

Office of the County Attorney



FINANCE, LEGAL & SAFETY COMMITTEE

December 10, 2024

10:30 A.M.

- APPROVAL OF MINUTES: November 12, 2024

- FINANCIAL
 - Safety
 - Law

- OLD BUSINESS
 - Tax Foreclosure matters
 - Fourth Family Defense (Child Welfare) Quality Improvement & Caseload Reduction Grant

- NEW BUSINESS
 - Shared Services-Safety
 - Bankruptcy
 - FOIL Appeal-Thomas Kurtz
 - Litigation

- PERSONNEL
 - Paralegal Position

- RESOLUTIONS
 - APPOINT ASSISTANT PUBLIC DEFENDER LAW DEPARTMENT
 - ENTER INTO CONTRACT WITH EVOLUTION CONSULTING, LLC FOR CDL DRUG AND ALCOHOL TESTING
 - ENTER INTO CONTRACT WITH CATAMOUNT CONSULTING FOR AUDIOGRAMS
 - AUTHORIZING AND APPROVING RESOLVING CLAIMS RELATED TO THE OPIOID CRISIS

- PROCLAMATIONS
 - None

- EXECUTIVE SESSION

- ADJOURNMENT

DRAFT

TIOGA COUNTY, NEW YORK

Office of the County Attorney

Ronald E. Dougherty County Office Building 56 Main Street Owego, NY 13827

Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 www.TiogaCountyNY.com



FINANCE, LEGAL & SAFETY COMMITTEE

November 12, 2024

10:30 A.M.

ATTENDANCE:

Legislators: Chair Sauerbrey, Ciotoli, Monell, Flesher, Roberts, and Brown, Standingr, Mullen

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Safety Officer Holbrook Personnel Officer Parke, Chief Accountant Schurter, County Administrator Bailey, Public Defender Cline,

- APPROVAL OF MINUTES:
 - Legislator Ciotoli asked for a motion to approve the October 15, 2024, minutes. Legislator Mullen the motion seconded by Legislator Monell and was unanimously carried.
- FINANCIAL:
 - Legal and Safety: Legal is closely watching the balance of the Legal Fees object line. However, after discussions with outside counsel, this line should remain solvent until the end of the year. Safety's budget is tracking well and on point for the end of the year.
- OLD BUSINESS:
 - Litigation: An update has been received on the Harris case with jury selection rescheduled to April 2025.
 - Tax Foreclosure matters: Mr. DeWind is waiting to see how various motions are heard on this matter. A court date has been scheduled for this Friday to discuss some of the claims. Motions for surplus claims are starting to be filed. Mr. Humes is working on finalizing auction properties for closing.
- NEW BUSINESS:
 - Safety OSHA Academy Occupational Safety & Health Training: Ms. Holbrook recently completed 132 hours of OSHA professional training.

DRAFT

- NYMIR's walkthrough was completed with no findings noted. This is an unprecedented finding and the County's insurance agent wanted it noted the excellent job Ms. Holbrook is doing in her position as Safety Officer mitigating loss for the County.
- Juvenile delinquent cases continue to increase with some cases requiring placement with Social Services negatively impacting the Department of Social Services (DSS) Foster Care budget.

- PERSONNEL:
 - Resignation: The person currently in this position has submitted their resignation creating an opening for a paralegal in the County Attorney's DSS Office.

- RESOLUTIONS:
 - N/A

- PROCLAMATIONS
 - N/A

- EXECUTIVE SESSION
 - N/A

- ADJOURNMENT:
 - Legislator Ciotoli adjourned the Legal & Safety Committee at 10:56 A.M.

Respectfully submitted,

Christine Freyvogel

Secretary to the County Attorney



TIOGA COUNTY, NEW YORK

Tioga County 2024 LEGAL BUDGET REPORT

FOR 2024 12

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
A General Fund							
A1420 Law							
A1420 412706 Shared Services-At	-50,079	0	-50,079	-29,239.56	.00	-20,839.44	58.4%*
A1420 510010 Full Time	223,698	0	223,698	196,376.40	.00	27,321.60	87.8%
A1420 510020 Part Time/Temporar	40,233	0	40,233	35,319.03	.00	4,913.97	87.8%
A1420 520200 Office Equipment	450	0	450	379.00	.00	71.00	84.2%
A1420 540010 Advertising	635	0	635	.00	.00	635.00	.0%
A1420 540040 Books	1,500	0	1,500	26.50	.00	1,473.50	1.8%
A1420 540180 Dues	2,400	0	2,400	862.00	.00	1,538.00	35.9%
A1420 540330 Legal Fees	65,000	10,000	75,000	65,891.10	5,902.90	3,206.00	95.7%
A1420 540331 Legal Fees-Adolesc	2,000	0	2,000	500.00	.00	1,500.00	25.0%
A1420 540390 Mileage Expense	300	0	300	.00	.00	300.00	.0%
A1420 540420 Office Supplies	825	-9	816	419.94	.00	396.32	51.4%
A1420 540480 Postage	150	0	150	124.07	.00	25.93	82.7%
A1420 540485 Printing/Paper	400	9	409	408.74	.00	.00	100.0%
A1420 540731 Training/State Req	1,000	0	1,000	765.00	.00	235.00	76.5%
A1420 581088 State Retirement F	13,971	13,235	27,206	25,113.12	.00	2,092.76	92.3%
A1420 583088 Social Security Fr	0	15,479	15,479	17,053.90	.00	-1,575.18	110.2%*
A1420 584088 Workers Compensati	0	4,385	4,385	4,412.16	.00	-27.02	100.6%*
A1420 585588 Disability Insuran	0	178	178	187.92	.00	-9.73	105.5%*
A1420 586088 Health Insurance F	76,972	409	77,381	87,574.56	.00	-10,193.35	113.2%*
A1420 588988 Eap Fringe	0	58	58	58.56	.00	-.89	101.5%*
TOTAL Law	379,455	43,743	423,199	406,232.44	5,902.90	11,063.47	97.4%
TOTAL General Fund	379,455	43,743	423,199	406,232.44	5,902.90	11,063.47	97.4%
TOTAL REVENUES	-50,079	0	-50,079	-29,239.56	.00	-20,839.44	
TOTAL EXPENSES	429,534	43,743	473,278	435,472.00	5,902.90	31,902.91	
GRAND TOTAL	379,455	43,743	423,199	406,232.44	5,902.90	11,063.47	97.4%

** END OF REPORT - Generated by Freyvogel, Christine **



TIOGA COUNTY, NEW YORK

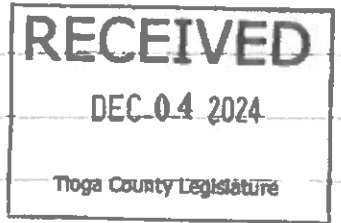
Tioga County 2024 SAFETY BUDGET REPORT

FOR 2024 12

	ORIGINAL APPROP	TRNFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
CI Liability Insurance Fund							
CI8042 504 Coordinator/Safety							
CI8042 424010 Interest And Earn	0	0	0	-5,006.44	.00	5,006.44	100.0%
CI8042 510010 Fulltime	58,520	0	58,520	51,372.80	.00	7,147.20	87.8%
CI8042 540140 Contracting Servi	164,500	-160,000	4,500	2,666.18	133.82	1,700.00	62.2%
CI8042 540140 M7674 Contracting	0	170,855	170,855	120,889.73	39,110.27	10,854.88	93.6%
CI8042 540340 Literature	250	0	250	.00	.00	250.00	.0%
CI8042 540410 Nursing Supplies	2,000	0	2,000	869.69	.00	1,130.31	43.5%
CI8042 540420 Office Supplies	400	0	400	184.72	.00	215.28	46.2%
CI8042 540480 Postage	75	0	75	.64	.00	74.36	.9%
CI8042 540640 Supplies (Not Off	600	0	600	427.18	.00	172.82	71.2%
CI8042 540733 Training/All othe	3,500	0	3,500	1,658.11	.00	1,841.89	47.4%
CI8042 581088 State Retirement	0	7,113	7,113	6,565.92	.00	547.16	92.3%
CI8042 583088 Social Security F	0	4,108	4,108	3,793.57	.00	314.81	92.3%
CI8042 584088 workers Compensat	0	1,195	1,195	1,103.04	.00	91.92	92.3%
CI8042 585588 Disability Insura	0	68	68	62.64	.00	5.22	92.3%
CI8042 586088 Health Insurance	0	28,133	28,133	25,969.20	.00	2,164.10	92.3%
CI8042 588988 Eap Fringe	0	16	16	14.64	.00	1.22	92.3%
TOTAL 504 Coordinator/Safety	229,845	51,488	281,333	210,571.62	39,244.09	31,517.61	88.8%
TOTAL Liability Insurance Fund	229,845	51,488	281,333	210,571.62	39,244.09	31,517.61	88.8%
TOTAL REVENUES	0	0	0	-5,006.44	.00	5,006.44	
TOTAL EXPENSES	229,845	51,488	281,333	215,578.06	39,244.09	26,511.17	
GRAND TOTAL	229,845	51,488	281,333	210,571.62	39,244.09	31,517.61	88.8%

** END OF REPORT - Generated by Freyvogel, Christine **

To: Freedom of information officer
56 main street
owego ny 13827



Hi, This is a appeal to the attached
denial of a request of a
statement of [REDACTED]
on september 25 2008 on or
about [REDACTED] at the address of
[REDACTED]
[REDACTED],
officers charges where [REDACTED]
[REDACTED] misdemeanor charges.
Date september 25th on or about
in the year of 2008 name Thomas
Kurtz D.O.B [REDACTED].

From: Thomas Kurtz - name change from
Tomas Thiouaski Luciano Pa 1996.
[REDACTED]
[REDACTED]

See attached denial Appeal heretof.

TOP TIOGA county sheriffs department.
103 corporate drive
owego NY 13827

Hi, This is Thomas Kurtz,
I am contacting you for
copies of a statement from
2008 on or about september for
a accusatory by the state of

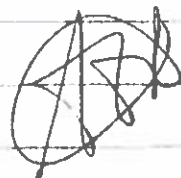
A [REDACTED] arresting
officer Norberg on the accusatory.

I have legal work against
the people in regards to the
valid accusatory and I need
copies of these papers for
court in newARK Valley NY.

Thank you for your time.

Tomas Thiouaski Luciano
Name at birth; name change
to Thomas Kurtz

DENIED
SEE ATTORNEY



Tioga County Sheriff's Office



GARY W. HOWARD
Sheriff

103 Corporate Dr., Owego, N.Y. 13827
(607) 687-1010 – Owego
(607) 754-2515 – Endicott
(607) 565-2213 – Waverly
(607) 687-6755 - Fax
Website: www.tiogacountysheriff.com

RICHARD E. HALLETT
Undersheriff

November 19, 2024

Thomas Kurtz
[REDACTED]

Mr. Kurtz,

Your request for records relating to a September 2008 (on or about) [REDACTED] case has been denied. The reason for denial is that no records have been found. Additionally, for your information, the Tioga County Sheriff's Office does not employ an "Officer Norberg" and did not employ such a person in 2008.

Sincerely,


Lt. Adam Bessey

NOTICE: You have the right to appeal the decision of the Freedom of Information Officer, whose decision will be in writing and will state the reason for the denial. Your request will be approved, denied or acknowledged within (5) business days from the date the request was received. A written appeal should be submitted to the Tioga County Legislature (C/O Freedom of Information Officer, County of Tioga, 56 Main Street, Owego, New York 13827 or by email to: foil@co.tioga.ny.us) within thirty days of the date of denial and must contain the following information: The date and location of a request for records; the records which were denied, and; the name and address of the appellant.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -24 APPOINT ASSISTANT PUBLIC DEFENDER
LAW DEPARTMENT

WHEREAS: Legislative approval is required for any appointments made to a Management/Confidential position; and

WHEREAS: Due to the announced resignation of Assistant Public Defender Brad Helmetsie as of January 1, 2025; and

WHEREAS: The Public Defender has recruited and identified a satisfactory candidate to fill the position; and

WHEREAS: Mr. Thomas A. Saitta has approximately 40 years of relevant legal experience including extensive experience in every stage of representation of indigent criminal defendants and is well qualified by reason of substantial experience and judgment to fill the position; therefore be it

RESOLVED: That the Public Defender is hereby authorized to appoint Thomas A. Saitta to the position of Assistant Public Defender, with a start date of January 13, 2025, at an annual Management/Confidential salary of \$42,819.00; and be it further

RESOLVED: That in accordance with Tioga County's Civil Service Rules, Mr. Saitta shall serve a probationary period of eight to fifty-two weeks; and be it further

RESOLVED: That this resolution will be null and void if Mr. Saitta fails to pass the County mandated criminal background check.

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24 ENTER INTO CONTRACT WITH
EVOLUTION CONSULTING, LLC FOR
CDL DRUG AND ALCOHOL TESTING

WHEREAS: Federal law requires random drug and alcohol testing of CDL drivers performing "safety sensitive" tasks; and

WHEREAS: Tioga County has coordinated with towns and villages within Tioga County to have testing done by an outside agency; and

WHEREAS: Tioga County has obtained three quotes for random drug and alcohol testing of CDL drivers performing "safety sensitive" tasks; and

WHEREAS: The proposal from Evolution Consulting, LLC, to perform this service, is the most cost effective; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a one-year contract for 2025 with Evolution Consulting, LLC to perform this service at the rates indicated:

Complete DOT/Non-DOT Random Testing Program:

- Random Selection of Employees Calculated Quarterly (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests performed quarterly on-site
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- MIS Reports
- Collection Site Management
- Supervisor Training
- Laboratory and MRO Set-up with own Laboratory Account
- Online Access to Reporting 24 hours a day
- Assistance with Mediation Between MRO and DER

Additional Charges: Pre-employment, post-accident, reasonable suspicion, follow-up, or return to duty tests:

Normal Business Hours:

- 125/year administrative fee for random drug testing management
- 5 Panel Urine: (in office or on-site) \$55.00 per test
- Breath alcohol test (in office or on-site) \$32.00 per test
- Scheduled On-site fee \$0.70/mile to/from test site
- Employee No Show Fee \$40.00 after ½ hour wait
- Training (as required) \$150.00
- Drug and Alcohol Policy, if needed \$250.00
- *Additional charges for clinic pass through fees will apply.*

Emergency and After Hours:

- Post Accident: \$150.00 plus \$0.70/mile

REFERRED TO:

FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24

ENTER INTO CONTRACT WITH
CATAMOUNT CONSULTING FOR AUDIOGRAMS

WHEREAS: Occupational Safety and Health Administration (OSHA) requires annual audiograms and hearing conservation training for county employees whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A scale (slow response) or, equivalently, a dose of fifty percent; and

WHEREAS: Tioga County has obtained quotes for audiogram testing and hearing conservation trainings; and

WHEREAS: The proposal from Catamount Consulting, to perform this service, is the most cost effective and convenient option; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the County Attorney to enter into a one-year contract for 2025 with Catamount Consulting to perform this service at the rates indicated:

Cost of Business Terms:

Catamount Consulting will complete the Onsite Audiometric Testing at a cost of \$1900.00 total with a deposit or PO of \$950.00. Cost includes input of prior hearing test results and new employees, and all travel costs for the technician.

Scope of Services:

- Baseline & Annual Audiogram testing for up to 40 people. Any additional employees over the contracted 40 will be charged a fee to be determined.
- Testing will take place at the Department of Public Works, 477 Rt. 96, Owego, NY 13827.
- Group testing of 6 employees every 30 minutes with hearing video.
- Test administration by computerized technology with same day results and full record-keeping package within 10 business days.
- Test performed by CADHC Certified Technicians.
- All tests verified by an Audiologist.
- All testing is OSHA/MSHA Compliant.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -24 AUTHORIZING AND APPROVING RESOLVING
CLAIMS RELATED TO THE OPIOID CRISIS

WHEREAS: Tioga County has retained legal counsel through Napoli Shkolnik PLLC and joined in legal action seeking compensation from those who are responsible for causing and perpetuating the opioid addiction crisis (the "Action"); and

WHEREAS: The Action is against several defendants, including manufacturers of opioids, distributors of opioids and pharmacies; and

WHEREAS: Upon the recommendation of the County's Counsel several of these claims have already been resolved by agreement in advance of trial; and

WHEREAS: Counsel continues to negotiate with the various remaining Defendants and has now recommended resolving claims with several Defendants by entering into various settlement agreements and has further recommended releasing several Defendants from the case; and

WHEREAS: The final amounts to be received by Tioga County under any of these settlement agreements will vary depending on several factors including the number of Plaintiffs' ultimately agreeing to enter into each settlement and may include conditions which require the County to maintain confidentiality to the extent possible; and

WHEREAS: It is in the best interest of Tioga County to resolve these matters without further litigation and enter into agreements to settle all allegations against them, avoid protracted litigation, and to release Defendants where there is a low likelihood of recovery; and

WHEREAS: it is expected that there may be settlements recommended in the future with other Defendants; therefore be it

RESOLVED: That Tioga County is authorized to enter into proposed settlements and releases regarding the litigation as recommended by Counsel and Tioga County Chair of the Legislature, Martha Sauerbrey, is authorized to execute such forms and agreements, as approved by the County Attorney to compromise the claim the Defendants and distribute the proceeds between the participating Plaintiffs.