisis Intervention Services		10,962.25
A4321	Intensive Case Management		1,927.10
A4333	Psycho Social Club		31,666.25
A6010	Social Services Administration		63,742.89
A6422	Economic Development		361.22
A6510	Veterans' Service		809.79
A6610	Sealer of Weights and Measures		237.12
A8020	Planning		296.41
A9060	Health Insurance		703.82
SOLID WASTE FUND			92,584.27

COUNTY ROAD FUND	31,650.97
SPECIAL GRANT FUND	12,036.19
CONSOLIDATED HEALTH FUND	527,498.01
LIABILITY INSURANCE FUND	445,008.38
WORKERS' COMPENSATION	<u>52.42</u>
 GRAND TOTAL	 \$ 1,862,283.42

Legislator Oberbeck made a motion to approve the minutes of June 4 and 9, 2009, seconded by Legislator McEwen, and carried.

Chair Weston made the following change/appointment to the Non-Union Salary Committee:

**Remove Chair of Finance
Appoint Legislative Representative**

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. 200-09 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO***

**Adoption moved by McEwen,
seconded by Monell.**

WHEREAS: An application for corrected tax roll indicates that property #5896 assessed to Marvin & Bonnie Miller on the 2009 tax roll of the Town of Owego, is erroneous in that Mr. Miller, a veteran, was granted 100% disability effective 1/29/08 which was not applied, therefore a refund is due for 50% Disability Vet exemption on 1/09 bill; and

WHEREAS: The property taxes for 2009 on property no. 5896 were paid to the Town of Owego on 1/13/09; therefore be it

RESOLVED: That a refund of \$500.20 for overpayment of 2009 property taxes on property no. 5896 be issued to Marvin J & Bonnie L Miller; and be it further

RESOLVED: That the erroneous town amount of \$158.81 be charged back to the Town of Owego; and be it further

RESOLVED: That the erroneous solid waste tax of \$13.76 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$327.63 be charged to the proper account in the records of the County Treasurer

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 201-09 *ADOPT LOCAL LAW NO. 4 OF 2009*

Adoption moved by Legislator Sauerbrey,
 seconded by Legislator Sullivan.

WHEREAS: A public hearing was held on July 9, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2009 A Local Law to prohibit text messaging while driving; 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. 4 of 2009; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 4 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.

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.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 202-09

***AUTHORIZE THE CHAIRMAN
OF THE LEGISLATURE TO SIGN
EASEMENT AGREEMENT WITH
TIME WARNER CABLE TO DO
WORK FOR THE COURT SYSTEM***

Adoption moved by Legislator Roberts,
seconded by Legislator McEwen.

WHEREAS: The Unified Court System needs Time Warner Cable to install services for them; and

WHEREAS: Time Warner Cable is requesting a signed easement agreement by the property owner at 20 Court St., Owego, NY 13827; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign the easement agreement authorizing Time Warner Cable to install the services for the Unified Court System subject to County Attorney approval.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO:

PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 203-09

TRANSFER OF FUNDS
CONSOLIDATED HEALTH

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

WHEREAS: Resolution 344-08 authorized the purchase of specific and aggregate stop-loss for the 2009 Tioga County Consolidated Municipal Health Insurance Program; and

WHEREAS: This decision was made after the submission of the 2009 consolidated health budget which only included the cost of aggregate stop-loss; and

WHEREAS: Resolution 344-08 authorized the additional cost of the specific and aggregate stop-loss to be paid out of CH 511 Appropriated Reserves; therefore be it

RESOLVED: That the following sums be transferred:

From: Appropriated Reserve CH 511	\$148,899
To: Consolidated Health Account CH1722.40 (270)	\$148,899

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

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

**RESOLUTION NO. 204-09 APPROPRIATIONS OF FUNDS
YOUTH BUREAU**

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

WHEREAS: Additional funding has been the received by the Youth Bureau; and

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

RESOLVED: That funding be appropriated as follows:

From: A3820.00 State Aid: Youth Programs \$319

To: A7310.40.733 Training/all other \$319

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

REFERRED TO: ED&P COMMITTEE

**RESOLUTION NO. 205-09 OPPOSING NEW YORK STATE
LEGISLATURE BILL NUMBERS S.2247,
S.5212 AND A.1867 MANDATING FARM
LABOR REQUIREMENTS**

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

WHEREAS: Tioga County enjoys a large and diverse farming community; and

**WHEREAS: The farms in Tioga County span a wide range of sizes, production
methods and products and are presently experiencing historically low prices for
their products; and**

**WHEREAS: Senate Bill S.2247 and S.5212 and Assembly Bill A.1867 would subject
local farmers to the mandatory payment of overtime to farm workers and other
requirements that would place them in precarious financial positions; and**

WHEREAS: The adage “make hay when the sun is shining” stems from the truth that the business of farming is such where particular seasons require more hours of work than others and is crucial to the success of any farm; and

WHEREAS: Farmers can do little to influence the prices that they receive for their products; and

WHEREAS: The Senate Labor Committee has voted out S.2247 and S.5212 and Assembly Members Janet Duprey and Teresa Sayward, and Senator Elizabeth O’C Little and Darrel Aubertine, Chair of the Senate Agricultural Committee have not supported these measures in their respective houses; therefore be it

RESOLVED: That the Tioga County Legislators urge the New York State Legislature to reject Bills S.2247, S.5212, and A.1867; and be it further

RESOLVED: That a copy of this resolution be forwarded to Governor David Paterson; Senator Thomas Libous; and New York State Assembly Members Gary Finch and Thomas O’Mara

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 206-09 *RESOLUTION TO DECLARE WORK DAY
STATUS FOR ALL ELECTED AND
APPOINTED OFFICIALS*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Oberbeck.

WHEREAS: The Office of the State Comptroller has requested that a standard work day be officially established for all elected and appointed officials for Employees’ Retirement System purposes; therefore be it

RESOLVED: That the Tioga County Legislature hereby establishes as a standard work day for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees’ Retirement System as follows:

ALL ELECTED OFFICIALS

Five day work week, six hour day:

**Legislators
Coroners**

Five day work week, seven hour day:

**County Clerk
District Attorney
Treasurer**

Five day work week, eight hour day:

Sheriff

APPOINTED OFFICIALS

Five day work week, six hour day:

**Fire Coordinator
Assistant Fire Coordinators
Public Defender
1st Assistant Public Defender
2nd Assistant Public Defender
Director of Emergency Preparedness
Deputy Dir of Emergency Preparedness
Historian**

Five day work week, seven hour day:

**County Attorney
1st Assistant County Attorney
2nd Assistant County Attorney
3rd Assistant County Attorney
Stenographer P/T for County Attorney
Safety Officer
1st Assistant District Attorney
2nd Assistant District Attorney
3rd Assistant District Attorney
Typist(s) P/T for District Attorney
Director of Economic Development
Deputy County Treasurer
Veterans' Service Officer
Youth Bureau Director
Sealer of Weights & Measures**

Five day work week, eight hour day:

**Undersheriff
Code Enforcement Officer**

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 207-09 *AUTHORIZE CONTRACT FOR
VOTING MACHINE CUSTODIAL SERVICES*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Oberbeck.

WHEREAS: The County Legislature appropriates certain sums of money in the annual county budget for services within the County Board of Elections; and

WHEREAS: County Law permits the Legislative Body to delegate the authority to deliver and execute such agreements to the Board of Election Commissioners upon such terms and conditions it deems appropriate within the authorized annual appropriations; therefore be it

RESOLVED: That within the amounts annually appropriated by the Legislature in the annual county budget, the County Board of Election Commissioners are authorized and empowered to negotiate and enter into contracts for voting machine custodial services not to exceed a total of 40 custodians, subject to County Attorney approval; and be it further

RESOLVED: That the authority granted herein shall only be applicable to contracts that are within the annual appropriation set forth in the budget; and be it further

RESOLVED: That this resolution will continue from year-to-year unless amended or repealed.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 208-09 *AUTHORIZE CONTRACT FOR
POLLING PLACE INSPECTOR SERVICES*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Monell.

WHEREAS: The County Legislature appropriates certain sums of money in the annual county budget for services within the County Board of Elections; and

WHEREAS: County Law permits the Legislative Body to delegate the authority to deliver and execute such agreements to the Board of Election Commissioners upon such terms and conditions it deems appropriate within the authorized annual appropriations; therefore be it

RESOLVED: That within the amounts annually appropriated by the Legislature in the annual county budget, the County Board of Election Commissioners are authorized and empowered to negotiate and enter into contracts for polling place inspector services not to exceed a total of 400 inspectors, subject to County Attorney approval; and be it further

RESOLVED: That the authority granted herein shall only be applicable to contracts that are within the annual appropriation set forth in the budget; and be it further

RESOLVED: That this resolution will continue from year-to-year unless amended or repealed.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 209-09 *AMEND RESOLUTION NO. 97-09
APPROVE LEAVE OF ABSENCE
PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,
seconded by Legislator Monell.

WHEREAS: In accordance with Tioga County Policy 1, Section VII, Resolution 97-09 approved a leave of absence for Linda Kostek through May 3, 2009; and

WHEREAS: Resolution 152-09 extended Linda Kostek’s leave through June 12, 2009; and

WHEREAS: Linda continues to be medically unable to return to work and has resigned from her position as a Community Health Nurse effective June 25, 2009; and

WHEREAS: The Public Health Director recommends that Ms. Kostek's leave be approved through June 25, 2009; therefore be it

RESOLVED: That Resolution No 97-09, as amended by Resolution No. 152-09, be and hereby is amended and that the Tioga County Legislature hereby approves Linda Kostek's leave through June 25, 2009.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO

**JOB TRAINING COMMITTEE
PERSONNEL COMMITTEE**

RESOLUTION NO. 210-09

***ABOLISH POSITION
EMPLOYMENT & TRAINING DEPARTMENT***

Adoption moved by Legislator Sullivan,
Seconded by Legislator Monell.

WHEREAS: Resolution 226-07 authorized the vacant position of Senior Employment & Training Counselor to remain in place and unfunded until such time as Sheri McCall obtained permanent status in the position of Employment Center Supervisor; and

WHEREAS: Ms. McCall successfully completed her probationary period as Employment Center Supervisor on 6/18/09; therefore be it

RESOLVED: That the vacant Senior Employment & Training Counselor position is considered to be abolished retroactive to 6/19/09; and be it further

RESOLVED: That the Employment & Training Center's 2009 authorized full-time headcount is reduced from 4 to 3.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 211-09 *AUTHORIZE TO CREATE AND FILL
TEMPORARY POSITION; AUTHORIZE
HIRING WAIVER
SHERIFF'S OFFICE*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.

WHEREAS: Long-term employee Penny Eddy has announced her retirement effective August 30, 2009; and

WHEREAS: Ms. Eddy performs all aspects of the very involved payroll process at the Sheriff's Office; and

WHEREAS: The Sheriff would like Ms. Eddy's replacement to have an opportunity to train with Ms. Eddy for two payroll cycles; therefore be it

RESOLVED: That one temporary full-time position of Payroll Clerk/Typist be created effective August 3 – August 30, 2009, at an hourly rate of \$14.826; and be it further

RESOLVED: That the Sheriff is authorized to fill said temporary position as of August 3, 2009; and be it further

RESOLVED: That the Sheriff is hereby granted a waiver from the 60-day Hiring Delay for Ms. Eddy's position and is authorized to fill it as of August 31, 2009.

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

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

RESOLUTION NO. 212-09 *CREATE AND FILL
TEMPORARY POSITION
TIOGA EMPLOYMENT CENTER*

Adoption moved by Legislator Monell,
seconded by Legislator Sullivan.

WHEREAS: The Tioga Employment Center has received \$29,415 of WIA funds earmarked to fund a position which shall serve individuals with disabilities; and

WHEREAS: Civil Service Law, Section 64.3 allows for the creation of a temporary position without examination for a special project not exceeding 18 months; and

WHEREAS: The funding is for the period July 27, 2009– June 30, 2010; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Tioga Employment Center to create and fill one temporary position of Disability Program Navigator effective July 27, 2009 to work 27.5 hours per week at an hourly rate of \$15.69; and be it further

RESOLVED: That this position will end on June 30, 2010 unless action is taken to extend the duration; and be it further

RESOLVED: That Catherine Molligi has been found willing and eligible to accept this temporary appointment effective July 27, 2009.

On roll call vote on the above resolution, seven members voted Aye, Legislators McEwen and Roberts voting no, and the resolution was adopted.

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 213-09 *CREATE AND FILL SEASONAL
HEAP STAFF POSITIONS
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,
Seconded by Legislator McEwen.

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, 2009; and

WHEREAS: The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner and one Typist to staff the HEAP Program; and

WHEREAS: The starting salaries for said positions are frozen at the 2009 rate per resolution 195-09 of \$13.070/hr. and \$10.841/hr. respectively; and

WHEREAS: The Federal reimbursement will be 100% with no local share; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal positions of Social Welfare Examiner at \$13.070/hr. and Typist at \$10.841/ hr. effective August 11, 2009 through May 15, 2010.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 214-09 *BACKFILL REQUEST*
EARLY INTERVENTION SERVICE
COORDINATOR
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 required by law to provide service coordination to children with special health care needs; and

WHEREAS: The Early Intervention/3-5 Division of the health department has only two Early Intervention (EI) Services Coordinator positions, one of which became vacant on 6/22/09; and

WHEREAS: The Director of Children with Special Needs has been covering the vacancy along with the remaining EI Service Coordinator in order to keep services up-to-date with a client caseload of 132 children, many of which are awaiting intake; and

WHEREAS: A 60-day delay in filling the vacant EI Service Coordinator position puts the Early Intervention/3-5 Division in jeopardy of losing their state funding in the event they are unable to fulfill the requirements of the program; and

WHEREAS: The loss of funding would cause hardship and delays to the client population served in Tioga County; therefore be it

RESOLVED: That the Tioga County Public Health Director be authorized to fill the vacant EI Service Coordinator position from the current civil service eligible list effective 7/15/09.

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

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 215-09 *ERRONEOUS ASSESSMENT
TOWN OF NICHOLS*

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that property no. 844, assessed to Lloyd & Donna Berry on the 2009 tax roll of the Town of Nichols, is erroneous in that the assessor placed two fire districts, Lounsberry and Nichols, on the parcel, which should have had only Nichols Fire District; and

WHEREAS: Property no. 844 has been charged for the two fire districts for several years and the taxes have been paid but the maximum allowance for erroneous refunds is three years; therefore be it

RESOLVED: That a refund of \$19.13 be issued to Lloyd & Donna Berry for overpayment of taxes for the three year maximum period of 2007, 2008, and 2009; and be it further

RESOLVED: That the erroneous fire tax of \$19.13 be charged back to the Lounsberry Fire District.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO. 216-09 *ERRONEOUS ASSESSMENT*
*TOWN OF NICHOLS***

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

WHEREAS: An application for corrected tax roll indicates that property no. 1175, assessed to Jeanne Hess on the 2009 tax roll of the Town of Nichols, is erroneous in that the assessor placed two fire districts, Lounsberry and Nichols, on the parcel, which should have had only Nichols Fire District; and

WHEREAS: Property no. 1175 has been charged for the two fire districts for several years and the taxes have been paid but the maximum allowance for erroneous refunds is three years; therefore be it

RESOLVED: That a refund of \$40.54 be issued to Jeanne Hess for overpayment of taxes for the three year maximum period of 2007, 2008, and 2009; and be it further

RESOLVED: That the erroneous fire tax of \$40.54 be charged back to the Lounsberry Fire District.

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO. 217-09 *ERRONEOUS ASSESSMENT*
*TOWN OF NICHOLS***

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

WHEREAS: An application for corrected tax roll indicates that property no. 904, assessed to Marvin & Janet Lindhorst on the 2009 tax roll of the Town of Nichols, is erroneous in that the assessor placed two fire districts, Lounsberry and Nichols, on the parcel, which should have had only Nichols Fire District; and

WHEREAS: Property no. 904 has been charged for the two fire districts for several years and the taxes have been paid but the maximum allowance for erroneous refunds is three years; therefore be it

RESOLVED: That a refund of \$35.37 be issued to Marvin & Janet Lindhorst for overpayment of taxes for the three year maximum period of 2007, 2008, and 2009; and be it further

RESOLVED: That the erroneous fire tax of \$35.37 be charged back to the Lounsberry Fire District.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 218-09

***ERRONEOUS ASSESSMENT
TOWN OF BARTON***

Adoption moved by Legislator McEwen,
Seconded by Legislator Roberts.

WHEREAS: An application for corrected tax roll indicates that property no. 11279, assessed to Richard E & Doris Temple Sr on the 2009 tax roll of the Town of Barton, is erroneous in that the property was assessed for a barn that wasn't on the property; and

WHEREAS: The 2009 taxes for property no. 11279 in the Town of Barton were paid on 1/9/09; therefore be it

RESOLVED: That a refund of \$372.27 be issued to Richard E & Doris Temple Sr for overpayment of 2009 taxes; and be it further

RESOLVED: That the erroneous amount of \$64.18 be charged back to the Town of Barton and the erroneous fire tax of \$32.67 be charged back to the Lockwood Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$11.11 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$264.31 be charged to the proper account in the records of the County Treasurer.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

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

**RESOLUTION NO. 219-09 *APPOINT DIRECTOR OF COMMUNITY
SERVICES
MENTAL HYGIENE DEPARTMENT***

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

WHEREAS: The position of Director of Community Services became vacant upon the retirement of the previous incumbent on April 1, 2009; and

WHEREAS: The Community Services Board interviewed candidates and recommended a finalist for approval by the Tioga County Legislature; and

WHEREAS: The Legislature has met and approved of the selected candidate; therefore be it

RESOLVED: That Susan Romanczuk be appointed to the position of Director of Community Services effective August 3, 2009 at an annual salary of \$79,500; and be it further

RESOLVED: That the 2010 annual salary shall be \$79,500; and be it further

RESOLVED: That the incumbent shall serve an 8-52 week probationary period; and be it further

RESOLVED: That Ruth Roberts' temporary appointment as Director of Community Services shall end on August 2, 2009 and she shall return to her position of Clinical Program Director/Deputy Director, and her salary shall be returned to her previous 2009 rate effective August 3, 2009.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

The meeting was adjourned at 1:56 P.M.