

First Special & Organizational Meeting
January 4, 2010

The First Special and Organizational Meeting of 2010 was called to order by the Clerk at 9:00 A.M.

The following County Legislators were present:

DISTRICT 1

Richard L. Huttleston

DISTRICT 5

Andrew J. Quinlan

DISTRICT 2

Martha C. Sauerbrey

DISTRICT 6

Dale N. Weston

DISTRICT 3

Michael Roberts

DISTRICT 7

Ronald N. McEwen

William Oberbeck

DISTRICT 4

Loretta A. Sullivan

Tracy Monell

There were 12 people in attendance.

The Clerk asked Legislator Oberbeck to have a moment of Prayer. “Heavenly Father thank you for bringing us together and thank you for all those who have sacrificed to allow us to have this form of Government where we can meet and discuss the will of the people. Thank you for the men and women and all those who serve to protect our Country.”

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

County Clerk Robert Woodburn swore in County Treasurer James McFadden.

James McFadden, County Treasurer, spoke. “I would just like to take a minute and first of all thank my two Deputies, Jane Bradley and Margareta Olin for the wonderful work they do upstairs with the rest of the staff. Thank my family, my wife Norma is here today, and the County Legislature for all your support. I am looking forward to another four years.”

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

County Clerk Robert Woodburn swore Legislator Dale Weston in as Chair of the Tioga County Legislature for 2010.

Chair Weston spoke. "Thank you. I would like to offer a welcome to this, our first session of the Tioga County Legislature in 2010. At the same time I extend my thanks to you, the Legislators, for the nomination of the position of Legislative Chair. The challenge we have ahead of us in 2010 is a monumental one. In 2009 we saved money by cutting budgets, consolidating space, implanting a 60 day hiring freeze, cutting personnel, and using money from the fund balance to name a few. In my estimation the cost cutting we did in 2009 may well pale in comparison to the task confronting us in the year 2010.

"A reality check. The New York State Government has no good financial news on the horizon. We have no idea what the Federal Government will be doing with regard to our revenue potential. The Tioga County sales tax, an important source of our revenue, declined in 2009.

"Unless we continue in last year's direction, the reality is that the taxpayers of Tioga County will have to bear the burden of balancing the budget. To me this is unacceptable. So my fellow Legislators I am issuing each and every one including myself a challenge to take this burden from the taxpayers backs and yet maintain the essential services needed by our citizens and those mandated by the State of New York. We are starting this game on our own one yard line and the only thing that I can be sure of at this particular time is there will be no winners and there will be many many losers.

It is the duty of the Legislature to attempt to equalize the anticipated sacrifices. The job requires the best we Legislators each have to give. I would also like to thank my wife Joan and my son Brent for stopping down. I did not expect that they were going to be here."

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

County Clerk Robert Woodburn swore Legislator Sauerbrey in as Deputy Chair of the Tioga County Legislature for 2010.

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

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

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

Legislator Oberbeck stated. “I have no conflicts.”

Legislator Weston stated. “I have no conflicts.”

Legislator Quinlan stated. “I have no conflicts.”

Legislator Roberts stated. “I have no conflicts.”

Legislator Sauerbrey stated. “I have no conflicts.”

Legislator Sullivan stated. “I have no conflicts.”

Legislator Huttleston read a personal disclosure. “I have my own real estate appraisal business and I do no appraisals for County owned properties or appraisals of properties for purchase or proposed purchase by Tioga County.”

Legislator McEwen stated. “I have no conflicts.”

Legislator Monell stated. “I have no conflicts.”

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 1-10 TRIPS AUTHORIZED

Adoption moved by Legislator McEwen,
seconded by Legislator Monell.

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

CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 2-10 *DESIGNATION OF OFFICIAL DEPOSITORIES*

Adoption moved by Legislator McEwen,
seconded by Legislator Monell.

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

JP Morgan Chase Bank	\$25,000,000
Chemung Canal Trust Company	\$25,000,000
Citizens Bank, N.A.	\$25,000,000
Community Bank, N.A.	\$25,000,000
HSBC Bank USA, N.A.	\$25,000,000
M&T Bank	\$25,000,000
Tioga State Bank	\$25,000,000
National Bank and Trust Company, N.A.	\$25,000,000

Roll Call

Ayes 09

Noes 00

Absent 00

CARRIED

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

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 6-10 *SET SALARY OF CHAIR*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Monell.

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

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 7-10 *FIX DATES AND TIMES OF
TIOGA COUNTY LEGISLATIVE
MEETINGS*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Sauerbrey.

RESOLVED: That the Tioga County Legislature during 2010 shall meet regularly in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York at 1:30 P.M. on the Tuesday following Committees which are held during the first full work week of the month; and be it further

RESOLVED: That the, March, June, September and December 2010 Legislative meetings shall be held at 6:00 P.M.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 8–10 *SET TERM OF PUBLIC DEFENDER AND
MAKE APPOINTMENT***

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

WHEREAS: The Legislature is desirous of setting the term of the Public Defender to run concurrently with the term of the Legislature; now therefore be it

RESOLVED: That the Public Defender, appointed in accordance with §716 of the County Law, shall be appointed for a term to run concurrently with the term of Legislators elected in Group One as set forth in Local Law No. 2 of the year 1994, provided that said appointment continues to remain “at the pleasure” of the Legislature; and be it further

RESOLVED: That George Awad be, and he hereby is, appointed Public Defender for Tioga County for a term to run concurrently with the term of Legislators elected in Group One, which will be effective January 1, 2010 and run the remainder of Legislative Group One which is due to expire on December 31, 2011.

CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES

**RESOLUTION NO. 9–10 *APPOINTMENT OF
ADMINISTRATIVE CORONER***

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

WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2010; and

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

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

RESOLVED: That W. Stewart Bennett, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2010 and be given a stipend of \$3,000.00 as set forth in the County budget.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 10-10 *APPOINT MEMBERS
FISH & WILDLIFE
MANAGEMENT BOARD*

Adoption moved by Legislator McEwen,
seconded by Legislator Sauerbrey.

RESOLVED: That Robert Woodburn, County Clerk, be appointed as the Elected Official Representative to the Fish and Wildlife Management Board for a two-year term through December 31, 2011 and Jeff Barnes be appointed as the Sportsman Member to the Fish and Wildlife Management Board for a two-year term through December 31, 2011.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 11-10 *APPOINT DIRECTORS
SOIL & WATER CONSERVATION
DISTRICT*

Adoption moved by Legislator McEwen,
seconded by Legislator Sullivan.

RESOLVED: That Legislators Dale Weston and Tracy Monell are hereby appointed Directors of the Tioga County Soil and Water Conservation District for a one year term of January 1, 2010 through December 31, 2010.

CARRIED

REFERRED TO: LEGAL COMMITTEE

RESOLUTION NO. 12-10 *AUTHORIZE CONTRACT
KELLY SERVICES, INC.*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator McEwen.

WHEREAS: Tioga County has provided Court Attendant services for the Tioga County Courts and the Uniform Court System Sixth Judicial District, which services cost is reimbursed to the County from the State of New York; and

WHEREAS: Prior to January 1, 2010, the County had contracted with the individual court attendants, paying them as independent contractors; and

WHEREAS: It has been determined by the Internal Revenue Service and by the New York State Workers' Compensation Board that the contracted individuals should be treated as employees; and

WHEREAS: Due to the liabilities and risks involved, the County does not wish to employ the court attendants as Tioga County employees; and

WHEREAS: The Sheriff notified the Unified Court System that the County would no longer provide such Court Attendant services to the Unified Court System effective January 1, 2010; and

WHEREAS: The Unified Court System has requested that we continue to provide such services up to and including the end of the New York State budget year, March 31, 2010; after which the Unified Court System will contract for such services directly; and

WHEREAS: The County does not wish to employ directly the individual court attendants but would rather contract with a temporary worker service to provide the services to the Court; and

WHEREAS: Kelly Services, Inc. is willing to provide such a service; and

WHEREAS: The Unified Court System is agreeable to allow Kelly Services, Inc. to provide such services on behalf of the County and is willing to reimburse the County for all costs associated with the Kelly Services, Inc. contract; and

WHEREAS: Kelly Services, Inc. has provided a contract providing court attendant services at \$12.33 per hour effective January 4, 2010 to March 31, 2010, which has been reviewed and approved by the County Attorney; now therefore be it

RESOLVED: That the Chair of the Legislature is authorized to execute the Kelly Services, Inc. contract providing Court Attendant services to the Unified Court System from January 4, 2010 to March 31, 2010 at a rate of \$12.33 per hour.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

Legislator Sauerbrey made a motion to go into Executive Session for discussion about particular persons, seconded by Legislator Sullivan and carried.

The meeting was adjourned at 9:39 A.M.

First Regular Meeting
January 12, 2010

The First Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. All Legislative members were present.

Chair Weston asked Legislator Oberbeck to have a moment of prayer. “Thank you heavenly Father for bringing us here today. May you give us wisdom and guidance through these proceedings and may your countenance and blessing be on those men and women that are serving our Country so faithfully.”

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

There were 19 people in attendance.

Denis McCann of the Employee Recognition Committee presented the Employee of the Year 2009 award to Margaret Shuler of the Department of Public Health. “First of all I would like to thank the Legislature again for supporting the Employee Recognition Committee and all the county employees. Each year the Employee Recognition Committee selects one of the quarterly winners to be the Employee of the year. In 2009 that person is Margaret Shuler.

“Margaret began her career as a Public Health Nurse for Tioga County in 1983. For over 25 years she has given her patients excellent care, always ensuring they are well informed and have the best possible care. She has been with the Public Health Department long enough that she is now doing postpartum visits to people she visited 25 years ago when they were newborns. Margaret’s care and compassion allow her to serve the patients well, always giving of her own time, and going the extra mile for patients from babies to adults.

“Well respected by her coworkers for her professionalism and work ethic the Tioga County Health Department is very fortunate to have Margaret on their staff. She has a very special way of interacting with people that makes them feel very comfortable. Margaret lives in Barton with her husband Jim and their two daughters, Kerri and Kate.”

Hans Peeters, Public Health Director, spoke. “Margaret Shuler, Public Health extraordinaire. She has been doing this for a long time. She got hooked to it when she first started. She is a good promoter for public health and she has just been doing great. As you can see from her coworkers being here and her Supervisor, but I just want to say one thing you know how China has different symbols for every year. Year of the Dragon and so on, but the year 2009 is the year for Margaret Shuler. You ask why, Margaret has received awards from her

coworkers up to the State Health Department. Margaret received the team member of the quarter for 2009 from the Health Department. She received Employee of the Quarter from the County Recognition Committee. She got the public health honor award from the State Health Department. This award is given to people who champion public health. She is a promoter of public health ever since she had the chance and now she is receiving another award and that is the Employee of the Year for 2009.

“I want to thank the Committee for granting her this award and I also want to thank the Legislature for also honoring her today. Congratulations Margaret.”

Margaret Shuler spoke. “I am kind of overwhelmed. I just like doing what I do and I work with an absolutely incredible team, and this year has tested us to the max with all our H1N1 clinics. We are a very small department and you would swear we all had been cloned because we have been everywhere. We have learned to haul stuff, get it together, set it up in a short time, and get the work done and be out, and I am just so grateful to my Supervisor and my coworkers. This is a great County to work in. I do love public health and I love being able to help people stay healthier, and I think in the long run I am also one of the most frugal people you will ever meet and I believe in saving dollars. If people can be healthy and it can save us money as a County I am all for it.

“This job was made for me and I could not be accepting this today if I could not acknowledge my wonderful coworkers that are just unbelievable to work with. We have just all chipped in and nobody complains, and we just get the job done and I am pretty amazed we have been able to accomplish what we have with our very small team. I really think we are a department and a County of the year because I am one person and behind every one person that gets an award are actually a very small number in my department that are doing all the same work I am. I really feel it is a group effort. Thank you very much.”

Marilyn Reynolds, Public Health Supervisor, spoke. “I just want to say to Margaret it really is a privilege to be working together and our whole team as Margaret says, we are small but we have accomplished a lot. Margaret is a perfect example of what public health is and what a nurse can be.”

Chair Weston noted the following recognition resolution:

REFERRING TO: ADMINISTRATIVE COMMITTEE

RESOLUTION NO. 13-10 *RESOLUTION RECOGNIZING
CINDA LOU GOODRICH'S 13 YEARS OF
DEDICATED SERVICE TO TIOGA
COUNTY*

**Adoption moved unanimously,
seconded unanimously.**

WHEREAS: Cinda L. Goodrich was appointed Deputy Commissioner of Board of Elections on 12/16/96; appointed Commissioner on 1/1/06; and

WHEREAS: Cinda L. Goodrich has been dedicated and loyal in the performance of her duties and responsibilities during the past 13 years to Tioga County, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Cinda L. Goodrich is retiring from the Board of Elections on January 16, 2010; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Cinda L. Goodrich for her 13 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

CARRIED UNANIMOUSLY

Legislator Huttleston presented the following recognition resolution on Linda Cook to Hans Peeters, Public Health Director, in Linda's absence.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 14-10 *RESOLUTION RECOGNIZING
LINDA COOK'S 25 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

**Adoption moved unanimously,
seconded unanimously.**

WHEREAS: Linda Cook was appointed to the position of Typist on January 1, 1985; promoted to Senior Typist on January 10, 1994, the position she still holds; and

WHEREAS: Linda Cook has been dedicated, loyal and professional in the performance of her duties and responsibilities during the past 25 years to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Cook will retire on January 30, 2010; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Linda Cook for her over 25 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

CARRIED UNANIMOUSLY

Hans Peeters, Public Health Director, spoke. I want to thank the Legislature for this resolution for her term of service. You could not ask for a more detailed person and that is a good thing because she works in accounting. She does some of the contracts that I have to sign. There is not a thing that she does not catch before it gets to me. She is a great employee. I am going to miss her a lot. I know she has been here several years and I know she was a great asset to the County. I want to thank you."

George Penney had privilege of the floor. "First I would commend this body on your recent efforts to control expenses. I wish you well in doing so. As to the resolution entitled "Creating Healthy Places to Live, Work, and Play", I feel that the County is now doing a good job in this area. I do not think we really need to engage in additional partnerships with such organizations as the Rural Health Network of South Central New York and others. I think that our people are doing a very good job in this area. I do not think there is a need to put a special effort to engage other people in doing so necessarily. Thank you."

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		1,991.35
A1165	District Attorney		3,154.92
A1170	Public Defender		6,634.20
A1172	Assigned Counsel		27,260.02
A1185	Medical Examiners/Coroners		4,132.80
A1325	Treasurer		788.28
A1355	Assessments		2,594.18
A1357	RPTS Assessment Grant	6,518.00	
A1362	Tax Advertising and Expense		8,680.45
A1410	County Clerk		1,784.42
A1411	Department of Motor Vehicles		595.27
A1420	Law		2,328.73
A1430	Personnel		1,454.10
A1450	Elections		38,238.71
A1460	Records Management		99.17
A1490	Public Works Administration		243.09
A1620	Building	1,902.63	73,637.82
A1680	Information Technology		21,080.09
A2490	Community College Tuition		584,725.44
A2960	Education of Handicapped Children		334,943.96
A3020	Public Safety Comm E911 System		4,107.97
A3110	Sheriff		12,894.42
A3110.41	Sheriff-Court Attendants		1,789.12
A3140	Probation		975.90
A3142	Alternatives to Incarceration		2,067.90
A3146	Sex Offender Program		17,533.30
A3150	Jail	1,100.00	33,528.93
A3151	Jail-Alternatives Program		83.79
A3315	Special Traffic Programs		9,174.90
A3410	Fire		14,219.81
A3640	Emergency Mgmt Office		736.40
A3653	EMO Grant Education	3,000.00	
A3654	EMO Grant Buyout		7,407.98
A4010	Public Health Nursing		57,380.72
A4011	Public Health Administration		34,839.32
A4012	Public Health Education		1,042.88
A4042	Rabies Control		4,832.79
A4044	Early Intervention	10,917.00	48,788.31
A4053	Preventive/Primary Health Services		104.54
A4054	Preventive Dental Services		936.45
A4062	Lead Poisoning Program		54.49
A4064	Managed Care-Dental Services		29,618.25

A4070	Disease Control	6,018.80
A4090	Environmental Health	4,937.97
A4210	Alcohol and Drug Services	32,314.23
A4211	Council on Alcoholism	9,923.66
A4309	Mental Hygiene Co Admin	8,025.01
A4310	Mental Health Clinic	50,371.55
A4315	Mental Retardation	621.74
A4320	Crisis Intervention Services	5,639.90
A4321	Intensive Case Management	5,329.77
A6010	Social Services Administration	100,602.68
A6422	Economic Development	849.98
A6510	Veterans' Service	202.09
A6610	Sealer Weights/Measures	230.47
A7310.41	Youth Programs, Refundable	2,338.76
A8020	Planning	434.11
A9060	Health Insurance	1,252.46
SOLID WASTE FUND		80,314.20
COUNTY ROAD FUND		66,824.45
CONSOLIDATED HEALTH FUND		25,687.66
CAPITAL FUND		839,111.64
LIABILITY INSURANCE FUND		307,018.86
WORKERS' COMP		<u>8,952.00</u>
GRAND TOTAL		\$ 2,976,924.79

Legislator Sauerbrey made a motion to approve the minutes of December 15, 2009, seconded by Legislator Roberts, and carried.

Chair Weston made the following appointment to Cornell Cooperative Extension for the year 2010:

Legislator William Oberbeck

Chair Weston made the following appointments to a Budget Committee:

County Treasurer

Deputy County Treasurer

Sheriff

Commissioner of Social Services

Commissioner of Public Works

Personnel Officer

Director of Administrative Services Public Health

Chair of Finance

Legislator

Chair Weston announced the following 2010 Standing Committees

***STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2010***

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

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. 15-10

***ERRONEOUS ASSESSMENT
TOWN OF TIOGA***

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

WHEREAS: An application for corrected tax roll indicates that property no. 1734, assessed to Paul G & Barbara Rockwell on the tax rolls of the Town of Tioga is erroneous in that a mobile home was removed from the property in July 2004 but the assessment was never changed to reduce the taxable value from \$1,600 to \$400; and

WHEREAS: The application is for credit and refunds for the tax roll years of 2007, 2008 and 2009, the school taxes for these years were relieved and included in the town and county bills; be it therefore

RESOLVED: That a refund of \$1,147.76 be issued to Paul & Barbara Rockwell for overpayment of the 2007, 2008, and 2009 taxes for property no. 1734; and be it further

RESOLVED: That the erroneous town tax of \$161.50 be charged back to the Town of Tioga and the erroneous fire tax of \$38.70 be charged back to the Tioga Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$16.40 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$507.59 be charged back to the Tioga Central School District; and be it further

RESOLVED: That the erroneous county tax and school penalty of \$423.57 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 16-10

***ERRONEOUS ASSESSMENT
TOWN OF CANDOR***

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: A small claims court decision was handed down reducing the assessment for property #1711, assessed to Leon & Kimberly Shirley on the 2010 tax roll of the Town of Candor; and

WHEREAS: The Owego-Apalachin School District did not receive the court decision reducing the taxable value for school tax purposes from \$6,830 to \$5,230, therefore the 2009-2010 school tax bill was based on the incorrect taxable value for property #1711 in the Town of Candor; and

WHEREAS: The 2009-2010 school taxes for property #1711 in the Town of Candor were not paid to the school tax collector and have been relieved to the 2010 Town and County tax bill; be it therefore

RESOLVED: That the Town of Candor issue a corrected tax bill to Leon & Kimberly Shirley for property #1711 in the Town of Candor as follows:

2010 Corrected Tax

County	\$ 882.09
Recycle	36.84
Townwide	434.91
Part Town	105.91
Return School	1,558.99
<u>Candor Fire</u>	<u>161.82</u>
TOTAL	\$ 3,180.56

and be it further

RESOLVED: That the erroneous school tax and interest of \$445.74 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$31.20 be charged to the proper account in the records of the County Treasurer

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 17-10

***ERRONEOUS ASSESSMENT
TOWN OF OWEGO***

Adoption moved by Legislator McEwen,
Seconded by Legislator Sauerbrey.

WHEREAS: 2009-2010 school taxes for property #2736, assessed to the State of New York on the 2010 tax rolls of the Town of Owego were returned unpaid in error by the Owego-Apalachin School District tax collector; and

WHEREAS: The school taxes were paid to the County Treasurer by the State of New York on 12/7/09 and reimbursement has been made to the Owego-Apalachin School District; be it therefore

RESOLVED: That the State of New York deduct the erroneous school relevy amount of \$2,548.26 from tax bill #9116 for property #2736 in the Town of Owego; and be it further

RESOLVED: That the erroneous school tax and interest of \$2,381.55 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous school penalty of \$166.71 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 18-10

***ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE***

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: 2009-2010 school taxes for property no. 656 assessed to Branden O'Connor on the 2010 tax rolls of the Town of Berkshire were relevied in error to property no. 565 assessed to Edward & Mary Rabenstein on the 2010 tax rolls of the Town of Berkshire; and

WHEREAS: It has been verified that the 2009-2010 school taxes for property no. 565 assessed to Edward & Mary Rabenstein were paid to the school tax collector for the Newark Valley School District and there should have been no relevy; and the 2009-2010 school taxes for property no. 656 assessed to Branden O'Connor were unpaid and should have been relevied; be it therefore

RESOLVED: That the Town of Berkshire tax collector issue corrected 2010 tax bills to Edward & Mary Rabenstein and Branden O'Connor as indicated below:

Acct 565
Edward & Mary Rabenstein

County	\$ 867.25
Recycle	36.24
Townwide	741.42
<u>Berkshire Fire</u>	<u>163.25</u>
TOTAL	\$1,808.16

Acct 656
Branden O'Connor

County	\$ 276.90
Recycle	11.57
Townwide	236.72
Return School	686.65
<u>Berkshire Fire</u>	<u>52.12</u>
TOTAL	\$1,263.96

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 19-10 ***AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY
ASSOCIATES, PC, AND TIOGA COUNTY***

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

WHEREAS: Beginning January 1, 2010 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$800.00 to be paid to Pathologists, \$400.00 for morgue fees, and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/10 through 12/31/10.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: LEGISLATIVE COMMITTEE

RESOLUTION NO. 20-10 *AMEND POLICY 29
RULES OF PROCEDURE OF THE
TIOGA COUNTY LEGISLATURE*

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

WHEREAS: Policy 29 needs changes made to Section 2-Committees under Public Safety/Probation, DWI & Safety; therefore be it

RESOLVED: That Policy 29 Rules of Procedure of the Tioga County Legislature Section 2-Committees-Public Safety/Probation, DWI & Safety be amended to change the title and add a number 7 as follows:

Public Safety/Probation, DWI, Safety & Coroner – Within the jurisdiction of this committee shall fall the following:

- (7) All matters pertaining to the Coroners and related services.

And be it further

RESOLVED: That the remainder of Policy 29 Rules of Procedure of the Tioga County Legislature shall remain in full force and effect.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

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

RESOLUTION NO. 21-10 *CALLING FOR MEDICAID RELIEF
DEPARTMENT OF SOCIAL SERVICES*

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

WHEREAS: Medicaid is a federal, state, and local health care program whose costs and administration represents the largest component of the state and local fiscal relationship in New York, currently totaling over \$46 billion annually; and

WHEREAS: Since the program's inception, counties across the state have struggled to fund the growth of the Medicaid local share and even with local budget austerity measures, the program's cost has resulted in higher property taxes, higher sales taxes, and a decline in county services; and

WHEREAS: In response to the coordinated efforts of The New York State Association of Counties and county officials from across the state, the Governor and State Legislature included in the enacted 2005-06 State Budget a local Medicaid "cap" designed to limit annual Medicaid growth to 3.5 percent in 2006, 3.25 percent in 2007, and 3 percent in 2008 and years thereafter; and

WHEREAS: This Medicaid "cap" represents a significant reform in the way New York finances its Medicaid program and provides counties with a new level of stability and predictably that will benefit local taxpayers for years to come; and

WHEREAS: While the Medicaid "cap" will help shield local taxpayers from the impact of excessive Medicaid growth at the federal and state level, counties remain concerned with the future sustainability of the Medicaid program, the effect on other state and local budget priorities, and the overall outlook for New York's economic competitiveness; and

WHEREAS: As New York's Medicaid program has evolved, it has become overly expensive, inefficient and unable to adapt to today's ever changing health care delivery environment; and

WHEREAS: New York's Medicaid program must be reformed into a modern, patient driven system that ensures public integrity, improves patient outcomes and reduces overall program costs; now therefore be it

RESOLVED: That Tioga County calls for the continued implementation of the Local Medicaid Cap enacted in the 2005-06 state budget to stabilize county budgets and the impact the program has on local real property taxes; and be it further

RESOVLED: That Tioga County calls for an extension of the enhanced FMAP currently set in the American Recovery and Reimbursement Act (ARRA) as passed by the United States House of Representatives in H.R. 3962; and be it further

RESOLVED: That Tioga County calls upon the Governor and State Legislature to continue to focus on the Medicaid program and expand statewide reform efforts designed to ensure public integrity, improve patient outcomes, and reduce overall program costs; and be it further

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 23-10 *APPROPRIATION OF FUNDS
PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Monell.

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

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

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

RESOLVED: That funding be appropriated as follows:

From: A3401.12 State Aid – Health Education	\$20,000
To: A4012.20-130 Health Education: Equipment	\$ 5,000
To: A4012.40-640 Health Education: Non-Office Supplies	\$15,000

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 24-10 *ENCUMBER FUNDS FROM
SHERIFF’S GRANT-NYS WMD
GRANT LE07-1003-E00*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.

WHEREAS: The Sheriff’s Office was awarded a NYS WMD Grant in 2008 (LE07-1003-EOO) in the amount of \$54,000; and

WHEREAS: This funding was appropriated in 2008, re-appropriated in 2009, and unspent funds remain which need to be re-appropriated in 2010; therefore be it

RESOLVED: That the remaining funds in NYS WMD Grant (LE07-1003-EOO) be re-appropriated in 2010 as follows:

From: State Aid-Sheriff LEO7-1003-EOO	A3397.00	\$13,048
To: Sheriff LEO7-1003-EOO Grant-Personnel	A3117.10.30	\$2,408
Sheriff LEO7-1003-EOO Grant-Equipment	A3117.20.130	\$10,640

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: **PUBLIC SAFETY COMMITTEE**
FINANCE COMMITTEE

RESOLUTION NO. 25-10 ***ENCUMBER FUNDS FROM***
SHERIFF'S GRANT-NYS WMD
GRANT LEO8-1020-EOO

Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.

WHEREAS: The Sheriff's Office was awarded a NYS WMD Grant in 2009 (LE08-1020-EOO) in the amount of \$26,000; and

WHEREAS: This funding was appropriated in 2009 and unspent funds remain which need to be re-appropriated in 2010; therefore be it

RESOLVED: That the remaining funds in NYS WMD Grant (LE08-1020-EOO) be re-appropriated in 2010 as follows:

From: State Aid-Sheriff LEO8-1020-EOO	A3397.00	\$26,000
To: Sheriff LEO8-1020-EOO Grant-Personnel	A3118.10.30	\$6,500
Sheriff LEO8-1020-EOO Grant-Equipment	A3118.20.130	\$19,500

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

**REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE**

**RESOLUTION NO. 26-10 AUTHORITY FUNDING OF A
FINGERPRINT ESCROW
ACCOUNT**

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

WHEREAS: The NYS Division of Criminal Justice Service (DCJS) will only accept digital Civil Fingerprint cards which are routinely submitted for Pistol Permit applications; and

WHEREAS: DCJS requires that a submitting agency establish an escrow account with money deposited up front for the payment of fingerprint search fees, which would be deducted at the time the fingerprint transaction is launched to DCJS for processing; and

WHEREAS: This escrow account would be reimbursed with money received from Pistol Permit Application fees; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorize the funding of said fingerprint escrow account as follows:

From: Revenue A1510 Sheriff Fees	\$15,000
To: Appropriation A3110.40.444-Sheriff-Fees	\$15,000

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

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

RESOLUTION NO. 27-10 *GRANT APPLICATION FOR BACK-FILING
OF DOCUMENTS FOR THE COUNTY
CLERK'S OFFICE*

Adoption moved by Legislator Sullivan,
seconded by Legislator Sauerbrey.

WHEREAS: The County Clerk's Department plans to submit a proposal through the Local Government Records Management Improvement Fund Grant; and

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

WHEREAS: The County Clerk will apply for this grant with no local matching funds for the 2010-2011 grant year; therefore be it

RESOLVED: That the back-filing proposal be hereby approved for submission to the New York State Archives for funding the service for the 2010-2011 grant year.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: INFORMATION TECHNOLOGY
PUBLIC WORKS
FINANCE COMMITTEE

RESOLUTION NO. 28-10 *GRANT APPLICATION FOR PROJECT
IMPLEMENTATION FUNDING FOR STATE
ENERGY PROGRAM*

Adoption moved by Legislator Monell,
seconded by Legislator Sullivan.

WHEREAS: The Information Technology and Communication Services Department plans to submit a proposal thru the New York State Energy Research and Development Authority; and

WHEREAS: The grant, not to exceed \$15,000, will be used to purchase software to control power usage of computer equipment to reduce energy cost; and

WHEREAS: Information Technology will apply for this grant with no local matching funds for the 2010 grant year; therefore be it

RESOLVED: That the power management proposal be hereby approved for submission to the New York State Energy Research and Development Authority for the 2010 grant year.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 29-10 *AUTHORIZATION TO MAKE
APPLICATION FOR SECTION 5311
ANNUAL OPERATING ASSISTANCE
SOCIAL SERVICES*

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

WHEREAS: The County of Tioga is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for fixed route and demand response service throughout the County, with limited service to contiguous counties, by Tioga Transport, Inc. for the 2009 and 2010 fiscal years; and

WHEREAS: The County of Tioga and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share; and

WHEREAS: The County of Tioga is contracting with a third party subcontractor for the project described above; now therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of the County of Tioga to sign the application and progress and complete the above named project; and be it further

RESOLVED: That the Chair of the Legislature is authorized to sign any contracts or agreements between County of Tioga and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the County Attorney.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 30-10

***AMEND RESOLUTION 234-09
REDUCE APPROPRIATED FUNDS
FOR STIMULUS PROJECT
SOUTHSIDE DRIVE BRIDGE
PIN 9753.44 BIN 3335530***

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

WHEREAS: In August 2009 Resolution 234-09 was approved appropriating \$1,805,000 for the Southside Drive Bridge Stimulus Project (Contract D031975, PIN 9753.44); and

WHEREAS: Actual bids were received for this project and the total project cost was reduced to \$1,424,000; therefore be it

RESOLVED: That Resolution No. 234-09 be amended to reflect the appropriated funds for this project be reduced to \$1,424,000; and be it further

RESOLVED: That the Chair of the Legislature of the County of Tioga is hereby authorized to execute all necessary Agreements or Certifications on behalf of the County of Tioga, (subject to the Municipal/Sponsor Attorney's approval as to form the content), with the New York State Department of Transportation in connection with the advancement or approval of the project indentified in the State/Local Agreement; and providing for the administration of the Project and the County of Tioga's first instance funding of the Local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED: That a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation be attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED: That this Resolution shall take effect immediately.

Roll Call:
 Ayes 09
 Noes 00
 Absent 00
CARRIED

REFERRED TO: PUBLIC WORKS COMMITTEE

**RESOLUTION NO. 31-10 RE-ESTABLISH PRIOR YEAR
 PUBLIC WORKS PROJECTS**

Adoption moved by Legislator Roberts,
 seconded by Legislator Monell.

WHEREAS: Prior year Public Works Projects need to be re-established for the remaining balance as of year end 2009 for completion in 2010; therefore be it

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

<u>Bridge Projects</u>	<u>BIN#</u>	<u>AMT to Establish</u>
H2006.03 Halsey Valley Rd. Bridge	3335010	\$ 71,216.78
H2009.02 East River Rd. Bridges	335410	\$1,717,768.09
H2009.03 Culvert Replacement		\$ 90,443.40
H2009.08 Main St. Bridge	3334800	\$ 75,462.78
Total Re-Established		\$1,954,891.05

CHIPS PROGRAM

H2008.02 Bodle Hill RD.		\$ 63,251.43
H2008.03 Goodrich Rd.		\$ 23,711.31
H2008.04 Montrose Turnpike		\$ 28,827.88
H2009.01 West Creek Rd.		\$ 166,839.29
		\$ 282,629.91

Capital Construction

H1620.20-926	HVAC control System	\$	30,000.00
H1620.20-923	Standby Generator	\$	70,609.21
H1620.20-924	Court House Façade	\$	73,991.00
H1620.20-925	56 Main St Façade	\$	3,101.00
H1620.20-121	Elevators	\$	50,000.00
H1620.20-927	CRT House Ext. Renovations	\$	360,000.00
		\$	<u>587,701.21</u>

Capital Equipment

H1620.21-996	PSB Lighting	\$	50,000.00
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<u>Federal Bridge Program</u>		<u>BIN#</u>	<u>AMT to Establish</u>
H2007.14	Tappan Rd. Bridge	3335280	\$ 1,478,760.55
H2008.07	Glen Mary Dr. Bridge	3335530	\$ 141,124.27
H2008.08	Southside Dr. Bridge	3335530	<u>\$ 1,669,169.93</u>
			\$ 3,289,054.75

And be it further

RESOLVED: That the corresponding revenue sources shall also be re-established in the 2010 modified budget.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: ED&P COMMITTEE
ITCS COMMITTEE

RESOLUTION NO. 32-10 *RESOLUTION AUTHORIZING APPLICATION
FOR AND ACCEPTANCE OF NATIONAL
TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
BROADBAND INITIATIVE PROGRAM
FUNDING TO CREATE A PUBLIC OPEN
ACCESS FIBER OPTIC BACKBONE*

Adoption moved by Legislator Sullivan,
seconded by Legislator Monell.

WHEREAS: The Southern Tier East Regional Planning Development Board has developed a regional plan for a public open access telecommunications network that will enhance public, community, and business access to broadband optical fiber telecommunications service beyond that presently available to many parts of our county, and

WHEREAS: This telecommunications plan envisions creating open access points of presence at which private vendors could connect to the regional network at an affordable cost to provide the direct service to customers at a competitive price, and

WHEREAS: In concert with the Southern Tier Central Regional Planning and Development Board, and with the involvement their eleven counties, the Southern Tier East Regional Planning Development Board has received a grant from the Appalachian Regional Commission to begin implementation of said plan and has engaged ECC Technologies to develop a business model for this purpose, and

WHEREAS: It is intended that as part of this public open access network development, service will be provided to support long term upgrades to individual county emergency services E-911 communication systems, support provided for future business development, and support advances in telemedicine throughout the counties of the Southern Tier East Region, and

WHEREAS: Under the American Recovery and Reinvestment Act of 2009 (ARRA) there is an opportunity to expedite the implementation of a regional optical fiber open access network under grants from the US Department of Commerce, National Telecommunications and Information Administration or US Department of Agriculture, Rural utilities Service, and

WHEREAS: The Tier Information and Enterprise Resources, Incorporated, (TIER, Inc) the not-for-profit affiliate of the Southern Tier East Regional Planning Development Board has agreed to serve as the lead agency to apply for and to accept ARRA funding in the approximate amount of \$20 million to build a public open access fiber optic backbone (the “Project”); and

RESOLVED: That the Tioga County Legislature hereby supports development of and participation in the oversight of the Project in such a manner as may be provided through a joint memorandum of understanding between the participating counties, and be it further

RESOLVED: That this resolution is contingent on approval by the Legislature of an MOU; which MOU must be approved by at least four counties in the Southern Tier East or Southern Tier Central Regions of New York and the Board of Directors of Tier Information and Enterprise Resources, Inc.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 33-10 *ACCEPTANCE OF APPLICATION FOR
NEWARK VALLEY FIREFIGHTER JAMES
VANNORDSTRAND TO JOIN THE TIOGA
COUNTY FIRE INVESTIGATION TEAM*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Oberbeck.

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

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

WHEREAS: Waverly Firefighter Ryan Quigley has recently resigned from the Team; and

WHEREAS: Newark Valley Firefighter James VanNordstrand has applied for membership to the Tioga County Fire Investigation Team; and

WHEREAS: Firefighter VanNordstrand is currently experienced at many of the skills necessary for a Successful Fire Investigator to perform an accurate Cause and Origin Investigation; and

WHEREAS: Firefighter VanNordstrand would replace Firefighter Quigley as an active member of the Tioga County Fire Investigation Team; therefore be it

RESOLVED: That Newark Valley Firefighter James VanNordstrand be added to the Tioga County Fire Investigation Team roster to replace Ryan Quigley.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 34-10 *APPOINT - FIRE ADVISORY BOARD*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Oberbeck.

RESOLVED: That upon recommendation of the Tioga County Fire Chiefs, the following members be and are hereby appointed to the Tioga County Fire Advisory Board for the year 2010:

OFFICERS: **CHAIRMAN** **STEVE FEDOROWICZ**
 VICE CHAIRMAN **DON HOWARD**
 SECRETARY **MICHAEL RODEN**

Membership:

DEPARTMENT	DELIGATE	ALTERNATE
APALACHIN	MIKE RODEN	DON AMES
BERKSHIRE	BRET WELCH	ANDREW HANSON
CAMPVILLE	ROB ZIEMBA	MARK DANIEL
CANDOR	JOHN ROMAN Jr.	TOM KING
HALSEY VALLEY	RON FRISBIE	DAVE BUMP
LOCKWOOD	DAVE CURTIS	BOB LONG
NEWARK VALLEY	ERNIE TUETKIN	GEORGE WAHL
NICHOLS	TRUMAN KITTLE	JEFF HILLER
OWEGO	ED BIDWELL	DAN GAVIN
RICHFORD	KENNETH GORDINIER	JOHN KEENER
SOUTHSIDE	FRANK OKRASINSKI	JOE STOCKS
SPENCER	CHRIS GARLAND	DEREK GRIER
TIOGA CENTER	MILTON KEMP	ART MAYER
WAVERLY	DON HOWARD	JEFF WHEELER
WELTONVILLE	STEVE GUNTHER	STEVE FEDOROWICZ
ALL COUNTY FIRE COORDINATORS		
COUNTY EMERGENCY MANAGER		

CARRIED

REFERRED TO: **LEGAL COMMITTEE**
 PERSONNEL COMMITTEE

RESOLUTION NO. 35-10 *AMEND RESOLUTION 384-03
 RESOLUTION AUTHORIZING A
 CONTRACT WITH PART-TIME
 PUBLIC DEFENDERS EMPLOYED
 BY THE COUNTY FOR THE
 PROVISION OF ACTUAL AND
 NECESSARY SUPPORT SERVICES*

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

WHEREAS: The Public Defender, his Assistants and certain Assistant District Attorneys are either self-employed attorneys maintaining his/her own private law practice or employees of a private law firm; and

WHEREAS: The County does not and is not adequately able to provide these attorneys with office space, office supplies, office equipment or staffing in support of their positions with the County; and

WHEREAS: The attorney and/or the law firm incurs certain expenses related to office overhead items, including, but not limited to, office space, office supplies, office equipment, utilities and staffing; and

WHEREAS: The actual amount of overhead costs incurred by the attorney or his/her law firm cannot be readily ascertained and apportioned to the work performed by the attorney for the County as opposed to the work performed by attorney for his/her private practice or law firm; and

WHEREAS: The attorneys have executed contracts with the County according to annual budgeted amounts; and

WHEREAS: Resolution 384-03 authorized the Chair of the Legislature to execute contracts with part-time Public Defenders to compensate the attorneys and/or their firms for expenses subject to a budgeted amount; and

WHEREAS: Resolution 384-03 was limited to the Public Defender's Office and limited to the 2003 budget and needs to be amended; be it

RESOLVED: That Resolution 384-03 is hereby amended to incorporate the Assistant District Attorneys who maintain his/her own private practice or employed or part of a law firm; and be it further

RESOLVED: That such contracted amounts shall be limited to the amounts so budgeted annually by the County.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

WHEREAS: This grant will be in partnership with the Rural Health Network of South Central New York; and

WHEREAS: Application for the grant does not result in Tioga County being required to accept the grant if awarded; and

WHEREAS: This resolution is only to authorize TCHD to apply for the grant, and if TCHD is awarded the grant, the Legislature will then determine if it wishes to accept the grant award via resolution at that time; therefore be it

RESOLVED: That the Legislature authorize TCHD to submit an application to NYSDOH for the “Creating Healthy Places to Live, Work and Play” grant.

On roll call vote on the above resolution, four members voted Aye, Legislators Oberbeck, Quinlan, Roberts, Sauerbrey, and McEwen voting no, and the resolution failed.

REFERRED TO: HEALTH & HUMAN SERVICES
COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 36-10 *APPROPRIATION OF FUNDS*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Sauerbrey.

WHEREAS: Tioga County Health Department (TCHD) has received additional state aid funding from NYS Department of Health; and

WHEREAS: The program timeline and workplan for the funding is October 1, 2009 through March 31, 2010; and

WHEREAS: TCHD began efforts towards the program in developing the required workplan in October 2009; and

WHEREAS: TCHD received final approval of the workplan and budget in December 2009 and now can appropriate funds into the proper account codes that match the approved budget; and

WHEREAS: Tioga County Health Department has already started receiving payments of this funding; and

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

RESOLVED: That funding be appropriated as follows:

From: A3401.12 Health Education Program	\$34,000
To: A4012.20-130 Health Education: Equipment	\$ 7,500
To: A4012.40-130 Health Education: Services	\$26,500

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 37-10

***ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY***

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

WHEREAS: An application for corrected tax roll indicates that property no. 1899 assessed to Reda E Fidurski and Gustav Perrson on the 2010 tax rolls of the Town of Newark Valley is erroneous in that the veterans exemptions were removed in error, and the 2010 taxable value of \$103,300 should have been \$65,080; be it therefore

RESOLVED: That a corrected 2010 tax bill be issued to Reda Fidurski for property no. 1899 by the Town of Newark Valley as follows:

2010 Corrected Tax Bill

County	\$ 767.94
Recycle	32.08
Townwide	328.10
Newark Valley Fire	149.12
TOTAL	\$ 1,277.24

and be it further

RESOLVED: That the erroneous town tax of \$451.00 be charged back to the Town of Newark Valley; and be it further

RESOLVED: That the erroneous solid waste tax of \$18.85 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$192.69 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 38 -10

***APPOINT MEMBER TO THE
TIOGA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY
(TCIDA)***

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

WHEREAS: Pursuant to §856(2) of the General Municipal Law the members of the Tioga County Industrial Development Agency (TCIDA) serve at the pleasure of the Legislature without a term until they either resign or are replaced by the Legislature; and

WHEREAS: The Legislature feels that it is important to have legislative representation on the IDA Board; and

WHEREAS: Legislator Roberts expressed he no longer wishes to serve on the Tioga County Industrial Development Board of Directors; and

WHEREAS: Legislator Monell has expressed a desire to serve on the Tioga County Industrial Development Board of Directors; therefore be it

RESOLVED: That Legislator Monell be and hereby is appointed to the Tioga County Industrial Development Board of Directors in place of Legislator Roberts effective January 12, 2010.

CARRIED

The meeting was adjourned at 2:12 P.M.

Second Regular Meeting
February 9, 2010

The Second Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Oberbeck being absent.

Chair Weston asked Legislator Quinlan to have a moment of prayer. “Lord, we thank you for this day. Bless us and instill us with the wisdom to fulfill our job as County Legislators. Help us to always make proper decisions for our taxpayers. We pray that you will grant peace in this world.”

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

There were 7 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		259.05
A1165	District Attorney		1,360.12
A1172	Assigned Counsel		23,282.18
A1185	Medical Examiners/Coroners		3,932.15
A1325	Treasurer		1,601.40
A1345	Budget		63.00
A1355	Assessments		718.00
A1410	County Clerk	2,346.00	10,029.28
A1411	Department of Motor Vehicles		253.65
A1420	Law		4,628.94
A1430	Personnel		3,416.31
A1450	Elections		31,373.46
A1460	Records Management		266.36
A1460.41	Records Management Grant		8,568.66
A1490	Public Works Administration		747.79
A1620	Buildings	186.00	113,202.10
A1680	Information Technology		48,096.95
A1920	Municipal Association Dues		5,877.00
A2960	Education of Handicapped Children		211,606.90
A3020	Public Safety Comm E911		17,167.20
A3110	Sheriff		20,211.78
A3110.41	Sheriff-Court Attendants		1,237.97
A3140	Probation		1,510.76
A3142	Alternatives to Incarceration		939.70
A3150	Jail		77,398.45

A3315	Special Traffic Programs		893.01
A3410	Fire	395.89	5,485.49
A3640	Emergency Mgmt Office		409.70
A3641	Emergency Mgmt Grant Program	80.00	
A3654	EMO Grant Buyout		6,056.16
A4010	Public Health Nursing		46,123.10
A4011	Public Health Administration	2,693.28	8,783.92
A4012	Public Health Education		167.85
A4042	Rabies Control		165.95
A4044	Early Intervention	96.25	49,754.40
A4053	Preventive/Primary Health Svcs		220.95
A4054	Preventive Dental Services		727.82
A4062	Lead Poisoning Program		28.50
A4064	Managed Care-Dental Services		13,948.87
A4070	Disease Control	546.00	2,586.65
A4090	Environmental Health		1,301.77
A4210	Alcohol and Drug Services		15,484.40
A4309	Mental Hygiene Co Admin	596.98	9,548.70
A4310	Mental Health Clinic		41,787.07
A4311	Rehabilitation Support Services		9,992.00
A4315	Mental Retardation		20,621.24
A4320	Crisis Intervention Services		4,801.26
A4321	Intensive Case Management		2,011.61
A5630	Bus Operations		79.18
A6010	Social Services Administration	1,475.00	165,746.58
A6422	Economic Development	982.10	613.35
A6510	Veterans' Service		30.00
A6610	Sealer Weights/Measures		105.90
A7310.41	Youth Programs, refundable		1,446.00
A7510	Historian		367.38
A7989	Tourism		128,862.00
A8020	Planning		482.26
A8025.41	Regional Planning 7-County Board		11,137.00
A9060	Health Insurance		3,074.68
SOLID WASTE FUND			21,784.23
COUNTY ROAD FUND			118,373.97
SPECIAL GRANT FUND			5,543.60
CONSOLIDATED HEALTH FUND			40,800.08
CAPITAL FUND			46,125.00
LIABILITY INSURANCE FUND			1,092.00
WORKERS' COMP			<u>107,612.00</u>
GRAND TOTAL			\$ 1,491,322.29

Legislator McEwen made a motion to approve the minutes of January 4 and 12, 2010, seconded by Legislator Roberts, and carried.

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

Legislator McEwen made a motion to pass the following six resolutions, all on erroneous assessments, as one, seconded by Legislator Roberts and carried.

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 39-10	<i>ERRONEOUS ASSESSMENT TOWN OF NEWARK VALLEY</i>

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

WHEREAS: An application for corrected tax roll indicates that property no. 1838 assessed to Roger L & Debra A Farthing on the 2010 tax rolls of the Town of Newark Valley is erroneous in that a clerical error was made and a correction filed last year but system never updated, therefore the 2010 taxable value of \$81,000 should have been reduced to \$62,400; be it therefore

RESOLVED: That a corrected 2010 tax bill be issued to Roger & Debra Farthing for property no. 1838 by the Town of Newark Valley as follows:

2010 Corrected Tax Bill Acct #1838

County	\$ 736.32
Recycle	30.76
Townwide	314.59
<u>Newark Valley Fire</u>	<u>90.08</u>
TOTAL	\$ 1,171.75

and be it further

RESOLVED: That the erroneous town tax of \$93.78 be charged back to the Town of Newark Valley and the erroneous fire tax of \$26.85 be charged back to the Newark Valley Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$9.17 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$219.48 be charged to the proper account in the records of the County Treasurer

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 40-10 *ERRONEOUS ASSESSMENT
TOWN OF BARTON*

Adoption moved by Legislator Roberts,
 Seconded by Legislator McEwen.

WHEREAS: An application for corrected tax roll indicates that property #10275 assessed to Cotton Hanlon Inc. on the 2010 tax roll of the Town of Barton is erroneous in that the building on the parcel is part of a pipeline assessment and the correct assessment should be \$215,300; therefore be it

RESOLVED: That the Town of Barton issue a new tax bill to Cotton Hanlon Inc. as indicated below:

Acct # 10275

County	\$ 1,667.28
Recycle	69.54
Townwide	432.45
Lockwood Fire	<u>233.17</u>
	\$ 2,402.44

and be it further

RESOLVED: That the erroneous town tax of \$70.30 be charged back to the Town of Barton and the erroneous fire tax of \$37.91 be charged back to the Lockwood Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$11.31 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$271.04 be charged to the proper account in the records of the County Treasurer.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 41-10

***ERRONEOUS ASSESSMENT
 TOWN OF OWEGO***

Adoption moved by Legislator Roberts,
 Seconded by Legislator McEwen.

WHEREAS: An application for corrected tax roll indicates that a clerical error credited a utility payment of \$211.24 made by Roger Menhennett to property no. 11073 assessed to Robert B Giknis and Laura M St. George on the 2010 tax roll of the Town of Owego when it should have been credited to property no. 11811 assessed to Roger M and Cecilia Menhennett on the 2010 tax roll of the Town of Owego; and

WHEREAS: The error caused the amount of \$211.24 to be erroneously added as unpaid to the tax bill for property no. 11811 assessed to Roger Menhennett; and

WHEREAS: The application states that the amount of \$211.24 be added to the bill for property no. 11073 in addition to the utility amount of \$32.43 that is already on the bill, making the total unpaid utility amount \$243.67 for Robert Giknis; be it therefore

RESOLVED: That a new tax bill be issued to Roger Menhennet for property no. 11811, and a new tax bill be issued to Robert Giknis for property no. 11073 by the Town of Owego as follows:

Corrected 2010 Tax Bills

<u>Roger Menhennett #11811</u>	
County	\$ 932.76
Recycle	38.96
Townwide	75.03
Part Town	178.65
Owego Fire	131.90
<u>Lighting 3</u>	<u>36.34</u>
TOTAL	\$1,393.64

<u>Robert B Giknis #11073</u>	
County	\$ 2,176.79
Recycle	90.92
Townwide	175.11
Part Town	416.92
Return School	5,628.57
Owego Fire	307.81
<u>Utilities</u>	<u>243.67</u>
TOTAL	\$9,039.79

RESOLVED: That the erroneous town tax of \$2,043.91 be charged back to the Town of Barton and the erroneous fire tax of \$954.76 be charged back to the Waverly Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$328.69 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$7,880.08 be charged to the proper account in the records of the County Treasurer

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 43-10

***ERRONEOUS ASSESSMENT
TOWN OF TIOGA***

Adoption moved by Legislator Roberts,
Seconded by Legislator McEwen.

WHEREAS: An application for corrected tax roll indicates that unpaid school taxes in the amount of \$2,255.28 for property no. 1301, assessed to G Henry Manwaring on the 2010 tax roll of the Town of Tioga were relieved in error to property no. 2006, assessed to Phelan Hill on the 2010 tax rolls of the Town of Tioga; be it therefore

RESOLVED: That a new tax bill be issued to G Henry Manwaring for property no. 1301 and a new tax bill be issued to Phelan Hill for property no. 2006 by the Town of Tioga as follows:

Corrected 2010 Town of Tioga Tax Bills

<u>Acct 2006 – Hill</u>	
County	\$ 71.78
Recycle	3.00
Townwide	27.75
<u>Tioga Fire</u>	<u>6.91</u>
TOTAL	\$ 109.44

<u>Acct 1301 – Manwaring</u>	
County	\$ 2,103.13
Recycle	87.85
Townwide	813.13
Return School	2,255.28
<u>Tioga Fire</u>	<u>202.36</u>
TOTAL	\$ 5,461.75

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 44-10

***ERRONEOUS ASSESSMENT
TOWN OF TIOGA***

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

WHEREAS: An application for corrected tax roll indicates that property no. 2242, assessed to J2RE, LLC on the 2010 tax rolls of the Town of Tioga is erroneous in that the parcel was taken over by the Town of Tioga as a town road known as Fieldstone Lane and should be tax exempt; and

WHEREAS: The 2010 tax bill amount is \$54.72; be it therefore

RESOLVED: That the erroneous town tax of \$13.88 be charged back to the Town of Tioga and the erroneous fire tax of \$3.45 be charged back to the Tioga Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$1.50 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$35.89 be charged to the proper account in the records of the County Treasurer

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 45-10 *AUTHORIZE SALE OF TIOGA COUNTY PROPERTY LOCATED IN THE TOWN OF TIOGA TO BEVERLY ATKINSON OR HER ASSIGNS*

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

WHEREAS: Property located in the Town of Tioga, assessed to the County of Tioga, identified as Tax Map number 148.08-1-17 and parcel number 345; and

WHEREAS: The County has been approached by Beverly Atkinson, who has made an offer to purchase the property for \$1.00, “as is”, thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$1.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property assessed to the County of Tioga located in the Town of Tioga, identified on the Town of Tioga Tax Map as number 148.08-1-17, parcel number 345, to Beverly Atkinson or her assigns.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 46-10 *APPORTION DOG FUND MONIES*

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

WHEREAS: There has been received from the County Treasurer a report of the expenditures and surplus from the Dog License Fund monies for the year ended December 31, 2009; be it therefore

RESOLVED: That the County Treasurer is hereby authorized and directed to pay to the several Towns the surplus monies apportioned to them as follows:

Town of Barton	\$1,554.04
Town of Berkshire	\$ 377.78
Town of Candor	\$1,543.60
Town of Newark Valley	\$ 675.00
Town of Nichols	\$ 756.76
Town of Owego	\$2,228.12
Town of Richford	\$ 101.96
Town of Spencer	\$ 551.38
Town of Tioga	<u>\$ 924.01</u>
TOTAL	\$8,712.65

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 47-10 REAPPOINT REAP BOARD MEMBER

Adoption moved by Legislator Sullivan,
 Seconded by Legislator Monell.

WHEREAS: The By-Laws of the REAP Board require that the Legislature nominate one person to act as its member on the REAP Board of Directors; and

WHEREAS: Elaine Jardine, Planning Director, is willing to serve another term on the REAP Board of Directors; therefore be it

RESOLVED: That Elaine Jardine, Planning Director, be hereby reappointed to the REAP Board for a two year term from February 14, 2010 through February 13, 2012.

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 48-10 EXTEND YOUTH BOARD MEMBERS TERM
 YOUTH BUREAU**

Adoption moved by Legislator Huttleston,
 Seconded by Legislator Monell.

WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and

WHEREAS: The purpose of the Youth Board is to carry out the provision of Section 95 of the General Municipal Law of the State of New York and Resolution No. 140 of 1981 of the Tioga County Legislature; and

WHEREAS: The Tioga County Youth Board Bylaws provides for representatives to the Youth Board be appointed by the County Legislature; and

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 228-09 and terms have expired; now therefore be it

RESOLVED: That the following listed representative terms be extended as follows:

	<u>TERM</u>
Angela Klopf (Extending Term)	01/01/2010 – 12/31/2013
Hannah Robinson (Extending Term)	01/01/2010 – 12/31/2013
Nicole O’Connell-Avery (Extending Term)	01/01/2010 – 12/31/2013
Barbara Crannell (Extending Term)	01/01/2010 – 12/31/2013

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 49-10 APPOINT MEMBERS ALTERNATIVES TO INCARCERATION ADVISORY BOARD

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Huttleston.

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

	TERM
Ex-Offender	4/1/10-3/31/11
Crime Victim	4/1/10-3/31/11
Rep for Private Organization Operating within County	4/1/10-3/31/11
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/10-3/31/11

CARRIED

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 50-10

***APPOINT DIRECTOR
SOIL AND WATER CONSERVATION
DISTRICT***

**Adoption moved by Legislator Monell,
Seconded by Legislator Sullivan.**

RESOLVED: That Robert Aman of Candor, New York be hereby appointed Farm Bureau Representative for a term of April 1, 2010 through March 31, 2013.

CARRIED

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 51-10

***RESOLUTION APPOINTING
KEITH NICHOLS, MD TO THE
COMMUNITY SERVICES BOARD***

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

WHEREAS: The Tioga County Community Services Board has a vacant position available; and

WHEREAS: Keith Nichols, MD residing in Owego, NY, has expressed an interest in filling the vacant position; and

WHEREAS: The Community Services Board nominated Dr. Nichols for the position at its January 21, 2010 meeting; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Keith Nichols, MD to the Tioga County Community Services Board for the remainder of a vacant position ending on March 31, 2013.

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 52-10 APPROVE FUNDING
2010 YOUTH BUREAU PROGRAMS**

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

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 2010 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 2010 be approved by the Tioga County Legislature in the amounts indicated:

Youth Development and Delinquency Prevention Programs

Cooperative Extension Family Resource Centers	\$13,647
Tioga County Council on Alcohol & Substance Abuse	\$ 6,243
Cooperative Extension Waverly Youth Café	\$ 4,344
Camp Ahwaga	\$ 3,069
Spencer Van Etten Building Foundations	\$ 2,000
Newark Valley Historical Society Youth Programs	\$ 800

Special Delinquency Prevention Programs

Big Brothers Big Sisters of Bradford County, Inc.	\$ 8,949
A New Hope Center	\$ 8,247
Cooperative Extension Family Resource Centers	<u>\$ 2,224</u>
TOTAL	\$49,523

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 53-10 *MODIFY FEE SCHEDULE*
*PUBLIC HEALTH***

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

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

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

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

WHEREAS: Changes to rates are required to be approved by the Legislature; therefore be it

RESOLVED: That the fee schedule be modified as follows retroactive to January 1, 2010:

Skilled Nursing Care \$185.00 per visit

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

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

**RESOLUTION NO. 54-10 *APPROPRIATION OF FUNDS*
*PUBLIC HEALTH***

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

WHEREAS: Tioga County Health Department (TCHD) has received a funding award from the National Association of County and City Health Officials (NACCHO) for assisting NACCHO's development of accreditation of Health Departments; and

WHEREAS: The funding provided is intended to offset costs incurred and the purchase of items as part of the program; and

WHEREAS: NACCHO has approved the funding plan; and

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

RESOLVED: That funding be appropriated as follows:

From: A1610.22	Public Health Admin: Receipts	\$ 27,280
To: A4011.40-595	Public Health Admin: Services	\$ 27,280

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 55-10 *APPROPRIATION OF FUNDS*

Adoption moved by Legislator Huttleston,
Seconded by Legislator McEwen.

WHEREAS: Tioga County Health Department (TCHD) has received funding from Office of Homeland Security (OHS) for the Public Health Emergency Preparedness program; and

WHEREAS: TCHD has received approval of the funding budget by OHS; and

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

RESOLVED: That funding be appropriated as follows:

From:	A4401.00 Federal Funds	\$27,776
To:	A4011.20-130 Health Admin: Equipment	\$11,500
To:	A4011.40-640 Health Admin: Supplies	\$16,276

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 56-10 *APPROPRIATION OF FUNDS*
MENTAL HYGIENE

Adoption moved by Legislator Huttleston,
 seconded by Legislator McEwen.

WHEREAS: Additional pass-through funding has been awarded to Tioga County Mental Hygiene from New York State Office of Alcohol and Substance Abuse Services (OASAS); and

WHEREAS: This Federal funding is specifically earmarked for Tioga County Council of Alcohol and Substance Abuse (TCCASA); and

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

RESOLVED: That funding be appropriated as follows:

From: A4486.00 Federal Aid	\$ 1,800
To: A4211.40-590 Services Rendered	\$ 1,800

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 57-10

AWARD DESIGN OF LILLIE HILL RD. BRIDGE (BIN 3335510) & STRAITS CORNERS RD. BRIDGE (BIN 3335040) TO LABELLA ASSOCIATES

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

WHEREAS: The Commissioner of Public Works requested proposals for design services for the Lillie Hill Rd. Bridge over Apalachin Creek (BIN:#3335510) and Straits Corners Rd. Bridge over Pipe Creek (BIN #3335040); and

WHEREAS: The proposals were as follows:

Labella Associates	Rochester, NY	\$110,000
Shumaker Consulting Engineers	Binghamton, NY	\$124,050
McFarland & Johnson	Binghamton, NY	\$125,000
Delta Engineers	Binghamton, NY	\$131,000
C & S Companies	Syracuse, NY	\$250,000

And

WHEREAS: The Commissioner of Public Works put funds in the 2010 budget for these projects; therefore be it

RESOLVED: That the Tioga County Legislature award the design services for both bridges to Labella Associates, Rochester, NY in the amount of \$55,000 to be paid out of account H2010.06 Straits Corners Rd. Bridge (BIN 3335040) and \$55,000 to be paid out of account H2010.07 Lillie Hill Rd. Bridge (BIN 3335510) for a total amount of \$110,000.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 58-10

***APPROVE ALTERNATIVES TO
INCARCERATION 2010
CONSOLIDATED SERVICE PLAN***

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

WHEREAS: The Alternatives To Incarceration Service Plan for 2010 has been presented to and approved by members of the Alternatives To Incarceration Committee on January 21, 2010; now therefore be it

RESOLVED: That the Tioga County Legislature approve the Alternatives To Incarceration Service Plan for the time period of 1/01/2010 to 12/31/2010 and submit same to the NYS Division of Probation and Correctional Alternatives in order to continue state funding for Pre-Trial Release, Community Service, and Specialized & Drug/Alcohol Programs.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 59-10

***AUTHORIZE THE SUBMISSION
OF GRANT APPLICATION
EMERGENCY MANAGEMENT***

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

WHEREAS: The NYS Emergency Management Office has announced the FY '09 Local Emergency Planning Grant (LEMPG) for Tioga County Emergency Management Office for the amount of \$21,669; and

WHEREAS: The Tioga County Emergency Management Office has already performed work that is specified in said grant; and

WHEREAS: Applications for these monies must be received no later than February 12th 2010; and

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

RESOLVED: That the Tioga County Emergency Management Office be authorized to submit the appropriate grant applications for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such applications.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: INFORMATION TECHNOLOGY
FINANCE COMMITTEE

RESOLUTION NO. 60-10 *GRANT APPLICATION FOR PROJECT
IMPLEMENTATION FUNDING FOR STATE
ENERGY PROGRAM*

Adoption moved by Legislator Sullivan,
seconded by Legislator McEwen.

WHEREAS: The Information Technology and Communication Services Department plans to submit a proposal through the New York State Energy Research and Development Authority; and

WHEREAS: The grant, not to exceed \$50,000, will be used to purchase replacement server equipment for the purpose of reducing energy cost; and

WHEREAS: Information Technology will apply for this grant with no local matching funds for the 2010 grant year; therefore be it

RESOLVED: That the server replacement proposal be hereby approved for submission to the New York State Energy Research and Development Authority for the 2010 grant year.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 61-10 AUTHORIZATION TO ENTER INTO
AGREEMENT

Adoption moved by Legislator Huttleston,
Seconded by Legislator Monell.

WHEREAS: Tioga County Health Department (TCHD) is in need of assistance in the development and completion of the required Community Health Assessment (CHA) and a Community Health Improvement Plan (CHIP); and

WHEREAS: TCHD has identified Upstate Medical Syracuse University Central NY Master of Public Health (Upstate Medical SU-CNY MPH) as an appropriate and experienced agency to assist in the development and completion of the CHA and CHIP; and

WHEREAS: Upstate Medical SU-CNY MPH is willing and able to assist TCHD in the development and completion of the CHA and CHIP, for a fee not to exceed \$17,000;

WHEREAS: The cost of the service has been included in the Health Department's 2010 budget; and

WHEREAS: Authorization to enter into a contract requires Legislative approval; therefore be it

RESOLVED: That the Legislature authorizes Tioga Health Department to enter into contract agreement with Upstate Medical SU-CNY MPH for development and completion of the CHA and CHIP with costs not to exceed \$17,000.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: ED&P COMMITTEE
AG COMMITTEE

RESOLUTION NO. 62-10 *SET PUBLIC HEARING FOR 2010
ANNUAL AGRICULTURAL DISTRICT
INCLUSIONS*

Adoption moved by Legislator Sullivan,
seconded by Legislator Roberts.

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

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

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2010 on March 4th, 2010 at 1:00 PM in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, NY.

CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 63-10 *POLICY 55
SPACE HEATER POLICY*

Adoption moved by Legislator Roberts,
seconded by Legislator Sullivan.

WHEREAS: Tioga County desires to limit the use of space heaters due to fire hazard; and

WHEREAS: Tioga County provides climate controlled working space for its employees; therefore be it

RESOLVED: That Policy 55 Space Heater Policy is hereby adopted as follows:

POLICY 55**Space Heater Policy**

No space heaters shall be allowed in any County Building unless installed as part of the building heating system.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: PERSONNEL
LEGAL COMMITTEE

RESOLUTION NO. 64-10 *AUTHORIZATION TO ABOLISH PART-TIME
TYPIST POSITION
DISTRICT ATTORNEY'S OFFICE*

Adoption moved by Legislator Sullivan,
Seconded by Legislator McEwen.

WHEREAS: Legislative approval is required for any position to be abolished within Tioga County; and

WHEREAS: It has been determined that the part-time Typist position previously filled by Shari Ramsey at the Tioga County District Attorney's Office has been vacant since January 2, 2009; and

WHEREAS: The District Attorney has identified this position as one that can be abolished at this time; therefore be it

RESOLVED: That the part-time Typist position which has been vacant since January 2, 2009 within the Tioga County District Attorney's Office be abolished, effective February 10, 2010.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: PERSONNEL COMMITTEE

**RESOLUTION NO. 65-10 REAPPOINT PERSONNEL OFFICER
PERSONNEL**

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

WHEREAS: The Tioga County Personnel Officer serves six-year terms; and

WHEREAS: The current term is due to expire March 17, 2010; and

**WHEREAS: The Personnel Committee has recommended that Bethany O'Rourke
be reappointed as Personnel Officer for the Personnel/Civil Service Department;
and**

**WHEREAS: Bethany O'Rourke is willing and eligible to accept such
reappointment; therefore be it**

**RESOLVED: That Bethany O'Rourke be and hereby is reappointed as the Tioga
County Personnel Officer effective March 18, 2010, for a six-year term ending
March 17, 2016.**

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

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

**RESOLUTION NO. 66-10 REQUEST WAIVER OF 60-DAY HOLD
DEPARTMENT OF SOCIAL SERVICES**

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

**WHEREAS: Resolution 147-09 placed a 60-day backfill delay on vacancies and
Resolution 302-09 extended that 60-day backfill delay through December 31, 2010;
and**

WHEREAS: Effective February 1, 2010, Ashley Morey has been hired into a full-time Community Services Worker position from her temporary Typist position in the HEAP Unit and under the 60-day backfill delay would not be replaced until April 1, 2010; and

WHEREAS: The Typist is a key temporary position during the HEAP season, and is only authorized through May 15, 2010; and

WHEREAS: The Employment and Transitional Supports Unit has experienced short staffing in the clerical area due to the 60-day backfill delay since November 30, 2009; and

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

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver from the 60-day hiring delay for Ms. Morey's position and is authorized to fill it as of February 10, 2010.

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

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 67-10 *APPROVE LEAVE OF ABSENCE FOR SENIOR
PAYROLL CLERK
TREASURER'S OFFICE*

Adoption moved by Legislator McEwen,
Seconded by Legislator Huttleston.

WHEREAS: Legislative approval is required for a leave of absence in excess of 60 days; and

WHEREAS: Janice Yuricek, Senior Payroll Clerk within the Treasurer's Office, has accepted provisional appointment as an Administrative Accounting Supervisor with the Public Health Department; and

WHEREAS: Ms. Yuricek must successfully complete the civil service examination requirement prior to serving out a probationary period in order to obtain permanent status as Administrative Accounting Supervisor; and

WHEREAS: An examination for Administrative Accounting Supervisor is anticipated for the fall of 2010 and, upon appointment from the resulting eligible list, the probationary period would be at least 8 but not more than 52 weeks; and

WHEREAS: The Treasurer will fill, on a contingent permanent basis from within his department, the Senior Payroll Clerk position for this undetermined duration; and

WHEREAS: The leave of absence extension would allow Ms. Yuricek to return to her Senior Payroll Clerk position should she not obtain permanent status as an Administrative Accounting Supervisor; therefore be it

RESOLVED: That the Tioga County Legislature authorize a leave of absence for Ms. Yuricek from the Senior Payroll Clerk position beginning 2/10/10 until such time as she either obtains permanent status as an Administrative Accounting Supervisor, or she elects to return to her former position as Senior Payroll Clerk, whichever occurs first.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 68-10 *AUTHORIZE HIRING WAIVER OF
PROBATION OFFICER
PROBATION DEPARTMENT*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Sullivan.

WHEREAS: Legislative approval is required in order to authorize a waiver of the 60-day delay to backfill a vacancy; and

WHEREAS: The Probation Director has refrained from filling vacancies, specifically with a Probation Officer vacancy which occurred in October 2008 but was not backfilled until November 2009; and

WHEREAS: The Probation Director has also delayed in making an internal promotion of a Probation Officer (Teri Rosenberger) to backfill a Senior Probation Officer slot, which has been vacant since 11/13/09 when Renee Mobley resigned; and

WHEREAS: There is a desire to backfill this most recent Probation Officer vacancy, which has occurred on 01/27/10, due to the volume of work which exists as a result of staff turnover experienced by the Department; and

WHEREAS: The Probation Director has exercised patience in filling her vacancies, which in 2010 has already resulted in a cost savings to the County of approximately \$3,000.00; therefore be it

RESOLVED: That the Probation Director is hereby granted a waiver from the 60-day Hiring Delay for the upcoming vacancy of Probation Officer and is authorized to fill said position as of February 16, 2010.

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

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

RESOLUTION NO. 69-10 *ADJUST SALARY OF DIRECTOR OF DENTAL HEALTH SERVICES & TRANSFER OF FUNDS*

Adoption moved by Legislator Huttleston.
Seconded by Legislator Monell.

WHEREAS: The position of Director of Dental Health Services was created in the 2010 County budget in accordance with compliance with IRS regulations; and

WHEREAS: The Director of Dental Health Services were performed by Sue Medina on a contractual basis since 2003; and

WHEREAS: Per Legislative policy, the starting salary for new employees is the low end of the salary range unless set at higher amount by Legislative resolution; and

WHEREAS: Since the County has acknowledged to the IRS that the position was consistent with that of an employee, the Public Health Director feels it is appropriate to adjust the salary with the increases that would have been earned by a County non-union employee during the time Sue Medina was in the position; and

WHEREAS: The Personnel Office has calculated the non-union salary increases and determined what the increases for Sue Medina would have been since 2003; and

WHEREAS: Funding for the salary adjustment was budgeted for in the 2010 department budget, yet requires a funds transfer from the budgeted contractual line to the appropriate Personal Services line items; therefore be it

RESOLVED: That the annual salary for Sue Medina, as the Director of Dental Health Services, be adjusted to \$45,949 retroactive to January 4, 2010; and be it further

RESOLVED: That funds be transferred as follows:

From: A4064.40-140 Dental Services: Contractual Services	\$ 3,949
To: A4064.10-10 Dental Services: Personnel Services	\$ 3,949

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: **PUBLIC WORKS COMMITTEE**
PERSONNEL COMMITTEE

RESOLUTION NO. 70-10 ***CREATE & FILL TEMPORARY
HIGHWAY WORKER POSITIONS
PUBLIC WORKS***

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

WHEREAS: There will be a need for the Highway Department to employ six seasonal Highway Workers for 2010; and

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

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works to create and fill a total of six Highway Workers at an hourly rate of \$9.00/hr effective 03/01/10 for a temporary duration not to exceed 11/30/10.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 71-10 *APPOINT DEMOCRATIC
ELECTION COMMISSIONER*

Adoption moved by Legislator Monell,
seconded by Legislator Sullivan.

WHEREAS: The Democratic Election Commissioner retired effective January 15, 2010; and

WHEREAS: The Chairman of the Democratic Party has submitted the Party's nomination of John J. Langan to the Clerk of the Legislature; and

WHEREAS: After review of the resume and qualifications of John J. Langan the Legislature is in agreement to such appointment; therefore be it

RESOLVED: That John J. Langan be and hereby is appointed Election Commissioner for the Democratic Party to fill the unexpired term from February 10, 2010 through December 31, 2010; and be it further

RESOLVED: That Mr. Langan's annual salary for 2010 was established per Resolution No. 301-09 at \$34,000 for 2010.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 72-10 *ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

Adoption moved by Legislator McEwen,
seconded by Legislator Sauerbrey.

WHEREAS: An application for corrected tax roll indicates that properties no. 1245, 1247, assessed to the State of New York on the 2010 tax roll are erroneous in that the final stateland assessments were not updated on the 2009 assessment roll file, and property no. 1829 assessed to the State of New York should have been deleted from the file reducing the tax amount to zero; be it therefore

RESOLVED: That the State of New York pay the corrected 2010 tax amounts as indicated below:

<u>Acct #1245</u>		<u>Acct #1247</u>		<u>Acct #1829</u>	
County	0.00	County	0.00	County	0.00
Recycle	0.00	Recycle	0.00	Recycle	0.00
Townwide	541.43	Townwide	116.05	Townwide	0.00
Part Town	547.20	Part Town	117.29	Part Town	0.00
<u>Spencer Fire</u>	<u>113.25</u>	<u>Spencer Fire</u>	<u>24.27</u>	<u>Spencer Fire</u>	<u>0.00</u>
TOTAL	\$1,201.88	TOTAL	\$257.61	TOTAL	\$ 0.00

and be it further

RESOLVED: That the erroneous town tax of \$49.51 be charged back to the Town of Spencer, and the erroneous fire tax of \$5.16 be charged back to the Spencer Fire District.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

The meeting was adjourned at 1:46 P.M.

***Public Hearing
Annual Agricultural District Inclusion
March 4, 2010***

The Public Hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2010 was called to order by the Chair at 1:01 P.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

There were 7 people in attendance.

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

Elaine Jardine, Planning Director, spoke. “I just have a brief report for you on the 2010 Agricultural District inclusions. We did take several calls as always through the designated period, which is January 2nd through January 31st. Most of those requests the land was already in an agricultural district, but we did have three new requests that meet the program requirements of being viable agricultural use. They were all in the Town of Owego. There are three parcels and two are farms with a total acreage of 95 acres. The Tioga County Agricultural and Farmland Protection Board has reviewed these requests and has recommended approval to the County Legislature. Thank you.”

There being no further comments, the hearing was adjourned at 1:03 P.M.

Third Regular Meeting
March 9, 2010

The Third Regular Meeting of 2010 was called to order by the Chair at 6:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. “I would like to ask for a moment of silence for all the earthquake victims across the world.”

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

There were 22 people in attendance.

Drew Griffin Chair of the Employee Recognition Committee presented the Employee of the First Quarter 2010 to Richard Dixson of the Information Technology Department.

“At this time on behalf of the entire Recognition Committee I would like to thank the Legislature for their continued support of this program, which would not be able to exist without their support. Right now I would like to introduce you to Richard Dixson. He is our Employee of the First Quarter.

“Rich graduated from Ridley Lowell Business and Technical Institute with high honors. He started here with the County as a Junior Technician in 2002. He was promoted to Senior Technician in 2006. Rich carries several professional certifications and is a member of the National Technical Honor Society.

“In his duties here at the County Rich is responsible for supporting users, hardware, software in all County departments including the New Track System in the County Sheriff’s vehicles. His most recent project was the deployment of the Tioga County Bus tracking software.

“Outside of work Rich enjoys spending time at home in Endicott with his loving wife Karen and his 12-year-old best friend and son Ryan. A little known fact about Rich is that he is an accomplished musician and can play the drums, guitar, and keyboards, and is currently working on his second CD with his band “Last Call”. At this time I would like to invite the department head, Suzanne Horton, to come and say a couple of words.”

Suzanne Horton, Information Technology Director, spoke. “Over the past eight years I have had the pleasure of supervising and working with Rich. During this time I have found Rich to be very responsive to the needs of our users as proven by many positive comments that I have received on Rich’s behalf. Rich has an excellent work ethic and strives in excellence in everything that he does. Rich we recognize and appreciate all of your efforts and hard work, and I would like to congratulate you on becoming employee of the first quarter.”

Legislator Sullivan spoke. “Rich, first of all congratulations on behalf of myself and the full Legislature. I did want to make three points. First of all being recognized as Employee of the Quarter when you come from the field of a little bit over 400 employees is really quite an honor in my opinion. The field of information technology is a difficult field to work in because of the constant change in the technology, so that is apparently an obstacle that you continue to overcome so I congratulate you on that. Working in Information Technology you are responsible for maintaining systems, computers, and all the associated peripheral equipment, and if it goes down, somebody is in trouble, somebody cannot do their job, and they are calling you and they are frantic and you need to get it done yesterday, so that is another stressor of that type of job and apparently you have succeeded in keeping your customers happy. I am sure that they appreciate it and I am sure the Legislature appreciates it as well. Again, congratulations and I wish you continued success.”

Legislator Huttleston read and presented the following Proclamation on Professional Social Work Month to Sue Romanczuk-Smelcer, Director of Community Services.

2010 Proclamation
Professional Social Work Month

WHEREAS: The citizens of Tioga County recognize that Social Workers are dedicated to the successful functioning of every individual in the community, and therefore they are proud to support the observance of March as Professional Social Work Month; and

WHEREAS: Social Workers advocate for all members of the community to ensure that everyone has access to the same basic rights, protections and opportunities; and

WHEREAS: Social Workers are on the frontlines, responding to human needs such as homelessness, poverty, mental illness, substance abuse, developmental disabilities, domestic violence, sexual abuse, divorce, and bereavement; and

WHEREAS: Social Workers have the education, training, and experience to assist individuals, families, and communities through difficult, challenging, and complex situations; and

WHEREAS: Social Workers help many citizens of the community lead more meaningful and rewarding lives; and

WHEREAS: Social Workers offer hope, healing, and recovery to citizens experiencing difficulties in daily functioning; and

WHEREAS: Social Workers demonstrate commitment and dedication to individuals, families, and communities everywhere through service delivery, education, research, and advocacy; and

WHEREAS: Social Workers inspire community action that improves life for all people; and

WHEREAS: Social Workers provide resources, guidance, treatment interventions, referrals, and education to individuals of all ages to support optimum functioning in the community; and

WHEREAS: Social Workers believe that there are no limits to human potential which makes them an inspiration to others; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby ask all residents of our county to join in declaring March 2010 as *Professional Social Work Month* in Tioga County.

Legislator Huttleston spoke. “I would like to say for years I had a great aunt that had some mental disabilities and I can remember back then they did not have the treatments and the different situations, and I know a lot of people were institutionalized. Where we have come a long ways in this world today is people with mental disabilities can live in group homes, they can live like human beings rather than being in an institution like an animal, and I think we have come a long ways and I do know right now because I have a couple of friends of mine that have a child that they would like to place in a group home, there is a waiting list. I do not know if you are aware of that, but there is a waiting list for group homes and I do know we have made a lot of in roads, we have come a long ways, but we have got a long ways to go yet. I would like to ask Sue, our Director of Mental Health, to say a few words.”

Dr. Sue Romanczuk-Smelcer spoke. “Thank you very much. I have had the privilege of being the Director of Community Services for just a few months now. I have worked in the field of social work for over 20 years. I think that this County has worked very hard in all the time that I have been aware of it of providing a very good continuum of care for people who experience mental illness, substance abuse, and developmental disabilities. I am proud to serve as the Director of Community Services and I hope to do so for a long time. Thank you.”

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		344.81
A1165	District Attorney		5,631.28
A1170	Public Defender		2,687.21
A1172	Assigned Counsel		26,666.52
A1185	Medical Examiners/Coroners		617.10
A1325	Treasurer		832.50
A1345	Purchasing		3.02
A1355	Assessments		2,003.00
A1362	Tax Advertising and Expense		2,340.66
A1410	County Clerk		618.17
A1411	Department of Motor Vehicles		480.12
A1420	Law		4,880.93
A1430	Personnel		3,624.70
A1450	Elections		595.98
A1460	Records Management		81.73
A1490	Public Works Administration		655.97
A1620	Buildings		77,633.92
A1680	Information Technology		39,733.21
A2490	Community College Tuition		1,134.00
A2960	Education Handicapped Children		268,647.57
A3020	Public Safety Comm E911 System		3,086.14
A3110	Sheriff	147.90	12,641.02
A3140	Probation		6,276.80
A3142	Alternatives to Incarceration		724.25
A3146	Sex Offender Program		8,766.67
A3150	Jail	89.95	44,639.71
A3315	Special Traffic Programs		1,000.00
A3410	Fire		2,785.50
A3640	Emergency Mgmt Office		528.22
A3641	Emergency Mgmt Grant Program	425.94	
A4010	Public Health Nursing		41,969.29
A4011	Public Health Administration	728.00	5,251.26
A4012	Public Health Education		787.51
A4042	Rabies Control		1,118.35
A4044	Early Intervention	313.78	56,678.79
A4053	Preventive/Primary Health Services		76.34
A4054	Preventive Dental Services		1,338.91
A4064	Managed Care-Dental Services		14,094.97
A4070	Disease Control		3,655.52
A4090	Environmental Health		13,462.24
A4210	Alcohol and Drug Services		13,616.55

A4211	Council on Alcoholism	40,969.98
A4309	Mental Hygiene Co Administration	11,158.07
A4310	Mental Health Clinic	46,975.70
A4315	Mental Retardation	5,411.00
A4320	Crisis Intervention Services	24,169.26
A4321	Intensive Case Management	1,818.19
A4333	Psycho Social Club	39,170.25
A5630	Bus Operations	36.83
A6010	Social Services Administration	83,207.78
A6141	Energy Crisis Assistance Programs	43,651.26
A6422	Economic Development	447.41
A6510	Veterans' Service	299.94
A6610	Sealer Weights/Measures	113.69
A8020	Planning	398.22
	COUNTY ROAD FUND	95,472.13
	SPECIAL GRANT FUND	5,612.90
	CONSOLIDATED HEALTH FUND	59,358.86
	CAPITAL FUND	15,978.51
	LIABILITY INSURANCE FUND	912.28
	WORKERS' COMP	<u>5,179.00</u>
GRAND TOTAL		\$ 1,153,757.27

Legislator Monell made a motion to approve the minutes of February 9, 2010, 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.

Legislator Sauerbrey reported for the Public Safety Committee. "The Public Safety Committee met last week and at that time Sheriff Gary Howard reported that Lieutenant Dave Monell was selected as the New York State Sheriff's Association's Corrections Officer of the year and that is very prestigious. He went to Albany and received that recognition, and I think that is just an example of the kind of employees that we have working for us."

Chari Weston read the 2009 Highlights of the State of the County Address.

Areas of note within Tioga County in 2009 and 2010 goals.

I. On the Economic Development front:

- Department of Economic Development is the contact source for information gathering on Natural Gas Exploration.
- Economic Development, in conjunction with the Village of Owego, wrote a RESTORE NY grant application, which resulted in \$950,000 for restoration and new construction.
- Four PILOT agreements reached conclusion. These companies are now paying 100% of their property tax.
- Assisted two separate companies with their expansion projects, which resulted in over \$10 million of investment.
- Planning continued its active involvement in preparing for the 2010 Census. It is also involved with flood mitigation efforts and the participation in the Susquehanna Heritage Area designation which would allow county and municipalities access to dedicated state funding for heritage related projects.

II. County Government News:

- In 2009, our County, State and National economies continued to struggle. The program growth in Food Stamps saw the number of recipients grow from 4,381 to 5,692. This represents an unprecedented 30% growth.
- Public Health took the lead in minimizing the spread of H1N1 virus. The department immunized young adults and children starting in November.
- A total of all fees collected by the County Clerks Office and DMV was \$1.85 million for Tioga County.
- Fixed Assets moved from the Information Technology back to Records Management.
- The Buildings and Grounds workers reconstructed space at the County Office Building for Cornell Cooperative Extension. This renovation allowed the D.M.V. to relocate back at 56 Main Street thereby saving taxpayers \$52,500 per year.
- The Public Works Department obtained \$1.5 million in federal stimulus money for the replacement of the Southside Dr. Bridge over Pumpelly Creek.
- The Treasurer's auction of 42 foreclosed properties last summer produced a surplus of \$183,000.
- The Treasurer's Office collected \$968,000 in interest penalties and fees in 2009.

III. Overall good news for the County:

- The Sheriff Department's revenues finished 3.4% above goal at \$696,000.
- 2009 was the third year for allowing Pennsylvania residents to use the Barton Transfer station facility. They were required to purchase a permit for a \$25.00 annual fee. This generated \$7,150 in revenue for one year.
- Reduced Legislative mileage - savings \$5,490.
- Annual savings from increase in Legislators health insurance contributions \$1,440.
- 60-day delay on backfills – savings \$120,000 between April and December 2009
- Switched Security at Health & Human Services – savings \$70,000.

- Non-Union dental insurance removed – savings \$24,000.
- No pay increases to non-union staff – savings \$39,650.
- Elimination of positions – total savings, including unfunded, \$438,000.
- Resolution adopted for no pay increases to part-time employees- Savings approximately \$16,600.

IV. 2010 Goals

- Construct the Southside Drive, Lockwood, Tappan, and East River at Kirby Park bridge replacements.
- Construct Phases 1 and 2 of the Courthouse Exterior Renovation Project.
- Prepare plan for closing of redundant bridges.
- Reconfigure space to relocate the County Historian, Records Department, and the Safety Officer from our building on Parker Lane in Owego. Then sell the building and return it to the tax base.
- Complete a lighting efficiency project at the Public Safety Building, thereby saving on electricity costs.
- Legislative meetings regarding cost saving initiatives for the 2011 budget have started.
- Implement plan to save 12.7% on car registrations by informing the public to bring in or send their registrations to our local DMV Office.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 73-10

***ERRONEOUS ASSESSMENT
TOWN OF SPENCER***

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

WHEREAS: An application for corrected tax roll indicates that property no. 469, assessed to William L Campbell on the 2010 tax rolls of the Town of Spencer is erroneous in that the aged exemption on this property was based upon incorrect income and the incorrect exemption was only applied to county and also applies to town; the corrected exemption reduces the county taxable value from \$19,500 to \$10,500, and the town taxable value from \$21,000 to \$10,500; and

WHEREAS: The 2010 tax bill in the amount of \$1,505.53 was paid to the Town of Spencer tax collector on 1/4/10; be it therefore

RESOLVED: That the Town of Spencer tax collector issue a refund of \$699.24 to William L Campbell for property no. 469 in the Town of Spencer; and be it further

RESOLVED: That the erroneous town tax of \$302.84 be charged back to the Town of Spencer; and be it further

RESOLVED: That the erroneous solid waste tax of \$15.90 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$380.50 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 74-10

RESOLUTION REQUESTING THAT THE STATE DEPARTMENT OF AGRICULTURE AND MARKETS BEGIN DISCUSSIONS WITH THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) FOR COMPENSATION OF LOCAL SOIL AND WATER CONSERVATION DISTRICTS FOR THEIR PART IN NATURAL GAS EXPLORATION MONITORING AND MITIGATION

**Adoption moved by Legislator Sullivan,
seconded by Legislator Monell**

WHEREAS: The Southern Tier region of New York State will begin experiencing a natural gas exploration boom of unprecedented proportion once the draft SGEIS is completed by the NYS Department of Conservation; and

WHEREAS: There will be a need for monitoring and mitigation expertise at the local level to respond to citizen complaints; and

WHEREAS: The local Soil and Water Conservation Districts historically have been that contact locally for landowners and commercial agricultural producers; and

WHEREAS: The local Soil and Water Conservation Districts have the necessary knowledge and expertise to monitor and inspect potential environmental issues in regards to Natural Gas exploration (including well pad development and associated pipeline activities); therefore be it

RESOLVED: That the Tioga County Legislature supports the Department of Agriculture and Markets in pursuing talks with NYSDEC to compensate local Soil and Water Conservation Districts for responding locally to environmental issues associated with natural gas exploration and production.

CARRIED

REFERRED TO: ED&P COMMITTEE
AGRICULTURE COMMITTEE

RESOLUTION NO 75-10 *AUTHORIZE 2010 REQUESTS FOR
INCLUSION OF LANDS IN AGRICULTURAL
DISTRICT*

Adoption moved by Legislator Sullivan,
seconded by Legislator McEwen.

WHEREAS: In accordance with §303-B of the NYS Agricultural and Markets Law 25-AA, the Tioga County Planning Department has solicited agricultural land owners to request inclusion of lands in agricultural districts; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and prepared a report listing and summarizing these requests which are located within the Owego/Nichols Agricultural District; and

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

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

RESOLVED: That the Tioga County Legislature approve the 2010 requests for inclusion of land listed in said report into Owego/Nichols Agricultural District, and be it further

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

CARRIED

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 76-10

***RESOLUTION IN OPPOSITION
TO THE IDA TAX IMPOSED ON
LOCAL INDUSTRIAL
DEVELOPMENT AGENCIES BY
NEW YORK STATE AS A MEANS
TO HELP CLOSE THE STATE'S
BUDGET DEFICIT***

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

WHEREAS: Local Industrial Development Agencies (IDAs) serve as the primary vehicle for the implementation of economic development programs in counties and local communities across New York State; and

WHEREAS: The primary mission of local IDAs is the creation and retention of jobs for New York's residents, through innovative, locally-driven and developed programs to make counties and local communities better places in which to invest, grow productive business enterprises and create better business atmospheres to generate new economic activity, job creation and tax revenue producers; and

WHEREAS: The 2009-2010 State budget contained a maximum statewide "cost recovery" tax of \$5 million to "reimburse to New York State an allocable share of state governmental costs attributable to the provisions of services to industrial development agencies;" and

WHEREAS: The State Department of Taxation and Finance has sent Tax bills to every IDA in the state, for amounts corresponding to 4.7% of the gross revenue received by an IDA in the 2008 calendar year, payable by March 31, 2010; and

WHEREAS: The tax bills received by local IDAs were received long after local IDAs' budgets were developed and implemented, without the inclusion of this new unanticipated tax in their adopted budgets; and

WHEREAS: Imposing a state gross receipts tax on revenues from 2008 that include tax generated resources from the state and federal government is redundant, punitive and will lead to these resources and those appropriated by counties for local job creation to be used instead to help bail out the State during its time of financial crisis; therefore be it

WHEREAS: The Village of Owego has initiated a coordinated effort to revitalize their targeted historic central business district through several recent, significant accomplishments and their Village of Owego Consolidated Master Plan (adopted 2003), includes a strategy in the Economic Development Chapter and Building Improvements and Filling Vacancies section to “Seek... pertinent funding to undertake commercial revitalization”; and

WHEREAS: The Village of Owego has approved a resolution in support of this application to the 2010 NYMS Program by Tioga County and is desirous of the County conducting this activity for them; and

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

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

WHEREAS: The NYMS Program grant application will be submitted for a total of up to \$500,000 for building rehabilitation and façade improvements with 25% cash match provided by property owners, plus Tioga County Department of Economic Development & Planning will receive revenue for staff time to provide administrative services, therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes submission and administration of said grant to New York State Housing Trust Fund, NYMS Program in the amount of up to \$500,000 with cash match provided by property owners with a 7.5% in administrative revenue to be received for providing such services.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 78-10 *AUTHORIZE INCREASE IN ADMINISTERING
MORTGAGE TAX BY
THE TIOGA COUNTY CLERK AS APPROVED
BY NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE*

Adoption moved by Legislator McEwen,
Seconded by Legislator Sauerbrey.

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

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

WHEREAS: The Tioga County Clerk Office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$76,977.00 per year; and

WHEREAS: The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to increase the mortgage expense to be \$76,977.00 for the period of April 2010 – April 2011; be it therefore

RESOLVED: That the County Clerk be authorized to collect or withhold from its disbursements in twelve (12) equal monthly installments of \$6,414.75 at a total annum amount of \$76,977.00.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO:

**ED&P COMMITTEE
FINANCE COMMITTEE**

RESOLUTION NO. 79-10

***APPROPRIATION OF
ADDITIONAL REVENUE FOR
THE SNOWMOBILE GRANT
PROGRAM – ECONOMIC
DEVELOPMENT & PLANNING***

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

WHEREAS: The Snowmobile Grant Program received an unanticipated additional funding of \$4,669 for the 2010 calendar year; therefore be it

RESOLVED: That the additional \$4,669 be appropriated from A3989 State Aid Snowmobile Grant Program to Snowmobile Grant Account A7180.40-590.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

**PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE**

RESOLUTION NO. 80-10

***FUND SHERIFF'S GRANT –
BUCKLE UP NEW YORK GRANT***

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

WHEREAS: The Sheriff's Office has been awarded a BUNY (Buckle Up New York) Grant PT-5400151 from the Governor's Traffic Safety Committee in the amount of \$3,978; and

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

RESOLVED: That the BUNY Grant be appropriated as follows:

REFERRED TO: ED&P COMMITTEE
JOB TRAINING COMMITTEE

RESOLUTION NO. 82-10 *AMEND TIOGA EMPLOYMENT
CENTER BUDGET*

Adoption moved by Legislator Sullivan,
seconded by Legislator McEwen.

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 New York State Incentive Funds in the amount of \$4,567.00; therefore be it

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

From: CD4791 – Federal Aid-Federal Employment Program \$4,567.00

To: CD6293.40- – Federal Employment Program in the following accounts:
- 190 Education Reimbursements: \$3,667.00
- 733 Training/All Other \$ 900.00

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 83-10 *TRANSFER FUNDS*

Adoption moved by Legislator Roberts,
seconded by Legislator Sullivan.

WHEREAS: Tioga County replaced West Creek Rd. Bridge over West Branch Owego Creek in 2009; and

WHEREAS: NYSDEC is charging a new lead paint disposal surcharge of \$10,000 and there are insufficient funds in the West Creek Rd. Bridge Project H2007.09; and

WHEREAS: The Glen Mary Drive Bridge Project H2008.07 has been completed under budget; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the transfer of \$10,000 from H2008.07 Glen Mary Dr Bridge Project to H2007.09 West Creek Bridge over West Branch Owego Creek.

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

REFERRED TO: PUBLIC WORKS

**RESOLUTION NO. 84-10 *CREATE NEW PROJECT
BOND ISSUE AND TRANSFER FUNDS***

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

WHEREAS: Tioga County Public Works did a rehabilitation of the Glen Mary Drive Bridge and the project was completed under budget; and

WHEREAS: Tioga County wants to submit an application for a 2010 Bond Issue; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of project H2010.09 Bond Issue and transfer \$50,000 from H2008.07 Glen Mary Drive Bridge Project to H2010.09 Bond Issue.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 85-10 *CREATE NEW PROJECT
HALSEY VALLEY RD.
BRIDGE OVER PIPE CREEK
(BIN: 3334970) AND TRANSFER
FUNDS*

Adoption moved by Legislator Roberts,
seconded by Legislator Huttleston.

WHEREAS: Tioga County Public Works Commissioner sent out request for proposals for the Design Services for Lillie Hill Rd. Bridge over Apalachin Creek (BIN: 3335510) and Straits Corners Rd. Bridge over Pipe Creek (BIN: 3335040); and

WHEREAS: The proposals for these projects came in under the estimates; and

WHEREAS: The next scheduled bridge project is the Halsey Valley Rd. Bridge over Pipe Creek (BIN: 3334970); therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of project H2010.10 Halsey Valley Rd. Bridge over Pipe Creek (BIN: 3334970) for design services and transfer \$30,000 from H2010.06 Straits Corners Rd. Bridge over Pipe Creek (BIN: 3334970) and \$30,000 from H2010.07 Lillie Hill Rd. Bridge over Apalachin Creek (BIN: 3335510) into account H2010.10 Halsey Valley Rd. Bridge over Pipe Creek (BIN: 3334970) for a total amount of \$60,000.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 86-10 *AWARD DESIGN OF HALSEY
VALLEY RD. BRIDGE (BIN 3334970)
OVER PIPE CREEK TO
MCFARLAND & JOHNSON*

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

WHEREAS: The Commissioner of Public Works requested proposals for design services for the Halsey Valley Rd. Bridge over Pipe Creek (BIN:#3334970); and

WHEREAS: The proposals were as follows:

McFarland & Johnson	Binghamton, NY	\$ 49,347
Delta Engineers	Endwell, NY	\$ 49,950
Shumaker Consulting Engineers	Binghamton, NY	\$ 51,039

Therefore be it

RESOLVED: That the Tioga County Legislature award the design services to McFarland & Johnson, Binghamton, NY in the amount of \$49,347 to be paid out of account H2010.10 Halsey Valley Rd. Bridge (BIN 3334970).

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

**REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE**

**RESOLUTION NO. 87-10 *AUTHORIZE CONTRACT FOR UNIFORM
DRY CLEANING AND LAUNDRY SERVICES***

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

WHEREAS: The Sheriffs Office is required to provide uniform Dry Cleaning and Laundry services for uniformed officers; and

WHEREAS: Moreton Cleaners of Waverly New York has contracted with the Sheriffs Office to provide this service; and,

WHEREAS: The Sheriffs Office is desirous to extend the current contract one additional year for a annual fee of \$12,250; and

WHEREAS: Funding for this contract has been appropriated in the 2010 budget and the Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties; be it therefore

RESOLVED: That the Tioga County Legislature authorize the Tioga County Sheriffs Office to enter into a contract with Moreton Cleaners.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 88-10 *AUTHORIZE CONTRACT FOR INMATE
MEDICAL CARE*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Roberts.

WHEREAS: The Sheriffs Office contracts with Correctional Medical Care Inc. (CMC) to provide medical care to the inmates of the Tioga County Jail; and

WHEREAS: The Sheriffs Office is desirous to extend the current contract one additional year for an annual fee of \$259,512; and

WHEREAS: Funding for this contract has been appropriated in the 2010 budget and the Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties; be it therefore

RESOLVED: That the Tioga County Legislature authorize the Tioga County Sheriffs Office to enter into a contract with Correctional Medical Care, Inc.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: LEGAL COMMITTEE

RESOLUTION NO. 89-10 *REQUESTING SUPPORT OF COUNTIES
AND STATE LEGISLATORS IN
RELATION TO LEGISLATION
AMENDING COUNTY LAW,
SECTION 215*

**Adoption moved by Legislator Monell,
Seconded by Legislator Sullivan.**

WHEREAS: The exploration and extraction of natural gas from the Marcellus shale and other geologic formations in the southern tier and central New York has become a major economic factor such that gas companies are leasing thousands of acres of land; and

WHEREAS: Section 215 of the County Law as presently written limits the period of time a County can enter into a lease to five years; and

WHEREAS: Gas companies seeking to lease land, in order to recover the large investment costs, require that the term of leasehold extend for such time as the well is productive and not be limited to a finite five year term; and

WHEREAS: Counties which operate under a charter form of government have the ability to provide in their respective charters for authority to enter into leases beyond the five year limit and such ability is denied to non-charter Counties; and

WHEREAS: All Counties should be afforded equal protection under the law to enable the respective County governments to determine the terms of leases for its own land, if any County shall determine it to be in the public interest to enter into one or more of such leases; and

WHEREAS: The State of New York permits the leasing of State land for natural gas exploration and extraction for so long as gas is produced in commercially paying quantities; and

WHEREAS: Remedial legislation sponsored by Senator Thomas W. Libous, Assemblyman William Magee and Assemblyman Clifford W. Crouch, denoted as Senate Bill #S.6325 and Assembly Bill #A.9727 respectively, has been introduced to

amend County Law Section 215 to permit a County to enter into a lease under terms it deems proper and that the period of such lease for the exploration and drilling for and extraction of natural gas and liquefied natural gas may extend for as long a period of time as the gas is produced in commercially paying quantities; now therefore be it

RESOLVED: That the Tioga County Legislature requests that each County support this legislation, adopt a resolution formally indicating such support, and urge their respective elected representatives in Albany to become co-sponsors of and work for the passage of such legislation and ultimately its approval by the Governor; and be it further

RESOLVED: That a copy of this Resolution be distributed to County governments, and elected representatives including Senators Thomas W. Libous and James L. Seward, Assemblymen William Magee, Clifford W. Crouch, Gary D. Finch and Peter Lopez, and the New York State Association of Counties.

Legislator Sullivan made a motion to amend the above resolution, seconded by Legislator McEwen and the amendment is to read as follows:

In the first **RESOLVED** add the following words after Legislature:

“supports this Legislation and”

Legislator Oberbeck spoke. “Just for point of clarity because I know there has been some questions directed at me from my constituents that this does not obligate the County to extend a lease to any gas company for any finite period of time. What this does is it gives the County the ability to negotiate a lease larger than five years if indeed this body decides to do that. At this time my understanding is the County is not negotiating with any gas company for any lease at this time.”

On approval of the resolution and amendment, all nine Legislators were in favor and the resolution was adopted.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 90-10 *APPOINT MEMBERS TO
TRAFFIC SAFETY BOARD*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Roberts.

RESOLVED: That the following members be reappointed to the Traffic Safety Board for a term as follows:

TITLE	TERM
Arthur Cacciola-Candor	4/1/10-3/31/13
Public Works Commissioner or designee	4/1/10-3/31/13
Tioga County EMO Director	4/1/10-3/31/13
Tioga County Sheriff or designee	4/1/10-3/31/13
Tioga County Economic Development or designee	4/1/10-3/31/13
Jerry Hyatt-County Representative	4/1/10-3/31/13
Public Health Director or designee	4/1/10-3/31/13

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 91-10 *RESOLUTION TO CHANGE THE COMPOSITION OF THE COMMUNITY SERVICES BOARD FROM NINE (9) TO FIFTEEN (15) MEMBERS*

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

WHEREAS: Resolution 310-06 authorized the reduction in the number of Tioga County Community Services Board members from fifteen (15) to nine (9); and

WHEREAS: New York State Mental Hygiene Law, Section 41.11 (a) states: “In all local governments with a population less than one hundred thousand, community services boards, at the option of the local government, shall have either nine or fifteen members appointed by the local government”; and

WHEREAS: Tioga County has interest in an active Community Services Board whose composition accurately reflects the needs of the community; and

WHEREAS: The Community Services Board desires to change its membership back to fifteen (15) members to allow for a more diverse panel of participants to monitor community needs; and

WHEREAS: The Community Services Board and the Director of Community Services recommend an increase in the number of board members from nine (9) to fifteen (15); therefore be it

RESOLVED: That the Tioga County Community Services Board shall revert to fifteen (15) members; and be it further

RESOLVED: That the increase from nine (9) to fifteen (15) members on the Community Services Board will become effective on April 1, 2010.

CARRIED

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 92-10 *ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE*

Adoption moved by Legislator McEwen,
seconded by Legislator Monell.

WHEREAS: An application for corrected tax roll indicates that property no. 360, assessed to Jason Stokes (Andrew Hanson) on the 2010 tax rolls of the Town of Berkshire, is erroneous in that the assessment was based on incorrect square footage and should be reduced from \$277,800 to \$105,100; and

WHEREAS: The 2010 tax bill for property no. 360 has not yet been paid to the Town of Berkshire tax collector; be it therefore

RESOLVED: That the Town of Berkshire tax collector issue a new bill to Jason Stokes (Andrew Hanson) for property no. 360 as follows:

<u>Corrected 2010 Tax Bill Acct #360</u>	
County	\$ 817.47
Recycle	34.16
Townwide	698.86
<u>Berkshire Fire</u>	<u>153.88</u>
TOTAL	\$1,704.37

and be it further

RESOLVED: That the erroneous town tax of \$1,148.37 be charged back to the Town of Berkshire, and the erroneous fire tax of \$252.86 be charged back to the Berkshire Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$56.13 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$1,343.26 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

The meeting was adjourned at 6:32 P.M.

Fourth Regular Meeting
April 13, 2010

The Fourth Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Roberts being absent.

Chair Weston asked Legislator Sullivan to have a moment of prayer. “Heavenly Father we ask for your guidance today and everyday that we conduct County business on behalf of our residents. Keep us mindful of their needs, grant us the wisdom to understand the issues and solve the problems, grant us the courage to stand up for the best interests of the people and to make the tough decisions.”

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

There were 14 people in attendance.

Legislator Huttleston presented the following Proclamation on Child Abuse Prevention Month to Gail Barton, Deputy Director Social Services.

Child Abuse Prevention Month Proclamation

Whereas: The Tioga County Department of Social Services received 902 reports of alleged abuse/neglect involving 1,980 children in 2009; and

Whereas: Child abuse is a community problem and finding solutions depends on the involvement among people throughout the community; and

Whereas: The effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

Whereas: Effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

Whereas: Programs including Lourdes PACT, Finger Lakes Parenting Network and Cornell Cooperative Extension offer support and educational services to families so families can help their child achieve his/her full potential within the community; and

Whereas: The Family Resource Centers of Tioga County, a program of Cornell Cooperative Extension of Tioga County in collaboration with Tioga County families and agencies, will again sponsor a Family Fun Night on May 22nd, 2010 to celebrate Tioga County’s investment in the safety and nurturing of all children; and

Whereas: All citizens should become more aware of the negative effects of child abuse and prevention activities within the community, and become involved in supporting parents and families so that children can live in safe, nurturing homes; now therefore

THE TIOGA COUNTY LEGISLATURE, does hereby proclaim April 2010 as

Child Abuse Prevention Month

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to insure that all children are raised in safe, nurturing families, thereby strengthening the communities in which we live.

Gail Barton spoke. "I gave each one of you a button to wear in support of April as Child Abuse Prevention Month. How do we prevent child abuse and neglect? If you would like to hear more about this topic you are invited to attend the next Community Resource Forum sponsored by Catholic Charities this Thursday, April 15 at 8:30 a.m. at St. Patrick's Church hall here in Owego.

"If you were asked that question as an individual, how do you prevent child abuse and neglect, what would you say? If you were asked that question as a member of the community you live in, how would you respond? Hopefully your answer would not be to involve Social Services, Law Enforcement, or the Legal System because by the time those systems are called into action it is not about prevention. An easier question to answer might be why should we prevent child abuse and neglect? The answer we all would probably give is because I want all children to be safe, happy, and healthy, and to have the best chance in life they possibly can. A less obvious answer might be I would like to prevent child abuse and neglect because I would like to decrease mental illness, decrease domestic violence, decrease substance abuse, and decrease the number of people who are in prisons. These are all problems that have a huge direct cost to society and all problems that can be the consequences of child abuse and neglect.

"Child abuse and neglect are caused by a complex mix of child, family, community, and social factors. There are no simple solutions to preventing it. Child abuse and neglect prevention is about doing what we need to do as soon as we can so families are connected to the resources and supports they need to ensure the healthy development of children. Research findings in the area of early care and support and education have been impressive. Because early childhood interventions have been shown to substantially affect many aspects of children's well being they may also provide avenues for reducing abuse and neglect.

“In Tioga County we are very fortunate to have the Lourdes Pact Program that works with parents prenatally in their own homes. We have a great resource in the parenting education programs of Cornell Cooperative Extension. The Tioga County Youth Bureau prioritizes funding programs that address the prevention of child abuse and neglect, and there are other fine community organizations and individuals in Tioga County dedicated to helping parents. I appreciate the resources and support already available here, but I strongly support increasing our child abuse and neglect prevention efforts whether individually as a community or as leaders responsible for allocating valuable resources.

“I thank the Tioga County Legislature for the recognition of April as Child Abuse Prevention Month. I hope we will each do something not only in recognition of April as Child Abuse Prevention Month, but every month to support a parent who may be in need of help before Social Services, Law Enforcement, or the Legal System become a reality in their lives. Thank you.”

Judy Wolfe from Cooperative Extension spoke. “You can help prevent child abuse by supporting parents in your community. The Family Resource Center is our child abuse prevention project and we are inviting everybody to help support the parents around them so they can take care of their kids.”

Legislator Huttleston presented the following Proclamation on Infant Immunization Awareness Week in Tioga County to Marilyn Reynolds of the Public Health Department.

County of Tioga County

EXECUTIVE PROCLAMATION

WHEREAS: Vaccines are among the 20th Century's most successful and cost-effective public health tools available for preventing disease and death; and

WHEREAS: National immunization levels are at or near record highs for most vaccines and most vaccine-preventable diseases have been reduced by 99 percent or more since the introduction of vaccines; and

WHEREAS: Children need a series of vaccinations, starting at birth, to be fully protected against 14 potentially serious diseases; and

WHEREAS: Immunizations are one of the most important ways parents can protect their children against serious diseases; and

WHEREAS: Tioga County recognizes National Infant Immunization Week (NIIW) to focus attention on the importance of timely immunization for infants and toddlers 2 years old and younger; and

WHEREAS: The Tioga County Legislature and the Health Department declare that National Infant Immunization Week (NIIW) serve as a call to parents, caregivers, and healthcare providers to participate in activities to increase the awareness of immunizing children before their second birthday; and

WHEREAS: The week of April 24 –May 1, 2010 has been declared National Infant Immunization Week to help ensure that children have all their vaccinations by the age of two; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the week of April 24 –May 1, 2010 as:

INFANT IMMUNIZATION AWARENESS WEEK IN TIOGA COUNTY

and encourages businesses, government agencies, national organizations, community-based organizations, and service groups to spread the immunization message throughout their communities. It is also encouraged that health care providers, parents, and children's caregivers in Tioga County advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

Marilyn Reynolds from the Public Health Department spoke. Thank you very much for your support in such an important endeavor. It is very important for us to immunize our children. It is one of the most important things we can do for our children and to prevent vaccine preventable diseases. Thank you."

Legislator Huttleston presented the following Proclamation on National Nursing Week in Tioga County to Elaine Doupe of the Public Health Department.

County of Tioga

EXECUTIVE PROCLAMATION

WHEREAS: The nurses who live and who work in Tioga County while serving in many roles are all members of one profession, and as such have shown strength, commitment, professional skill and compassion directed at improving the health of the residents of Tioga County; and

WHEREAS: The nursing profession is rapidly changing, requiring nurses to expand their role through critical thinking, and holistic analysis of patient care, to meet the new challenges; and

WHEREAS: Tioga County nurses serve in many capacities within Tioga County; e.g., immunization clinics, control of communicable disease, homecare, mental health, well child clinics, Department of Social Services, doctor's offices, prenatal care programs, nursing homes, and more; and

WHEREAS: The week of May 6 through 12, 2010 is “NATIONAL NURSING WEEK” and the Tioga County Legislature wishes to express their support and recognition of the nurses working and living in Tioga County; therefore be it

RESOLVED: THAT THE TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate the week of May 6 – 12, 2010 as:

“NATIONAL NURSING WEEK IN TIOGA COUNTY”

and encourage businesses, government agencies, community-based organizations, service groups and our fellow citizens to recognize the many nurses who work and live in Tioga County as being nurses with strength, commitment and compassion.

Elaine Doupe from the Public Health Department spoke. “I do not know how many of you know this, but his wife is a nurse. I do want to thank you all for the proclamation. I bring you words of greeting from the Nurses at the Health Department and this proclamation will go to the District 5 Nurse’s Association Nurse’s Day Breakfast. That is an organization that is combined with Broome and Tioga Counties, and the Nurse’s Day breakfast I believe is on May 6 at 7:00 a.m. If anyone would like to go give me a call, I would be happy to have you go on behalf of Tioga County. Thank you.”

Legislator Huttleston presented the following Proclamation on Mental Health Awareness Month to Sue Romanczuk-Smelcer, Community Services Board Director.

2010 PROCLAMATION

Mental Health Awareness Month & Children’s Mental Health Week

WHEREAS: The citizens of Tioga County value the health and well-being of their families and fellow citizens of Tioga County, and therefore they are proud to support observances of Mental Health Awareness Month and Children’s Mental Health Week; and

WHEREAS: Tioga County has made a commitment to a community-based system of care that provides opportunities for the promotion of health, wellness, and recovery; and

WHEREAS: There is an expectation of hope, healing and recovery for both children with serious emotional disturbances, and adults who experience symptoms of mental illness; and

WHEREAS: The citizens of Tioga County support successful inclusion and participation of all individuals who are managing a serious mental health condition in their community through employment, education, and other community activities; and

WHEREAS: The citizens of Tioga County recognize that the reduction of mental health symptoms is one aspect of successful treatment, and the achievement of development milestones and experiences that reinforce resiliency are integral for preparing youth to become successful adults; and

WHEREAS: Stigma prevents many families from seeking help, even though the treatment success rate for children with mental health challenges is 80%; and

WHEREAS: It is important that children, adolescents, families, and communities learn about the warning signs of mental illness and where to obtain necessary assistance and treatment; and

WHEREAS: Early detection, identification and treatment for children and adolescents can prevent mental health conditions from becoming more serious or long-lasting; therefore

THE TIOGA COUNTY LEGISLATURE does hereby ask all residents of our county to join in declaring May 2010 as *Mental Health Awareness Month* and May 2-8, 2010 as *Children's Mental Health Week* in Tioga County.

Sue Romanczuk-Smelcer, Community Services Board Director, spoke. "Thank you for this. It seems like this is a month to remember our children in our community. I think that the work that all of us in Health & Human Services do with the children in our County, the more we can work with them the healthier adults that we have and the healthier community that we have. I appreciate your support and remembrance of the complete well being of our children."

George Penney had privilege of the floor. "Sometime ago this body was asked to make changes in procedures in order to make them less burdensome on the various departments. I would suggest also that changes be made to make it easier for the general public to know what is going on. Perhaps both objectives could be achieved by doing away with the many committees in effect making all decisions as a committee of the whole and that issues be discussed at the regular public meeting. Thank you."

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		819.37
A1165	District Attorney		2,692.45
A1170	Public Defender		2,289.42
A1172	Assigned Counsel		14,112.46
A1185	Medical Examiners/Coroners		495.00
A1325	Treasurer		355.25
A1345	Budget		115.91
A1355	Assessments		2,016.79
A1362	Tax Advertising and Expense		8.34
A1410	County Clerk		787.84
A1411	Department of Motor Vehicles		221.17
A1420	Law		5,657.63
A1430	Personnel		1,531.25
A1450	Elections		630.85
A1460	Records Management		49.99
A1490	Public Works Administration		144.82

A1620	Buildings	139.99	60,640.32
A1680	Information Technology		19,525.81
A2490	Community College Tuition		762,906.10
A2960	Education of Handicapped Children		236,618.01
A3020	Public Safety Comm E911 System	714.00	3,193.63
A3110	Sheriff	1,000.92	14,610.05
A3140	Probation		799.50
A3142	Alternatives to Incarceration		949.20
A3146	Sex Offender Program		8,766.67
A3150	Jail		61,948.20
A3315	Special Traffic Programs	309.00	600.00
A3410	Fire		3,801.63
A3640	Emergency Mgmt Office		354.06
A3641	Emergency Mgmt Grant Program	2,537.40	
A3654	EMO Grant Buyout		400.00
A4010	Public Health Nursing		44,637.27
A4011	Public Health Administration	5.00	5,856.19
A4012	Public Health Education	2,228.00	3,614.04
A4042	Rabies Control		217.35
A4044	Early Intervention	69.99	45,563.67
A4053	Preventive/Primary Health Services		142.86
A4054	Preventive Dental Services		936.33
A4062	Lead Poisoning Program		36.00
A4064	Managed Care-Dental Services		14,359.44
A4070	Disease Control		3,957.83
A4090	Environmental Health		1,558.58
A4210	Alcohol and Drug Services		13,538.25
A4211	Council on Alcoholism		22,922.66
A4309	Mental Hygiene Co Admin	133.00	8,579.21
A4310	Mental Health Clinic		68,373.01
A4315	Mental Retardation		1,241.98
A4320	Crisis Intervention Services		17,205.71
A4321	Intensive Case Management		1,351.84
A4333	Psycho Social Club		39,170.25
A6010	Social Services Administration		56,908.08
A6422	Economic Development		558.04
A6510	Veterans' Service		776.46
A6610	Sealer of Weights/Measures		192.05
A7180	Snowmobile Grant Program		39,669.00
A8020	Planning		116.65
A9060	Health Insurance		1,537.34
SOLID WASTE FUND			162,120.39
COUNTY ROAD FUND			39,208.12
SPECIAL GRANT FUND			34,338.81

CONSOLIDATED HEALTH FUND	43,079.48
CAPITAL FUND	194,859.41
LIABILITY INSURANCE FUND	127.17
WORKERS' COMP	<u>43,908.00</u>
GRAND TOTAL	\$ 2,124,840.49

Legislator Sauerbrey made a motion to approve the minutes of March 9, 2010, 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. 93-10 *ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY*

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: An application for corrected tax roll indicates that property no. 846 assessed to Alfred F Budney on the 2010 tax rolls of the Town of Newark Valley is erroneous in that an alternative veterans exemption was not applied due to a clerical error, and the 2010 taxable value for town and county should be lowered from \$85,000 to \$73,625; and

WHEREAS: The 2010 tax bill of \$1,596.14 for property no. 846 was paid to the Town of Newark Valley tax collector on 1/21/2010; be it therefore

RESOLVED: That the Town of Newark Valley tax collector issue a refund of \$197.18 to Alfred F Budney for overpayment of the 2010 taxes; and be it further

RESOLVED: That the erroneous town tax of \$57.35 be charged back to the Town of Newark Valley; and be it further

RESOLVED: That the erroneous solid waste tax of \$5.61 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$134.22 be charged to the proper account in the records of the County Treasurer.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 94-10 *ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE*

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that property no. 235, assessed to Ronald K Jerauld on the 2008 and 2009 tax rolls of the Town of Berkshire, is erroneous in that the property owner had applied for an enhanced star exemption but received the basic star exemption for the 2007/08 and 2008/09 school taxes; and

WHEREAS: The school tax bills for 07/08 and 08/09 for property no. 235 in the Town of Berkshire were relevied to the 2008 and 2009 Town and County bills; and

WHEREAS: The 2008 taxes were paid on 2/24/09 and the 2009 taxes were paid on 2/25/09, including the school relevies; be it therefore

RESOLVED: That a refund be issued to Ronald K Jerauld for overpayment of the 07/08 and 08/09 school taxes for the amount of \$1,466.20 (\$757.07 for 07/08 school, and \$709.13 for 08/09 school); and be it further

RESOLVED: That the erroneous school tax and interest of \$1,370.28 be charged back to the Newark Valley School District; and be it further

RESOLVED: That the erroneous county penalty of \$95.92 be charged to the proper account in the records of the County Treasurer.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

**RESOLUTION NO. 95-10 *TRANSFER OF FUNDS*
PURCHASE OF EQUIPMENT
*VETERANS' SERVICE OFFICE***

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

**WHEREAS: The Veterans' Office has a need to replace the copier in their office;
and**

**WHEREAS: The Veterans' Office has no equipment budget and there are
sufficient funds in the contractual budget; and**

**WHEREAS: The Information Technology Director has approved the purchase of a
copier at a cost not to exceed \$2,492.00; therefore be it**

**RESOLVED: That the Veterans' Service Officer be authorized to purchase a
copier at a cost not to exceed \$2,492.00 and that the following sums be transferred:**

From:	Veterans' Account A6510.40-320	\$2,492.00
To:	Veterans' Account A6510.20-100	\$2,492.00

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

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

**RESOLUTION NO. 96-10 *APPROPRIATION OF FUNDS*
*PUBLIC HEALTH***

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

**WHEREAS: Tioga County Health Department (TCHD) has received American
Recovery and Reinvestment Act Immunization funding through the NYS
Department of Health; and**

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 98-10 *AUTHORIZE THE SUBMISSION OF
2010 NYS GTSC BUNY GRANT
APPLICATION - SHERIFF'S OFFICE*

Adoption moved Legislator Sauerbrey,
seconded Legislator Huttleston.

WHEREAS: The NYS Governors Traffic Safety Council has announced a
FY '10 BUNY (Buckle Up New York Program) grant; and

WHEREAS: Applications for this grant must be received no later than May
1, 2010; and

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

RESOLVED: That the Tioga County Sheriff's Office be authorized to
submit the appropriate grant application for the purpose of securing this
funding, and authorizes the Chair of the Legislature to sign such application.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 99-10 *AUTHORIZE THE SUBMISSION OF
2010 NYS GTSC CHILD SAFETY
SEAT GRANT APPLICATION -
SHERIFF'S OFFICE*

Adoption moved Legislator Sauerbrey,
seconded Legislator Huttleston.

WHEREAS: The NYS Governors Traffic Safety Council has announced a FY '10 Child Safety Seat Program grant; and

WHEREAS: Applications for this grant must be received no later than May 1, 2010; and

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

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 100-10

***AUTHORIZE THE SUBMISSION OF
EPC GRANT APPLICATION
EMERGENCY MANAGEMENT***

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

WHEREAS: Tioga County currently has a Local Emergency Planning Committee (LEPC); and

WHEREAS: New York State is soliciting Counties to apply for grant monies to offset the expense of the LEPC; and

WHEREAS: This grant would be at no expense to Tioga County; therefore be it

RESOLVED: That the Tioga County Emergency Management Office apply for said grant.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 101-10 *RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)*

Adoption moved by Legislator Sullivan,
seconded by Legislator Monell.

WHEREAS: The term of Tioga County Local Development Corporation member, Kristin Barnhardt, expires as of March 31, 2010; and

WHEREAS: Kristin Barnhardt has expressed a desire for re-appointment to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Kristin Barnhardt for another three-year term of 4/1/10 – 3/31/13.

CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 102-10 *APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION*

Adoption moved by Legislator Sullivan,
seconded by Legislator Monell.

WHEREAS: Simon Caudullo has resigned from the Tioga County Local Development Corporation; and

WHEREAS: The Tioga County Local Development Corporation Board of Directors has found Annette Schweiger willing and able to fill said vacancy; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Annette Schweiger to fill said vacancy and serve the remainder of Simon Caudullo's unexpired term of 4/14/10 – 3/31/11.

CARRIED

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 103–10

***APPOINT MEMBER TO THE
TIOGA COUNTY LOCAL
DEVELOPMENT CORPORATION***

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

WHEREAS: Aaron Gowan resigned from the Tioga County Local Development Corporation as of December 31, 2009; and

WHEREAS: The Tioga County Local Development Corporation Board of Directors has found Debra Twigg willing and able to fill said vacancy; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Debra Twigg to fill said vacancy and serve the remainder of Aaron Gowan’s unexpired term of 4/14/10 – 3/31/11.

On roll call vote on the above resolution, six members voted Aye, Legislators Oberbeck and Sauerbrey voting no, Legislator Roberts being absent, and the resolution was adopted.

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 104–10

***APPOINT MEMBERS YOUTH BOARD
YOUTH BUREAU***

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

WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and

WHEREAS: The purpose of the Youth Board is to carry out the provision of Section 95 of the General Municipal Law of the State of New York and Resolution No. 140 of 1981 of the Tioga County Legislature; and

WHEREAS: The Youth Bureau has communicated with Municipalities, School Districts and Youth Agencies in the County regarding Youth Board positions filled and vacant, and the process for filling vacancies; and

WHEREAS: The Tioga County Youth Board Bylaws provides for representatives to the Youth Board be appointed by the County Legislature; and

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 325-08 and vacancies still exist and terms have expired; now therefore be it

RESOLVED: That the following listed representatives be appointed as members of the Tioga County Youth Board with her corresponding term of office consistent with the requirement of staggered rotation.

	<u>TERM</u>
Brittney A. Magoon (Replacing Sabrina Swansbrough)	04/01/10 -12 /31/2011
Corrine K. Polhamus (Replacing Connie Armstrong)	04/01/10 -12 /31/2011
Zack Baker (Replacing Kia Albertson)	04/01/10 -12 /31/2011
Carter Bryce Jackson (Replacing Norma Engelbert)	04/01/10 -12 /31/2011

CARRIED

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 105-10 *INTER-MUNICIPAL AGREEMENT
HAZARDOUS WASTE*

Adoption moved by Legislator McEwen,
seconded by Legislator Sullivan.

WHEREAS: Tioga County has had a contract and inter-municipal agreement for the disposal of hazardous waste with Broome County over the last nine years; and

WHEREAS: Broome County has developed a proposal plus an inter-municipal agreement allowing Tioga County to utilize Broome County's Hazardous Waste Facility for the year 2010; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to renew the contract and inter-municipal agreement for the disposal of hazardous waste with Broome County for the year 2010.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

**REFERRED TO: PUBLIC WORKS
FINANCE**

**RESOLUTION NO. 106-10 AWARD CONTRACT FOR
CLEANING SERVICES FOR THE
COUNTY OFFICE BUILDING & HHS**

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

WHEREAS: The Commissioner of Public Works received sealed bids for cleaning services for the County Office Building and the HHS Building; and

WHEREAS: The bids were as follows:

Matrix	Endwell, NY	\$ 85,149
Southern Tier Commercial Cleaning	Spencer, NY	\$126,000

therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder Matrix, Endwell, NY in the amount of \$85,149 to be paid out of Buildings & Grounds contracting services account A1620.40 use code 140 and to be effective May 1, 2010.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 107-10 ***AUTHORIZING THE IMPLEMENTATION
OF SUPPLEMENTAL AGREEMENT #1 FOR
GLENMARY DRIVE BRIDGE PIN: 9753.37
BIN: 3335120 CONTRACT # D031772***

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

WHEREAS: A Project for Glen Mary Drive over Catatonk Creek, BIN 3335120, Town of Tioga, Tioga County, PIN 9753.37 (the Project) is eligible for funding under Title 23 U.S Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds, 15% State “Marchiselli” Funding, and 5% Local Funding; and

WHEREAS: The Tioga County Legislature approved the Project with Resolution 300-08; therefore be it

RESOLVED: That the Tioga County Legislature approve and accept Supplemental Agreement #1 for the Glen Mary Drive Bridge with the funding for the Project to be as follows for construction costs:

Federal	80%	\$448,000
State Marchiselli	15%	\$ 84,000
Local	5%	\$ 28,000

And be it further

RESOLVED: That these funds are deposited and dispersed from the Glen Mary Drive Bridge account H2008.07; and be it further

RESOLVED: That the Chairman of the Legislature of the County of Tioga be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-aid and/or Marchiselli-aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement of approval of the Project and providing for the administration of the Project and the Municipality’s first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED: That this resolution shall take effect immediately.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

**RESOLUTION NO. 108-10 *SUPPORT SENATE BILL S-7338 AND
ASSEMBLY BILL A-9919***

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

WHEREAS: The New York State Vehicle and Traffic Law places the responsibility of operating Department of Motor Vehicle offices to 51 Counties across New York State through their respective County Clerk; and

WHEREAS: Acting as an “agent” of the New York State Department of Motor Vehicles, our county taxpayers bear the cost of running local Department of Motor Vehicle operations; and

WHEREAS: Our current share of certain transaction fees is 12.7%, available only if a customer appears in person; and

WHEREAS: Numerous transactions we are required to perform are time consuming, labor intensive and New York State does not allow the County any fee; and

WHEREAS: We are often competing with the New York State Department of Motor Vehicles for limited business in order to sustain our operations; and

WHEREAS: The Commissioner of Motor Vehicles has advised the New York State Association of County Clerks that 35 online transactions are currently available for customers via the NYS DMV website www.nydmv.state.ny.us and more online transactions can be expected in the near future leaving the County with even fewer revenue sharing opportunities; now therefore be it

RESOLVED: That the Tioga County Legislature supports Senate Bill A-7338 and Assembly Bill A-9919, allowing County Clerks who operate DMV offices to retain a share of fees collected from County residents for motor vehicle transactions completed through the New York State DMV website; and be it further

RESOLVED: That the Clerk of this legislative body be hereby directed to transmit copies of this resolution to Governor David A. Paterson, State Senator Thomas Libous, and Assemblyman Gary Finch.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 109-10 *RESOLUTION TO RECOMMEND AND
REQUEST THAT THE STATE OF NEW
YORK DELAY THE IMPLEMENTATION
OF THE IGNITION INTERLOCK
PROVISIONS OF LEANDRA'S LAW*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Sullivan.

WHEREAS: In late 2009 New York State enacted and passed into Legislation "Leandra's Law" which (a) added the category of "Child in Vehicle" to DWI Offenses, that has already been implemented; and, (b) which added a section to the V & T Law requiring the installation and use of an Ignition Interlock Device as part of all DWI sentences in New York State, to be implemented effective August 15, 2010; and

WHEREAS: The Legislation provided no direction or resources whereby the Ignition Interlock Section of this legislation could be implemented; and

WHEREAS: In accordance with the request of the Law, the NYS DPCA has prepared a proposed rule to direct the implementation of this law; and

WHEREAS: The proposed rule does not demonstrate how the Counties are to organize and/or support the implementation of this Program, and requires each County to demonstrate how the County will implement and fund this Program; and

WHEREAS: The Tioga County Departments of Probation, STOP DWI, and others have discussed this Program with the Public Safety Committee and no adequate solutions have been put forth; and

WHEREAS: Tioga County, in this time of severe fiscal crisis, does not have the resources to assume responsibility for an unfunded mandate of this magnitude; now therefore be it

RESOLVED: That the Tioga County Legislature join with NYSAC and other appropriate statewide organizations to recommend and request that the State of New York delay the implementation of the Ignition Interlock Program for two or more years until appropriate resources can be identified and made available to the Counties for the implementation of this Program.

CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 110-10 *ADOPT POLICY 56
POLICY, PROCEDURE AND REGULATIONS
FOR INTERNSHIPS*

Adoption moved by Legislator Oberbeck,
Seconded by Legislator Monell.

WHEREAS: There has been considerable discussion regarding Interns working in Tioga County Departments; and

WHEREAS: The Personnel Officer, County Attorney, and Director of Information Technology presented to the Legislature a policy on Internships for Tioga County; therefore be it

RESOLVED: That Policy 56 Policy, Procedure and Regulations for Internships be and hereby is adopted effective April 13, 2010:

POLICY 56

POLICY, PROCEDURE AND REGULATIONS FOR INTERNSHIPS**Section:**

- I. Policy**
- II. Procedure**
- III. Regulations**

I. POLICY

It is the Policy of Tioga County to allow unpaid academic and vocational internship programs and to provide opportunities for career explorations and experiences. Internships can benefit both the participant and the County by promoting the exchange of information and education, exposing students to county government and encouraging careers in public service.

Departments will be considered for participation in internship and career explorations and experience programs, with Legislative Committee approval, if such program is unpaid and part of an accredited academic or vocational program for which the intern receives academic or vocational credit.

The following criteria will be applied to such programs:

- a. The training and work assignments are to be aligned with the field of study.
- b. The training must be for the benefit of the intern.
- c. The intern should not displace regular County workers and will work under the observation of county personnel.
- d. Although employment with Tioga County following an internship is not prohibited, interns are not entitled to employment at the end of the internship.
- e. The intern and County understand that the intern is not entitled to wages for the internship period.

II. PROCEDURE

If a Department Head desires to host or participate in an internship or experience program, the following information must be provided to the Legislative Committee by the Department Head as planned for by the Department Head and/or solicited from the intern's academic or vocational program:

- Name of the sponsoring academic or vocational program or school
- Name of the program/class
- Name of the academic/vocational faculty member supervising the intern
- Length of the internship

- Program requirements, such as:
 - Minimum/maximum hours
 - County oversight needed or time devoted by Department staff
 - Reports required of the department by the sponsoring academic/vocational program
- Expected duties of the intern while at the County
- Plan for supervision of the intern during the program

The above information is to be submitted to the Legislative Committee for approval prior to commencement of the internship.

If approval is received from the Legislative Committee, the Department Head must submit the Contract/Agreement from the academic/vocational institute to the County Attorney for review and approval prior to commencement of the internship.

Once the Legislative Committee has approved an internship program, the Department Head is not required to solicit Committee approval for each individual intern.

The Department Head will report to the Legislative Committee at the end of the internship.

III. REGULATIONS

All Departments that intend to participate in these programs must develop a specific and detailed program on what will be expected during the internship period. Participants will be provided with a copy of this Policy, Procedure and Regulations and will sign and date the same to indicate their understanding and acceptance. A copy of the signed document shall be provided to the supervising faculty member if a performance issue arises.

1. GENERAL:

- Each intern must be assigned to a specific supervisor, who will be responsible for the intern's mentoring and development;
- Work is expected to be substantive and varied, and applicable to the field of study;
- Conditions such as nature of the work to be performed, supervisory arrangement, work schedule and responsibilities of the intern should be established with the student before s/he reports to the County;
- Interns are in no way considered as staff members of the County and consequently shall not be entitled to any rights or benefits of staff members and shall not represent themselves as staff members externally.

2. EXPECTATIONS:

- All interns are to attend training arranged by the Department Head with Information Technology to review the Annual Safety Training, Workplace Violence Prevention Training and necessary computer training;
- Department Heads are responsible for ensuring each Intern reviews County Policy 14, 25, 30, 31, 36 (if applicable), 49 and 53, then signs an acknowledgement of having done so;
- Interns are expected to comply with the rules and procedures of the County and are expected to conduct themselves in a professional manner;
- The intern's appearance is considered a reflection of the level of professionalism and dedication to the department. Interns are expected to reflect the dress code of the department in which they are assigned;
- Interns are expected to meet high standards of personal conduct and professional ethics, as well as to maintain attention to punctuality, deadlines and cooperation with others;
- The intern will have a work schedule. If unable to work because of illness or unforeseen emergency, the department must be notified before the start of the normal workday;
- Department Heads are to submit a request to the Director of Information Technology for computer access for the intern, if such access is needed, with the Director of Information Technology having final say in what systems the intern is provided access to;
- Interns may only drive a County vehicle if approved by the County Attorney prior to the commencement of the internship and subsequent enrollment in the LENS program occurs through the Safety Officer;
- The Department Head must require the intern to complete and return the Emergency Contact Sheet available on the intranet.

3. CONFIDENTIALITY:

Tioga County takes its duty of confidentiality very seriously. The intern understands that s/he may come into contact with confidential information, the disclosure of which may violate County Policy and/or State law. The intern undertakes to exercise the utmost discretion in all matters of official business of the County and not to use, under any circumstances, any information about the County or its clients acquired during the internship, or to communicate said information to a third party, or to publish it, even after the end of the internship, except with the formal written consent of the County. Should the intern be found in violation of this obligation, the County reserves the right to terminate the internship and to engage in any applicable legal proceedings.

4. TERMINATION:

- **If the intern fails to perform and behave in accordance with policies, procedure and regulations of the County, or violates State regulation or law, the County may decide to terminate the internship at any time. The supervising faculty member shall be notified of such termination;**
- **The County reserves the right to terminate a program with an academic or vocational institution in accordance with the terms of the contract;**
- **Any items provided to the intern by the County are the property of the County and must be returned upon leaving the internship.**

INTERN CHECKLIST

Name of Intern: _____ College/University:

Supervisor: _____ Internship Period:

Check to note completion:

- Contract Approved by County Attorney
- Intern provided copy of County Policy 56: Intern Policy
- Annual Safety Training
- Workplace Violence Training
- Computer Training, *as applicable*
- Review of County Policy Handbook
- Enrollment in LENS Program, *as applicable*
- Complete Emergency Contact Form

Intern Signature: _____ Date:

Department Head Signature: _____ Date:

**THIS FORM & EMERGENCY CONTACT FORM TO BE KEPT ON
FILE WITHIN HOSTING DEPARTMENT**

COUNTY OF TIOGA

DEPARTMENT OF PERSONNEL AND CIVIL SERVICE



56 Main Street – Owego, New York 13827 – Phone: (607) 687-8494 – Fax: (607) 223-7074

Bethany B. O'Rourke
Personnel Officer

Emergency Contact

Employee Name _____

Address _____

Home Phone # _____ Cell Phone # _____

Contact Person #1 _____

Relationship _____

Home Phone # _____ Work Phone # _____

Contact's Place of Work _____

Address _____

Other method of reaching contact person _____

(if applicable - beeper, car phone, etc.) _____

Contact Person #2 _____

Relationship _____

Home Phone # _____ Work Phone # _____

Contact's Place of Work _____

Address _____

Other method of reaching contact person _____

(if applicable - beeper, car phone, etc.) _____

Hospital Preference: _____

Employee's Signature _____ Date _____

INTERN Authorization Form:Tioga County Information Technology

I _____ have viewed the following Tioga County Policies

- Annual Safety Training
- Workplace Violence Prevention Training
- User ID/Security Training
- Policy 43

and understand my responsibilities as the owner of userid _____

Owner's Signature: _____ Date: _____
 College University: _____ Supervisor: _____
 Internship Period: _____

Tioga County Network Laptop Policy and Procedures Review

I acknowledge that I have reviewed Tioga County's Network Laptop Policies and Procedures and I understand the terms of this policy and agree to abide by it. By my signature below, I agree to be responsible for the use and safety of the laptop, to report any malfunctions immediately to Tioga County's Help Desk, and to load no additional software onto the machine or remove software from the computer's hard drive. I understand that the laptop is the property of Tioga County and will be returned to them at the end of the project and/or employment. The statement is to be completed and filed with the Law Department, 56 Main Street, Owego, New York 13827.

Date
Business

Signature
(Printed)

Name

- YES NO Additional one on one training requested:
- YES NO Training handouts requested:

ITCS USE ONLY
 ACCOUNT ACTIVE:
 IT STAFF:

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

**REFERRED TO: LEGISLATIVE WORKSESSION
 PERSONNEL COMMITTEE**

**RESOLUTION NO. 111-10 *STANDARD WORK DAY AND
 REPORTING RESOLUTION
 DISTRICT ATTORNEY’S OFFICE***

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

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials					
3rd Assistant District Attorney	Judy Quigley	7	10/2/2009-TERM OF OFFICE	Y	4.73

And be it further

RESOLVED: That the Tioga County Legislature does hereby attest that the above appointed official has submitted a three-month log of activities and such is on file with the Legislative Clerk.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

**REFERRED TO: PUBLIC WORKS
 PERSONNEL**

**RESOLUTION NO. 112-10 ABOLISH THREE (3) CLEANER I
 POSITIONS**

Adoption moved by Legislator Sullivan,
 seconded by Legislator Oberbeck.

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

WHEREAS: The Commissioner of Public Works received sealed bids for Cleaning Services for the County Office Building and the Health and Human Services Building on April 2, 2010; and

WHEREAS: There is a considerable cost savings to the County by awarding the Cleaning bid; therefore be it

RESOLVED: That the Tioga County Legislature approves the abolishment of three (3) Cleaner I positions to be effective May 1, 2010.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO: PERSONNEL COMMITTEE

**RESOLUTION NO. 113-10 AMEND RESOLUTION 358-09
 STAFF CHANGES**

Adoption moved by Legislator Oberbeck,
 Seconded by Legislator Sullivan.

WHEREAS: Resolution 358-09 listed four (4) vacant Deputy Sheriff positions as unfunded for 2010; and

WHEREAS: The Sheriff is willing to exchange one (1) Sergeant position for one (1) of the Deputy Sheriff positions retroactive to April 10, 2010; therefore be it

RESOLVED: That retroactive to April 10, 2010, the Sheriff shall have three (3) unfunded Deputy Sheriff positions and one (1) unfunded Sergeant position; and be it further

RESOLVED: That the Sheriff is authorized to fill the previously unfunded Deputy Sheriff position; and be it further

RESOLVED: That effective January 1, 2011, the Sheriff shall return to having four (4) unfunded Deputy Sheriff positions.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

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

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

CARRIED UNANIMOUSLY

Chair Weston read and presented the following Proclamation on Employee Recognition and Appreciation Week:

PROCLAMATION

WHEREAS: The mission and services of Tioga County depend heavily on the tireless contributions of its dedicated employees; and

WHEREAS: The Tioga County Legislature wishes to recognize the efforts of all Tioga County employees; and

WHEREAS: The Employee Recognition Committee was created to provide a mechanism to show our appreciation for the Employees of Tioga County; and

WHEREAS: Those employees who have served for more than 25 years have shown a steadfast commitment to serving the well-being of the residents of Tioga County, and should be recognized by those whom they have served; and

WHEREAS: The Tioga County Legislature would like to especially recognize the following employees who have attained 25, 30 or 35 years since last year's ceremonies:

<u>Name</u>	<u>Department</u>	<u>Years</u>
Jeffrey Anderson	Sheriff's Office	35
Christie Walker	Social Services	30
Karla Harding	Social Services	30
Patricia Zorn	DMV (County Clerk)	30
Michael Maratea	Probation	25
Sue E. Hall	DSS	25
Kimberly Clark	DSS	25

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE, does hereby proclaim and designate the week of May 10-14, 2010 as

EMPLOYEE RECOGNITION AND APPRECIATION WEEK

in the County of Tioga, New York, and call upon our citizens to join in recognizing these dedicated employees.

Chair Weston spoke. “Thank you very very much for all that you have done. I would like to say though that I have been involved with the County now for six years. For 18 years I was with the Spencer Town Board and I always used to hear the people complaining about that the Tioga County employees, you know, what do they do, what is this, well I will tell you that it has been an enlightening experience to be working with all these people and all of you people that are employed by Tioga County because you do a fine fine job and I am proud of the service and I appreciate everything that has been done for the County through you people. Thank you very much.”

Legislator Monell read and presented the Senior of the Year Proclamation to Neil Hall.

PROCLAMATION

WHEREAS: Neil Hall leads by example with integrity, sincerity and generosity, people respect him and readily seek him out for guidance; and

WHEREAS: Neil Hall was born and raised in the Tioga Center and Nichols area his entire life, graduated from Owego Free Academy and has been married to the former Louise Orsbourn for the past 45 years, has two children, two grandchildren and three great grandchildren; and

WHEREAS: Neil Hall was instrumental as one of the founders of the Tioga Center Alumni Association ensuring that the class reunion which includes all graduates is organized each year; and

WHEREAS: Neil Hall has been a long time member of the Lounsberry Methodist Church serving in a variety of positions such as Lay-Leader, Chair of Stewardship Committee, Pastor Parish Relations Committee, Men’s Group, Nominating Committee, and assisted with a variety of fund raisers, including food drives; and

WHEREAS: Neil Hall has also served as President on the Riverside Cemetery Association since 1994 and on the Board of Directors since 1988; and

WHEREAS: Neil Hall has been a dedicated volunteer with the Community Care Network of Nichols (CCNN) since 2005 serving on the Board of Directors, is a reliable, dedicated volunteer who provides transportation for CCNN clients, and facilitates the organization of volunteers who help assemble 1,200 CCNN newsletters every three months; and

WHEREAS: Neil Hall works with the Girl Scouts from the Tioga Center-Nichols Service Unit in a host of community service projects one of these being the annual Hospice Tree lighting during the holidays, devotes his time to various committees such as the annual Share-a-Thon and the “Teens in Action” program; and

WHEREAS: Neil Hall represents the true spirit of voluntary service and unselfishly commits and works tirelessly for our community, usually behind the scene, he’s a humble person without any thought of gaining recognition or notability; and

WHEREAS: Neil Hall has been selected as the 2010 Senior Citizen of the Year in Tioga County; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate **May 19, 2010**

NEIL C. HALL, JR. DAY

In the County of Tioga, New York, and commend this observance to our citizens.

Legislator Huttleston presented the following Proclamation on Older American's Month and Senior Citizens' Day to Mary Ellen Gage, Director of Office of the Aging.

PROCLAMATION

WHEREAS: Tioga County is home to over nine thousand older adults who support Older Americans Month, the annual observance that gives recognition to the immeasurable contributions made by older citizens throughout our County, State and Nation; and

WHEREAS: Seniors in Tioga County devote their time, energy and wisdom to making their communities better places to live; and

WHEREAS: The experiences, knowledge, skills and aspirations of Tioga County's seniors are vital to the continued progress of our State and its quality of life; and

WHEREAS: Our society must champion choices for individual independence for all senior citizens; and

WHEREAS: We support the U.S. Administration on Aging (AoA) in helping our nation prepare for a larger aging population that is relying on a balance of important elements to maintain dignity and independence for as long as possible; and

WHEREAS: As America grows older, each community must strive to understand and address the evolving challenges and needs of our older citizens and the people who care for them; and

WHEREAS: It is especially fitting for Tioga County to pay special tribute to seniors across this State, Nation and around the world in support of the special events and activities being held during the month of May; now therefore

THE TIOGA COUNTY LEGISLATURE, does hereby proclaim and designate May 2010 as

OLDER AMERICANS' MONTH

And May 19, 2010 as

SENIOR CITIZENS' DAY

in the County of Tioga, New York, and call upon our citizens to take the time to honor older citizens of Tioga County, especially our senior volunteers, for the contributions they have made and continue to make to our society.

Mary Ellen Gage, Director of Office of the Aging, spoke. “The only thing I really want to say and this is the opportunity that I get once a year to come face-to-face and thank you for your support of our programs at Tioga Opportunities Department of Aging. Thank you very very much.”

Chair Weston noted the following two Proclamations on Foster Care and Elder Abuse.

PROCLAMATION

WHEREAS: The Tioga County foster family serves as a source of love, identity, self-esteem and support for children in Tioga County; and

WHEREAS: There are 34 children in foster care in Tioga County, 25 of these children are in foster homes, and 1 child is in a Glove House Therapeutic foster home; and

WHEREAS: We have 20 certified foster homes, and 15 Glove House Therapeutic foster homes in Tioga County; and

WHEREAS: Numerous public and private agencies work to increase the public’s awareness of the needs of children in foster care, and the enduring and valuable contribution of foster parents; and

WHEREAS: It is appropriate to recognize all those who volunteer their talents and energies on behalf of children in foster care, the foster parents who serve these children and the professional staff dedicated to ensuring these children have a stable and safe foster family environment; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim May 2010 as

FOSTER CARE RECOGNITION MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize foster parents in Tioga County.

PROCLAMATION

WHEREAS: People who are elderly or have disabilities have contributed to the general welfare of Tioga County by helping to preserve customs, convictions, and traditions of many people from diverse backgrounds; and

WHEREAS: These residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS: The health and well-being of disabled and elderly people in our county should be one of our highest priorities and of concern to all Americans; and

WHEREAS: People who are elderly or have disabilities are among the most important resources of our county, and it is fitting that we recognize the need to protect their health, safety, and rights; and

WHEREAS: Abuse of the elderly and people with disabilities in domestic and institutional settings is a wide-spread problem, affecting hundreds of thousands of people across the country; and

WHEREAS: Elder abuse is underreported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS: Elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, in poor neighborhoods and in suburbia; and

WHEREAS: Many of the cases investigated by Adult Protective Services in New York involve self-neglect and it is our duty as citizens to reach out to people in need; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of May 2010 to be

Elder Abuse Prevention Month

in Tioga County, and urge all citizens to work together to help reduce abuse and neglect of people who are elderly or have disabilities.

Joseph Albrecht had privilege of the floor. “Somewhere between here and here lies the Patient Protection and the Affordable Healthcare Reform Act of 2010. I am not in favor of surprises and although our President indicates that information may be an inconvenience, I will disagree with that. I will share the following with you and I hope it makes more sense to you than it makes to me.

“There is a page very early in the Healthcare Reform Act which indicates a summary of benefits and coverage, and I will share that with you. The standard shall ensure that the summary is presented in a culturally and linguistically appropriate manner and utilizes terminology understandable by the average plan enrollee. There are 10 sections that have to be indicated in this summary of benefits.

“The standards shall ensure that the summary of benefits and coverage is presented in a uniform format that does not exceed four pages in length that does not include print smaller than 12 point font. That must be significant about what I know. Now the areas in the timeline for this Act for the year 2010 and this is where the County Legislature may have an input. The 2010 calendar includes young adults on parent plans and that is 26 and childless. If I saw the trailer on the news last night it is 0.7% possible increase in costs. A prohibition of existing conditions, exclusions for children that comes into effect in six months. A prohibition against recession, that is six months. Prohibition against lifetime benefit caps, that is six months. There is a section of small business tax credits. There is a national high risk pool for preexisting conditions and that involves subsidized coverage. This is where we may end up subsidizing something we do not know about. That goes into effect in 90 days.

“If you are uninsured for six months there is a temporary high risk pool established. In 2010 there is a basic quantity of 5 billion dollars allocated to do that. It does not take a mathematical genius to ask the question. If there are 32 million uninsured they have obviously been uninsured for more than six months and if you are going to cover that with 5 billion dollars I do not think there is a great deal of coverage there, but again I do not like surprises.

“There is a State option to expand Medicaid eligibility and I am sure we will all grasp that since the State has absolutely no funds available. There will be a limit on the share of a private premium insurers can spend on nonmedical costs, do not understand that one. In 2010 plans must be reported that involve rebates and I do not know if I am correct in my thoughts that Tioga County is a self-insured entity. I had that impression, but I am not sure so I leave this to you. If it involves rebates from the plan this too may be an interesting cost.

“There will be annual review of premium increases and again if the County is self-insured I do not know where we stand on that. Rebates for Medicare Part D enrollees and the doughnut hole elimination of cost sharing for preventive care in Medicare and Private Plans, and that is about it for 2010.

“The one thing that I would like to make people aware of and this is for people who have children who are involved in this Participation in Government situation. In 2010 there is a required minimal essential coverage part of this Reform Act that goes into effect, and the reason that I bring it up for the Participation in Government, the graduating class from high school of 2010 will participate in three of the most important elections that will ever be held in the United States. It is my firm hope that all of them will take time to become informed. Now I do not have a secret source of information, but if you can avoid the emotional garbage that is put out by the talk show hosts and they all do it, and listen carefully for the ideas presented and the factual basis of what they say, you may begin to get a clearer picture of what is actually happening. I thank you for this opportunity to speak. I will be back again, hopefully I can eliminate more of this and utilize more of this as this Healthcare Reform Act becomes clearer.”

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		316.11
A1165	District Attorney		476.86
A1172	Assigned Counsel		16,117.57
A1325	Treasurer		111.35
A1355	Assessments		2,010.18
A1410	County Clerk		250.00
A1411	Department of Motor Vehicle		236.73
A1420	Law		3,257.25
A1430	Personnel		836.74
A1450	Elections		68.65
A1460	Records Management		50.70
A1490	Public Works Administration		298.28
A1620	Buildings		74,212.89
A1680	Information Technology		9,211.74
A2490	Community College Tuition		264,068.27
A2960	Education of Handicapped Children		223,262.23
A3020	Public Safety Comm E911 System		3,610.18
A3110	Sheriff	3,509.62	22,304.62
A3111	Step Grant PT-5400171	2,155.00	
A3140	Probation		1,770.51
A3142	Alternatives to Incarceration		1,050.90
A3146	Sex Offender Program		8,766.67

A3150	Jail	49.97	41,880.76
A3315	Special Traffic Programs		600.00
A3410	Fire		4,098.36
A3640	Emergency Mgmt Office		1,188.26
A3647	LEPC Grant C837942		15.00
A4010	Public Health Nursing		46,166.66
A4011	Public Health Administration		14,120.15
A4012	Public Health Education		3,298.80
A4042	Rabies Control		284.34
A4044	Early Intervention		55,662.84
A4053	Preventive/Primary Health Services		198.53
A4054	Preventive Dental Services		800.20
A4062	Pre-Natal Care and Assistance		603.54
A4064	Managed Care-Dental Services		14,907.21
A4070	Disease Control		3,551.47
A4090	Environmental Health		1,412.55
A4210	Alcohol and Drug Services		844.50
A4309	Mental Hygiene Co Admin	232.00	6,241.63
A4310	Mental Health Clinic		16,981.77
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		434.59
A4321	Intensive Case Management		1,109.11
A6010	Social Services Administration		86,412.24
A6141	Energy Crisis Assistance Programs		13,361.02
A6422	Economic Development		343.59
A6620	Sealer Weights/Measures		623.54
A8020	Planning		71.51
A9060	Health Insurance		1,537.34
SOLID WASTE FUND			70,887.27
COUNTY ROAD FUND			27,493.14
SPECIAL GRANT FUND			16,543.70
CONSOLIDATED HEALTH FUND			18,116.92
CAPITAL FUND			129,714.93
LIABILITY INSURANCE FUND			296.65
WORKERS' COMP			<u>1,764.51</u>
GRAND TOTAL			\$ 1,220,422.89

Legislator Sauerbrey made a motion to approve the minutes of April 13, 2010, seconded by Legislator Oberbeck, 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: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 115-10 *MORTGAGE TAX DISTRIBUTION*

Adoption moved by Legislator McEwen,
seconded by Legislator Roberts.

RESOLVED: That the mortgage tax report for the period October 1, 2009 to March 31, 2010 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 18,965.15
Village of Waverly	5,040.15
Town of Berkshire	2,848.45
Town of Candor	20,235.92
Village of Candor	1,142.24
Town of Newark Valley	12,104.26
Village of Newark Valley	1,478.55
Town of Nichols	8,565.80
Village of Nichols	653.99
Town of Owego	92,459.09
Village of Owego	6,882.15
Town of Richford	2,755.36
Town of Spencer	8,675.81
Village of Spencer	1,029.47
Town of Tioga	<u>13,368.21</u>
	\$196,204.60

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 116-10 *TRANSFER FUNDS FOR CLEANING CONTRACT*

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

WHEREAS: The County has eliminated four (4) positions saving the County approximately \$75,000 for the remainder of the year; and

WHEREAS: The Department of Public Works needs approximately \$35,000 more to pay for the new cleaning contract; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the transfer of \$35,000 from Buildings & Grounds Personnel Services A1620.10 use code 10 to Buildings & Grounds Contracting Services account A1620.40 use code 140.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 117-10 *APPOINT MEMBER BOARD OF ETHICS*

**Adoption moved by Legislator Monell,
Seconded by Legislator Roberts.**

WHEREAS: Andrew Fagan, minority appointment, on the Board of Ethics term has expired as of 12/31/09; and

WHEREAS: Valarie Kranz has agreed to serve as his replacement on the Board of Ethics; now therefore be it

RESOLVED: That Valarie Kranz, minority appointment, be hereby appointed to the Board of Ethics for a term of 5/12/10 to 12/31/12.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 118-10 *ACCEPTANCE OF APPLICATION FOR
FIREFIGHTERS MIKE GEORGE AND
RAYMOND STANDISH TO THE TIOGA
COUNTY HAZ-MAT TEAM*

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

WHEREAS: The Bureau of Fire provides high quality Hazardous Materials Team support to the Fire Service in Tioga County and adjacent Counties through the NYS Fire Mutual Aid Plan, and

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

WHEREAS: Haz-Mat team members Rob Blasch and Joseph Morey are no longer active members of the Team; and

WHEREAS: Apalachin Firefighters Mike George and Raymond Standish have applied for membership to the County Haz-Mat Team; and

WHEREAS: Firefighters George and Standish currently possess training and skills needed by the Tioga County Haz-Mat Team; and

WHEREAS: Firefighters George and Standish would replace Rob Blasch and Joseph Morey as active members of the Haz-Mat Team; therefore be it

RESOLVED: That Apalachin Firefighters Mike George and Raymond Standish be added to the Tioga County Haz-Mat Team roster to replace Rob Blasch and Joseph Morey.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 119 10 *ALLOW THE COUNTY FIRE
COORDINATOR TO ENTER INTO AN
EQUIPMENT MEMORANDUM OF
AGREEMENT FOR HAZ-MAT TEAM*

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

WHEREAS: The Tioga County Haz-Mat Team is included in the 9 County Central New York Hazardous Materials Consortium; and

WHEREAS: Hazardous materials response equipment is extremely expensive and not frequently used by each team member at the same time; and

WHEREAS: County members of the Consortium are eligible to apply for highly technical laboratory chemical identification equipment for use by the Grant Submitting Partner and the use of the Non-Submitting Team Partners through a Memorandum of Agreement between those Consortium members and the New York State Mutual Aid Agreement; therefore be it

RESOLVED: That pending approval of the Memorandum of Agreement by the Tioga County Law Department, the Tioga County Fire Coordinator be able to enter into an agreement for training and use of an Ahura TruDefender granted to the Tioga County Haz-Mat Team.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 120-10

***AUTHORIZE THE SUBMISSION OF
MITIGATION GRANT APPLICATION
EMERGENCY MANAGEMENT***

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

WHEREAS: Tioga County currently has a Federal Emergency Management Agency (FEMA) approved all hazards plan; and

**WHEREAS: The current plan is scheduled to be updated and rewritten by 2011;
and**

WHEREAS: The FEMA requirements have changed since the original plan was written; and

WHEREAS: FEMA has given the State Emergency Management Office (SEMO) monies for local government to utilize these monies for the purpose of writing mitigation grants; and

WHEREAS: Tioga County is eligible for these monies in the form of a 75-25% grant; and

WHEREAS: The Tioga County Emergency Management Office has money in account 3641.20.240 that could be applied toward this grant; therefore be it

RESOLVED: That the Tioga County Emergency Management Office apply for a grant up to \$20,000 for the sole purpose of writing an all hazards mitigation plan.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 121-10 *AWARD BID FOR TRANSPORTATION SERVICES TO EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION CHILDREN'S PROGRAM SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,
Seconded by Legislator McEwen.

WHEREAS: Bids have been received for the Provision of Transportation Services to Early Intervention and Pre-School Handicapped Children; and

WHEREAS: The bids (pricing based on a one-way trip) were received and opened on April 12, 2010 and the bid results were as follows:

- | | |
|---|------------------------------------|
| 1) Serafini Transportation Corp. | Zone 1 - \$24.67; Zone 2 - \$28.49 |
| (With a stipulation that this price would be adjusted to \$25.98 for both zones if awarded the bid for both zones). | |
| 2) Tioga Transport, Inc. | Zone 1 - \$30.00; Zone 2 - \$30.00 |
| 3) Yellow Medi-Van and Taxi, Inc. | Zone 1 - \$22.50; Zone 2 - \$22.50 |

and

WHEREAS: Funds have been included in the Public Health Department budget for this service; and

WHEREAS: Serafini Transportation Corp. has been determined to be the responsible bidder proposing the lowest unit price per child based on a one-way transportation cost, and whose proposal complies with all provisions to render it formal and legal and whose proposal is considered to be in the best interest of Tioga County; and

WHEREAS: The Public Transportation Coordinator and the Director of Public Health are in agreement with this determination in the provision of transportation of Tioga County’s most vulnerable young citizens; now therefore be it

RESOLVED: That the Tioga County Legislature authorize the Department of Social Services to enter into a contract with Serafini Transportation Corp. for the Provision of Transportation Services to Early Intervention and Pre-School Handicapped Children based on stated stipulated cost of \$25.98 per one-way trip for Zones 1 and 2 for the period of July 1, 2010 through June 30, 2013.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 122–10 *AMEND COUNTY POLICY 11:
TRAVEL POLICIES & PROCEDURES*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Sauerbrey.

WHEREAS: The Tioga County Legislature is looking at any and all means of reducing costs; and

WHEREAS: Policy 11, Section VII indicates that payment for meals will be in accordance with the General Services Administration (GSA) allowances; and

WHEREAS: Said allowances are generous and typically more than cover the cost to the employee; and

WHEREAS: Reducing the meal allowances will result in noticeable savings; therefore be it

RESOLVED: That County Policy 11, Section VII A and B shall be revised as follows:

VII. MEAL ALLOWANCES

- A. The County will pay a total per diem rate for travel requiring an overnight stay. The per diem rate shall be based upon the General Services Administration (GSA) reimbursement chart in effect at the time the travel takes place. Tioga County will reimburse the GSA rate minus 30%, rounded to the nearest dollar, for meals during travel outside of Tioga County. (The GSA meal allowance chart may be periodically updated by GSA and will be provided by the Treasurer's Office and available from the Clerk of the Legislature or the Intranet. Departments will be informed when changes are made.)
- B. Based on GSA rates in effect at time of travel.
1. Meals will be allowed as follows:
 - a. Breakfast – When the time of departure from home at the beginning of the trip necessarily occurs before 7:00 am.
 - b. Lunch – When the employee is away from his/her office for more than one-half of the employee's normal work day.
 - c. Dinner – When the time of return home at the conclusion of a trip necessarily occurs after 7:00 pm.
 2. Breakfast, lunch, and dinner under Section VII.B.1. will be reimbursed at an amount not to exceed the GSA rate minus 30% rounded to the nearest whole dollar.

Meal costs, which are part of a package conference fee, will be allowed even if they exceed these guidelines.

And be it further

RESOLVED: That, said change is effective for any qualifying travel taking place on or after June 1, 2010.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

**REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE**

**RESOLUTION NO. 123-10 *STANDARD WORK DAY AND
REPORTING RESOLUTION
CORONER, TREASURER,
DISTRICT ATTORNEY, AND PUBLIC
DEFENDER OFFICES***

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

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Coroner	Thomas Hyde	6	1/1/2010-12/31/2013	Y	1 per call
Coroner	Neil Lewis	6	1/1/2010-12/31/2013	Y	1 per call
Treasurer	James McFadden	7	1/1/2010-12/31/2013	Y	20
Appointed Officials					
District Attorney, Stenographer, PT	Diane Stephens	7	10/2/2009-TERM OF OFFICE	Y	5
Public Defender	George Awad	7	1/1/2010-12/31/2011	Y	15.34

And be it further

RESOLVED: That the Tioga County Legislature does hereby attest that the above elected and appointed officials have submitted their three-month log of activities and such are on file with the Legislative Clerk.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION
 PERSONNEL COMMITTEE

RESOLUTION NO. 124-10 *AMEND RESOLUTION NO. 111-10
 STANDARD WORK DAY AND
 REPORTING RESOLUTION
 DISTRICT ATTORNEY'S OFFICE*

Adoption moved by Legislator McEwen,
 Seconded by Legislator Oberbeck.

WHEREAS: Resolution No. 111-10 reported the days/month (based on record of activities) for the 3rd Assistant District Attorney as 4.73, which was biweekly, when in actuality it should have been reported monthly at 9.46; therefore be it

RESOLVED: That Resolution No. 111-10 be amended to reflect days/month (based on record of activities) for the 3rd Assistant District Attorney as 9.46.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO ADMINISTRATIVE SERVICES
 PERSONNEL COMMITTEE

RESOLUTION NO. 125-10 *ABOLISH TITLE OF DIRECTOR OF
 REAL PROPERTY TAX SERVICES I AND
 CREATE TITLE OF COUNTY DIRECTOR OF
 REAL PROPERTY TAX SERVICES*

Adoption moved by Legislator Monell,
 Seconded by Legislator Oberbeck.

WHEREAS: Legislative approval is required for the abolishment and creation of job titles within Tioga County; and

WHEREAS: In 2009, the New York Office of Real Property Tax Services amended Part 188-4 of the State Board’s Rules with regards to the minimum qualification requirements of County level Director titles effective October 1, 2013; and

WHEREAS: Said changes will result in modifications to the current classification’s job title; however, there will be no fiscal impact on the budget; and

WHEREAS: There is a desire to make all necessary amendments to Tioga County’s classification prior to the 2013 effective date; therefore be it

RESOLVED: That the Tioga County Legislature authorizes abolishment of the title Director of Real Property Tax Services I and the creation of the title County Director of Real Property Tax Services effective May 12, 2010; and be it further

RESOLVED: That Elizabeth Hawken is appointed to the title of County Director of Real Property Tax Services effective May 12, 2010, and shall continue to serve as such for the remainder of the current term which will end September 30, 2013.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: **PUBLIC WORKS
PERSONNEL**

RESOLUTION NO. 126-10 ***ABOLISH CLEANER II POSITION
PUBLIC WORKS DEPARTMENT***

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

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

WHEREAS: Joan Nuzzo, Cleaner II for the Court Annex, has submitted her retirement papers and whose last day of employment will be June 30, 2010; and

WHEREAS: The Commissioner of Public Works has identified a cost savings to the County by not backfilling this position; therefore be it

RESOLVED: That the Tioga County Legislature approves the abolishment of the vacant Cleaner II position, effective July 1, 2010.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

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

RESOLUTION NO. 127-10 ***AUTHORIZE FILL/ABOLISH POSITION***
(MENTAL HYGIENE DEPARTMENT)

Adoption moved by Legislator Huttleston,
seconded by Legislator Oberbeck.

WHEREAS: The position of Director of Administrative Services was created and funded in the 2010 County budget; and

WHEREAS: The Director of Community Services has found a candidate eligible and willing to accept said position; and

WHEREAS: Due to current budgetary strain, the Legislature has requested that the Director of Community Services consider abolishing a vacant position in exchange for authorization to fill the Director of Administrative Services position; therefore be it

RESOLVED: That the Legislature authorizes the Director of Community Services to fill the Director of Administrative Services position at an annual salary of \$51,000, effective May 12, 2010; and be it further

RESOLVED: That the vacant position of Clinical Program Director be abolished, effective May 12, 2010.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 128-10

***ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY***

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

WHEREAS: An application for corrected tax roll indicates that property no. 995 assessed to FA Star Group LLC (purchased by Brian Oliver 4/09) on the 2010 tax rolls of the Town of Newark Valley is erroneous in that the assessor used incorrect information when figuring the assessment and has since determined that the 2010 taxable value should be lowered from \$175,000 to \$132,000; and

WHEREAS: The 2010 tax bill of \$3,303.07 for property no. 995 was paid to the Town of Newark Valley tax collector on 1/13/2010 by Brian Oliver; be it therefore

RESOLVED: That the Town of Newark Valley tax collector issue a refund of \$824.36 to Brian Oliver for overpayment of the 2010 taxes; and be it further

RESOLVED: That the erroneous town tax of \$221.33 be charged back to the Town of Newark Valley and the erroneous fire tax of \$63.37 be charged back to the Newark Valley Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$21.64 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$518.02 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

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

Sixth Regular Meeting
June 15, 2010

The Sixth Regular Meeting of 2010 was called to order by the Deputy Chair at 6:00 P.M. Seven Legislative members were present, Legislators Monell and Weston being absent.

Deputy Chair Sauerbrey asked Legislator Huttleston to have a moment of prayer. "As I was driving here today for this special occasion and wonderful example of democracy, which many countries are unable to enjoy, I said to myself this is as good as it gets. I thought isn't it great to be an American and we are all so lucky and blessed to be born in a great caring, loving, and free Country that gives us the freedom of religious choice and several other freedoms that other people in the world are unable to enjoy. Let us take the time to thank the many people from the present and from the past that have given and sacrificed so much to allow us to live free. Let us bless and thank our leaders and military forces who are making many sacrifices to ensure and protect our freedom. Let us pray that the entire world will someday be able to live in peace and all the people will be free of hate, anarchy, and terrorism. Thank you Lord for this great Country and our freedom, and I ask you to guide and bless this Legislative body, our Department Heads, and Employees."

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

There were 21 people in attendance.

Drew Griffin, Chairman of the Employee Recognition Committee, presented the Employee of the 2nd Quarter 2010. "I would like to thank the Legislature for their continued support of the Employee Recognition Committee and the Employee of the Quarter Program.

"At this time I would like to introduce to you the second quarter Employee of the Quarter for 2010, Ms. Diane Rockwell. Diane Rockwell's career started with Tioga County as an Account Clerk Typist on June 21, 1982, almost 28 years ago to the day in the Department of Social Services where she remained for many years and earned many promotions, first to Administrative Secretary, then to Office Manager, and finally to Executive Secretary. On July 8, 2005 Diane resigned from DSS in

order to be appointed to the position of Secretary to the Sheriff on July 9, 2005.

"The Administrative Staff at the Sheriff's Office hold Diane in high esteem. She has a strong work ethic and above all holds exemplary traits such as dependable, reliable, accurate, and efficient, often working late and staying, and coming in early. These and other quality traits lead her nomination to the Leadership Tioga Program which she graduated from in 2008. Diane also served a two-year term on the Employee Recognition Committee.

"Through the years Diane has made and maintained many friendships with coworkers, always a team player, her infectious laugh, which once resonated throughout the halls of the DSS Office, now is heard in the hollow hallways of the Public Safety building. She and her husband Brian live outside Owego and play an important role as aunt and uncle to nieces Kayla and Kristy. Her ability to multitask also carries over into her home life. In her free time Diane enjoys walking and can be found during her lunch walking the trails behind DSS and around the Public Safety building. She is also an avid fan of two reality shows, Survivor and American Idol, and is addicted to Sudoku puzzles. She even finds some time to bake and garden. Diane you are a true asset to Tioga County and to the Sheriff's Office in which you serve, and we thank you for your continued hard work and dedication."

Sheriff Gary Howard spoke. "I am going to make it short and sweet because I do not look at Diane as a secretary, I look at her as more as an assistant. She keeps track of me and keeps me on track to where she will be in my office telling me I have minutes to get to a meeting. I pity the next Sheriff if Diane is still there or leaves when I leave, I pity the next Sheriff that has to find somebody that replaces her because it is going to be a hard job and Diane's shoes will be hard to fill.

"Her laugh, you can hear her laugh, we enjoy it, and the way her face turns red within two seconds, we try to get it every day. I cannot say enough about Diane. She came to us five years ago, worked across the street. When I went through, I think I had about 27 applications for the position. The day that I decided on Diane, Shawn happened to be downstairs. I brought Shawn up and I said Shawn I got good news and I got bad news, what do you want to hear first? He said the good news. I said the good news is we have found a replacement for the Secretary to the Sheriff. He said what is the bad news? I said the bad news it is Diane

Rockwell and all he did was put his hands down and went oh no because this was the time of the transition into the new building and Diane had a huge hand in making that go smoothly. His loss was certainly our gain.”

Shawn Yetter, Commissioner of Social Services spoke. “Thank you Gary for giving me a second to just say a quick word about Diane. Diane did give the Department of Social Services 23 years and she was my Secretary for several years when I was the Director of Administrative Services, and I would echo everything that Gary said. The infectious laugh was something that was so valuable in our Department, although it sometimes got her in trouble, but that is a whole other thing. Kathy and I were trying to think of stories to tell about you, but we cannot tell any of them because we are in mixed company, but Diane this is an honor that is greatly deserved. Gary is right when you left our Department it certainly was our loss, but it was the Sheriff’s Department gain, and the great thing is you still are and always have been a great asset to the County, so congratulations Diane.”

Legislator Dick Huttleston spoke. “I would like to congratulate Diane and also apologize because every time I see her I always call her a traitor because we were so unhappy to see her leave the Social Services Department. The only good thing about it is at least she stayed in this County and stayed in one of the other departments versus going somewhere else. She is a wonderful person.”

Deputy Chair Martha Sauerbrey spoke. “I would just reiterate what everybody else said. I just really appreciate you. If I ever want to know what is really going on up there I just call Diane and she gives me the scoop. She is a straight shooter. We really do appreciate all of your years of service and your hard work and dedication, and your sense of humor because your sense of humor and your team playing attitude is what carries you over when times get tough. On behalf of Tioga County and the Legislators we would like to present Diane Rockwell with the Employee of the 2nd Quarter 2010 in appreciation of your service to Tioga County.”

Diane Rockwell spoke. “I have enjoyed working for the County and I cannot believe that I have been with the County for 28 years, and it is a great honor to be receiving this award as Employee of the Quarter for doing a job that I truly enjoy and working with such great coworkers, both at the Sheriff’s Department, Social Services, there is a lot of good people there, and also within the County, and I would also like to thank the

Employee Recognition Committee for their dedication and hard work to this program. Thanks."

Deputy Chair Sauerbrey noted the following Proclamation on the Candor School Envirothon Team.

Proclamation

WHEREAS: The Envirothon started in 1991 in Tioga County; and

WHEREAS: The Candor School Envirothon Team has won the 2010 Envirothon for the sixth consecutive year and has won seven out of the past eight years; and

WHEREAS: They have also placed in the top three eighteen times of the last twenty years; and

WHEREAS: They have won the National Canon Envirothon several times traveling to Canada, Maine, Arizona, and this year to California; and

WHEREAS: The Tioga County Legislature would like to congratulate Emily Nedrow, Randy Nedrow, Chris Tucker, Allison Wilcox, and Felicia Whatley, and their advisors Jonathon Zisk, Leslie Conners, and Spencer Hunt for this excellent achievement; now therefore

The Tioga County Legislature does hereby Proclaim and designate on behalf of our county and citizens to take this day to honor

The Candor School Envirothon Team

in the County of Tioga, New York, and call upon all of its citizens to join with me in recognizing these outstanding students.

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		680.49
A1165	District Attorney		2,209.58
A1170	Public Defender		4,600.85
A1172	Assigned Counsel		16,895.23

A1185	Medical Examiners/Coroners		627.40
A1325	Treasurer		9,500.00
A1355	Assessments		2,466.98
A1410	County Clerk		728.31
A1411	Department of Motor Vehicles		325.17
A1420	Law		3,830.50
A1430	Personnel		2,060.74
A1450	Elections		1,134.74
A1460	Records Management		35.50
A1620	Buildings		48,613.15
A1680	Information Technology		18,484.24
A2490	Community College Tuition		629.33
A2960	Education of Handicapped Children		127,096.07
A3020	Public Safety Comm E911 System		2,484.80
A3110	Sheriff	757.30	15,220.65
A3140	Probation		205.00
A3146	Sex Offender Program		8,766.67
A3150	Jail	112.62	53,630.59
A3315	Special Traffic Programs		1,068.00
A3410	Fire		1,279.01
A3640	Emergency Mgmt Office		395.79
A4010	Public Health Nursing		40,046.87
A4011	Public Health Administration		4,362.34
A4012	Public Health Education		117.86
A4042	Rabies Control		1,619.74
A4044	Early Intervention	164.99	33,026.37
A4053	Preventive/Primary Health Svcs		1,009.29
A4054	Preventive Dental Services		814.59
A4062	Lead Poisoning Program		747.50
A4064	Managed Care-Dental Services		12,358.81
A4070	Disease Control		3,148.20
A4090	Environmental Health		8,040.12
A4210	Alcohol and Drug Services		1,027.37
A4309	Mental Hygiene Co Admin		4,324.08
A4310	Mental Health Clinic		20,605.12
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		237.56
A4321	Intensive Case Management		1,266.41
A6010	Social Services Administration		79,945.70
A6422	Economic Development		225.86
A6510	Veterans' Service		2,492.00
A6610	Sealer Weights/Measures		616.37

A7310.41	Youth Programs, Refundable	6,636.65
A8020	Planning	68.33
A9060	Health Insurance	1,537.34
SOLID WASTE FUND		51,559.99
COUNTY ROAD FUND		12,637.98
SPECIAL GRANT FUND		7,451.26
CONSOLIDATED HEALTH FUND		70,877.20
CAPITAL FUND		442,800.04
LIABILITY INSURANCE FUND		176.00
WORKERS COMP		<u>33,928.00</u>
GRAND TOTAL		\$ 1,168,329.89

Legislator Oberbeck made a motion to approve the minutes of May 11, 2010, seconded by Legislator Roberts, and carried.

Deputy Chair Sauerbrey made the following appointments:

County Attorney Search Committee
 Chair of Finance/Legal
 Chair of the Legislature
 Two Legislators
 Personnel Officer

Broome-Tioga Workforce Development Board
 Kathleen Horner, Executive Director
 Public Sector
 7/1/10-6/30/13

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. 129-10

*ERRONEOUS ASSESSMENT
 TOWN OF NEWARK VALLEY*

Adoption moved by Legislator McEwen,
 Seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that property no. 799 assessed to Charles W and Michelle Creeley on the 2010 tax rolls of the Town of Newark Valley is erroneous in that the assessor neglected to remove an 1976 RM5 and an RG4 built in 2000 has less square footage; the assessor having verified the info, has requested that the assessment be reduced from \$205,000 to \$194,700; and

WHEREAS: The 2010 tax bill of \$3,849.52 for property no. 799 was paid to the Town of Newark Valley tax collector on 1/15/2010; be it therefore

RESOLVED: That a refund of \$193.42 be issued to Charles W Creeley for overpayment of the 2010 taxes; and be it further

RESOLVED: That the erroneous town tax of \$51.93 be charged back to the Town of Newark Valley and the erroneous fire tax of \$14.87 be charged back to the Newark Valley Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$5.08 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$121.54 be charged to the proper account in the records of the County Treasurer

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 130-10 APPROPRIATION OF FUNDS
 SOCIAL SERVICES

Adoption moved by Legislator Huttleston,
 seconded by Legislator McEwen.

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Transitional Jobs program; and

From: A4064.40-140 Dental Services Contract Services \$ 8,000
 To: A9950.93-715 Transfer to Capital-All Other \$ 8,000

And,

From: H5301.30 Interfund Transfer All Other \$ 8,000
 To: H4064.21 Capital Equip Dental Services \$ 8,000

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 132-10 *RESOLUTION IN OPPOSITION OF ASSEMBLY BILL NO. A9911 AND SENATE BILL NO. S6849 AMENDING THE PUBLIC OFFICERS LAW, IN RELATION TO REQUIRING CERTAIN RECORDS WHICH ARE THE SUBJECT OF A DISCUSSION CONDUCTED AT AN OPEN MEETING BE MADE AVAILABLE TO THE PUBLIC*

Adoption moved by Legislator Roberts,
 Seconded by Legislator McEwen.

WHEREAS: The New York State Assembly and Senate have introduced Assembly Bill No. A9911 and Senate Bill No. S6849 requiring certain Agency records available to the public pursuant to Article Six, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that are scheduled to be the subject of discussion by a public body during an open meeting shall be made available, to the extent practicable, prior to or at the meeting during which such records will be discussed. Such records shall be posted on the website of the agency with which the public body is affiliated, as soon as practicable, but not less than twenty-four hours prior to a meeting during which they will be discussed, and a reasonable number of copies of such records shall be made available, to the extent practicable, at or prior to the meeting, and

WHEREAS: Agencies are already required to make their documents available to the public upon request per the Freedom of Information Law, and

WHEREAS: Said legislation would be a significant burden on staff and resources at the local government level, let alone could cost counties more money to make additional copies and to expand its technology to accommodate such requirement, and

WHEREAS: Said legislation would require all agency boards to make their records available to the public, in which Tioga County has numerous standing committees that this may affect, along with the several legislative committees, and board meetings; and

WHEREAS: Tioga County also consists of municipalities that do not have internet capability, therefore causing them to make paper copies available and causing additional expenses for that municipality; now therefore be it

RESOLVED: That the Tioga County Legislature hereby opposes Assembly Bill A9911 and Senate Bill No. S6849 as it would be a significant burden on staff and resources to comply with this requirement, and be it further

RESOLVED: That a certified copy of this Resolution be sent to Senator Thomas Libous, Assemblymen Gary Finch and Thomas O'Mara, the New York State Association of Counties, and any others deemed necessary.

On roll call vote on the above resolution, six members voted Aye, Legislator Sullivan voting no, Legislators Monell and Weston being absent, and the resolution was adopted.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 133-10 *COMMENTING ON PROPOSED
6 NYCRR PART 247 REGULATIONS
ON OUTDOOR WOOD BOILERS*

Adoption moved by Legislator Roberts,
Seconded by Legislator Oberbeck.

WHEREAS: The price of home heating fuels has skyrocketed for citizens within Tioga County; and

WHEREAS: Tioga County has a large population of senior citizens and families on fixed incomes; and

WHEREAS: Outdoor wood boilers (OWBs) can offer a safer alternative to indoor wood stoves and furnaces that can start home fires because of stray sparks or chimney fires; and

WHEREAS: OWBs can provide a cost effective alternative to fossil fuels; and

WHEREAS: OWBs were not made for, and never should have, any solid waste burned in them; and

WHEREAS: No other State has required that existing OWBs be taken out of service; and

WHEREAS: Verifiable complaints should be addressed by higher chimney and proper fuel use requirements; and

WHEREAS: Over the past several years a number of actions have occurred in support of the development of cleaner-burning and more efficient OWB devices, including:

- In August 2005, the then NY Attorney General and 6 other State Attorney Generals, Northeast States for Coordinated Air Use Management (NESCAUM), which was supported by the Hearth, Patio & Barbecue Association (HPBA) Outdoor Furnace Manufacturers Caucus, petitioned the United States Environmental Protection Agency (USEPA) to set standards for OWBs
- The EPA Hydronic Heater Phase 2 Program was released in October 2008 and established an emissions reduction program for OWBs
- On August 13, 2009, the New York State Energy Research and Development Authority (NYSERDA) announced \$1.5 Million in funding for developing a High-Efficiency Biomass-Heating Market; and
- The USEPA is currently in the process of establishing nationwide – Federal regulations for OWBs that could be promulgated by May 2012 by EPA's most recent schedule made publicly available; and

WHEREAS: Senator Aubertine has introduced Senate Bill S8061, which supports clean burn regulations, supports restrictions that require new installations to meet EPA standards, defines Outdoor Wood Boiler nuisance violations, asks the DEC to provide public guidance on operation, siting, and stack height, does not require the removal of existing units before the end of their useful life, and allows local governments to establish more stringent regulations; and

WHEREAS: The New York State Department of Environmental Conservation in April, 2010 published and is currently soliciting comments on proposed regulation 6 NYCRR Part 247, Outdoor Wood Boilers; now therefore be it

RESOLVED: That the Tioga County Legislature supports efforts to protect the use of properly operated OWBs that are installed and operated properly, and to protect the property rights of the owners of properly operated OWBs; and be it further

RESOLVED: That the Tioga County Legislature supports the following requirements in the proposed 6 NYCRR, Part 247 regulations:

- Proposed emission limits; and
- New OWBs sold after April 15, 2011 have to meet these proposed emission limits, and any provisions that are consistent with the EPA Hydronic Heater Phase 2 Program and other Northeast State regulations for OWBs including Vermont, Main, New Hampshire, and Massachusetts; and be it further

RESOLVED: That the Tioga County Legislature does not support the following requirements in the proposed DEC Part 247 regulations:

- Requiring the removal of existing OWBs by 2015 or 2020 (depending on when the furnace was purchased but before the end of their useful life) which unreasonably subjects these owners to economic hardship; and
- Any other provisions that are inconsistent with the EPA Hydronic Heater Phase 2 Program and other Northeast State regulations including Vermont, Maine, New Hampshire, and Massachusetts; and be it further

RESOLVED: That the Tioga County Legislature requests that Section 247.5 Residential-Size New Outdoor Wood Boilers Paragraph (b) to be amended as follows: Setback. A residential-size new outdoor wood boiler shall be located on the property so as to conform to local zoning and building regulations or no closer than 250 feet from the nearest residence not served by the OWB when located on or adjacent to contiguous agriculture, forested or otherwise uninhabited vacant lands larger than three (3) acres; and be it further

RESOLVED: That the Tioga County Legislature does hereby call on Governor Paterson, both houses of the New York State Legislature, the New York State Association of Counties, and New York State Agencies to support the continued use of, and the development of clean and efficient OWBs, by proposing New York State regulations that are consistent with the USEPA Hydronic Heater Phase 2 Program and other Northeast States including Vermont, Maine, New Hampshire, and Massachusetts; and be it further

RESOLVED: That the Tioga County Legislature supports Senate Bill S8061; and be it further

RESOLVED: That copies of this resolution be forwarded to Governor David Paterson, Attorney General Andrew Cuomo, Senator Darrel Aubertine, Senator Thomas Libous, Assemblyman Gary Finch, all New York State Counties, the New York State Association of Counties, the New York State Association of Towns, and the New York State Department of Conservation.

CARRIED

REFERRED TO: ED&P LEGISLATIVE COMMITTEE

RESOLUTION NO. 134-10 *SET PUBLIC HEARING FOR THE
SUSQUEHANNA HERITAGE AREA
MANAGEMENT PLAN UPDATE*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Oberbeck.

WHEREAS: Tioga County Planning and Tourism have been participating for the past two years in a study that recommends the Susquehanna Heritage Area boundary be expanded from its current scope of just Binghamton, Johnson City and Endicott to the entirety of Broome and Tioga Counties; and

WHEREAS: This document is called the *Susquehanna Heritage Area Management Plan Update*; and

WHEREAS: The current Susquehanna Heritage Area communities have a 20+ year record of successful grant projects under the NYS Heritage Area Program and this designation will give Tioga County, its municipalities and historical/cultural non-profit organizations access to the same annual dedicated allocation of funding for local projects within NYS Heritage areas; and

WHEREAS: The final draft Plan update is now at the stage of seeking public review and comment; and

WHEREAS: A SEQR review is now being conducted on the Plan update which also requires a public hearing; now therefore be it

RESOLVED: That a public hearing will be held on Thursday, July 8, 2010 in the Edward Hubbard Auditorium of the Tioga County Office Building at 56 Main Street, Owego NY at 1:00 pm. All interested parties will be heard by the Tioga County Legislature at this hearing.

CARRIED

REFERRED TO: HEALTH AND HUMAN SERVICES

RESOLUTION NO. 135-10 *RESOLUTION TO AUTHORIZE CONTRACT
WITH STRATEGIC HEALTH CARE
PROGRAM*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.

WHEREAS: Tioga County Health Department received funds from Medicare and Medicaid; and

WHEREAS: The Tioga County Health Department needs to be certified as a Home Health Agency in order to receive Medicare/Medicaid funds; and

WHEREAS: To maintain its certifications the Health Department needs to meet the requirements of Medicare/Medicaid; and

WHEREAS: Medicare requires that the Home Health Agency do on-going patient satisfactory surveys; and

WHEREAS: Medicare has a list of approved contracts; and

WHEREAS: Tioga County Health Department need to pick from the list of approved Medicare contracts to do the surveys; and

WHEREAS: Tioga County received three quotes; and

WHEREAS: The vendors for the survey will be required to work with our software; and

WHEREAS: The lowest bid was for \$3,840.00; and

WHEREAS: The Health Department has funds available for this contract; therefore be it

RESOLVED: That the Health Director be allowed to enter into a contract with the lowest bidder "Strategic Health Care Program;" and be it further

RESOLVED: That the County Attorney review and approve said contract before signing by the Public Health Director.

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

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

RESOLUTION NO. 136-10 *AUTHORIZE CONTRACT
KELLY SERVICES
TIOGA EMPLOYMENT CENTER*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Roberts.

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) in previous years but the program is not available at this time with the current Title V provider, Tioga Opportunities; and

WHEREAS: Kelly Services was able to provide such services for the Tioga Employment Center, from July 1, 2009 to June 30, 2010 and said contract is to be funded entirely by the Workforce Investment Act and can continue to do so; and

WHEREAS: The funds necessary for said contract were included in the WIA PY 2010 Budget under the WIA Grant; and

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

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

WHEREAS: The contract has been reviewed and approved by the County Attorney; 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, 2010 through June 30, 2011.

Roll Call:
Ayes 07
Noes 00
Absent 02
CARRIED

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 137-10 *RESOLUTION TO AUTHORIZE CONTRACT WITH
KIM KAVULICH AND TRANSFER OF FUNDS
HEALTH DEPARTMENT*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Sullivan.

WHEREAS: Tioga County Health Department (TCHD) has a staff vacancy in the position of Public Health Educator, and is not currently seeking approval to backfill the position; and

WHEREAS: TCHD, as a result of the staff vacancy, is in need of contractual services for the planning/coordinating of their Health Carnival this summer; and

WHEREAS: County Policy 46 outlines the procedure for contractual hires; and

WHEREAS: TCHD has identified Kim Kavulich as a qualified contractor to provide the services; and

WHEREAS: TCHD has funds available for the contract and Kim Kavulich is willing to provide services; and

WHEREAS: The cost of the contract for services is not to exceed \$4,000; and

WHEREAS: The available funds require transfer into the appropriate budget account lines, which requires Legislative Approval; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Public Health Director to enter into contract with Kim Kavulich to provide health services for the period of June 16th through August 31, 2010, upon approval of said contract by the Tioga County Attorney; and be it further

RESOLVED: That funds be transferred as follows:

From: A4012.10-10 Health Education Personal Services \$ 4,000
To: A4012.40-130 Health Education Contract Services \$ 4,000

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

REFERRED TO

HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 138-10

*AUTHORIZATION TO FILL POSITION
SECRETARY TO THE PUBLIC HEALTH
DIRECTOR
PUBLIC HEALTH DEPARTMENT*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.

WHEREAS: The position of Secretary to the Public Health Director has been vacant due to retirement since 12/31/09; and

WHEREAS: The Public Health Director was granted approval by the Legislature at the 04/22/10 work session to begin recruitment efforts for said position; and

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION
 PERSONNEL COMMITTEE

RESOLUTION NO. 140-10 *STANDARD WORK DAY AND
 REPORTING RESOLUTION
 TIOGA COUNTY LEGISLATURE*

Adoption moved by Legislator Sullivan,
 Seconded by Legislator Oberbeck.

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Legislator	Loretta Sullivan	6	1/1/2009-12/31/2011	N	7.64
Legislator	Tracy Monell	6	1/1/2009-12/31/2011	N	7.31

And be it further

RESOLVED: That the Tioga County Legislature does hereby attest that the above elected and appointed officials have submitted their three-month log of activities and such are on file with the Legislative Clerk.

Roll Call:
Ayes 07
Noes 00
Absent 02
CARRIED

Legislator Oberbeck made a motion to consider the following late-filed resolution, seconded by Legislator Roberts and carried.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 141-10 *AUTHORIZE TIOGA COUNTY
TO HIRE MANASSE AND SON AUCTIONEERS
TO AUCTION REAL PROPERTY ACQUIRED
BY COUNTY FORECLOSURE*

Adoption moved by Legislator McEwen,
seconded by Legislator Roberts.

WHEREAS: James P. McFadden, Tioga County Treasurer and tax enforcement officer is in charge of implementing the tax foreclosure of properties under Article Eleven of the New York State 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: The Treasurer has recently conducted a request for proposal for auction services and received responses from three auction companies; and

WHEREAS: Manasse and Son Auctioneers is qualified and has the experience to perform the services of a public auction and Manasse and Son 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 and Son Auctioneers for the public auction of tax foreclosure properties, pending approval by the County Attorney as to form.

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

The meeting was adjourned at 6:21 P.M.

Public Hearing
Susquehanna Heritage Area Management Update
July 8, 2010

The Public Hearing on public review and comment regarding the final draft plan for the Susquehanna Heritage Area Management update and its associated SEQR review was called to order by the Chair at 1:00 P.M. All Legislative members were present.

There were 9 people in attendance.

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

George Penney spoke. "I wish to say there is no need for Tioga County to take a second place to Broome County in anything. First off, Tioga County is the home of Todd Loring, who traveled with Teddy Roosevelt to the Pacific. Tioga County is the home of Belva Lockwood, the first woman candidate for President. Tioga County is the home of Washington Gladden Composer of sacred hymns. Tioga County was the home of General Robert, Robert's Rules of Orders with which we are all familiar. Tioga County was the home of John D. Rockefeller, one of the world's richest men.

"Tioga County is the site of the Nation's earliest railroads. Tioga County has six existing railroad depots. Tioga County has three active museums and two inactive museums. I repeat, there is no need for Tioga County to take second place to Broome County in anything. Thank you."

There being no further comments, the hearing was adjourned at 1:04 P.M.

Seventh Regular Meeting
July 13, 2010

The Seventh Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Oberbeck being absent.

Chair Weston asked for a moment of prayer. "Let us bow our heads for a moment and reflect on how fortunate we are to be a part of this great Nation and all the freedoms that we enjoy."

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

There were 36 people in attendance.

Legislator Huttleston read and presented the following Recognition Resolution to Diane Schaumberg of the Mental Health Department.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 142-10 *RESOLUTION RECOGNIZING DIANE
E. SCHAUMBERG'S 10 YEARS OF
DEDICATED SERVICE TO TIOGA
COUNTY*

Adoption moved Unanimously,
seconded Unanimously.

WHEREAS: Diane E. Schaumberg was provisionally appointed to the position of Coordinator of Quality & Managed Care on January 31, 2000 and permanently appointed to said position on May 22, 2000; on March 19, 2001 she was promoted to the position of Clinical Program Director; and

WHEREAS: Diane E. Schaumberg has been an asset to the Tioga County Department of Mental Hygiene and has been an intelligent, skilled and knowledgeable Clinical Program Director and outstanding agency representative; and

WHEREAS: Diane E. Schaumberg has been dedicated, loyal, fair and just in the performance of her duties and responsibilities during the past 10 years and is well-respected by consumers, co-workers, and her colleagues throughout Tioga County for her calm and thoughtful approach to difficult situations; and

WHEREAS: She has used her extensive knowledge to collaborate with department employees and community agencies to advocate for Mental Hygiene clients; and

WHEREAS: Diane E. Schaumberg will retire on July 30, 2010; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, expresses sincere gratitude to Diane E. Schaumberg for her 10 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

CARRIED UNANIMOUSLY

Legislator Huttleston spoke. "I would like to say you are probably going to retire up to Pickle Hill right. If you have not been around the triple cities or up in Broome County, the Hill Crest area is known as Pickle Hill. I do not know what the reason was, was there a pickle factory there? There was a pickle factory there years ago, but if you have been in the business that I am in, the appraisal business, you know it is called Pickle Hill by old timers. Diane is going to retire soon to Pickle Hill."

Sue Romanczuk-Smelcer, Community Services Board Director, spoke. "I just also wanted to say thank you to Diane for not only her 10 years of service in Tioga County, but she has a long and distinguished career in health and human services dating back to working at Social Services in Broome County, Catholic Charities where she ran an adolescent group home. She worked with Drug and Alcohol in Broome County and then came here and has provided excellent services for our agency. Again, I just want to thank you and we wish her well, a job well done."

Diane Schaumberg spoke. "Thank you very much. It has been a pleasure working for Tioga County for the last 10 years. Thank you."

Dick Cary, Supervisor Town of Barton, had privilege of the floor. "I am here representing the Town of Barton, as well as the Mayor for Waverly who I do not believe is here. This sales tax, changing the percentage, that just does not work. We do not waste money. There is an indication that we can find some ways of saving money. This is where I think over the years maybe you people have not done your due diligence. In our Town workers pay 20% of their health insurance and we do everything, we changed the retirees health insurance. We cover them well, but we saved a pile of money. There has got to be ways that you can cut without affecting services to a great deal.

"This is what I would like to have you look at and also there has got to be other ways, Mr. Weston indicated there are other ways that this shortfall can be filled, but I would say negotiate your contracts with your union representatives. You have got to be tougher. There is no reason that people should not have to pay a little bit more of their health insurance. People have got to start thinking of the taxpayers. There are a lot of people who cannot even pay their property tax. We have to got to start thinking of the taxpayers. Right now government jobs are the best jobs because they get a pay raise every year. Private enterprise it can go on for two or three years without any raise at all in these tough times. We have to get in the real world. Hopefully you will see the light to just forget about taking our sales tax away. Thank you."

Lewis Zorn, Supervisor Town of Tioga, had privilege of the floor. "Good afternoon Legislators. I want to say that I fully agree with Mr. Cary. Last Friday morning when I went out to the paper box and got the paper I was truly appalled, actually I was outraged. Number one, as being the Town Supervisor of Tioga, representing approximately 4500 people, why I had to find out about the issue coming up for a vote today on a public hearing, August 5th I believe, through the newspaper.

"There are a few other issues in here, number one is I do not take kindly to being judged as wasting money in our budget. If anybody has ever sat in on one of our budget meetings, my Board is all here, they will attest that we spend a lot of time on our budgets. We do not waste money. I quickly made some phone calls that morning and found that everybody I talked to, being four or five other Supervisors and other towns people, that they knew nothing about this either. I just feel that maybe

we are not in touch as much as we need to be. I think the Towns need to know about this. I do not know about you, but I think this is very important and when it is in the headlines of the paper and we do not know anything about it that makes me mad, but I just want you to know that I will not support any Legislator that supports that vote. I think we should know about this before it comes out in the paper. That is one of my biggest issues with it. Thank you."

Bob Bell had privilege of the floor. All we ever hear at the local level is consolidation. In my opinion we attack consolidation at the wrong end of the cow. I want to see consolidation in Washington. I want to see consolidation in Albany and I want to see consolidation in Tioga County Government. Mr. McEwen was quoted in the paper saying that any Legislator who voted against the cut in sales tax had better have their own plan to raise 1.4 million. Well anybody that knows me knows that I am a conservative and I think we have to darn much government already. I would like to throw some, three suggestions on the table for you to think over.

"I hold in my hand a picture of the Tioga County Sheriff's Department taken in 1960. Paul Taylor was the Sheriff and there were 17 people working in the Sheriff's Department, and geographically the County is the same size now as it was 50 years ago. I look at a county budget and I ask myself what do all these people do that work in the Sheriff's Department, and I count the number of county cars out behind the welfare building and I ask myself where do all these cars go.

"The second suggestion I will make is that back in the early 90s we had to create an Economic Development Department in this County so they could bring in federal and state grants, they would do a much better job than the Chamber of Commerce, but over the years I have watched a lot of taxpayer dollars wasted in tourism grants, agricultural grants, and just last year a proposal to consolidate town highway departments. Now fortunately there were some Town Boards in this County that had the wisdom to vote no that we are not going to participate in that program because they saw the folly of it. They were already trading work with neighboring towns. I believe they call that consolidation.

“This third point, there are County trucks going up state roads and town roads, and they are all burning \$3.00 gas, fuel. It seems to me it would be logical to turn over 90 miles of County road to the nine Towns in this County and eliminate the Highway Department. I will sum up by saying that I hope when you get to page 14, the resolution to set the date for this public hearing on cutting the sales tax, you vote it down because next year all nine of you people are up for Election and you jam this down the throats of the citizens of Tioga County the way Obama did Obama Care and I am not a betting man but I almost bet the farm will see some new faces here a year from now. Thank you.”

Esther Woods, Mayor Village of Nichols, had privilege of the floor. “I just come to say that I am also not very happy about the tax cut from one-third to one-quarter. We just recently passed our budget in June and if this kind of takes effect immediately with a reduction in sales tax we are going to be short. We have already had to increase our taxes this year for the Village residents and if you short us now we cannot go back, and so now somewhere we have got to come up with the shortfall in our budget. That is kind of hard to do on a small Village, we only have 200 residents or 200 homes in the Village, and to try and now come up with this shortfall of money, where are we going to come up with this? The sales tax that we receive is a third of our budget. That is a big chunk of change for us. To me I am just not happy with this. I understand that you guys are short on your budget, but as Legislators you guys have to do some creative thinking and budget cutting yourselves.

“We took a pay cut ourselves, the Village Board, we took half. We pretty much work for nothing, which is fine, we are for the benefit of all the residents in the Village, but we already cut our salaries. We are at a bare bones right now. I do not know where we could cut to come up with the difference that you guys want to take from us. I am just not going to support this at all, any of this tax cut. With the public meeting I see it is August 5th at 1:00 o'clock in the afternoon. Working individuals at 1:00 o'clock in the afternoon have jobs. I have a job. I had to take a day off today to come here for this and I do not see how you can have a public meeting at 1:00 o'clock in the afternoon when people work. I kind of think it should be held in an evening session so that the public can come because this is a huge impact for all the Towns and Villages, and I think everybody should have the opportunity to come. I definitely just want to say I do not support this. We just do not have the money in our budget, it is a third of our budget. Thank you.”

Joe Albrecht had privilege of the floor. "I will share some enlightening news for the Legislature. There is a website on the Internet which indicates unfunded mandates that are transferred to the States. It is about 52 pages long. I will take care of looking for unfunded mandates from the past. If under the current situation where the cutback in federal aid relative to Medicaid occurs, I think that would be extremely important for the public to know when and if it happens.

"Secondly, I think all members of the Legislature should be in attendance and involved in discussions in Legislative activity relative to mineral leases and utilization in the County. There was an article in the paper this morning about members of a Legislature being excluded from discussions and activity. I disagree with that. I think elected members of a governing body should be in attendance because they are serving at the behest of the public.

"Thirdly, I would like people to consider measuring the carbon dioxide content of the air in your automobile because I think in this weather you open the door, you get inside it is extremely warm and I never knew why until recently relative to global warming it must be the carbon dioxide content of the atmosphere in your car that makes it so warm. This is tongue and cheek. It does have far reaching ramifications, i.e., to the ozone layer. Global warming, carbon dioxide, and a number of other things tend to be misrepresented and when people in higher places can give me the answer to the increased temperature of the inside of my pickup truck in terms of carbon dioxide content I will be impressed. Until that point I am going to be very skeptical relative to the raise in the temperature inside my truck is as high as it is. I thank you very much."

Chris Bonner had privilege of the floor. "They got the greatest scam artist going, Bernie I made off with your money Madoff in jail. Before him there was Ponzi, but you see the greatest scam going is government. They are sucking us dry. You want us to spend money, why are you taking it all from us? Why are you sending all our jobs overseas? This is documented. The government, these politicians, I do not care if they are democrats, that is just a name, or republicans, it does not mean a thing. They are being scammed, just like everybody else. They are sending your jobs overseas by design. The bankers, the guys that got the money, they are the ones that are putting you birds back in. Look at Bird, I saw Mr. Bird coming down there before he died. He had two canes walking like this, 90 some odd years old, what he is doing on there? I do not think his brain

is functioning, but he is still in there and he brought money to West Virginia for a Coast Guard. West Virginia does not have any water. I wonder how that happens. What do they do with all that money?

“Now there are only three documents in my opinion that has given the average guy anything. One is your Bible, the Declaration of Independence, your Constitution, and your Bill of Rights. These are the only things that gave the average guy Joe and Jane any little thing. The rest is all monarchs and your monarchs of the world are taking over your country. This country had to be destroyed from its creation because the monarchs of the world, the Kings, your Queens, were worried. Hey if this works we are going to be out of a job. We are going to have to go to work somewhere.”

James Branston, Supervisor Town of Nichols, had privilege of the floor. I was really surprised when Louie called me the other day, I could not believe, I had not read the paper yet that morning, and to see that in the paper without hearing it from our Representatives first I just could not believe that. As a matter of fact I have not had a representative at our Town Board meeting since the last election. I do not understand that either. We went through this just a few years ago and I thought that everybody pretty much understood how every Town Supervisor, every Village Mayor, and everybody in this County felt about this when you talked about taking it away from us before. I do not see where it helps the taxpayers one little bit. You are merely taking money out of drawer A and putting it in drawer B. It may help you to reduce the amount of taxes you have to raise to the public, but it does not help us because we have to turn back around and we have to pass it on to the people from our Towns and our Villages because we are going to have to raise taxes. There is no two ways about it.

“Our sales tax revenues are already down. Last year I received \$207,882 and halfway through the year I am \$73,685 right now. The other thing I saw in there that I would like to have a clarification on if I could, is that you talked about that we got one-third of the sales tax revenue that the County gets and that you want to reduce it down to one-quarter. If you are talking about reducing it down to one-quarter, are you talking about reducing it down where we get one-quarter of the 4% or one-quarter of 3%? Because unless it has changed, the last I knew Towns and Villages shared in only 3% when it was raised to 7.5% because of the jail and it was supposed to go back down and it never did, and of course we all knew that would not happen, but the Towns and the Villages did not

share in that revenue, and when the loans were paid off for the jail we still did not share in that revenue, and when it went to 8% we did not share in that portion of the revenue anymore.

"I think that all you have to do is two things. One is to try and do a better job on the County's budget and try to find ways to either find new revenue sources or reduce your budget in some way, or have to raise taxes, but if you have to raise taxes then do the same thing that we do go to the people and tell the people we have to raise taxes because that is the only way we can balance our budget and that is the way we do it, that is the way you should do it. Not do the same thing to us that the State tries to do to you all the time, which is to take revenue away from the County. I hope that you will not let this go any further and that you certainly will not have a public hearing on it."

Chair Weston spoke. "I would make one comment because sometimes there is misrepresentation in the public and sometimes there is misrepresentation in the newspapers and so on, that when we vote today it is going to be on whether we are going to set a public hearing. It is not whether or not we are voting in favor of a Local Law as a result of it. This is a very important difference in it because voting on the public hearing is the way that we are supposed to work. We have public hearings so we can hear what people have to say and then we vote on that, and just to do away with the public hearing is not hearing everyone if there are other people out there to hear. Therefore, as I say, please do not be confused by whether a person votes yes on the public hearing that they are going to vote yes on the Local Law."

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		493.65
A1165	District Attorney		1,668.74
A1172	Assigned Counsel		23,385.42
A1185	Medical Examiners/Coroners		4,871.54
A1325	Treasurer		146.25
A1355	Assessments		2,177.14
A1410	County Clerk		509.35
A1411	Department of Motor Vehicles		44.58
A1420	Law		3,312.85
A1430	Personnel		556.70
A1450	Elections		84.29

A1460	Records Management		49.89
A1490	Public Works Administration		95.77
A1620	Buildings		53,542.94
A1680	Information Technology		8,828.88
A2490	Community College Tuition		1,042.67
A2960	Education of Handicapped Children		191,363.69
A3020	Public Safety Comm E911 System		5,049.94
A3110	Sheriff	672.97	13,791.24
A3117	Sheriff LE07-1003-EOO Grant	5,210.75	
A3140	Probation		932.50
A3142	Alternatives to Incarceration		968.35
A3146	Sex Offender Program		8,766.67
A3150	Jail		43,770.11
A3315	Special Traffic Programs		641.00
A3410	Fire	1,765.96	2,781.58
A3640	Emergency Mgmt Office		341.42
A4010	Public Health Nursing		44,113.69
A4011	Public Health Administration		4,264.17
A4012	Public Health Education	1,189.99	5,867.73
A4042	Rabies Control		2,364.38
A4044	Early Intervention	506.87	38,674.53
A4047	Handicapped Education Admin		41.91
A4053	Preventive/Primary Health Svcs		391.56
A4054	Preventive Dental Services		1,213.14
A4064	Managed Care-Dental Services		13,494.74
A4070	Disease Control		3,869.08
A4090	Environmental Health		8,592.46
A4210	Alcohol and Drug Services		56,024.55
A4211	Council on Alcoholism		19,847.32
A4309	Mental Hygiene Co Admin		30,796.98
A4310	Mental Health Clinic		160,179.87
A4315	Mental Retardation		4,604.24
A4320	Crisis Intervention Services		47,080.63
A4321	Intensive Case Management		3,942.37
A6010	Social Services Administration		41,158.78
A6422	Economic Development		160.86
A6610	Sealer Weights/Measures		786.25
A8020	Planning		85.48
A9060	Health Insurance		1,537.34
SOLID WASTE FUND			119,963.22
COUNTY ROAD FUND			40,529.16
SPECIAL GRANT FUND			6,781.57

CONSOLIDATED HEALTH FUND	45,143.41
CAPITAL FUND	584,297.77
WORKERS' COMP	<u>3,733.00</u>
GRAND TOTAL	\$ 1,688,103.89

Legislator Sullivan made a motion to approve the minutes of June 15, 2010, seconded by Legislator Monell, and carried.

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

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 143-10	<i>ERRONEOUS ASSESSMENT TOWN OF BARTON</i>

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: An application for corrected tax roll indicates that property no. 303 assessed to Thomas R Blackman on the 2010 tax rolls of the Town of Barton is erroneous in that a Combat Veterans Exemption applied for in 1997 was never put on the assessment rolls; and

WHEREAS: An application for refund and credit of taxes has been submitted and approved for property no. 303 assessed to Thomas R Blackman in the Town of Barton for tax years 2008, 2009, and 2010 which were all paid to the tax collector in the respective year ; be it therefore

RESOLVED: That a refund of \$440.97 be issued to Thomas R Blackman for overpayment of the 2008, 2009, and 2010 taxes on property no. 303 in the Town of Barton; and be it further

RESOLVED: That the erroneous town tax of \$85.03 be charged back to the Town of Barton; and be it further

RESOLVED: That the erroneous solid waste tax of \$14.52 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$341.42 be charged to the proper account in the records of the County Treasurer

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
 CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 144-10 *APPROPRIATION OF FUNDS*
DEPARTMENT OF SOCIAL SERVICES

Adoption moved by Legislator Huttleston,
 seconded by Legislator McEwen.

WHEREAS: Tioga County has been allocated \$37,258 in Summer Youth Employment funding; and

WHEREAS: Broome-Tioga BOCES has agreed to administer the program; and

WHEREAS: The program will allow twenty-seven (27) TANF-eligible youth in Tioga County to obtain employment from July 12, 2010 through August 19, 2010; therefore be it

RESOLVED: That Tioga County accepts and allocates \$37,258 for the Summer Youth Employment program in Tioga County as follows:

From: A4610.00 Federal Aid: Administration	\$ 37,528
To: A6010.40.140 Contracting Services	\$ 37,528

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
 CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 145-10 *AUTHORIZE THE TRANSFER AND
APPROPRIATION OF E911
FUNDS*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator McEwen.

WHEREAS: The Sheriff's Office E911 Communications Center is the primary answering point for all E911 calls; and

WHEREAS: The equipment used to receive calls will be discontinued and unserviceable in the near future, thereby requiring the acquisition of new equipment; and,

WHEREAS: The Sheriff has accepted a Sales Quote from Tri-County Communications of Binghamton, Inc. in the amount of \$264,412.73 for the purchase of this equipment; and,

WHEREAS: Funds are available in the Appropriated Reserve for the specific purpose of supporting the operations of the E911 center, therefore be it

RESOLVED: That the following sum be transferred as follows for the purpose of purchasing this E911 equipment.

From: Appropriated Reserves A511 \$264,412.73

To: Enhanced E911 Account -A3021.20.621 \$264,412.73

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 146–10 TRANSFER OF FUNDS
SEALER OF WEIGHTS & MEASURES

Adoption moved by Legislator Huttleston,
Seconded by Legislator Sauerbrey.

WHEREAS: Sealer of Weights and Measures is in need of additional certification stickers; and

WHEREAS: Funds are available in the 2010 budget for the costs of the supplies; and

WHEREAS: The available funding requires transfer to the appropriate budget lines; and

WHEREAS: Transfer of funds requires Legislative approval, therefore be it

RESOLVED: That funds be transferred as follows:

From: A6610.20-130 Sealer of Weights & Measures Equipment	\$ 700
To: A6610.40-640 Sealer of Weights & Measures Supplies	\$ 700

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 147-10 APPROPRIATION OF FUNDS
PUBLIC HEALTH

Adoption moved by Legislator Huttleston,
Seconded by Legislator Monell.

RESOLVED: That the Tioga County Treasurer is hereby authorized to purchase a check signer in the amount of \$1,525.80 and that the following sums be transferred as follows:

From:	Treasurer's Account A1325.40-320	\$1,525.80
To:	Treasurer's Account A1325.20-200	\$1,525.80

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
 CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
 FINANCE

RESOLUTION NO. 149-10 *FUND EMERGENCY MANAGEMENT
 OFFICE GRANT - NYS HOMELAND
 SECURITY GRANT*

Adoption moved by Legislator Sauerbrey,
 seconded by Legislator Sullivan.

WHEREAS: The Emergency Management Office has been awarded a NYS Homeland Security Grant (C837990-FY09) in the amount of \$86,222; and

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

RESOLVED: That the NYS Homeland Security Grant (C837990-FY09) be appropriated as follows:

From:	Revenue Account EMO (C837990-FY09)	A3308.00	\$86,222
To:	EMO C837990 Grant-Equipment	A3992.20.230	\$66,222
	EMO C837990 Grant-Contracting	A3992.40.140	\$20,000

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
 CARRIED

REFERRED TO

PUBLIC SAFETY COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 150-10

*APPROPRIATION OF FUNDS FOR-
 BUREAU OF FIRE 2009 NYS HAZ-MAT -
 SHSP GRANT*

Adoption moved by Legislator Sauerbrey,
 Seconded by Legislator Sullivan.

WHEREAS: The Bureau of Fire has been awarded a NYS Homeland Security SHSP Haz-Mat Grant in the amount of \$64,990; and

WHEREAS: This funding now needs to be appropriated in the Bureau of Fire Budget to be used on Hazardous Materials Equipment for the Tioga County Hazardous Materials Team; be it therefore

RESOLVED: That the Homeland Security SHSP Grant (Project # HM09-1009-E00) be appropriated as follows:

From: State Aid-Fire SH08-HM09-1009-E00	A3307.00	\$64,990
To: Fire SH08-HM09-1009-E00	A3991.20-130	\$64,990

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
 CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 151-10 *ALLOW THE COUNTY BUREAU OF FIRE TO ENTER INTO A CONTRACT WITH NYS OFFICE OF HOMELAND SECURITY FOR A WM2009 SHSP GRANT*

Adoption moved by Legislator Sauerbrey,
 Seconded by Legislator Sullivan.

WHEREAS: The New York State Office of Homeland Security has awarded the Tioga County Bureau of Fire a 2009 SHSP Haz-Mat Grant in the amount of \$64,990; and

WHEREAS: The expense of necessary equipment to be used by the Tioga County Haz-Mat Team during times of a Large Scale Hazardous Materials Incident is beyond the means of the yearly Bureau of Fire operating budget; therefore be it

RESOLVED: That, pending approval by the County Law Department, the Tioga County Bureau of Fire be permitted to enter into a contract with the New York State Office of Homeland Security for the procurement of an Ahura True Defender FTIR with a 5 year maintenance agreement. This equipment would provide the Tioga County Hazardous Materials Team a valuable tool that is capable of identifying chemical materials such as those used in the pending well drilling process.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
 CARRIED

Legislator McEwen introduced Local Law Introductory No. C of 2010:

County of Tioga

Local Law No. of the Year 2010.

A Local Law Amending Local Law No. 1 of 1968 establishing a Sales Tax and Compensating Use Tax for the County of Tioga.

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

SECTION 1: PURPOSE

The purpose of this Local Law is to amend Section 14-subparagraphs A and B.

SECTION 2: AMENDMENT OF PROVISIONS OF LOCAL LAW NO. 1 OF 1968

Local Law No. 1 of 1968 establishing a sales tax and compensating use tax for the County of Tioga, as amended by Local Law No. 4 of 1971 and as amended by Local Law No. 3 of 1984, is hereby further amended as follows:

A. Amendment of Section 14: Subparagraphs A and B

1. Subparagraph (a) of Section 14 is hereby amended to read as follows:

“(a) Three-quarters of such monies is hereby set aside for County purposes and shall be available for any county purpose.”

2. Subparagraph (b) of Section 14 is hereby amended to read as follows:

“(b) The remaining one-quarter of such monies shall be allocated first to reduce county taxes levied upon real property in the several towns of the county and any balance remaining shall then be applied to reduce general town taxes levied upon real property in such area.”

SECTION 3: EFFECTIVE DATE:

This law shall take effect on January 1, 2011.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO.-10

*SCHEDULE PUBLIC HEARING LOCAL
LAW INTRODUCTORY NO C OF 2010
A LOCAL LAW AMENDING LOCAL
LAW NO. 1 OF 1968 ESTABLISHING A
SALES TAX AND COMPENSATING USE
TAX FOR THE COUNTY OF TIOGA*

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2010- A Local Law Amending Local Law No. 1 of 1968 establishing a Sales Tax and Compensating Use Tax for the County of Tioga in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York on Thursday, August 5, 2010 at 1:15 p.m. All persons desiring to present written or oral comments may do so at said time.

Legislator Sauerbrey moved to amend the above resolution, seconded by Legislator McEwen, and to read as follows:

“That the time of the public hearing be changed from 1:15 p.m. to 7:00 p.m. on August 5, 2010.”

On roll vote on the above amendment, seven Legislators voted Aye, Legislator Quinlan voting no, Legislator Oberbeck being absent, and the motion to amend was approved.

On roll call vote on the above resolution as amended, four Legislators voted Aye, Legislators Quinlan, Roberts, Sullivan, and Huttleston voting no, Legislator Oberbeck being absent, and the resolution as amended failed.

Legislator Sullivan introduced Local Law Introductory No. A of 2010:

County of Tioga

Local Law No. of the Year 2010.

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga.

BE IN ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1:

The County of Tioga hereby elects to provide all of its eligible employees with the 2010 Retirement Incentive Program – Part A, authorized by Chapter 105, Laws of 2010.

SECTION 2:

The commencement date of the Retirement Incentive Program –Part A shall be October 3, 2010.

SECTION 3:

The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length.

SECTION 4:

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Tioga for each employee who receives the retirement benefits payable under this local law.

SECTION 5:

This Local Law shall take effect upon filing with the Secretary of State and no later than August 31, 2010.

Legislator Sullivan introduced Local Law Introductory No. B of 2010:

County of Tioga

Local Law No. of the Year 2010.

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga.

BE IN ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1:

The County of Tioga hereby elects to provide all of its eligible employees with the 2010 Retirement Incentive Program – Part B, authorized by Chapter 105, Laws of 2010.

SECTION 2:

The commencement date of the Retirement Incentive Program –Part B shall be October 1, 2010.

SECTION 3:

The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length.

SECTION 4:

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Tioga for each employee who receives the retirement benefits payable under this local law.

SECTION 5:

This Local Law shall take effect upon filing with the Secretary of State and no later than August 31, 2010.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO. 152-10

*SCHEDULE PUBLIC HEARINGS
LOCAL LAW INTRODUCTORY NO A OF 2010
A LOCAL LAW TO ADOPT THE 2010
RETIREMENT INCENTIVE PROGRAM – PART A
AND LOCAL LAW INTRODUCTORY NO B OF
2010 – A LOCAL LAW TO ADOPT THE 2010
RETIREMENT INCENTIVE PROGRAM – PART B
AUTHORIZED BY CHAPTER 105 OF THE LAWS
OF 2010 FOR ELIGIBLE EMPLOYEES OF
THE COUNTY OF TIOGA*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Roberts.

WHEREAS: New York State has made two Early Retirement Incentives available to local municipalities for 2010; and

WHEREAS: The County Legislature is still considering the impacts of participating in said incentives but must meet certain deadlines in order to have the option to participate; therefore be it

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2010 – A Local Law to Adopt the 2010 Retirement Incentive Program – Part A in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York on Thursday, August 5, 2010 at 1:00 p.m.; and be it further

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2010 - A Local Law to Adopt the 2010 Retirement Incentive Program – Part B authorized by Chapter 105 of the Laws of 2010 for eligible employees of the County of Tioga in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York on Thursday, August 5, 2010 at 1:05 p.m. All persons desiring to present written or oral comments may do so at said time.

CARRIED

REFERRED TO:

PERSONNEL COMMITTEE

RESOLUTION NO. 153-10

*AUTHORIZE CONTRACT WITH EBS-RMSCO,
INC – MEDICARE PART D DRUG COVERAGE*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Sullivan.

WHEREAS: Medicare-eligible beneficiaries may purchase prescription drug coverage through a Medicare Part D Plan; and

WHEREAS: An employer who provides prescription drug coverage to Medicare eligible employees, retirees, and/or their spouses must disclose to them whether or not the benefit provided is “at least as good” as the Medicare coverage, referred to as creditable coverage notice; and

WHEREAS: Plan sponsors who offer postretirement drug coverage to their qualified covered retirees may be eligible to receive a 28% tax-free subsidy of allowable drug costs for those retirees who do not elect to receive prescription benefits under a Medicare Part D Plan; and

WHEREAS: It is necessary to complete an actuarial attestation to determine that the participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide drug coverage which meets the actuarial equivalence test in order to determine if the retiree prescription coverage is "at least as good" as the Medicare coverage and to determine if the TCCMHIP participants are eligible to apply for the subsidy for the 2011 Plan Year, January 1, 2011 through December 31, 2011; and

WHEREAS: Creditable coverage notices must be provided to all Part D eligible participants no later than November 15, 2010 and the deadline to file for the 2011 Plan Year subsidy is October 4, 2010, and

WHEREAS: EBS-RMSCO, Inc. has performed this actuarial attestation each year since 2005 and is available to perform the actuarial attestation and necessary testing again in 2010 for the 2011 Plan Year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to sign a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, to provide the necessary actuarial services for creditable coverage and the 28% tax-free subsidy related to Medicare Part D for the 2010 Plan Year at a cost of \$4,100 to be paid for out of the TCCMHIP Fund.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 154-10 AMEND RESOLUTION NOS. 111-10 AND 123-10
STANDARD WORK DAY AND REPORTING
RESOLUTION DISTRICT ATTORNEY'S OFFICE

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: Resolution Nos. 111-10 and 123-10 regarding term begin/end dates for the 3rd Assistant District Attorney and the District Attorney Stenographer, PT had term/end dates of 10/2/2009-TERM OF OFFICE; and

WHEREAS: The New York State and Local Retirement System has contacted the Legislative Office and informed that there has to be an end date on terms of office for appointed and elected officials; and

WHEREAS: They further indicated that for the two positions in the District Attorney's Office that the terms should be consistent with the District Attorney's term of office, which current term ends 12/31/2011; therefore be it

RESOLVED: That Resolution Nos. 111-10 and 123-10 be hereby amended to reflect a term end date for the 3rd Assistant District Attorney and the District Attorney Stenographer, PT as of 12/31/2011.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
 CARRIED

REFERRED TO

PUBLIC SAFETY COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 155-10

*AUTHORIZATION TO FILL VACANT PART-TIME
 DEPUTY SHERIFF POSITION WITHIN
 SHERIFF'S OFFICE*

Adoption moved by Legislator Sauerbrey,
 Seconded by Legislator Huttleston.

WHEREAS: Due to New York State's recent passage of Leandra's Law, a mandate exists requiring Tioga County to employ a Monitor to oversee the Interlock Ignition Program associated with this child passenger protection act; and

WHEREAS: The duties associated with monitoring this program can be accomplished by utilizing a Deputy Sheriff on a part time basis; and

WHEREAS: A part time Deputy Sheriff vacancy currently exists and adequate funds are present within the Sheriff's part time staff account; therefore be it,

RESOLVED: That the Sheriff be authorized to fill the vacant part time Deputy Sheriff, not to exceed 19 hours per week, at a rate of \$17.886 per hour effective 8/2/10.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
 CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES
 PERSONNEL COMMITTEE

RESOLUTION NO. 156-10 *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, 2010; 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 16, 2010 through May 13, 2011.

On roll call vote on the above resolution, six Legislators voted yes, Legislators Roberts and Sauerbrey voting no, Legislator Oberbeck being absent, and the resolution was adopted.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 157-10 *AUTHORIZE SALE OF COUNTY
OWNED PROPERTIES ACQUIRED
FOR DELINQUENT TAXES*

Adoption moved by Legislator McEwen,
seconded by Legislator Sauerbrey.

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 6, 2010 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

166.11-1-63, Coston, John E.

166.19-5-52, Loco Holdings, LLC

166.16-2-54, Marino, Christine

166.19-2-25, McCarthy, Michael

166.15-1-71, Parmalee, Donald L.

167.15-1-12, Stewart, Frederick

13.00-1-14.12, Woodcock, George & Barbara

Town of Candor

74.00-1-32.20, Babcock, Karen A.

81.00-1-30, Coleman, Natasha Fratello

61.09-3-70, Krauss, Henry & Terri R.

Town of Newark Valley

75.18-1-81, Jarvis, Louis

75.18-1-82, Jarvis, Louis

Town of Owego

132.09-1-8, Boehlert, James S.

128.08-7-68, Cedar Associates, Inc.

175.00-2-51, Groats, John C. & Bertha

128.08-2-20, Haskell, Gary E.

142.14-1-14.1, Johnson, Hubert

117.20-2-42, Loco Holdings, LLC

128.08-1-4, Loco Holding, LLC

128.08-4-20, Loco Holdings, LLC

129.05-3-7, Loco Holdings, LLC

128.08-3-87, Larry Plac, Inc.

128.08-4-40, Lumnah, Michael J. & Steven J.

Town of Richford

2.00-2-50, Moss, Susan & Catherine Nicklaus

14.00-1-22.10, Decibus, Ronald

Town of Tioga

117.11-2-7, Loco Holdings, LLC

126.00-1-14.12, Zepkowski, Stanley & Marilyn C.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 158-10

*AUTHORIZE THE SALE OF VICTORIA
POLYNIAK PROPERTY LOCATED IN THE
TOWN OF OWEGO TO DEBBIE MUSKA
OR HER ASSIGNS*

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: Property located in the Town of Owego, assessed to Victoria Polyniak, identified as Tax Map number 87.00-1-8.2, parcel number 12634 owes 2008, 2009 and 2010 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Debbie Muska, who has made an offer to purchase the property for \$300.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$300.00 and recording costs, a Quit Claim Deed conveying the property assessed to Katherine Garrison, located in the, Town of Owego, identified on the Town of Owego Tax Map as number 87.00-1-8.2, parcel number 12634, to Debbie Muska or her assigns.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 159-10

*AUTHORIZE BACKFILL
COUNTY ATTORNEY
LAW DEPARTMENT*

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: The position of County Attorney became vacant as of June 5, 2010; and

WHEREAS: The County Legislature has accepted the recommendation of the Interview Committee; and

WHEREAS: The selected candidate brings over 20 years of municipal law experience to the position; therefore be it

RESOLVED: That Judith Quigley is hereby appointed County Attorney effective on or after August 16, 2010 at an annual salary of \$90,000; and be it further

RESOLVED: That Ms. Quigley will continue to perform the JD PINS responsibilities in addition to the typical duties of the County Attorney; and be it further

RESOLVED: That this appointment is for the balance of the current term which runs through December 31, 2011.

Roll Call:

Ayes 07

Noes 00

Absent 01

Legislator Huttleston Abstained

CARRIED

The meeting was adjourned at 2:19 P.M.

*Public Hearing
Local Law Introductory No. A of 2010
August 5, 2010*

The Public Hearing on Local Law Introductory No. A of 2010-A Local Law to Adopt the 2010 Retirement Incentive Program Part A was called to order by the Chair at 1:03 P.M. Seven Legislative members were present, Legislator Sullivan being absent.

There were 19 people in attendance.

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

There being no comments, the hearing was adjourned at 1:04 P.M.

*Public Hearing
Local Law Introductory No. B of 2010
August 5, 2010*

The Public Hearing on Local Law Introductory No. B of 2010-A Local Law to Adopt the 2010 Retirement Incentive Program Part B authorized by Chapter 105 of the Laws of 2010 for eligible employees of the County of Tioga was called to order by the Chair at 1:05 P.M. Seven Legislative members were present, Legislator Sullivan being absent.

There were 20 people in attendance.

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

There being no comments, the hearing was adjourned at 1:06 P.M.

Eighth Regular Meeting
August 10, 2010

The Eighth Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Seven Legislative members were present, Legislator Roberts being absent.

Chair Weston asked Legislator McEwen to have a moment of prayer. "I would like to ask for a moment of silence for all of those people serving our Country and all of the people who are less fortunate than we are in this room."

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

There were 29 people in attendance.

The following two recognition resolutions were duly noted:

REFERRED BY:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 160-10	<i>RESOLUTION RECOGNIZING WILLIAM OBERBECK'S YEARS OF DEDICATED SERVICE TO THE TIOGA COUNTY LEGISLATURE</i>

Adoption moved unanimously,
seconded unanimously.

WHEREAS: William Oberbeck was elected to the position of Tioga County Legislator on January 1, 2005; and

WHEREAS: William Oberbeck has served as Chair on the committees of Economic Development and Planning, Finance and Legal, and Personnel; and

WHEREAS: William Oberbeck has also served on the committees of Public Works, Information Technology, Personnel/ADA and Safety, Finance and Legal, Administrative, and Public Safety; and

WHEREAS: William Oberbeck has served on various other Boards including the Transportation Committee, Tioga County Industrial Development Agency, Cornell Cooperative Extension Board, and served as Republican Nomination Majority Leader; and

WHEREAS: William Oberbeck has been extremely dedicated and loyal in the performance of his duties and responsibilities over the past five years to the Tioga County Legislature. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. William Oberbeck resigned from his position as Legislator on August 1, 2010; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to William Oberbeck for over five years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding Legislator, William Oberbeck.

CARRIED UNANIMOUSLY

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 161-10 *RESOLUTION RECOGNIZING
JOAN NUZZO'S 15 YEARS
OF DEDICATED SERVICE TO
TIOGA COUNTY*

Adoption moved unanimously,
seconded unanimously.

WHEREAS: Joan Nuzzo was appointed to the position of Temporary Cleaner I on December 13, 1994; appointed to Permanent Cleaner I on June 26, 1995; appointed to Cleaner II (this position is where she completed her appointment) on January 1, 1998; and

WHEREAS: Joan Nuzzo has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 15 years to the department of Public Works/Buildings & Grounds. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Nuzzo retired on July 1, 2010; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Joan Nuzzo for her 15 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

CARRIED UNANIMOUSLY

The following two Proclamations were duly noted:

PROCLAMATION

WHEREAS: New York's children need the emotional and financial support of both parents, as well as the support of their extended families and the community, in order to grow into healthy, productive adults; and

WHEREAS: New York State is committed to promoting the health and well-being of all of its children by ensuring that parents pay child support on a regular and timely basis; and

WHEREAS: Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS: The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys still continue to play an active role in child support enforcement; and

WHEREAS: In 2009, New York State child support program served more than 1 million children and collected over \$1.7 billion dollars in child support; and

WHEREAS: In 2009, Tioga County collected over \$5.3 million dollars in child support; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2010 to be

Child Support Enforcement Month

in Tioga County and salute those parents who support their children and honor the child support enforcement professionals in our community and throughout New York State.

2010 PROCLAMATION

National Alcohol and Drug Addiction Recovery Month

WHEREAS: Prevention, treatment and recovery efforts improve the community's welfare and provide renewed outlook on life for those who, along with their family and friends, struggle with substance use disorders; and

WHEREAS: In 2008, 23.1 million people aged 12 or older in the United States needed treatment for a substance use disorder, and 20.8 million did not receive it; and

WHEREAS: Substance abuse negatively affects children, families and loved-ones and takes a great toll on our society economically and in terms of mental health and safety; and

WHEREAS: Studies have indicated that 8.9 percent of people who made an effort to get treatment , but did not receive it, were concerned that receiving treatment might cause neighbors and community members to have negative opinions of them; and

WHEREAS: Fear, stigma and economics continue to be barriers to seeking help for an addiction; and

WHEREAS: Tioga County Council on Addiction and Substance Abuse provides prevention, education, advocacy, early intervention and referral services for individuals, friends or family members who are living with a substance abuse disorder; and

WHEREAS: Tioga County Department of Mental Hygiene remains prepared to provide treatment for Tioga County Citizens who choose to work toward recovery for a substance use disorder; and

WHEREAS: Such education and raising awareness is essential in overcoming misconceptions and achieving long-term recovery; and

WHEREAS: To help achieve this goal, the US Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, the New York State Office of Alcoholism and Substance Abuse Services, and the Tioga County Department of Mental Hygiene invite all Tioga County residents to participate in the 21st anniversary of National Alcohol and Drug Addiction Recovery Month; therefore be it

RESOLVED: That the Tioga County Legislature hereby asks all residents of our county to join in declaring September 2010 as

National Alcohol and Drug Addiction Recovery Month

in the County of Tioga, NY.

Tom Emmett had privilege of the floor. “I would like to take this opportunity first to thank you for giving me the opportunity and secondly to talk about the resolutions that are in the package dealing with the benefits to Tioga County retirees. To begin with I would like to correct some misconceptions that apparently were said at last Thursday’s workshop and were in a newspaper article by Matt Hicks in the Morning Times. The history of this resolution as far as our Association goes, Bethany informed Kathy Roush and I that there were some changes to the retirees benefit that the Personnel Committee was considering last April. We responded to that meeting with some suggestions. Nothing further was heard until the week before the Legislative workshop when both Kathy and I received e-mails from Bethany with a summary of what these resolutions were. I was on vacation at the time and when I returned I wrote a letter to each of the Legislators concerning these changes.

“The article indicated that we had input and were part of the plan developing these resolutions and I think that was very misleading. We were given a set of proposals by the Personnel Department. We have never met with the Legislature or any committee of the Legislature to discuss this, and we certainly have not been part of any development of how the resolutions came about. We have only responded to what we have been presented with.

“Today I would like primarily to address the issues concerning the Medicare Part B reimbursement. I also understand at the workshop that it was stated that this was not even a benefit until 1994. I believe that is incorrect. The Medicare Part B benefit was originally established when the County was part of the State Insurance Plan and that was part of the State Insurance Plan. When the County left the State Insurance Plan and developed their own insurance plans, and I think it was in the mid 60s, the County continues with the Part B reimbursement, so this has been in effect since the County left the State Insurance Plan. The 1994 resolution that was referred to simply took spouses of retirees off the reimbursement. Prior to 1994 if you were a retired employee and your spouse was not a retired County employee, the spouse was also receiving the benefit. In 1994 the

County changed that so that only the retired employee received the benefit.

“Our Association feels that this benefit should remain intact without a change or a cap. In response to some questions that I asked of Amy Poff, she advised me that there were 119 retirees receiving Part B reimbursement for a total yearly cost of \$137,659 per year. This is less than two one-hundredths of a percent of the total County budget. The effect that the change has on the County budget by changing the Part B reimbursement is minuscule, but the effect that it has on the retired employees can be significant. I would like to read to you an e-mail I received from one of our members.

“This member says I would like to go on record as stating that I am opposed to limiting the Medicare Part B to people who retired and under 65 be capped. As I stated before, it will possibly force some of us to apply for special needs Medicaid programs in which a State and County would end up paying for the Medicare Part B premium anyways and they would gain very little by doing this. Also taking the extra monies out of our pension may force those of us who have low pensions to go on services that I personally would prefer not to do. I have always paid my own bills and tax responsibilities, and I would be forced to possibly have to use these services such as food stamps, HEAP, etc. In my opinion this does not reflect very well on the past promises made by our employer to have the retired employees possibly have to go on some form of assistance to meet their needs when they originally worked for these services and they were supposed to be provided to them as a result of the faithful years of service.”

“As I told you in my letter, a survey of our members showed that over 40% last year were over 66 and a third of the members who responded had a State pension of less than \$10,000 a year and a comparable social security benefit of less than \$10,000 a year. To these people the Part B reimbursement is a significant part of their income. For those who turn 65 prior to 2010, this amounts to \$1,150 per year. Reimbursement of the Part B charge allows them to use their other funds on other expenses that continue and increase including their contributions to the health insurance, which we doubled last year. These retirees worked for the County when salaries were far less than private industry and one reason they stayed was the benefit they would receive upon retirement. The County has reaped their share of this bargain through all the years of work that have been provided. It is now up to the County to

continue to allow retired employees to reap their share of the bargain by continuing the Medicare Part B reimbursement unchanged. We hope that you will table this resolution, I think it is resolution number 26 or page 26, and give us an opportunity to meet with you to discuss these resolutions at your convenience. Once again I thank you for the opportunity to speak."

Chris Bonner had privilege of the floor. "You know it is nice to get up here to say once in a while at these meetings the Republicans are doing well, everything is great in the Country, but you know I would be a liar. This Country is on the verge of destruction and we have these incompetents in the Democratic and the Republican Party, hey they all take their shares. They are all supporting this Country. Your jobs are moving overseas. They are not lost. Nobody lost them. They were encouraged to move overseas through tax deductions. We will give you tax credits, that is how the governments control us. The Federal and the State, we are going to give you tax credits and we all go out and we buy solar, which was a big flop. We go out and build greenhouses, which was a big flop, and we are still doing this stuff.

"Now, we got laws coming down here and they say nobody gives you any money to enforce these laws, they are mandates. They are not mandates. Tell them no, we are not going to do it. Now look at this one here, it is called the Leandra's Law. What does it do? If you get alcohol on your breath you will not be able to start your car. All you have to do is call your friend, hey start this up for me, and they will blow into it and start it up for you. Do you know they can take your numbers for your credit cards if they have an FID chip in them. Standing right there if I had that gadget and you had them in your pocket I can get it right from here, but I am going to tell you how to foil them. You wrap your credit card, anything with an ID chip, and you wrap it with aluminum foil and they will not be able to get it, and it is only going to cost you maybe half a cent.

"Now these laws are coming down here. There is always going to be, always going to be a wiz out there that is going to bypass this stuff. Just look at these here students and they get these people who are in the Federal Government that are on these here computers, do not know how they do it, and they are getting all this information. Now if you invented it, somebody else will counteract it. Laws, we had one here in New York, they want you to buy these here fluorescent lights. They are loaded with mercury. They tell you mercury is bad for you, but they want you to put them in your sockets up there, to put them on and it goes on ladies and

gentleman. There is one out there if you do not sign your driver's license they are going to take your organs. They do not tell you. Maybe this is one of the reasons why they are putting all this stuff on us. Ladies and gentlemen educate yourself, find out what is going on.

"We had a football game here this week, I think it was 80 or 90 degrees and they are playing football. Romans, the Romans did this. The politicians in Rome. Hey we will give them bread and circuses. The circuses was when the gladiators went death to death out there on a Sunday afternoon and the bread was welfare checks. We got it today, it is called welfare checks and sports."

Joe Albrecht had privilege of the floor. "I would like to thank the Legislature for this opportunity. This is kind of a disjointed presentation today. I will do better in the future. We have experienced recently an oil spill in the Gulf of Mexico. To me it is a unique situation that the entities that control and govern our lives could not calculate the volume of fluid released from a major pipe with known characteristics of the liquid and a known pressure. I am not an engineer, but I think I can find one who can discuss for me the flow of material from a measured volume under a particular pressure. This will become significant shortly.

"Water vapor is the primary greenhouse gas, carbon dioxide, methane, and nitrous oxide follow that. Hydrogen, carbon, and nitrogen by themselves do not add significantly to the effect of greenhouse gases, but if you add oxygen, hydrogen becomes water, carbon becomes carbon dioxide, and nitrogen becomes nitrous oxide, all three of which are significant greenhouse gases. Is oxygen the culprit? Should we limit the amount of oxygen that is available in the atmosphere? Just a little food for thought.

"Methane which is made up of one atom of carbon and four of hydrogen combines with oxygen to release two molecules of water vapor and one of carbon dioxide. The sources of methane include humans, bovines, landfills, volcanoes, Trenton black river, and the Marcellus Shale, and the question becomes should the people who are given responsibility for controlling our lives be expected to explain how some of these relationships occur within 2000 page documents that suggest that they are all knowing and ever wise, and I wonder about that. I may be the only one ignorant enough not to accept exactly what the powers that be suggest that I should accept, but ignorance bothers me. We are all to look forward to carbon foot prints, carbon credits, tree planting offsets,

and so forth, and I just wonder if under these conditions that this type of legislation should be allowed to happen, and also on that basis I emphasize with you ladies and gentlemen for accepting the responsibilities that you do. Thank you very much.”

Dave Ketchum had privilege of the floor. “My first topic is elections. I have been doing it about the same way all my life. Those of us that look know that we can and should be doing better. There are some thoughts about something called IRV that is being thought about around New York City and if they could do it the rest of us will be expected to. IRV lets you vote for who you most like and also if you do not get the one you most like who is your second choice, things like that. IRV for the voter is a fine thing. Then we go look behind the scenes as the vote counter. The rules for vote counting do not permit the counter to look at all that the voter wrote and that is all that is worth saying here, but I will happily talk in more detail with anybody that wants to talk in more detail.

“My other topic is road destruction or really destruction of our vehicles by mismanaged roads. For it seems like a week or so that the South end of the bridge they dug up part of the road enough to hurt most anybody's car. Their contract should never have permitted having an important bit of road like that bridge to be in that much trouble for as long as it was. I do not know who had the contract, but that kind of contract should never permit that kind of mismanagement of the work. Thank you.”

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		581.48
A1165	District Attorney		3,717.77
A1170	Public Defender		4,542.04
A1172	Assigned Counsel		37,000.00
A1185	Medical Examiners/Coroners		3,475.00
A1325	Treasurer		107.25
A1355	Assessments		4,510.13
A1410	County Clerk		1,166.41
A1411	Department of Motor Vehicles		405.55
A1420	Law		3,477.90
A1430	Personnel		1,540.70
A1450	Elections	1,120.24	5,936.90
A1460	Records Management		301.49

A1460.41	Records Management		27,820.27
A1490	Public Works Administration		36.33
A1620	Buildings		63,546.50
A1680	Information Technology		9,495.56
A2490	Community College Tuition		194,785.61
A2960	Education of Handicapped Children		406,645.31
A3020	Public Safety Comm E911 System		5,853.52
A3110	Sheriff	35.74	19,737.03
A3140	Probation		84.79
A3142	Alternatives to Incarceration		2,033.15
A3146	Sex Offender Program		8,766.67
A3150	Jail		58,087.11
A3315	Special Traffic Programs	927.00	5,009.00
A3410	Fire		1,934.77
A3552	EMO Grant-SHSP C837970	3,610.08	
A3640	Emergency Mgmt Office		329.20
A3641	Emergency Mgmt Grant Program	8,102.00	
A4010	Public Health Nursing		51,093.26
A4011	Public Health Administration		17,375.52
A4012	Public Health Education		6,517.97
A4042	Rabies Control		837.00
A4044	Early Intervention		72,147.88
A4053	Preventive/Primary Health Services		134.38
A4054	Preventive Dental Services		570.11
A4062	Lead Poisoning Program		87.55
A4064	Managed Care-Dental Services		21,662.54
A4070	Disease Control		4,247.50
A4090	Environmental Health		9,085.95
A4210	Alcohol and Drug Services		6,806.07
A4211	Council on Alcoholism		21,122.66
A4309	Mental Hygiene Co Admin		10,100.49
A4310	Mental Health Clinic		24,303.98
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		18,446.98
A4321	Intensive Case Management		3,266.16
A4333	Psycho Social Club		39,170.25
A6010	Social Services Administration		188,598.68
A6141	Energy Crisis Assistance Programs		32,987.72
A6422	Economic Development		246.70
A6510	Veterans' Service		125.00
A6610	Sealer Weights/Measures		393.56
A7310.41	Youth Programs, Refundable		19,618.68

A8020	Planning	256.54
A9060	Health Insurance	1,537.34
SOLID WASTE FUND		90,056.98
COUNTY ROAD FUND		31,367.23
SPECIAL GRANT FUND		29,409.72
CONSOLIDATED HEALTH FUND		92,237.25
CAPITAL FUND		308,649.08
LIABILITY INSURANCE FUND		198.25
WORKERS' COMP		<u>2,500.00</u>
GRAND TOTAL		\$ 1,990,502.72

Legislator McEwen made a motion to approve the minutes of July 8, and 13, 2010, seconded by Legislator Monell, and carried.

Chair Weston appointed Legislator Mike Roberts the Republican Majority Leader for the remainder of 2010 to replace Legislator Will Oberbeck.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 162-10 APPROVAL OF THE SUSQUEHANNA
HERITAGE AREA MANAGEMENT PLAN
AMENDMENT

Adoption moved by Legislator Sullivan,
Seconded by Legislator McEwen.

WHEREAS: Tioga County Planning and Tourism have been participating for the past two years with the Broome County Department of Planning and Economic Development in conjunction with the Susquehanna Heritage Area Commission & Advisory Board in a study that recommends the Susquehanna Heritage Area boundary be expanded from its current scope of just Binghamton, Johnson City and Endicott to the entirety of Broome and Tioga Counties; and

WHEREAS: This plan called the *Susquehanna Heritage Area Management Plan Amendment*, which was created pursuant to Section 35.05 of the Parks, Recreation and Historic Preservation Law of New York State, is in its final draft form and ready for approvals; and

WHEREAS: The Final Susquehanna Heritage Area Management Plan Amendment (Final Amendment) builds and expands upon previous planning efforts implemented since the Susquehanna Heritage Area was first recognized by the New York State Legislature in 1982; and further identifies means to promote and develop the historic, cultural, recreational, and natural resources of a geographically expanded Susquehanna Heritage Area, which is proposed to encompass Broome and Tioga counties as the recommended boundary as Broome and Tioga counties are considered to be integral to telling the story of the Susquehanna Heritage Area; and

WHEREAS: The Final Amendment identifies a series of strategies and partnerships for communities in Broome and Tioga counties for the preservation, education, recreation, and economic revitalization of their unique resources and for the implementation of programs and projects with technical support from the New York State Heritage Area Program; and

WHEREAS: With no objection from Tioga County, the Broome County Legislature declared itself Lead Agency through resolution 09-552 enacted November 30, 2009 pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the State Environmental Quality Review Act (SEQRA), conducted a coordinated review of the Final Draft Amendment, and the Broome County Legislature subsequently made a negative declaration; and

WHEREAS: The required public hearings, one in each county, have been held on the Final Draft Amendment before it is submitted to the NYS Office of Parks, Recreation & Historic Preservation for approval; and

WHEREAS: The Susquehanna Heritage Area Commission & Advisory Board have approved the Final Draft Amendment and recognized the proposed expanded boundary; therefore be it

RESOLVED: That the Tioga County Legislature hereby recognizes the Susquehanna Heritage Area boundary expansion to all of Tioga and Broome Counties and accepts the principles and strategies of Susquehanna Heritage Area Management Plan Amendment.

CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 163-10 *DESIGNATION OF TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION,
D.B.A. TIOGA COUNTY TOURISM, AS
AUTHORIZED TOURISM PROMOTION
AGENCY FOR 2011*

Adoption moved by Legislator Sullivan,
seconded by Legislator Monell.

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the state in its tourism grants program; and

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

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA), therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2011 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.

CARRIED

REFERRED TO: INFORMATION TECHNOLOGY
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 164-10 AMEND POLICY 23
PROCUREMENT POLICY

Adoption moved by Legislator Sullivan,
Seconded by Legislator Monell.

RESOLVED: That County Policy 23, Section IV-Determining the Necessity for Competitive Bidding be amended as follows:

Change item # 1 in the table from above \$10,000 to "above \$20,000;"
and

Change item #2 in the table from \$10,000 or less to "\$20,000 or less."

And be it further

RESOLVED: That County Policy 23, Section V-Purchasing Processing be amended as follows:

Change Commodities \$5,000-\$9,999 to "\$5,000-\$19,999;" and

Change Commodities \$10,000 & over to "\$20,000 & over."

Now therefore be it

RESOLVED: That the remainder of Policy 23 shall remain in full force and effect.

Roll Call:
Ayes 07
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 165-10 *AUTHORIZE TO HOLD JOINT AUCTION WITH BROOME COUNTY*

Adoption moved by Legislator Sullivan,
seconded by Legislator McEwen.

WHEREAS: Broome County has offered Tioga County the ability to rejoin them with a joint auction for surplus property; and

WHEREAS: Broome County has contracted Mel Manassee & Son Auctioneers for Saturday, September 25, 2010 @ 10:00 AM; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the auction for surplus properties to be held in conjunction with Broome County on Saturday, September 25, 2010 @ 10:00 AM; and be it further

RESOLVED: That Tioga County's auction for surplus properties will be held at the Broome County Highway Dept., 47 Thomas St., Chenango Bridge, NY 13745 and at a fee of 9% of the proceeds.

Roll Call:
Ayes 07
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 166-10 *APPROVE SUPPLEMENTAL AGREEMENT 1 LABELLA ASSOCIATES LILLIE HILL RD. BRIDGE AND TRANSFER FUNDS*

Adoption moved by Legislator McEwen,
seconded by Legislator Monell.

WHEREAS: Tioga County retained Labella Associates, Rochester, NY to perform design services to replace the Lillie Hill Rd. Bridge; and

WHEREAS: The intention at that time was to utilize County funds for construction; and

WHEREAS: The County has been able to obtain Federal Funds for the project necessitating a different level of design effort including a stream hydraulic analysis; therefore be it

RESOLVED: That the Tioga County Legislature approve Supplemental Agreement #1 in the amount of \$19,500 for the additional engineering services and transfer that amount from Halsey Valley Road Bridge Account H2006.03 to Lillie Hill Road Bridge Account H2010.07.

Roll Call:
 Ayes 07
 Noes 00
 Absent 01
 CARRIED

REFERRED TO: PUBLIC WORKS
 FINANCE

RESOLUTION NO. 167-10 APPROVE SUPPLEMENTAL
 AGREEMENT 1
 MCFARLAND JOHNSON -MAIN
 ST. BRIDGE AND TRANSFER FUNDS

Adoption moved by Legislator Monell,
 seconded by Legislator Sullivan.

WHEREAS: Tioga County retained McFarland Johnson, Binghamton, NY to perform design services for rehabilitation of the Main St. Bridge in Lockwood, NY; and

WHEREAS: A detailed structural evaluation of the bridge underneath the deck at the mid-span support revealed serious deterioration; and

WHEREAS: This necessitated considerable additional design work for replacement instead of rehabilitation; and

WHEREAS: The final design required additional survey and mapmaking for four (4) easements; therefore be it

RESOLVED: That the Tioga County Legislature approve Supplemental Agreement #1 in the amount of \$20,190 for the additional engineering services and transfer that amount from Halsey Valley Road Bridge Account H2006.03 to Main Street Bridge Account H2009.08.

Roll Call:
 Ayes 07
 Noes 00
 Absent 01
 CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 168-10 APPROVAL OF TIOGA COUNTY
 IGNITION INTERLOCK PLAN FOR
 COMPLIANCE WITH LEANDRA'S LAW

Adoption moved by Legislator Sauerbrey,
 seconded by Legislator Monell.

WHEREAS: The provisions of Vehicle and Traffic Law Section 1198, known as Leandra's Law, require additional county services for the monitoring of ignition interlock devices for all DWI convictions; and

WHEREAS: Tioga County submitted a plan on June 3, 2010 to be in compliance with the rules and regulations of New York State Office (formerly Division) of Probation and Correctional Alternatives that requires all Counties to establish an Ignition Interlock Program Plan; now therefore be it

RESOLVED: That the Tioga County Legislature hereby adopts the Tioga County Ignition Interlock submitted plan effective on August 15, 2010

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 169-10 FUND SHERIFF'S GRANT –NYS WM 2009
 SLETPP GRANT

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator McEwen.

WHEREAS: The Sheriff's Office has been awarded a NYS Homeland Security Grant (Project # LE09-1035-E00) in the amount of \$38,000, and

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

RESOLVED: That the NYS Homeland Security Grant (Project # LE09-1035-E00) be appropriated as follows:

From: State Aid-Sheriff LE09-1035-E00	A3397.00	\$38,000
To: Sheriff LE09-1035-E00 Grant-Personnel	A3119.10.30	\$ 6,000
Sheriff LE09-1035-E00 Grant-Equipment	A3119.20.130	\$32,000

Roll Call:

Ayes 07

Noes 00

Absent 01

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE

RESOLUTION NO. 170-10 TRANSFER OF FUNDS –
EMERGENCY MANAGEMENT

Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.

WHEREAS: The Emergency Management Office has been awarded a NYS Local Emergency Planning Committee Grant (LEPC) in the amount of \$3,376; and

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

RESOLVED: That the Local Emergency Planning Committee Grant (LEPC) be appropriated as follows:

From: Revenue Account EMO A3342 \$3,376
 To: LEPC Account A3647.40.140 \$3,376

Roll Call:
 Ayes 07
 Noes 00
 Absent 01
 CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 10 ADOPT LOCAL LAW NO. 1 OF 2010

Adoption moved by Legislator Sauerbrey,
 seconded by Legislator Sullivan.

WHEREAS: A public hearing was held on August 5, 2010, following due notice thereof to consider the adoption of Local Law Introductory No. A of the Year 2010 A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 1 of 2010; therefore be it

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

County of Tioga

Local Law No. 1 of the Year 2010.

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga.

BE IN ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1:

The County of Tioga hereby elects to provide all of its eligible employees with the 2010 Retirement Incentive Program – Part A, authorized by Chapter 105, Laws of 2010.

SECTION 2:

The commencement date of the Retirement Incentive Program –Part A shall be October 3, 2010.

SECTION 3:

The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length.

SECTION 4:

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Tioga for each employee who receives the retirement benefits payable under this local law.

SECTION 5:

This Local Law shall take effect upon filing with the Secretary of State and no later than August 31, 2010.

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, Legislators McEwen, Monell, Weston, Quinlan, Sauerbrey, Sullivan, and Huttleston voting no, Legislator Roberts being absent, and the resolution was defeated.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 10 ADOPT LOCAL LAW NO. 2 OF 2010

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Sullivan.

WHEREAS: A public hearing was held on August 5, 2010, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2010 A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 2 of 2010; therefore be it

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

County of Tioga

Local Law No. 2 of the Year 2010.

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga.

BE IN ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1:

The County of Tioga hereby elects to provide all of its eligible employees with the 2010 Retirement Incentive Program – Part B, authorized by Chapter 105, Laws of 2010.

SECTION 2:

The commencement date of the Retirement Incentive Program –Part B shall be October 1, 2010.

SECTION 3:

The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length and shall end on December 29, 2010.

SECTION 4:

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Tioga for each employee who receives the retirement benefits payable under this local law.

SECTION 5:

This Local Law shall take effect upon filing with the Secretary of State and no later than August 31, 2010.

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, Legislators McEwen, Monell, Weston, Quinlan, Sauerbrey, Sullivan, and Huttleston voting no, Legislator Roberts being absent, and the resolution was defeated.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO –10

AMEND COUNTY POLICY 3
SECTION IV
ORIENTATION, EXIT INTERVIEWS,
RECRUITMENT, RETIREMENT

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Monell.

WHEREAS: County Policy 3 currently includes in Section IV three tiers of retiree health insurance contributions; and

WHEREAS: Those three tiers are differentiated by the retiree's date of hire with Tioga County; and

WHEREAS: The latter tiers have been added for the purpose of limiting the County's costs in the future for providing retiree health insurance coverage; and

WHEREAS: The ever-increasing health insurance premiums have caused the Legislature to further evaluate the feasibility of providing health insurance to future retirees; therefore be it

RESOLVED: That County Policy 3 be amended to add a new Section IV.E, which shall read:

"All employees hired, or rehired after a break in service longer than allowable by the applicable collective bargaining agreement or County Policy 44, on or after January 1, 2011 and all elected officials, including Legislators, taking office for the first time on or after January 1, 2011 shall not be eligible for health insurance, outlined in Sections A, B, C & D above, upon or at any time during retirement."

And be it further

RESOLVED: That the first sentence in Section IV.C shall be changed to read:

“As to all employees hired, re-hired after a break in service longer than allowable by the applicable collective bargaining agreement or County Policy 44, on or after January 1, 2005, and for all elected officials, including Legislators, taking office for the first time on or after January 1, 2005, the policy shall be as follows:”

And be it further

RESOLVED: That the remainder of Policy 3 shall remain in full force and effect.

Legislator Sauerbrey made a motion to table the above resolution until the September Legislative meeting, seconded by Legislator Monell.

On roll call vote to table the above resolution, seven members voted Aye, Legislator Roberts being absent, and the motion to table was approved.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO.-10 AMEND COUNTY POLICY 44:
NON-UNION BENEFITS

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Sullivan.

WHEREAS: Section 4 – Retirement and Section 5 – Health & Dental Insurance of Policy 44 Non-Union Benefits Policy need to be updated as a result of the addition of Tier 5 to the NYS Retirement System; and

WHEREAS: Section 5 – Health & Dental Insurance of Policy 44 Non-Union Benefits Policy also needs to be updated as a result of Excellus Blue Cross Blue Shield changing the Traditional Indemnity to Classic Blue; and

WHEREAS: The Tioga County Legislature is looking at ways to reduce costs; and

WHEREAS: Excellus Blue Cross Blue Shield currently offers a prescription mail order option for long term maintenance medications; and

WHEREAS: Prescriptions filled through mail order cost the health insurance program less money; therefore be it

RESOLVED: That County Policy 44: Non Union Benefits, Section 4 – Retirement is hereby amended to read:

All non-union salaried employees are eligible to become members of the NYS Employee’s Retirement System. Most full-time employees are required to join. Membership for part-time employees may be optional.

Retirement eligibility criteria varies by Tier, as do the benefits. Detailed information about each Tier is available from the Personnel Office.

And be it further

RESOLVED: That County Policy 44: Non-Union Benefits, Section 5 – Health & Dental Insurance is hereby amended to read:

Tioga County currently provides health and dental insurance through Excellus Blue Cross/Blue Shield of Central New York Classic Blue Regionwide Plan, but maintains the right to change providers at will. In addition to the Classic Blue Regionwide Plan, effective May 1, 2005, all current Non-union staff who are insurance eligible shall have the option to change to PPO Option H-Split. All new hires as of May 1, 2005, will only have the option to enroll in the PPO Option H-Split.

EFFECTIVE 01/01/2009

Annual Salary*:	Individual Classic Blue:	Family Classic Blue:	Indiv PPO:	Family PPO:
\$ 0 – 29,999	\$20/paycheck	\$30/paycheck	\$10/payck	\$20/payck
\$30,000-59,999	\$40/paycheck	\$50/paycheck	\$15/payck	\$30/payck
\$60,000 & over	\$50/paycheck	\$70/paycheck	\$25/payck	\$40/payck

*exclusive of any stipend

Part-time Attorneys per paycheck contributions:

Date of Hire	Individual Classic Blue	Family Classic Blue	Indiv PPO	Family PPO
Prior to 1/1/95	\$50/paycheck	\$65/paycheck	\$30/payck	\$45/payck
On or after 1/1/95*	\$60/paycheck	\$130/paycheck	\$40/payck	\$85/payck

*All part-time Assistant District Attorneys in this category

Effective January 1, 2010 All Legislators enrolled in the County’s Classic Blue health insurance shall contribute \$30 per month for individual coverage or \$40 per month for family coverage. Legislators enrolled in the PPO Plan shall contribute \$15 per month for Individual coverage or \$30 per month for Family coverage.

A prescription card is included in the medical plans and requires employees to pay \$5 for generic drugs, \$15 for common brand name drugs, or \$30 for new brand name drugs. Effective June 1, 2010 under the Classic Blue plan and effective January 1, 2011 under the PPO Option H-split plan all 90 day supplies of prescriptions will be charged three times the copay at retail pharmacies and one copay through Excellus mail order pharmacy. Some exceptions may be required by NYS regulations and Excellus Blue Cross/Blue Shield. Drug categorization to be determined by Excellus Blue Cross/Blue Shield. Blue Cross/Blue Shield's "Gap Pricing" shall be in effect for all prescriptions.

Effective June 1, 2010 the annual deductible for all enrollees in the Classic Blue health insurance shall be \$100 per person, up to a maximum of \$300 for a family plan; and be it further

RESOLVED: That the remainder of Policy 44 shall remain in full force and effect.

On roll call vote on the above resolution, four Legislative members voted Aye, Legislators McEwen, Quinlan, and Huttleston voting no, Legislator Roberts being absent, and the resolution was defeated.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO -10

AMEND RESOLUTION 176-94
AS AMENDED BY RESOLUTION 306-04
MEDICARE REIMBURSEMENT

Adoption moved by Sauerbrey,
Seconded by Sullivan.

WHEREAS: Resolution 176-94 established a practice of reimbursing employees and retirees age 65 and older for their Medicare Part B Premium; and

WHEREAS: Resolution 306-04 declared that the reimbursement would not be available for employees hired on or after January 1, 2005; and

WHEREAS: The Legislature has been forced by the current economy to consider all means of limiting costs; and

WHEREAS: The topic of Medicare Part B Reimbursement has been discussed for several months and various options considered; therefore be it

RESOLVED: That Resolution 176-94 as amended by Resolution 306-04 be amended to reflect the following for employees/retirees hired prior to 2005:

1. Spouses (of active employees hired prior to 2005) who are not eligible for Medicare Part B as of December 31, 2010 shall not be eligible for reimbursement at any time.
2. Retirees as of December 31, 2011 not yet age 65 shall be eligible upon turning age 65, but shall only be reimbursed \$110.50/month.
3. Employees who retire on or after January 1, 2012 shall not be eligible for any reimbursement, regardless of their date of hire.
4. Active employees (hired prior to 2005) who are not eligible for Medicare Part B as of December 31, 2010, shall not be eligible for reimbursement while employed for Tioga County.
5. The monthly amount to be reimbursed for all eligible recipients shall be capped at the 2010 rate.

And be it further

RESOLVED: That Resolution 306-04 shall remain in full force and effect.

Legislator Sauerbrey made a motion to table the above resolution under the September Legislative meeting, seconded by Legislator Monell.

On roll call vote to table the above resolution, seven members voted Aye, Legislator Roberts being absent, and the motion to table was approved.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO -10

AMEND RESOLUTION 50-94
AS AMENDED BY RESOLUTION 361-01,
AS AMENDED BY RESOLUTION 260-09
RETIREE HEALTH INSURANCE
CONTRIBUTIONS

Adoption moved by Sauerbrey,
Seconded by Monell.

WHEREAS: Resolution 50-94 established health insurance contribution rates for retirees at \$5.00 or \$7.50 per month; and

WHEREAS: Resolution 361-01 increased those rates to \$10.00 or \$15.00 per month; and

WHEREAS: Resolution 260-09 increased the monthly contributions of retirees toward health insurance by \$10 per month to \$20 or \$25, effective January, 2010; and

WHEREAS: The ever-increasing cost of health insurance coupled with the County's need to find ways of reducing costs has led to further review of the contributions; and

WHEREAS: Since 2005, Tioga County has made a less-expensive health plan available to retirees as a voluntary option; and

WHEREAS: The less-expensive plan provides excellent coverage as well; and

WHEREAS: To date, there has been no difference in the retiree contribution rate for the different plans and it is believed that until such time there is such an incentive to change to the less-expensive plan, change is unlikely; therefore be it

RESOLVED: That Resolution 50-94, as amended by Resolution 361-01, as amended by Resolution 260-09 shall be amended as follows:

“That effective January 2011, any retiree who continues enrollment in the Classic Blue plan shall pay the \$20 or \$25 monthly contribution plus the difference between the monthly premiums of the Excellus Classic Blue product and the Excellus PPO Option H-Split Product”; and be it further

RESOLVED: That under the PPO plan, 90-day supplies of maintenance drugs purchased at retail stores shall require 3 co-pays, and 90-day supplies via mail-order shall require one co-pay.

Legislator Sauerbrey made a motion to withdraw the above resolution, seconded by Legislator Sullivan.

On roll call vote to withdraw the above resolution, seven members voted Aye, Legislator Roberts being absent, and the motion to withdraw the above resolution was carried.

REFERRED TO	PERSONNEL COMMITTEE
RESOLUTION NO-10	AUTHORIZE EXCEPTION TO COUNTY POLICY 3-ORIENTATION, EXIT INTERVIEWS, RECRUITMENT, RETIREMENT

Adoption moved by Sauerbrey,
Seconded by Monell.

WHEREAS: County Policy 3, Section IV outlines the required criteria for an employee to be eligible to carry health insurance into retirement; and

WHEREAS: The 2010 Part A Early Retirement Incentive would be available to some employees who would not, in accordance with County Policy 3, Section IV-B, be eligible to continue their health insurance if they retire under the Incentive; and

WHEREAS: The Legislature is willing to make an exception for employees eligible for Part A to allow them to continue the health insurance in retirement despite not being age 55; and

WHEREAS: The Legislature is not willing to make exception for employees eligible for Part A who have not yet served 10 years with Tioga County; therefore be it

RESOLVED: That the Director of Community Services is hereby authorized to backfill the Clinical Program Director position with a provisional appointment of Lori Monk at an annual salary of \$56,000 effective on or after 8/11/10.

Roll Call:
Ayes 07
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 172-10 *AUTHORIZE TO CREATE AND FILL
TEMPORARY POSITION; AUTHORIZE
HIRING WAIVER SHERIFF'S OFFICE*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Monell.

WHEREAS: In accordance with §65.3 of the New York State Civil Service Law, the current incumbent serving in the position of Payroll Clerk/Typist must vacate said position effective September 13, 2010; and

WHEREAS: The Payroll Clerk/Typist performs all aspects of the very involved payroll process at the Sheriff's Office; and

WHEREAS: The Sheriff would like a replacement to have an opportunity to train with the incumbent for two payroll cycles; therefore be it

RESOLVED: That one temporary full-time position of Payroll Clerk be created effective September 13, 2010 at an hourly rate of \$13.070; and be it further

RESOLVED: That the Sheriff is authorized to fill said temporary position for the period of September 13, 2010 through October 8, 2010; and be it further

RESOLVED: That the Sheriff is hereby granted a waiver from the 60-day Hiring Delay for the Payroll Clerk/Typist position and is authorized to fill it on a permanent basis as of September 13, 2010.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 173-10 *AUTHORIZE BACKFILL
DEPUTY ELECTION COMMISSIONER
(BOARD OF ELECTIONS)*

Adoption moved by Legislator Monell,
Seconded by Legislator Sauerbrey.

WHEREAS: The Board of Elections is represented in a Bi-partisan manner;
and

WHEREAS: Both the Republican and Democratic Election Commissioners
are appointed to their respective positions for a two year term; and

WHEREAS: The Commissioner of Elections appoints and prescribes the
duties and shall secure in the appointment of employees of the Board of
Elections equal representation of the major political parties; and

WHEREAS: The Republican Deputy Election Commissioner position will
become vacant on September 13, 2010; and

WHEREAS: The vacancy is occurring during the preparation for the
upcoming election that is transitioning to the new Optical Scan Voting
system in compliance with the Federal Help America Vote Act; and

WHEREAS: Tioga County Legislature established a 60 day delay in back
filling vacant positions for the purpose of cost savings; and

WHEREAS: The Republican Commissioner of Elections would like to backfill
the position without delay to allow for the search of a qualified candidate
to begin immediately; therefore be it

RESOLVED: That the Republican Commissioner of Elections is hereby
granted a waiver from the 60-day Hiring Delay for the Republican Deputy
Election Commissioner position and is authorized to fill effective
September 13, 2010 at an annual salary of \$27,000.

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

Legislator McEwen made a motion to consider the following late-filed resolutions, seconded by Legislator Monell, and carried.

REFERRED TO: PUBLIC SAFETY
PERSONNEL

RESOLUTION NO. 174-10 *BACKFILL FULL TIME
DEPUTY SHERIFF POSITION;
AUTHORIZE HIRING WAIVER
SHERIFF'S OFFICE*

Adoption moved Legislator Sauerbrey,
seconded Legislator McEwen.

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a full-time Deputy Sheriff position due to the resignation of a Deputy Sheriff effective July 29, 2010; and

WHEREAS: The Tioga County Sheriff's Office has found Thomas DuPay, a former Deputy Sheriff, willing and eligible to accept appointment to such position; and

WHEREAS: The Sheriff has received approval from the TCLEU to hire him at the 2010 one-year contract rate, or \$43,623, due to his previous law enforcement experience; therefore be it

RESOLVED: That the Sheriff is hereby granted a waiver from the 60-day Hiring Delay for the position of Deputy Sheriff; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to fill the full-time Deputy Sheriff position with Thomas DuPay at an annual salary of \$43,623 per year, effective August 30, 2010.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 175-10 *APPOINT COUNTY LEGISLATOR*

Adoption moved by Legislator McEwen,
Seconded by Legislator Sauerbrey.

WHEREAS: 7th District Tioga County Legislator William Oberbeck submitted his resignation from his office effective August 1, 2010; and

WHEREAS: The balance of Legislator Oberbeck's term runs through December 31, 2011; and

WHEREAS: Pursuant to Local Law 3 of 1978, the 7th District seat must be filled by a qualified resident-elect of the Towns of Candor, Richford or Newark Valley; and

WHEREAS: The Legislature has found and determined that a qualified resident-elect residing in the Town of Newark Valley shall be appointed to fill the unexpired term of William Oberbeck; now therefore be it

RESOLVED: That Eddie J. Hollenbeck is hereby appointed Legislator effective August 11, 2010 to fill the remainder of the term of William Oberbeck who resigned effective August 1, 2010.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 176-10 *ACCEPT AUCTION BIDS FOR COUNTY OWNED PROPERTIES ACQUIRED FOR DELINQUENT TAXES, AUTHORIZE EXECUTION OF DEEDS*

Adoption moved by Legislator McEwen,
seconded by Legislator Huttleston.

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Owego, Richford and Tioga were offered for sale at Public Auction conducted August 6, 2010 by the County Treasurer; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount of the bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Town of Barton:</u>	Purchaser:	Bids:
<u>Tax Map #-Prior Owner</u>		
166.19-5-52, Loco Holdings, LLC	Leprino Foods	\$3,000.00
1667.09-1-10.20, David Manzer & Joann M. Myers	Ken Jacobson	\$9,000.00
166.16-2-54, Marino, Christine	Steven J. Chaffee	\$26,000.00
166.19-2-25, McCarthy, Michael	Detail Works, LLC	\$15,000.00
166.15-1-71, Parmalee, Donald L.	Donald B. Marsh	\$22,000.00
167.15-1-12, Stewart, Frederick	Ken Jacobson	\$10,500.00
13.00-1-14.12, Woodcock, George & Barbara	Ken Jacobson	\$10,000.00
<u>Town of Candor</u>		
74.00-1-32.20, Babcock, Karen A.	Owego Corp.	\$11,000.00
81.00-1-30, Coleman, Natasha Fratello	Steven T. Chaffee	\$13,500.00
61.09-3-70, Krauss, Henry & Terri R.	Ken Jacobson	\$1,000.00
<u>Town of Newark Valley</u>		
75.18-1-81, Javis, Louis	Joseph E. Tomazin Jr.	\$6,500.00
75.18-1-82, Javis, Louis	Two Pieces sold together	
<u>Town of Owego</u>		
132.09-1-8, Boehlert, James S.	Eric D. Slate	\$700.00
128.08-7-68, Cedar Associates, Inc.	Ricky W. Ulrich	\$2,100.00
175.00-2-51, Groats, John C. & Bertha	Lori Searfoss	\$1,000.00
128.08-2-20, Haskell, Gary E.	Nathan T. Kennedy	\$2,000.00
142.14-1-14.1, Johnson, Hubert	Christine M. Pelto	\$6,500.00
129.05-3-7, Loco Holdings	Matthew J. McKane	\$100.00
128.08-1-4, Loco Holdings	Elizabeth J. Keir	\$100.00
117.20-2-42, Loco Holdings, LLC	Ken Jacobson	\$7,500.00
128.08-4-20, Loco Holdings, LLC	Brian Robie	\$21,000.00
128.08-4-40, Lumnah, Michael J. & Steven J.	C. H. Lohmeyer, LLC	\$2,000.00

128.08-3-87, Plac, Larry	Whitney Michaud	\$100.00
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Town of Richford

2.00-2-50, Moss, Susan & Catherine Nicklaus	Gordon J. Drasye	\$10,000.00
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Town of Tioga

117.11-2-7, Loco Holdings, LLC	Owego Corp.	\$7,000.00
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126.00-1-14.12, Zepkowski, Stanley & Marilyn C.	Ken Jacobson	\$8,750.00
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Roll Call:

Ayes 07

Noes 00

Absent 01

CARRIED

County Clerk Robert Woodburn swore in Legislator Ed Hollenbeck.

The meeting was adjourned at 2:10 P.M.

Second Special Meeting
August 19, 2010

The Second Special Meeting of 2010 was called to order by the Chair at 10:00 A.M. Six Legislative members were present, Legislators Huttleston, Monell, and Sauerbrey being absent.

The Chair asked Legislator McEwen to have a moment of prayer.

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

There were 10 people in attendance.

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 177-10 *DECLARE AN EMERGENCY FOR
STRUCTURAL REPAIRS IN THE
COURTHOUSE ATTIC*

Adoption moved by Legislator McEwen,
seconded by Legislator Sullivan.

WHEREAS: A problem was discovered in the main Court Room; and

WHEREAS: An investigation by Delta Engineers revealed the problem was caused by a structural deficiency; and

WHEREAS: The building was closed as a precaution; and

WHEREAS: The NYS Unified Court System requires the building for their operations; and

WHEREAS: The County has hired a contractor to make temporary repairs as recommended by the Engineer in order to reopen the Courthouse as soon as possible; therefore be it

RESOLVED: That the Tioga County Legislature does hereby declare an emergency allowing the prompt implementation of repairs necessary to reopen the Courthouse.

Roll Call:

Ayes 06

Noes 00

Absent 03

CARRIED

Legislator Huttleston arrived at 10:03 A.M.

The meeting was adjourned at 10:06 A.M.

Ninth Regular Meeting
September 14, 2010

The Ninth Regular Meeting of 2010 was called to order by the Chair at 6:00 P.M. Seven Legislative members were present, Legislators Monell and Quinlan being absent.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would like to ask for a moment of silence for the victims of 9/11."

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

There were 10 people in attendance.

Chair Weston announced that the Employee of the Third Quarter 2010 has been postponed until the October Legislative meeting.

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		643.68
A1165	District Attorney		1,052.92
A1170	Public Defender		2,170.15
A1172	Assigned Counsel		14,708.55
A1185	Medical Examiners/Coroners		680.80
A1325	Treasurer		30,953.00
A1355	Assessments		2,211.68
A1410	County Clerk		756.30
A1411	Department of Motor Vehicles		353.67
A1420	Law	180.00	71.00
A1430	Personnel		1,037.30
A1450	Elections	1,753.08	224.85
A1460	Records Management		49.36
A1460.41	Records Management		11,436.87
A1490	Public Works Administration		603.23
A1620	Buildings		65,313.08
A1680	Information Technology		14,276.71
A1490	Community College Tuition		89,595.77
A2960	Education Handicapped Children		88,013.79
A3020	Public Safety Comm E911 System		5,433.43

A3021	Enhanced E911		264,412.73
A3110	Sheriff	804.70	16,899.32
A3140	Probation		450.68
A3142	Alternatives to Incarceration		835.45
A3146	Sex Offender Program		8,766.67
A3150	Jail		43,029.31
A3410	Fire	361.80	2,160.46
A3552	EMO Grant-SHSP C837970	4,967.95	
A3640	Emergency Mgmt Office		365.25
A3641	Emergency Mgmt Grant	272.91	
A3991	Fire SH08-HM09-1009-EOO	64,990.00	
A4010	Public Health Nursing		32,005.16
A4011	Public Health Administration		3,963.06
A4012	Public Health Education		37.00
A4042	Rabies Control		2,363.46
A4044	Early Intervention		30,808.63
A4047	Handicapped Education Admin		46.00
A4053	Preventive/Primary Health Svcs	400.00	567.80
A4054	Preventive Dental Services		766.36
A4062	Lead Poisoning Grant		46.00
A4064	Managed Care-Dental Services		13,444.86
A4070	Disease Control		3,559.89
A4090	Environmental Health		6,676.45
A4210	Alcohol and Drug Services		4,984.05
A4309	Mental Hygiene Co Admin		10,150.24
A4310	Mental Health Clinic		49,740.38
A4315	Mental Retardation		5,734.24
A4320	Crisis Intervention Services		7,059.48
A4321	Intensive Case Management		2,859.09
A6010	Social Services Administration		85,195.73
A6422	Economic Development		481.92
A6610	Sealer Weights/Measures		178.45
A7310.41	Youth Programs, Refundable		1,119.43
A8020	Planning		113.39
A9060	Health Insurance		1,537.34
SOLID WASTE FUND			71,626.61
COUNTY ROAD FUND			18,680.51
SPECIAL GRANT FUND			7,266.83
CONSOLIDATED HEALTH FUND			55,249.80
CAPITAL FUND			342,669.68
WORKERS' COMP			<u>1,300.00</u>

GRAND TOTAL \$ 1,500,468.29

Legislator Sullivan made a motion to approve the minutes of August 5, 10, and 19, 2010, seconded by Legislator McEwen, and carried.

Chair Weston announced that the Standing Committees for 2010 have been revised.

*STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2010*

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

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

Legislator Sauerbrey made a motion to untable the following resolution tabled at the August Legislative meeting, seconded by Legislator Sullivan and carried.

“As to all employees hired, re-hired after a break in service longer than allowable by the applicable collective bargaining agreement or County Policy 44, on or after January 1, 2005, and for all elected officials, including Legislators, taking office for the first time on or after January 1, 2005, the policy shall be as follows:”

And be it further

RESOLVED: That the remainder of Policy 3 shall remain in full force and effect.

Legislator Sauerbrey made a motion to amend the above resolution, seconded by Legislator Sullivan and Legislator Hollenbeck read the amendment as follows:

“An employee who retired prior to January 1, 2011 and carried health insurance into retirement who takes office or is rehired after January 1, 2011 shall be allowed to continue health insurance coverage as a retiree.”

On roll call vote on the above amendment, Legislators Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston voting Aye, Legislators Monell and Quinlan being absent, and the amendment was carried.

The following resolution with amendment was offered:

REFERRED TO	PERSONNEL COMMITTEE
RESOLUTION NO 178-10	AMEND COUNTY POLICY 3 SECTION IV ORIENTATION, EXIT INTERVIEWS, RECRUITMENT, RETIREMENT

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Sullivan.

WHEREAS: County Policy 3 currently includes in Section IV three tiers of retiree health insurance contributions; and

WHEREAS: Those three tiers are differentiated by the retiree's date of hire with Tioga County; and

WHEREAS: The latter tiers have been added for the purpose of limiting the County's costs in the future for providing retiree health insurance coverage; and

WHEREAS: The ever-increasing health insurance premiums have caused the Legislature to further evaluate the feasibility of providing health insurance to future retirees; therefore be it

RESOLVED: That County Policy 3 be amended to add a new Section IV.E, which shall read:

"All employees hired, or rehired after a break in service longer than allowable by the applicable collective bargaining agreement or County Policy 44, on or after January 1, 2011 and all elected officials, including Legislators, taking office for the first time on or after January 1, 2011 shall not be eligible for health insurance, outlined in Sections A, B, C & D above, upon or at any time during retirement. An employee who retired prior to January 1, 2011 and carried health insurance into retirement who takes office or is rehired after January 1, 2011 shall be allowed to continue health insurance coverage as a retiree."

And be it further

RESOLVED: That the first sentence in Section IV.C shall be changed to read:

"As to all employees hired, re-hired after a break in service longer than allowable by the applicable collective bargaining agreement or County Policy 44, on or after January 1, 2005, and for all elected officials, including Legislators, taking office for the first time on or after January 1, 2005, the policy shall be as follows:"

And be it further

RESOLVED: That the remainder of Policy 3 shall remain in full force and effect.

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

Legislator Sauerbrey made a motion to untable the following resolution tabled at the August Legislative meeting, seconded by Legislator Sullivan and carried.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO –10

AMEND RESOLUTION 176-94
AS AMENDED BY RESOLUTION 306-04
MEDICARE REIMBURSEMENT

Adoption moved by Legislator
Seconded by Legislator

WHEREAS: Resolution 176-94 established a practice of reimbursing employees and retirees age 65 and older for their Medicare Part B Premium; and

WHEREAS: Resolution 306-04 declared that the reimbursement would not be available for employees hired on or after January 1, 2005; and

WHEREAS: The Legislature has been forced by the current economy to consider all means of limiting costs; and

WHEREAS: The topic of Medicare Part B Reimbursement has been discussed for several months and various options considered; therefore be it

RESOLVED: That Resolution 176-94 as amended by Resolution 306-04 be amended to reflect the following for employees/retirees hired prior to 2005:

1. Spouses (of active employees hired prior to 2005) who are not eligible for Medicare Part B as of December 31, 2010 shall not be eligible for reimbursement at any time.
2. Retirees as of December 31, 2011 not yet age 65 shall be eligible upon turning age 65, but shall only be reimbursed \$110.50/month.
3. Employees who retire on or after January 1, 2012 shall not be eligible for any reimbursement, regardless of their date of hire.

4. Active employees (hired prior to 2005) who are not eligible for Medicare Part B as of December 31, 2010, shall not be eligible for reimbursement while employed for Tioga County.

5. The monthly amount to be reimbursed for all eligible recipients shall be capped at the 2010 rate.

And be it further

RESOLVED: That Resolution 306-04 shall remain in full force and effect.

Legislator Hollenbeck stated "the resolution is being withdrawn".

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 179-10 *BOND RESOLUTION
DATED SEPTEMBER 14, 2010
BOND RESOLUTION
AUTHORIZING THE ISSUANCE
OF \$9,000,000 SERIAL BONDS OF THE
COUNTY OF TIOGA, NEW YORK, TO
PAY A PORTION OF THE COST OF
CERTAIN BRIDGE REPAIRS AT
VARIOUS LOCATIONS THROUGHOUT
THE COUNTY*

Adoption moved by Legislator McEwen,
Seconded by Legislator Roberts.

WHEREAS: Tioga County (the "County") is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

WHEREAS: The County Legislature of the County now desires to authorize the financing of a capital project consisting of the reconstruction of certain bridges throughout the County, including Lockwood, Straits Corners, Halsey Valley Rd., Dean Creek Rd., Gridleyville, Gaskill Rd. and Sabin Rd., all to include related construction, demolition, renovations, site improvements, original furnishings, fixtures and equipment required for such purposes, architectural, inspection and engineering fees, and all

other cost incidental to such work (collectively, the "Project"); now therefore be it

RESOLVED: By the County Legislature of the County of Tioga, New York, as follows:

Section 1. The County, having reviewed the impact of undertaking the Project, hereby determines that such action constitutes a "Type II Action" under the 6 NYCRR § 617.5(c)(1) and (2) of the Regulations and is not subject to review under SEQRA; and

Section 2. For the class of objects or purposes of paying a portion of the cost of the Project, there are hereby authorized to be issued \$9,000,000 serial bonds of the County of Tioga, New York, pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$9,000,000 and that the plan for the financing thereof includes the issuance of serial bonds in the aggregate principal amount not to exceed \$9,000,000 to finance said Project, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, subject to applicable amounts of any state or federal assistance available for such purpose or from any other source. It is hereby determined that the requirements of SEQRA have been met.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years under subdivision 10 of paragraph a. of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Tioga, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the County of Tioga, New York, by the manual or facsimile signature of the County Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly,

pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 10. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 2 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 3 of this resolution shall be from the County's General Fund. It is intended that the County shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the County's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, shall be published in full in the Tioga County Courier and the Morning Times, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

DISCUSSION:

Legislator McEwen spoke. "That although nothing is forever perfect in this world, that it is the intent of the Legislature to pay for these bond payments out of the capital sales tax that was imposed when we put in the Public Safety Building, and hopefully that way we can keep it away from property taxes."

On roll call vote on the above resolution, Legislators Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston voting Aye, Legislators Monell and Quinlan being absent, and the resolution was adopted.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 180-10

*AUTHORIZE THE SALE OF RONALD
DECIBUS PROPERTY LOCATED IN THE
TOWN OF RICHFORD TO LOUIS J.
DECIBUS OR HIS ASSIGNS*

Adoption moved by Legislator McEwen,
Seconded by Legislator Sullivan.

WHEREAS: Property located in the Town of Richford, assessed to Ronald Decibus, identified as Tax Map number 14.00-1-22.10, parcel number 346 owes 2008, 2009 and 2010 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Louis J. Decibus, who has made an offer to purchase the property for \$800.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$800.00 and recording costs, a Quit Claim Deed conveying the property assessed to Ronald Decibus, located in the, Town of Richford, identified on the Town of Richford Tax Map as number 14.00-1-22.10, parcel number 346, to Louis J. Decibus or his assigns.

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: ED&P COMMITTEE
 JOB TRAINING COMMITTEE

RESOLUTION NO. 181-10 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 receives funding in July of each year; and

WHEREAS: The Tioga Employment Center county budget may require amending after July to accurately reflect the actual funding available; and

WHEREAS: The Tioga Employment Center carried in additional funding from Program Year 2009 in the amount of \$76,113; therefore be it

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

From: CD4791 – Federal Aid-Federal Employment Program \$76,113

To: CD6293.40- Federal Employment Program in the following accounts:
 - 130 Contracts: \$26,113
 - 190 Education Reimbursements: \$50,000

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 182-10 *AUTHORIZE ACCEPTANCE OF A \$471,143.00 2010
 NEW YORK MAIN STREET PROGRAM GRANT FOR
 THE OWEGO HISTORIC DOWNTOWN PROGRAM*

Adoption moved by Legislator Roberts,
 Seconded by Legislator Sullivan.

WHEREAS: The New York State Housing Trust Fund Corporation's Office of Community Renewal (OCR) through the New York State Main Street Program has approved the award to Tioga County in the amount of \$471,143.00 for the Owego Historic Downtown Program; and

WHEREAS: This grant has been approved for funding for \$400,000 in interior and exterior renovations, \$41,143.00 in Streetscape Enhancements and \$30,000 in Administrative funding for the approved Owego Historic Downtown Program; and

WHEREAS: The Village of Owego and Tioga County supports the revitalization of commercial and residential uses that make up the downtown or "main street" areas of the county; and

WHEREAS: The Village of Owego supports this program through the approved Resolution #021; and

WHEREAS: The Tioga County Legislature approved the application and administration of this grant through Resolution #77-10; therefore be it

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

From: CE3990/ 2010 New York Main Street Program \$471,143.00
 To: CE8510.40-487/2010 New York Main Street Program \$471,143.00

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 183-10 *AWARD DESIGN & INSPECTION
 CONTRACT TO DELTA ENGINEERS
 FOR FINAL COURT HOUSE REPAIRS*

Adoption moved by Legislator Roberts,
 seconded by Legislator Sullivan.

WHEREAS: A structural deficiency was discovered at the Tioga County Court House in August: and

WHEREAS: The Court House was closed as a precaution and temporary repairs were made so the Court House could be reopened and operational; and

WHEREAS: Permanent repairs are necessary to correct the problem; therefore be it

RESOLVED: That the Tioga County Legislature award the design and inspection contract to Delta Engineers, Endwell, NY 13760 in the amount of \$17,500 to be paid out of Buildings Capital Account H1620.21 use code 988.

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 184-10 AMEND COUNTY POLICY 44:
 NON-UNION BENEFITS (Updates to
 Retirement and Insurance)

Adoption moved by Legislator
 Seconded by Legislator

WHEREAS: Section 4 – Retirement and Section 5 – Health & Dental Insurance of Policy 44 Non-Union Benefits Policy need to be updated as a result of the addition of Tier 5 to the NYS Retirement System; and

WHEREAS: Section 5 – Health & Dental Insurance of Policy 44 Non-Union Benefits Policy also needs to be updated as a result of Excellus Blue Cross Blue Shield changing the Traditional Indemnity to Classic Blue; therefore be it

RESOLVED: That County Policy 44: Non Union Benefits, Section 4 – Retirement is hereby amended to read:

All non-union salaried employees are eligible to become members of the NYS Employee's Retirement System. Most full-time employees are required to join. Membership for part-time employees may be optional.

Retirement eligibility criteria varies by Tier, as do the benefits. Detailed information about each Tier is available from the Personnel Office.

And be it further

RESOLVED: That County Policy 44: Non-Union Benefits, Section 5 – Health & Dental Insurance is hereby amended to read:

Tioga County currently provides health insurance through Excellus Blue Cross/Blue Shield of Central New York Classic Blue Regionwide Plan, but maintains the right to change providers at will. In addition to the Classic Blue Regionwide Plan, effective May 1, 2005, all current Non-union staff who are insurance eligible shall have the option to change to PPO Option H-Split. All new hires as of May 1, 2005, will only have the option to enroll in the PPO Option H-Split.

EFFECTIVE 01/01/2009

<u>Annual Salary*:</u>	<u>Individual Classic Blue:</u>	<u>Family Classic Blue:</u>	<u>Indiv PPO:</u>	<u>Family PPO:</u>
\$ 0 – 29,999	\$20/paycheck	\$30/paycheck	\$10/payck	\$20/payck
\$30,000-59,999	\$40/paycheck	\$50/paycheck	\$15/payck	\$30/payck
\$60,000 & over	\$50/paycheck	\$70/paycheck	\$25/payck	\$40/payck

*exclusive of any stipend

Part-time Attorneys per paycheck contributions:

<u>Date of Hire</u>	<u>Individual Classic Blue</u>	<u>Family Classic Blue</u>	<u>Indiv PPO</u>	<u>Family PPO</u>
Prior to 1/1/95	\$50/paycheck	\$65/paycheck	\$30/payck	\$45/payck
On or after 1/1/95*	\$60/paycheck	\$130/paycheck	\$40/payck	\$85/payck

*All part-time Assistant District Attorneys in this category

Effective January 1, 2010 All Legislators enrolled in the County's Classic Blue health insurance shall contribute \$30 per month for individual coverage or \$40 per month for family coverage. Legislators enrolled in the PPO Plan shall contribute \$15 per month for Individual coverage or \$30 per month for Family coverage.

A prescription card is included in the medical plans and requires employees to pay \$5 for generic drugs, \$15 for common brand name drugs, or \$30 for new brand name drugs. Effective June 1, 2010 under the Classic Blue plan all 90 day supplies of prescriptions will be charged three times the copay at retail pharmacies and one copay through Excellus mail order pharmacy. Some exceptions may be required by NYS regulations and Excellus Blue Cross/Blue Shield. Drug categorization to be determined by Excellus Blue Cross/Blue Shield. Blue Cross/Blue Shield's "Gap Pricing" shall be in effect for all prescriptions.

Effective June 1, 2010 the annual deductible for all enrollees in the Classic Blue health insurance shall be \$100 per person, up to a maximum of \$300 for a family plan; and be it further

RESOLVED: That the remainder of Policy 44 shall remain in full force and effect.

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. –10 AMEND COUNTY POLICY 44:
 NON-UNION BENEFITS (PPO Mail order)

Adoption moved by Legislator Sauerbrey,
 Seconded by Legislator Sullivan.

WHEREAS: The Tioga County Legislature is looking at ways to reduce costs; and

WHEREAS: Excellus Blue Cross Blue Shield currently offers a prescription mail order option for long term maintenance medications; and

WHEREAS: Prescriptions filled through mail order cost the health insurance program less money; therefore be it

RESOLVED: That County Policy 44: Non-Union Benefits, Section 5 – Health & Dental Insurance is hereby amended to read:

A prescription card is included in the medical plans and requires employees to pay \$5 for generic drugs, \$15 for common brand name drugs, or \$30 for new brand name drugs. Effective June 1, 2010 under the Classic Blue plan and effective January 1, 2011 under the PPO Option H-split plan all 90 day supplies of prescriptions will be charged three times the copay at retail pharmacies and one copay through Excellus mail order pharmacy. Some exceptions may be required by NYS regulations and Excellus Blue Cross/Blue Shield. Drug categorization to be determined by Excellus Blue Cross/Blue Shield. Blue Cross/Blue Shield's "Gap Pricing" shall be in effect for all prescriptions.

And be it further

RESOLVED: That the remainder of Policy 44 shall remain in full force and effect.

On roll call vote on the above resolution, Legislators Roberts, Sauerbrey and Sullivan voting Aye, Legislators Hollenbeck, Huttleston, McEwen, and Weston voting no, Legislators Monell and Quinlan being absent, and the resolution failed.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO 185-10

*AMEND RESOLUTION 50-94
AS AMENDED BY RESOLUTION 361-01,
AS AMENDED BY RESOLUTION 260-09
RETIREE HEALTH INSURANCE
CONTRIBUTIONS (PPO mail order)*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Sauerbrey.

WHEREAS: Resolution 50-94 established health insurance contribution rates for retirees at \$5.00 or \$7.50 per month; and

WHEREAS: Resolution 361-01 increased those rates to \$10.00 or \$15.00 per month; and

WHEREAS: Resolution 260-09 increased the monthly contributions of retirees toward health insurance by \$10 per month to \$20 or \$25, effective January, 2010; and

WHEREAS: The ever-increasing cost of health insurance coupled with the County's need to find ways of reducing costs has led to further review of the benefits; therefore be it

RESOLVED: That Resolution 50-94, as amended by Resolution 361-01, as amended by Resolution 260-09 shall be amended as follows:

"That effective January 1, 2011 under the PPO plan, 90-day supplies of maintenance drugs purchased at retail stores shall require 3 co-pays, and 90-day supplies via mail-order shall require one co-pay."

On roll call vote on the above resolution Legislators Roberts, Sauerbrey, Sullivan, Hollenbeck and Weston voting Aye, Legislators Huttleston and McEwen voting no, Legislators Monell and Quinlan being absent, and the resolution was adopted.

REFERRED TO PERSONNEL COMMITTEE

RESOLUTION NO 186-10 *AMEND RESOLUTION 50-94
AS AMENDED BY RESOLUTION 361-01,
AS AMENDED BY RESOLUTION 260-09
RETIREE HEALTH INSURANCE
CONTRIBUTIONS (Classic Blue)*

Adoption moved by Legislator Hollenbeck,
Seconded by Legislator Sauerbrey.

WHEREAS: Resolution 50-94 established health insurance contribution rates for retirees at \$5.00 or \$7.50 per month; and

WHEREAS: Resolution 361-01 increased those rates to \$10.00 or \$15.00 per month; and

WHEREAS: Resolution 260-09 increased the monthly contributions of retirees toward health insurance by \$10 per month to \$20 or \$25, effective January, 2010; and

WHEREAS: The ever-increasing cost of health insurance coupled with the County's need to find ways of reducing costs has led to further review of the contributions; and

WHEREAS: Since 2005, Tioga County has made a less-expensive health plan available to retirees as a voluntary option; and

WHEREAS: The less-expensive plan provides excellent coverage as well; and

WHEREAS: To date, there has been no difference in the retiree contribution rate for the different plans and it is believed that until such time there is such an incentive to change to the less-expensive plan, change is unlikely; therefore be it

RESOLVED: That Resolution 50-94, as amended by Resolution 361-01, as amended by Resolution 260-09 shall be amended as follows:

“That effective January 2011, any retiree who continues enrollment in the Classic Blue plan shall pay the \$20 or \$25 monthly contribution plus the difference between the monthly premiums of the Excellus Classic Blue product and the Excellus PPO Option H-Split Product.”

Roll Call:
Ayes 07
Noes 00
Absent 02
CARRIED

REFERRED TO: LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 187-10 *BACKFILL PART TIME 3RD ASSISTANT DISTRICT ATTORNEY POSITION;
AUTHORIZE HIRING WAIVER
DISTRICT ATTORNEY'S OFFICE*

Adoption moved by Legislator McEwen,
Seconded by Legislator Hollenbeck.

WHEREAS: The part-time 3rd Assistant District Attorney position became vacant on August 16, 2010, due to Judy Quigley accepting appointment as County Attorney; and

WHEREAS: The District Attorney received verbal authorization at the August 19, 2010, Legislative work session to recruit for said position; and

WHEREAS: The District Attorney has identified Cheryl Mancini as an attorney who has 11 years of applicable work experience from prior employment with the Broome County District Attorney's Office; therefore be it

RESOLVED: That the District Attorney is hereby granted a waiver from the 60-day Hiring Delay for the part-time 3rd Assistant District Attorney position and is authorized to appoint Cheryl Mancini effective September 15, 2010, at an annual salary of \$30,908, and be it further

RESOLVED: That Ms. Mancini will not be eligible for a salary increase until her 6 month anniversary due to her date of hire (in accordance with County Policy 44), and that said increase will be dependent upon the results of her performance evaluation done at that time.

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: PERSONNEL COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 188-10 *AUTHORIZE DONATION OF VACATION
 DAYS (HHS DEPARTMENTS)*

Adoption moved by Legislator Huttleston,
 seconded by Legislator Hollenbeck.

WHEREAS: Sarah Gunther, Typist in the Department of Social Services, has personal circumstances that will cause her to be out of work from August 16, 2010 through approximately September 24, 2010; and

WHEREAS: Ms. Gunther does not have enough vacation time to cover this entire absence; and

WHEREAS: Health and Human Services employees are willing to donate their vacation time for Ms. Gunther's use; and

WHEREAS: The County believes it is important and appropriate to support Ms. Gunther during this time; therefore be it

RESOLVED: That Ms. Gunther shall be required to liquidate all her vacation time, but then shall have vacation days donated by HHS employees made available to her for any remaining portion of her absence from August 30, 2010 through approximately September 24, 2010; and be it further

RESOLVED: That in the event Ms. Gunther returns to work earlier than September 24, 2010, access to donated leave will end; and be it further

RESOLVED: That Ms. Gunther's anniversary date will not be advanced during any period of leave without pay through September 24, 2010.

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

The meeting was adjourned at 6:17 P.M.

Tenth Regular Meeting
October 12, 2010

The Tenth Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Eight Legislators were present, Legislator Sauerbrey being absent.

Chair Weston asked Legislator Monell to have a moment of prayer. "I would ask for a moment of silence for our Troops that are across the waters. Lord we thank you for this opportunity that we have to serve as the Leaders of this County. We pray Lord that you would give us wisdom as we make decisions. Bless this group today and all that we do."

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

There were 25 people in attendance.

Elizabeth Jenkins presented Employee of the Third Quarter 2010 to Jill Hellenthal from the Department of Social Services.

"Jill began her career with the Department of Social Services in May of 1981 as a Temporary Clerk-Typist in the Income Maintenance Unit. In June of 1981 she was appointed permanently to that position. In August of 1984 she was appointed to the title of Account Clerk-Typist and worked in the Accounting Division of DSS. In October of 1984 she returned to the Income Maintenance Unit upon her promotion to Social Welfare Examiner. In August of 1986 she was again promoted to Senior Social Welfare Examiner and in February of 1988 she was again promoted to Principal Social Welfare Examiner. In October of 1997 Jill was promoted to her current title of Head Social Welfare Examiner. In May of 2000 she graduated from Leadership Tioga. She is currently a member of Tioga County's Community Response Network in her role as Domestic Violence Liaison.

"While working full time, Jill also attended SUNY Binghamton on a part-time basis for 12 years and finally earned her Bachelor's Degree in Applied Social Sciences with an emphasis in Education and Human Development in December of 1997.

"Jill and her husband David have two grown daughters, Jennifer and Tina. She is currently a Literacy Volunteer in the Owego area. Jill's hobbies are reading, oil painting, and playing with her grandchildren. I would like to take this time to congratulate Jill."

Shawn Yetter, Commissioner of Social Services, spoke. "I would like to thank the Legislature and the Employee Recognition Committee for continuing this important program that gives us an opportunity to recognize the County's finest employees. Today it is my opinion you have chosen to honor one of the most knowledgeable individuals in our organization, especially when it comes to eligibility programs within the world of Social Services and I would venture to say she is one of the most knowledgeable across the State with all of her years of experience.

"Jill is our sixth most senior employee with over 28 years with the Department and over those years she has quietly and with her very unassuming nature earned the respect of everyone within the Agency. I am glad that Liz pointed out in the bio the work towards the Bachelor's Degree because I think one of the most impressive things that I have watched Jill do over the years was diligently work on that Degree while working full time and raising a family, and I think we all shared her sense of pride with her when she reached that important milestone.

"Jill's commitment to the Agency has never wavered through the good times and the bad times. Unfortunately the word "civil servant" gets used these days by the public as if it were a dirty word, but Jill is a civil servant who everyone should be proud of and pleased that she has chosen to give her career to the people of Tioga County. I wish the public could follow Jill around for just one day as she makes critical decisions with her staff about how to make sure those needing our assistance are helped appropriately while keeping their needs in mind and balancing the myriad of rules and regulations we must deal with along with the expectations of the taxpayers, and she juggles all of those at the same time and very expertly.

"The important thing about Jill is at the end of the day whatever the situation with a client or the family she was working with or the emergency that was being faced, she always reaches a successful outcome. I would like to congratulate Jill on behalf of the Agency on a well deserved honor and recognition."

Jill spoke. “I just want to thank the Employee Recognition Committee and the Legislators for supporting the program. I am going to retire next year, but in the meantime I am going to continue to do what I have always done. I love my job and I enjoy the people that I work with. I come in every day, they are my friends, they make the day go well, and I love a challenge. I want to thank everyone for this honor and I appreciate it very much. Thank you.”

Legislator Huttleston spoke. “We go back a long ways. She is one of my near neighbors. I really appreciate the work that you do and several of the other employees, and it certainly makes my job easier, it makes Shawn's easier. I really appreciate it. It is people like you that make this County what it is and continue the good work, and lots of luck and God bless you.”

Chair Weston noted the following Proclamation on School Board Recognition Week.

PROCLAMATION

WHEREAS: Public Education provides the cornerstone of the American Educational System; and

WHEREAS: This effort depends heavily on the contributions of the dedicated and unpaid members of School Boards; and

WHEREAS: The Governor of the State of New York has proclaimed October 25-October 29, 2010 as School Board Recognition Week; and

WHEREAS: The Tioga County Legislature recognizes the efforts of all members of Boards of Education; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate October 25-October 29, 2010 as

SCHOOL BOARD RECOGNITION WEEK

in the County of Tioga, New York, and commend this observance to our citizens.

George Penney had privilege of the floor. "I am speaking in reference to the Veterans' Service Officer. Two part time positions will not adequately allow ample service to the Veterans of Tioga County. At present just to inform Veterans about their eligibility for particular services requires hours on the telephone to Buffalo. As more Veterans return the needs will be greater. Thank you."

Chris Bonner had privilege of the floor. "You know you turn on your TVs at night, you see these politicians up there, you call them politicians, I call them worthless because that is all they are doing is lying to you. They are telling you how good you have it. We did not do it. Somebody must have done it. All our jobs are leaving the country. Where are they going? They are going to Mexico and then hey Mexico got to high, they went to India. Now they are telling us that hey it is not our fault, but I am going to tell you whose fault it was. Anybody ever remember NAFTA and who passed it, Congress passed it. They never read it. Suppose I was to come to you as an executive of some financial company and I say to you hey look sign this, do not worry about it, you do not need to read it, it is only 3000 pages, you can read it later. What these humps in Washington DC did, they signed on to this thing and they sent our jobs overseas. Another slap in the face, if the companies lose money or if they are seized over by those foreign powers, we the taxpayers have got to pay for their losses. Did you ever hear of such a thing? If they did that, why they should be strung up some of these guys over there. They are out there voting for you.

"Now I do not know who you are voting for and I am not going to tell you who I am voting for. All I am saying is the democrats and republicans drop them down the tubes man. Do not vote for this party stuff because all they are is making a sweet little nest for themselves in there with big pensions and every other thing. Ladies and gentlemen your kids are not going to have any future I am going to tell you that right now and if you do not start moving around here and taking a little bit of initiative, I am telling you."

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		659.60
A1165	District Attorney		1,059.35
A1172	Assigned Counsel		17,818.95

A1325	Treasurer		479.00
A1355	Assessments		7.80
A1410	County Clerk		372.75
A1411	Department of Motor Vehicles		247.13
A1420	Law		362.11
A1430	Personnel		1,034.85
A1450	Elections		20,361.41
A1460	Records Management		86.12
A1490	Public Works Administration		157.70
A1620	Buildings		85,526.79
A1680	Information Technology		8,604.45
A2490	Community College Tuition		1,711.10
A2960	Education Handicapped Children		169,953.75
A3020	Public Safety Comm E911 System		10,068.82
A3110	Sheriff	532.80	25,101.25
A3140	Probation	135.99	149.76
A3146	Sex Offender Program		8,766.67
A3150	Jail	270.40	47,678.90
A3315	Special Traffic Programs		649.80
A3410	Fire		3,811.91
A3640	Emergency Mgmt Office		542.07
A3641	Emergency Mgmt Grant Program	781.00	
A4010	Public Health Nursing		57,955.62
A4011	Public Health Administration		3,670.92
A4012	Public Health Education		2,270.72
A4042	Rabies Control		337.21
A4044	Early Intervention		55,151.59
A4047	Handicapped Education Admin		56.27
A4053	Preventive/Primary Health Services		732.31
A4054	Preventive Dental Services		508.94
A4064	Managed Care-Dental Services		13,875.98
A4070	Disease Control		4,944.95
A4090	Environmental Health		13,653.70
A4210	Alcohol and Drug Services		5,677.79
A4211	Council on Alcoholism		19,847.32
A4309	Mental Hygiene Co Admin	180.00	9,905.05
A4310	Mental Health Clinic		86,014.46
A4311	Rehabilitation Support Services		14,051.50

A4315	Mental Retardation	621.24
A4320	Crisis Intervention Services	16,172.45
A4321	Intensive Case Management	1,380.76
A4333	Psycho Social Club	39,170.25
A6010	Social Services Administration	135,472.73
A6141	Energy Crisis Assistance Programs	23,902.00
A6422	Economic Development	123.51
A6610	Sealer Weights/Measures	324.02
A8020	Planning	28.29
A9060	Health Insurance	1,537.34
SOLID WASTE FUND		121,343.67
COUNTY ROAD FUND		52,210.18
SPECIAL GRANT FUND		10,443.85
CONSOLIDATED HEALTH INSURANCE		66,354.89
CAPITAL FUND		724,639.72
LIABILITY INSURANCE FUND		11.19
WORKERS' COMP		<u>11,857.00</u>
GRAND TOTAL		\$ 1,901,359.65

Legislator Sullivan made a motion to approve the minutes of September 14, 2010, seconded by Legislator Hollenbeck, and carried.

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

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 189-10 *RESOLUTION AUTHORIZING THE
ASSIGNMENT TO NEW YORK MUNICIPAL
BOND BANK AGENCY ("MBBA") THE
COUNTY'S AUTHORIZATION UNDER THE
AMERICAN RECOVERY AND REINVESTMENT
ACT OF 2009 TO ISSUE RECOVERY ZONE
ECONOMIC DEVELOPMENT BONDS AND
THE NEGOTIATION AND EXECUTION OF A
BOND PURCHASE AGREEMENT BY WHICH
THE COUNTY MAY SELL ITS SERIAL BONDS TO
MBBA AND MBBA MAY ISSUE ITS BONDS FOR
THE BENEFIT OF THE COUNTY.*

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: Tioga County (the "County") is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

WHEREAS: The County Legislature of the County desires to undertake a capital project consisting of the reconstruction of certain bridges throughout the County, including Lockwood, Straits Corners, Halsey Valley Rd., Dean Creek Rd., Gridleyville, Gaskill Rd. and Sabin Rd., all to include related construction, demolition, renovations, site improvements, original furnishings, fixtures and equipment required for such purposes, architectural, inspection and engineering fees, and all other cost incidental to such work (collectively, the "Project")

WHEREAS: The American Recovery and Reinvestment Act of 2009 ("ARRA") authorized the County to issue recovery zone economic development bonds in an amount of up to \$936,000 (the "County's RZED Allocation"), pursuant to a suballocation of the national volume cap on Recovery Zone Bonds provided by the federal Treasury Department; and

WHEREAS: The County Legislature, by Resolution No. 266-09 adopted on October 13, 2009, designated the entire County as a Recovery Zone for purposes of ARRA; and

WHEREAS: The County is now considering financing the Project by participating in a bond financing program being undertaken by the State of New York Municipal Bond Bank Agency ("MBBA"), under which (i) MBBA would publicly issue, on a pooled basis, for the benefit of the County and other participating counties and municipalities, its special revenue bonds constituting recovery zone economic development bonds ("RZEDs"), and/or direct payment build America bonds ("Direct Payment BABs"); and (ii) the County would issue its serial bonds to MBBA as security for, and the source of payment of, the allocable portion of MBBA's bonds that are issued for the benefit of the County; and

WHEREAS: If the County were to finance the Project through such pooled financing, MBBA would issue for the benefit of the County up to \$936,000 (representing the full amount of the County's RZED Allocation) of RZEDs and up to \$4,274,000 of Direct Payment BABs; and

WHEREAS: By a bond resolution adopted on September 14, 2010 (the "Bond Resolution") the County (a) determined that the Project constitutes a "Type II Action" under SEQRA, (b) authorized up to \$9,000,000 serial bonds of the County to finance the Project; and

WHEREAS: The County Legislature now intends (i) to authorize the assignment of the County's RZED Allocation to MBBA to allow for the issuance by MBBA of RZEDs to finance the Project, and (ii) to delegate authority to the County Treasurer, as the chief fiscal officer of the County, to execute any and all documents, certificates and instruments and to take such actions as County Treasurer shall determine to be reasonable and necessary in connection with the County's financing of the Project though the issuance of RZEDs and Direct Payment BABs by MBBA; now therefore be it

RESOLVED: By the County Legislature of the County of Tioga, New York, as follows:

Section 1. The County Treasurer is hereby authorized to assign to MBBA the County's RZED Allocation, in the full amount of \$936,000, for the purpose of enabling MBBA to issue RZED bonds for the benefit of the County to finance the Project.

Section 2. The County Treasurer is further authorized to sell the County's serial bonds authorized under the Bond Resolution in a private sale to the MBBA pursuant to Section 57.00 of the Local Finance Law.

Section 3. In connection with the issuance by MBBA of its RZEDs and Direct Payment BABs to finance the purchase of such serial bonds of the County, the County Treasurer, as the chief fiscal officer of the County, is hereby authorized as follows: (a) to negotiate and approve the terms of, and to execute and deliver on behalf of the County, a bond purchase agreement or similar agreement or instrument (the "BPA") by which the County agrees to sell its serial bonds to MBBA and MBBA agrees to issue its RZEDs and Direct Payment BABs for the benefit of the County and to purchase out of the proceeds thereof the County's serial bonds for the Project; (b) to execute and deliver on behalf of the County any and all agreements, certificates, and instruments contemplated by or required under the terms of the BPA; (c) to execute a certificate assigning the County's entire RZED Allocation to MBBA for the purpose of allowing MBBA to issue its RZEDs to finance the Project; (d) to take such other actions as the County Treasurer shall determine, based on the advice of the County Attorney and the County's Bond Counsel, are reasonable and proper in connection with the purchase of the County's bonds by MBBA. The delegation of authority to the County Treasurer in this resolution is in addition to and not in lieu of the authority delegated to the County Treasurer in Sections 8 and 9 of the Bond Resolution.

Section 4. This resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 190-10 APPOINT MEMBER
BOARD OF ETHICS

WHEREAS: Ed Hollenbeck, Majority appointment, on the Board of Ethics term, has resigned; and

WHEREAS: Royden L. Fox has agreed to serve as his replacement on the Board of Ethics; now therefore be it

RESOLVED: That Royden L. Fox, Majority appointment, be hereby appointed to the Board of Ethics for the unexpired term of Ed Hollenbeck effective 10/12/10 through 12/31/10; and be it further

RESOLVED: That Royden L. Fox, Majority appointment, Board of Ethics, be appointed for a three-year term of 1/1/11–12/31/13.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 191-10

*AUTHORIZE THE RECEIPT OF AN
ANNUAL 6% ADMINISTRATION FEE
FOR SERVICES PROVIDED AS LOCAL
SPONSOR FOR THE SNOWMOBILE
TRAILS GRANT-IN-AID FOR TIOGA
COUNTY SNOWMOBILE CLUBS*

WHEREAS: On May 11, 2004 Resolution No. 149-04 was approved authorizing Tioga County as the Local Sponsor to request state funding on behalf of the Tioga County Snowmobile Clubs, namely Tioga Ridge Runners, Ridge Riders of Whitney Point, Spencer-VanEtten Snowmobile Club, Dryden-Caroline Drifters and Candor Valley Riders; and

WHEREAS: Tioga County has completed the submittal and documentation of the annual Snowmobile Trails Grant-in-Aid since 2004; and

WHEREAS: The current budget and time constraints must be considered in these efforts; and

WHEREAS: Considering these constraints, receipt of an annual 6% administration fee can be realized from each of the clubs award; and

WHEREAS: The snowmobile clubs will continue to work with Tioga County Economic Development and Planning as the local sponsor and to submit and document grant applications for funding; therefore be it

RESOLVED: That as of the 2010/2011 Snowmobile Trails Grant-in-Aid, the County of Tioga will continue to be the local sponsor for the listed snowmobile clubs and realize a 6% administration fee for services provided on an annual basis prior to distribution of the award; and be it further

RESOLVED: That the Chair of the County Legislature is hereby authorized to sign an updated Operating Agreement contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P FINANCE COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 192-10

*APPROPRIATION OF
ADDITIONAL REVENUE FOR THE
SNOWMOBILE GRANT
PROGRAM – ECONOMIC
DEVELOPMENT & PLANNING*

WHEREAS: The Snowmobile Grant Program received an unanticipated additional funding of \$22,153.57 for the 2010 calendar year; therefore be it

RESOLVED: That the additional \$22,153.57 be appropriated from A3989 State Aid Snowmobile Grant Program to Snowmobile Grant Account A7180.40-590.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 193-10 TRANSFER OF FUNDS
ASSIGNED COUNSEL

WHEREAS: The Assigned Counsel has had an increase in number of cases recently; and

WHEREAS : The Assigned Counsel budget will not be sufficient until the end of the year and needs to have funds transferred; therefore be it

RESOLVED: That the amount of \$40,000 be transferred from Contingency Account A1990.40-715 to Assigned Counsel Account A1172.40-30.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 194-10 AMEND RESOLUTION 280-09
MODIFY 2009 BUDGET FOR
EAST RIVER DR. BRIDGE OVER
WAPPASENING CREEK (BIN 3335410)

WHEREAS: Resolution 280-09 authorized the Commissioner of Public Works to go out to bid for the above project and appropriated funds accordingly; and

WHEREAS: The funds for the project have been secured through Federal funding and therefore the 2009 funds for the project need to be reappropriated; therefore be it

RESOLVED: That Resolution 280-09 be amended to authorize the Treasurer to transfer the \$1.655M back to the General Fund to reduce the Appropriated Fund Balance; and be it further

RESOLVED: That the money be transferred according to the following:

From Account	H2009.02	East River Rd Bridge	\$1.655M
To Account	H9901.93-715	Transfer to Other Funds	\$1.655M
From Account	A5031	Interfund Transfer	\$1.655M
To Account	A599	Appropriated Fund Balance	\$1.655M

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 195-10 APPROVE 2011 STOP DWI PLAN

WHEREAS: The New York State Governor's Traffic Safety Committee (GTSC) requires Counties to submit an annual STOP DWI Plan for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2011 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2011 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$ 61,900
Prosecution Related	\$ 14,300
Probation	\$ 16,200
Rehabilitation	\$ 13,500
PI & E	\$ 23,000
Administration	<u>\$ 950</u>
	\$129,850

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 196-10 *RENEW CONTRACT WITH EBS-RMSCO, INC. TO ADMINISTER FLEXIBLE SPENDING PROGRAM*

WHEREAS: Tioga County currently uses the services of EBS-RMSCO, Inc. to administer Tioga County flexible-spending program for employees; and

WHEREAS: EBS-RMSCO, Inc. has submitted a new contract to continue administering said program and conduct all required compliance testing services; and

WHEREAS: The flex card administrative cost will remain at \$4.45 per participant per month and offers participants a more convenient way to pay for their flexible spending account health care and dependent care expenses thereby having a positive impact on enrollment; and

WHEREAS: The flexible-spending program is a negotiated benefit for all Tioga County union employees; and

WHEREAS: Both employees and the County can save tax dollars on money channeled through this program for out of pocket medical expenses and/or dependent care expenses; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2011 through December 31, 2011; and be it further

RESOLVED: That Tioga County will continue with the flex card for the period of January 1, 2011 through December 31, 2011; and be it further

RESOLVED: That the maximum annual pledge for the medical flexible spending portion will remain at \$4,000 for the period of January 1, 2011 through December 31, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 197-10 STANDARD WORK DAY AND
REPORTING RESOLUTION
COUNTY ATTORNEY AND
PERSONNEL OFFICES

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

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
County Attorney	Judith Quigley	9431	33345877	7	8/16/10-12/31/11	Y	N/A
1 st Assistant County Attorney	Christian Root	9133	38282877	7	8/16/10-12/31/11	Y	N/A
2 nd Assistant County Attorney	John VanWert	5483	33612086	7	8/16/10-12/31/11	Y	N/A
Secretary to County Attorney	Elizabeth Shepardson	8809	20312161	7	8/16/10-12/31/11	Y	N/A
Personnel Officer	Bethany O'Rourke	7037	35552819	7	3/18/10-3/17/16	Y	N/A

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 198-10 *AUTHORIZE 2011 SALARIES
BOARD OF ELECTIONS*

WHEREAS: The salaries for employees of the Board of Elections are set by resolution; and

WHEREAS: Employees of the Board of Elections salaries were frozen for two years; and

WHEREAS: Non-Union staffs have been authorized a 2 percent salary increase; therefore be it

RESOLVED: That the 2011 rates of pay for the Board of Elections staff shall be as follows:

	2011 pay:
Commissioner (2)	\$34,680.00
Deputy Commissioner (2)	\$27,540.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 199-10 *AUTHORIZE BACKFILL
DEPUTY ELECTION COMMISSIONER
(BOARD OF ELECTIONS)*

WHEREAS: Both the Republican and the Democratic Election Commissioners are appointed to their respective positions; and

WHEREAS: The position of Deputy Election Commissioner is by appointment by the respective Commissioner of Elections per Election Law §3-300; and

WHEREAS: The Republican Deputy Election Commissioner position became vacant on September 13, 2010; and

WHEREAS: Resolution 173-10 granted a waiver from the 60 Day Hiring Delay for the Republican Deputy Election Commissioner position; and

WHEREAS: A replacement has been chosen for this vacancy; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the appointment of Vera L. Richards as the Republican Deputy Election Commissioner at an annual salary of \$27,000 effective Wednesday, October 13, 2010.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 200-10 ABOLISH FULL-TIME POSITION; CREATE
PART-TIME POSITION
(VETERANS' SERVICE OFFICE)

WHEREAS: The position of Veterans' Service Officer has been vacant since May 13, 2010; and

WHEREAS: The Director of Veterans' Service Agency and the County Legislature have been analyzing the staffing needs of the department; and

WHEREAS: It has been decided that having two part-time positions should adequately meet the needs of the department and allow ample service to the veterans of Tioga County; therefore be it

RESOLVED: That effective October 13, 2010 the full-time position of Veterans' Service Officer shall be abolished and a part-time (17 hours/week) position of Veterans' Service Officer shall be created; and be it further

RESOLVED: That the hourly rate for said part-time position shall be \$14.826; and be it further

RESOLVED: That the Director of Veterans' Service Agency may fill the position as soon hereafter as a qualified candidate is located being that the full-time position was vacant more than 60 days.

Legislator Monell made a motion to amend the above resolution, seconded by Legislator Sullivan, and to read as follows:

"And be it further

"RESOLVED: That this change be effective for six months to allow for further review."

ROLL CALL VOTE ON AMENDMENT

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

No – None.

Absent – Legislator Sauerbrey.

AMENDMENT ADOPTED

ROLL CALL VOTE ON RESOLUTION WITH AMENDMENT

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION AND AMENDMENT ADOPTED

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

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 201-10

A RESOLUTION OF THE TIOGA COUNTY LEGISLATURE EXPRESSING OPPOSITION TO THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) REGULATORY PROPOSAL BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND RAISING SERIOUS CONCERNS REGARDING THE UNATTAINABLE MANDATE AND LACK OF PARITY REPRESENTED IN LOAD ALLOCATIONS FOR THE STATE OF NEW YORK COMPARED TO OTHER BAY STATES AND WATERSHED JURISDICTION PARTNERS; AND REQUESTING INTERVENTION BY OUR ELECTED REPRESENTATIVES IN THE UNITED STATES CONGRESS, NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY IN SECURING A MORATORIUM ON REGULATORY IMPLEMENTATION OF THE CHESAPEAKE BAY TMDL IN NEW YORK UNTIL SUCH OBJECTIONS AND CONCERNS ARE FULLY ADDRESSED

WHEREAS: Clean water and healthy watersheds are a priority for New York farmers, which play a critical role in proven and successful local efforts to conserve and protect New York's natural resources; and

WHEREAS: The U.S. Environmental Protection Agency Region 3 is implementing a Chesapeake Bay TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the NY portion of the Chesapeake Bay watershed area; and

WHEREAS: New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed with agriculture (21%) being the dominant business sector; and

WHEREAS: The federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected to cost New York State as much as \$250 million over the next 15 years, without being able to satisfy EPA's regulatory goal; and

WHEREAS: The best way to achieve the important public benefit of clean water at a regional level is through locally led conservation efforts, rather than a top-down federal, one-size-fits-all regulatory approach such as EPA's TMDL for the Chesapeake Bay watershed; and

WHEREAS: EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area; and

WHEREAS: Even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program; and

WHEREAS: Even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation; and

WHEREAS: We object to EPA's discriminatory regulatory process that disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed; and

WHEREAS: We oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay watershed water quality concerns; and

WHEREAS: We object to the fact that in order to satisfy EPA's regulatory goals without confirmation of water quality improvement, EPA has not ensured realistic delivery of needed funding and technical assistance and has not provided regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables; and

WHEREAS: Each and every day farmers across New York work to improve their environmental sustainability recognizing that appropriate natural resource management is critical to maintaining success of their businesses for future generations; supporting farmers in these endeavors is how government can best aid agriculture in protecting water quality; and

WHEREAS: We support state and locally driven collaborative initiatives which effectively use federal environmental funds and specifically address areas of high environmental risk and employ a farm-specific focus, such as NYS Department of Agriculture and Market's Agricultural Environmental Management Program; and

WHEREAS: We support NYS Department of Environmental Conservation's recommendations in their draft Phase I Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal; and now therefore be it

RESOLVED: That while the Tioga County Legislature fully supports responsible efforts to improve water quality in the Chesapeake Bay watershed and protect our State's environment and natural resources, we object to the unfair and unattainable mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms; and be it further

RESOLVED: That the Tioga County Legislature urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it further

RESOLVED: That a copy of this resolution be transmitted to our two United States Senators, the Honorable Charles Schumer and the Honorable Kirsten Gillibrand; to our United States Representative, the Honorable Maurice Hinchey; to the Honorable Governor David Paterson; to our New York State Senator, the Honorable Thomas Libous; to our New York State

Assembly Representative, the Honorable Gary Finch; to the Commissioner of the NYS Department of Agriculture and Markets; to the Commissioner of the NYS Department of Environmental Conservation and to EPA Region 2 Administrator Judith Enck.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:51 P.M.

Third Special Meeting
October 21, 2010

The Third Special Meeting of 2010 was called to order by the Chair at 10:02 A.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

The Chair asked Legislator Monell to have a moment of prayer. "Lord, we thank you for this time that we can gather and discuss the business of this County, and pray that you would bless the meeting and guide us in all that we do this day."

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

There was 1 person in attendance.

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

REFERRED TO:	LEGAL COMMITTEE
RESOLUTION NO. 202-10	BACKFILL PART TIME SAFETY OFFICER POSITION; COUNTY ATTORNEY'S OFFICE

WHEREAS: Due to a resignation, the part-time Safety Officer position became vacant on August 13, 2010; and

WHEREAS: The County Attorney received verbal authorization at the August 19, 2010, Legislative work session to recruit for said position; and

WHEREAS: The County Attorney has identified Michael E. McQueeney as a qualified candidate to fill said position; therefore be it

RESOLVED: That the County Attorney is hereby authorized to provisionally appoint Michael E. McQueeney effective October 25, 2010, at an annual salary of \$24,640.00, pending the results of the civil service examination; and be it further

RESOLVED: That Mr. Michael E. McQueeney will not be eligible for a salary increase until his 6-month anniversary due to his date of hire (in accordance with County Policy 44), and that said increase will be dependent upon the results of his performance evaluation done at that time.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:04 A.M.

Eleventh Regular Meeting
November 9, 2010

The Eleventh Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Eight Legislators were present, Legislator Quinlan being absent.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. "Our Father it seems hard to care for those we find easier to hate, to love those whom we regard as unlovely, to spend our lives for those who are ungrateful. If we are to learn, you must be our teacher. Since we will be criticized let it be for doing too much, too little, rather than for doing nothing. Teach us to trust not to cleverness or learning, but to that inward faith which can never be denied. Lead us out of confusion to simplicity."

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

There were 21 people in attendance.

The following recognition resolution on Arthur Wasielewski was read and presented by Legislator Sauerbrey.

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

REFERRED TO: PUBLIC SAFETY

RESOLUTION NO. 203-10 *RESOLUTION RECOGNIZING
ARTHUR L. WASIELEWSKI'S
20 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Arthur L. Wasielewski was appointed as a Corrections Officer on 10/15/90 and ; and

WHEREAS: Arthur L. Wasielewski has been dedicated and loyal in the performance of his duties and responsibilities during the past 20 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Arthur L. Wasielewski will retire from the Tioga County Sheriff's Office on November 30, 2010; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Arthur L. Wasielewski for his 20 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED UNANIMOUSLY.

Sheriff Gary Howard spoke. “Art has done 20 years of hard time, eight hours at a time. He will be missed of course. He has been a great employee. We really hate to see him leave. We tried to get him to stay, but he just kept saying no. That was the final word, so now onward to a lot more and better and bigger things. Congratulations.”

Chair Weston noted the two following Proclamations on Adoption Awareness Month and Tioga County United Way Month.

PROCLAMATION

This November marks the 20th annual National Adoption Month. November 20th is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized eight adoptions for 2010. Every child in America, every child in Tioga County deserves a permanent, loving family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on the behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim November as

ADOPTION AWARENESS MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize adoptive families in Tioga County.

PROCLAMATION

WHEREAS: Tioga United Way continues to service the needs of the community through funding of 32 agencies within Tioga County, benefiting all segments of Tioga County's population; and

WHEREAS: Without this support, these agencies would not be able to continue the support to our community; and

WHEREAS: The goal for the 2011 United Way Campaign is \$330,000; and

WHEREAS: The employees of the Tioga County Government represent a potentially substantial number of contributors for this campaign; and

WHEREAS: The Tioga County Legislature supports the work of the Tioga United Way; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the month of November

TIOGA COUNTY UNITED WAY MONTH

in the County of Tioga, New York, and call upon all of its employees and all members of the community at large to support this effort.

Chris Bonner had privilege of the floor: "I am going to do a little plagiarism today. I do not know who said it, but I heard it and it makes a lot of sense. He said "read everything, listen to everybody, believe nothing until you can verify it for yourself." I have lived by this for quite a ways and I have thought of this as befitting to some of these people, what is going on in the political arena in this circus that we call New York State. We got here a resolution, unfunded mandates, well gee how did they all get unfunded. The Federal Government says to you I am going to pay 50% for Medicare. The State will pay 50%. The State comes to Tioga County and these other Counties and says I will give you 25% if you will take the other 25%. See those men up there on those plaques, they are the ones that voted for it. There is your unfunded mandates. Just take a look at this poor guy out there, Hamlin in Johnson City, look at the problem he inherited from the humps that he had before, Lewis.

"Now let's get on to something different. Let's get on to how do we solve the crisis, the unemployment crisis that we have in this Country that was created by the democratic and republican party. They created it. They are nothing but a bunch of puppets and I voted for them all out. Any incumbent, I voted against them and I got one thing against your election process, that is where it slips into the automatic machine. We have no track of this thing. Sarah Palin, her computer was invaded by, I think it was a 19 or 20 year old. The Federal Government computer, that was where they were trying to find out where they were getting all this information. It was a guy, a young teenager, playing with the computers. Well I say this, you should hire these young guys and get rid of them people that you got in there working because these guys are really good. Those ones that you have in there are nothing but a bunch of time punchers, tick of the clock.

“Now if you want to bring this back, there is only one way to do it and I do not care where Obama is or what he is doing, and that is to do away with NAFTA, do away with Gat, put a tariff on your products coming into this Country. If you think that you can compete with the China men making \$1.00 an hour and our workers are making somewhere around \$25.00 an hour, and you think why you have to work harder, you got to get more efficient. Will anybody in here with a brain tell me how do you do it or in Government, how do you do it?”

“Now, I mention the Glass Steagall Act. You got a mortgage problem today that is created by these banks. It is called diversion. They take these here mortgages and they keep selling them, derivatives and they are selling them to different places. They are even selling them overseas. Now if you own a mortgage make sure when they try to foreclose, I want to see the original contract, and they cannot produce it, you stay there, you milk it until you get yourself some money and go out and buy yourself a home.”

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		881.18
A1165	District Attorney		2,748.05
A1170	Public Defender		4,387.93
A1175	Assigned Counsel		40,348.36
A1185	Medical Examiners/Coroners		5,370.88
A1325	Treasurer		4,047.25
A1355	Assessments		5,002.83
A1410	County Clerk		440.18
A1411	Department of Motor Vehicles		335.81
A1420	Law		7,821.01
A1430	Personnel		556.70
A1450	Elections		31,410.66
A1490	Public Works Administration		231.00
A1620	Buildings		55,301.39
A1680	Information Technology		28,825.27
A2490	Community College Tuition		558,853.49
A2960	Education Handicapped Children		60,134.19
A3020	Public Safety Comm E911 System	60.00	3,162.69
A3110	Sheriff	194.95	14,991.62

A3140	Probation	207.00	271.20
A3142	Alternatives to Incarceration		835.45
A3146	Sex Offender Program		8,766.67
A3150	Jail		40,206.27
A3315	Special Traffic Programs		2,717.00
A3410	Fire		4,674.43
A3555	EMO Grant-SHSP C837970	2,500.00	
A3640	Emergency Mgmt Office		418.43
A4010	Public Health Nursing		32,713.71
A4011	Public Health Administration	336.38	8,497.95
A4012	Public Health Education		67.51
A4042	Rabies Control		2,777.97
A4044	Early Intervention		54,193.63
A4053	Preventive/Primary Health Svcs		81.21
A4054	Preventive Dental Services		1,892.46
A4064	Managed Care-Dental Services		15,345.05
A4070	Disease Control		10,254.51
A4090	Environmental Health		847.19
A4210	Alcohol and Drug Services		16,847.52
A4309	Mental Hygiene Co Admin	98.99	24,904.92
A4310	Mental Health Clinic		49,922.69
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		6,782.42
A4321	Intensive Case Management		1,388.81
A6010	Social Services Administration		85,733.71
A6422	Economic Development		558.29
A6610	Sealer Weights/Measures		215.85
A7180	Snowmobile Grant Program		22,153.57
A8020	Planning		61.29
A9060	Health Insurance		1,537.34
SOLID WASTE FUND			84,156.65
COUNTY ROAD FUND			41,353.22
SPECIAL GRANT FUND			13,367.27
CONSOLIDATED HEALTH FUND			62,167.95
CAPITAL FUND			302,055.10
LIABILITY INSURANCE FUND			781.00
WORKERS' COMP			<u>1,250.00</u>

GRAND TOTAL \$ 1,728,667.29

Legislator McEwen made a motion to approve the minutes of October 12 and 21, 2010, seconded by Roberts Legislator, and carried.

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

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 204-10 *RESOLUTION URGING NEW YORK STATE TO SIGNIFICANTLY CUT THE UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES*

WHEREAS: New York property taxes are nearly 80% above the national average; and

WHEREAS: New York county leaders have long recognized the need for lower property taxes and have been strong advocates in support of lowering the local tax burden for decades; and

WHEREAS: Counties do not have a choice over how to spend most of their locally raised revenues as mandates from Albany and other fixed costs make up as much as 80 percent of a typical county budget; and

WHEREAS: Governor Paterson and many State Legislators support a cap on local property tax levies of 4%, or 120% of inflation, whichever is less, but the current crop of property tax cap proposals do nothing to reduce or eliminate current State mandates on counties or prevent new mandates; and

WHEREAS: Arbitrarily capping property taxes without addressing root causes would cripple county governments within a few short years, because all non-mandated spending would have to be eliminated to meet the cap; and

WHEREAS: Little action has been taken by New York State to decrease or control the costs of unfunded State mandates, which have been driving up county property tax levels for decades; and

WHEREAS: The major cost drivers for counties are fixed costs and delivering state services locally; and

WHEREAS: Counties' fixed costs include pension contributions, which are determined by benefit levels established by the State Legislature; and

WHEREAS: The other major cost drivers are unfunded and underfunded state mandates, such as Medicaid, early intervention services, pre-school special education, public assistance, child welfare, youth detention, probation, and indigent defense that will cost county property taxpayers and New York City residents over \$10 billion this year alone, along with numerous other programs; and

WHEREAS: These mandated costs grow well in excess of the rate of inflation nearly every year, including:

- County payments to the New York State Retirement System that are expected to rise 40% in 2011 and by a similar amount in 2012, and have grown by over 1000 percent since the year 2000 due to generous benefit expansions mandated by the State Legislature and Governor.
- Since 2005, the local share of Medicaid costs has increased at least 3% each year and sometimes by double digit annual increases in the years prior to 2005.
- The State continued to shift its costs to counties in the 2009-10 and 2010-11 State budgets by over \$400 million in human service delivery alone.
- New York State counties are owed hundreds of millions of dollars in state reimbursement at any given moment, without providing any compensation to counties for the cost of "floating" cash to the state, and this amount can easily double when the State Budget is not adopted on time.

WHEREAS: Simply capping property taxes does nothing to reduce the costs of these and many other State services that counties must pay for and implement at the local level; in fact it preserves the distinction of having the highest property taxes in the nation; and

WHEREAS: This distinction continues to drive people and businesses out of New York and acts as a deterrent to re-location to our state; and

WHEREAS: The property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the State; now therefore be it

RESOLVED: That the Tioga County Legislature encourages all parties, state and local, to enact legislation so that fiscal responsibility for services resides with the level of government that has the decision-making authority over those services; this will in turn reduce the property tax burden and not preserve the status quo; and be it further

RESOLVED: That the Tioga County Legislature urges the Governor and State Legislature not to impose a local property tax cap unless it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases; and be it further

RESOLVED: That copies of this Resolution be sent to Governor Paterson, members of the New York State Legislature and all those deemed necessary and proper.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 205-10 *AMEND POLICY 26
TIOGA COUNTY ETHICS LAW
LOCAL LAW NO. 5 OF THE
YEAR 1990 AS AMENDED*

WHEREAS: Policy 26 Section VI addresses the membership of the Board of Ethics and how appointments are made; and

WHEREAS: Section VI Ethics Board needs amending to further clarify members and their appointments; therefore be it

RESOLVED: That Policy 26 Tioga County Ethics Law Section VI A and B be amended as follows:

VI. ETHICS BOARD

A. ESTABLISHMENT

The Legislature of the County of Tioga, pursuant to Article 18 of the New York State General Municipal Law, hereby establishes the Tioga County Board of Ethics, responsible for ensuring full compliance with this code of ethics and disclosure. The Ethics Board shall consist of seven members, two of whom shall be nominated by the Tioga County Legislature Majority Leader. Two shall be nominated by the Minority Leader of that body except that in the event there is no Minority Leader, then the two otherwise nominated by the Minority Leader shall be nominated by the Majority Leader. Three shall be nominated by the chief Elected Official of Tioga County. No more than two shall be of the same enrolled party affiliation. A majority of the members shall not be officers or employees of the county or municipalities wholly or partially located in the county. At least one member shall be an elected or appointed officer or employee of a municipality located within the county, or an appointed officer or employee of the county, except that no more than one member shall presently be a county officer or employee, and none shall presently hold elected office. All shall be approved by majority vote of the Legislature. Failure to gain approval or in the instance of the creation of a vacancy, such succeeding member shall be determined by the entity through which the original member was selected.

Any action of the Board requires four affirmative votes.

B. MEMBERSHIP

The members of the Ethics Board shall serve staggered 3 year terms, provided that the first appointments to the Ethics Board shall be as follows: one member, appointed by the Chief Elected Official, for a one year term; one member appointed by the Chief Elected Official, one member appointed by the Majority Leader of the Tioga County Legislature and one appointed by the Minority Leader of the Tioga County Legislature, each for a two year term; one member, appointed by the Chief Elected Official, one member appointed by the Majority Leader of the Tioga County Legislature and one appointed by the Minority Leader of the Tioga County Legislature; each for a three year term. Members of the Ethics Board who have served two full three-year terms may not be reappointed to the Ethics Board for at least one year after the expiration of their last term.

And be it further

RESOLVED: That the remainder of Policy 26 Tioga County Ethics Law shall remain in full force and effect.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 206-10 *SET PUBLIC HEARING*
2011 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2011 be held at 6:00 P.M., Tuesday, November 23, 2010 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 207-10 *CONFINEMENT OF DOGS
FOR PROTECTION OF DEER*

WHEREAS: The Tioga County Board of Legislators hereby determine that there is a possibility that the deer population in said County could suffer severe depredation due to the possibility of dogs attacking, chasing or worrying deer. That pursuant to the provisions of §122 of the Ag & Markets Law; it is

RESOLVED: That it is hereby ordered that all dogs within the County of Tioga shall be securely contained at all times from November 20, 2010 until April 15, 2011.

NOTICE of this order shall be published one time in the Morning Times and the Tioga County Courier, and a certified copy of this order shall be filed in the Office of the County Clerk and all Town Clerks and all Village Clerks in the County of Tioga.

All provisions set forth in said Agriculture and Markets Law §122 as to the destruction and seizure of any dog by any Dog Control Officer or Peace Officer, and civil penalty on the owner of the dog and all other provisions of said §122 are hereby adopted in this order.

ROLL CALL VOTE

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

No – Legislator Sullivan.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 208-10 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2011 County taxes among the several Towns are hereby established as follows:

Town of Barton	100.00
Town of Berkshire	100.00
Town of Candor	7.35
Town of Newark Valley	64.50
Town of Nichols	26.75
Town of Owego	76.00
Town of Richford	100.00
Town of Spencer	18.19
Tioga of Tioga	7.50

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 209-10 RE-APPOINT MEMBER TO THE TIOGA COUNTY BOARD OF HEALTH

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

WHEREAS: The appointed term for Ellen Pratt, PhD, Environmental Physics, on the Board of Health expires 12/31/10; and

WHEREAS: Ellen Pratt, PhD has agreed to serve for another term; therefore be it

RESOLVED: That Ellen Pratt, PhD be re-appointed to the Board of Health for a term of 1/1/11-12/31/16.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 210-10 APPOINT MEMBERS TO
TRAFFIC SAFETY BOARD

RESOLVED: That the following members be reappointed to the Traffic Safety Board for a term as follows:

TITLE	TERM
Vacant Community Rep	4/1/11-3/31/14
James DeVita	4/1/11-3/31/14
Tioga County STOP DWI Coord or Designee	4/1/11-3/31/14
Tioga County Fire Coord or designee	4/1/11-3/31/14

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 211-10 *APPOINT MEMBER
BOARD OF ETHICS*

WHEREAS: There has been a vacant Chair appointment on the Board of Ethics since April 1, 2010; and

WHEREAS: Colleen Craig is willing to serve; therefore be it

RESOLVED: That Colleen Craig, Chair appointment, is hereby appointed to the Board of Ethics for a term of November 10, 2010 through March 31, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 212-10 *AWARD CONSTRUCTION BID FOR
TAPPAN ROAD BRIDGE TO
VECTOR CONSTRUCTION CORP.*

WHEREAS: Tioga County will be receiving federal aid for the Replacement of the Tappan Rd. Bridge, BIN 3335280, over East Branch of Owego Creek; and

WHEREAS: October 20, 2010 sealed bids were opened for the Replacement of the Tappan Rd. Bridge over East Branch of Owego Creek; and

WHEREAS: The bid results were as follows:

1. Vector Construction Corp.	Cicero, NY	\$1,083,900.00
2. Economy Paving Co., Inc.	Cortland, NY	\$1,156,353.47
3. R. DeVincentis Construction Inc.	Binghamton, NY	\$1,206,000.00
4. Slate Hill Construction Inc.	Warners, NY	\$1,212,884.85
5. Bette & Cring, LLC	Latham, NY	\$1,228,117.00

And

WHEREAS: Delta Engineers, Endicott, NY has reviewed the bid proposals and recommends awarding the project to the low bidder Vector Construction Corp., Cicero, NY, which satisfies the requirement for qualifications; therefore be it

RESOLVED: That the Tioga County Legislature award the bid for the replacement of the Tappan Road Bridge (BIN 3335280) over East Branch of Owego Creek to Vector Construction Corp, Cicero, NY not to exceed \$1,083,900.00 to be paid out of the Tappan Road Bridge Account H2007.14.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 213-10

*ABANDON .08 MILE OF
CATATONK CREEK RD. TO
THE TOWN OF TIOGA*

WHEREAS: Tioga County has determined that there are several County Roads that don't meet any of the following characteristics of a County Road which includes:

- Roads which connect population centers
- Roads that connect State Roads or with other County Roads
- Major Roads that pass through two or more towns
- Roads that serve a major industry or otherwise serve an important interest of the County, and

WHEREAS: The .08 mile of Catatonk Creek Rd. in the Town of Tioga doesn't fit into the above categories; and

WHEREAS: The other portion of Catatonk Creek Rd is owned and maintained by the Town of Tioga; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes abandonment of .08 mile of Catatonk Creek Rd. to the Town of Tioga; effective upon the date of receipt of a resolution of the Town Board of acceptance of .08 mile of Catatonk Creek Rd as an addition to their portion of Catatonk Creek Rd.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 214-10

*ACCEPTANCE OF EMERGENCY
SERVICE TRAINING COMMUNITY
PROJECTS APPROPRIATION FROM
SENATOR LIBOUS' OFFICE*

WHEREAS: Specialized Emergency Service training in the new hazards that the well drilling industry will bring to the area is not currently available from NY State through our normal training options; and

WHEREAS: Senator Libous' Office has allocated a Community Projects Appropriation in the amount of \$15,000.00 to the Tioga County Bureau of Fire to procure and provide specialized Fire and EMS training to the Fire and EMS Responders in Tioga County; be it therefore

RESOLVED: That, with the permission of the Tioga County Law Office, the Chair of the Tioga County Legislature, on behalf of the Tioga County Bureau of Fire, be permitted to enter into the received Community Projects Appropriation Contract #TM02905 for the sum of \$15,000.00 to provide Emergency Services Training for the Fire and EMS Responders of Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 215–10 *ALLOW THE COUNTY FIRE
COORDINATOR TO APPLY FOR
GRANT FUNDING UNDER THE 2010
NYS HOMELAND SECURITY HAZ-
MAT GRANT PROGRAM*

WHEREAS: The expense of necessary equipment to be used by the Tioga County Haz-Mat Team during times of a Large Scale Hazardous Materials Incident is beyond the means of the yearly Bureau of Fire operating budget; and

WHEREAS: The New York State Office of Homeland Security is Offering a 2010 Haz-Mat Grant Program; and

WHEREAS: This grant program is focused on a Regional Approach to enhance Hazardous Materials response capabilities and the Tioga County Haz-Mat Team is a member of the Central New York Regional Hazardous Materials Response Consortium; therefore be it

RESOLVED: That the Tioga County Fire Coordinator be permitted to apply for Hazardous Materials Grant Funding, as a Submitting Partner, under the currently available New York State Division of Homeland Security 2010 Haz-Mat Grant Program to provide needed equipment for the Tioga County Haz-Mat Team; and be it further

RESOLVED: That funds be transferred as follows:

From:	A1610.16	Handicapped Education Fees	\$ 50,000
	A1610.17	Early Intervention Fees	\$ 61,250
	A3460.00	State Aid: Handicapped Education	\$ 362,561
	A1990.40-715	County Contingency Account	\$ 344,569
To:	A2960.40-590	Handicapped Education- Cont. Services	\$ 621,380
	A2960.40-710	Handicapped Education Transportation	\$ 72,000
	A4044.40-140	Early Intervention- Contracting Services	\$ 125,000

Legislator Huttleston made a motion to amend the above resolution, seconded by Legislator Hollenbeck, and to read as follows: Change "Account A1990.40-715 total from \$344,569 to \$38,337 and Account A2960.40-590 from \$621,380 to \$315,148."

ROLL CALL VOTE ON AMENDMENT

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

No – None.

Absent – Legislator Quinlan.

AMENDMENT ADOPTED

ROLL CALL VOTE ON RESOLUTION WITH AMENDMENT

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 217-10 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2010 to September 30, 2010 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 30,467.96
Village of Waverly	7,734.71
Town of Berkshire	4,229.41
Town of Candor	19,956.82
Village of Candor	1,122.56
Town of Newark Valley	10,043.65
Village of Newark Valley	1,209.08
Town of Nichols	8,361.21
Village of Nichols	627.62
Town of Owego	115,645.66
Village of Owego	8,667.82
Town of Richford	4,594.10
Town of Spencer	12,839.16
Village of Spencer	1,513.92
Town of Tioga	<u>13,358.47</u>
	\$240,372.15

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 218-10 *APPROVE PUBLIC TRANSPORTATION
BUS ROUTE CHANGES
SOCIAL SERVICES*

WHEREAS: Analysis of fixed route service is continuously monitored in order to enhance ridership and accommodate current riders; and

WHEREAS: Tioga County desires to include Public Transportation to and from Tioga Downs in Nichols, NY in order to meet the needs of employees and patrons; therefore be it

RESOLVED: That the Department of Social Services be authorized to make the following fixed route changes, effective December 1, 2010:

1. Add four stops at Tioga Downs (Town of Nichols), utilizing Owego to Waverly fixed routes 5, 7 and 8.
2. Add four stops at Tioga Downs (Town of Nichols), utilizing Waverly to Owego fixed routes 7 and 8.

And be it further

RESOLVED: That such route changes will be reviewed on an annual basis.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 219-10 *RENEW CONTRACT WITH EXCELLUS BLUE
CROSS/BLUE SHIELD TO ADMINISTER HEALTH
INSURANCE BENEFITS*

WHEREAS: Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for Tioga County and members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to continue administering said programs for the period of January 1, 2011 through December 31, 2011; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with Excellus Blue Cross Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County and other participants in the TCCMHIP for the period January 1, 2011 through December 31, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 220-10 *AUTHORIZE LETTER OF CREDIT
FROM TIOGA STATE BANK*

WHEREAS: Tioga County contracts with Excellus Blue Cross Blue Shield of Central New York for health insurance coverage; and

WHEREAS: The County obtains on an annual basis a Letter of Credit from Tioga State Bank to provide "tail" coverage; now therefore be it

RESOLVED: That the Personnel Officer be and hereby is authorized and directed to obtain a Letter of Credit from Tioga State Bank in connection with the above contract in the amount of \$984,200 for the period January 1, 2011 through December 31, 2011; and be it further

RESOLVED: That the Personnel Officer is authorized and directed to sign and complete an application form for the bank, subject to review by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 221-10 *AUTHORIZE CONTRACT WITH POMCO
GROUP (FORMERLY EM RISK
MANAGEMENT) FOR WORKERS'
COMPENSATION ADMINISTRATION*

WHEREAS: The Tioga County Self-Insurance Plan has been using the services of POMCO Group, a third-party administrator for our workers' compensation program, since January 1, 2003; and

WHEREAS: POMCO representatives have a dedicated in-house team of supervisors, claims adjusters, case managers, and medical bill auditors that work together to provide effective proactive management on all workers' compensation claims; and

WHEREAS: POMCO communicates with all representatives of the Tioga County Self-Insurance Plan to ensure that cases are handled as desired by the self-insured employer; and

WHEREAS: POMCO actively works to recoup any medical savings or recover any funds under New York State Workers' Compensation Law on our workers' compensation cases; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a two year contract with POMCO Group, formerly EM Risk Management, subject to review by the County Attorney, to be our third party administrator for the Tioga County Self Insurance Plan, for the period of January 1, 2011 through December 31, 2012 at a flat per year plan administration, claim handling, and reporting cost of \$19,275.00 for 2011 and \$19,275.00 for 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 222-10 *RENEW CONTRACT WITH EMPATHIA, INC.
(FORMERLY NEAS, INC.) FOR
EMPLOYEE ASSISTANCE PROGRAM*

WHEREAS: Participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide an Employee Assistance Program (EAP) to covered employees; and

WHEREAS: TCCMHIP has been using the services of Empathia, Inc. as an EAP provider since January 1, 2005; and

WHEREAS: Empathia a national and global provider of EAP, work/life services, and training and management consultation has submitted a proposal to continue providing unlimited 24/7 telephonic assessment, up to 8 in-person counseling sessions for eligible employees and members of their household, and access to substance abuse professionals; and

WHEREAS: Empathia does aggressive promotion to make employees aware of their services, provide 4 hours of on-site training, provides management support, offers access to interactive web site and library of self-help and wellness materials; and

WHEREAS: Empathia has 16 offices within the local region where employees will be able to obtain services; and

WHEREAS: Empathia will provide these services for the fee of \$2.03 per covered employee per month for a three year period; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with Empathia, Inc., formerly NEAS, Inc., subject to review by the County Attorney, to continue to administer our Employee Assistance Program effective January 1, 2011 through December 31, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 223-10 *AUTHORIZE CONTRACTS WITH SADD
SCHOOL ASSOCIATES*

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

WHEREAS: It is the desire to award the six SADD School Associate contracts for the calendar year 2011 to the following individuals; Matt Gelder to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Karen Curtis to serve the Spencer Van Etten School District; Janice Barto to serve the Tioga Central School District and Katie Carter-Benefiz to serve the Waverly School District; and

WHEREAS: Each SADD School Associate will be compensated \$100 each month for the ten months of the school year, but will not exceed \$1,000 for the year; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and outlines the compensation to be paid to the STOP DWI School Associates; therefore be it

RESOLVED: That these contracts for SADD School Associates be authorized for the 2011 calendar year.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 224-10 *EXTEND 60-DAY HIRING DELAY
THROUGH 2011
ALL COUNTY DEPARTMENTS*

WHEREAS: Resolution 147-09 established a requirement that all vacancies remain vacant for at least 60 calendar days, allowing for certain exceptions; and

WHEREAS: The savings in County payroll for the period January 2010 – September 2010 was approximately \$266,278; and

WHEREAS: The Tioga County Legislature believes this is a cost-containing measure that should be continued for 2011; therefore be it

RESOLVED: That the terms of the 60-day Hiring Delay outlined in Resolution 147-09 shall be continued through December 31, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 225-10 *STANDARD WORK DAY AND
REPORTING RESOLUTION
BOARD OF ELECTIONS OFFICE*

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

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
Deputy Elections Commissioner	Vera L. Richards	5013	50235761	7	10/13/10-12/31/10	Y	N/A

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 226–10 APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Bernadette M. Toombs be and hereby is appointed Republican Election Commissioner for Tioga County Board of Elections from January 1, 2011 through December 31, 2012; and be it further

RESOLVED: That Ms. Toombs' annual salary for 2011 is established at \$34,680.00, in accordance with Resolution 198-10.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 227-10 APPOINTMENT OF DEMOCRATIC
ELECTION COMMISSIONER

WHEREAS: The Chairman of the Democratic Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That John J. Langan be and hereby is appointed Democratic Election Commissioner for Tioga County Board of Elections from January 1, 2011 through December 31, 2012; and be it further

RESOLVED: That Mr. Langan's annual salary for 2011 is established at \$34,680.00, in accordance with Resolution 198-10.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 228-10 *AUTHORIZATION OF
TWO VOTING MACHINE TECHNICIAN
PART-TIME POSITIONS
BOARD OF ELECTIONS*

WHEREAS: Legislative approval is required for positions within Tioga County; and

WHEREAS: the Federal Help America Vote Act, HAVA, and enacted changes in the New York State Elections Laws, resulted in the mandated use of new voting machines; and

WHEREAS: The new voting machines require quarterly testing, technical support to program, test, inspect, operate, and repair in accordance with NYS Board of Elections and manufacturer requirements; and

WHEREAS: Resolution 125-09 created two part-time Voting Machine Technician positions (one Democratic and one Republican) at a rate of \$11.00 per hour to work on an as needed basis through December 31, 2009 to provide the technical support required on the new voting machines and for ongoing training and work thereafter on an as-needed basis; and

WHEREAS: Resolution 308-09 authorized the extension through December 31, 2010 of the two part-time Voting Machine Technician positions with a review of the continued need and said use of such positions; and

WHEREAS: The Voting Machine Technician positions are mandated according to Election Law §3-300 and §3-302 which allows “every Board of Elections to fix their number, prescribe their duties, and establish their salaries within the amounts appropriated therefore by the local legislative body and shall secure in the appointment of the board of election equal representation of the major political parties”; and

WHEREAS: The Voting Machine Technicians worked over 300 hours each in 2009, the year the positions were created and have worked over 350 hours in 2010 through mid October, and will work as necessitated through the remainder of the General Election, the audit of the machines, and the end of the year mandated testing; therefore be it

RESOLVED: That the Board of Election Commissioners be authorized to maintain the two part-time Voting Machine Technician positions to work on an as-needed basis through December 31, 2011 at a rate of \$11.00 per hour, not to exceed the 2011 budgeted amount; and be it further

RESOLVED: That the 2011 authorized part-time headcount for the Board of Elections be continued at 2.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, and Weston.

No – Legislator Roberts.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE
RESOLUTION NO. 229-10 RE-APPOINT DIRECTOR OF PUBLIC HEALTH

WHEREAS: Johannes Peeters was re-appointed as Director of Public Health by the Legislature for a six-year term beginning on January 11, 2005 which expires on January 10, 2011; and

WHEREAS: The Board of Health has unanimously recommended that the Legislature re-appoint Johannes Peeters for a six-year term; and

WHEREAS: Johannes Peeters has performed his duties well, including initiating numerous public health measures including, but not limited to:

- Established the "Tioga Smiles Mobile Dental Clinic"
- Adopted a "no waivers" policy regarding the New York State smoking ban
- Established a Quality Improvement program
- Working towards accreditation for the Health Department
- Has returned funds back to the county by reducing costs for programs and increasing revenue
- Maximizing the use of grants to offset county cost
- Helped strengthen Information Technology within the county;

therefore be it

RESOLVED: That the Legislature re-appoint Johannes Peeters as Director of Public Health effective January 11, 2011, for a term of six years, said term ending January 10, 2017.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:56 p.m.

Public Hearing
2011 Budget
November 23, 2010

The Public Hearing on the 2011 Budget was called to order by the Chair at 6:00 P.M. Six Legislative members were present, Legislators Monell, Quinlan, and Roberts being absent.

There were 8 people in attendance.

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

The Chair turned the meeting over to the Budget Officer, James McFadden.

Budget Officer James McFadden spoke. "To the residents of the Tioga County Legislature and the Honorable County Legislature, I would like to present to you tonight the proposed County Budget for 2011. As the difficult economic climate approaches a third year, many state and local governments nationwide have seen an erosion of their finances. As New York State remains in a recession, the demand for government services such as unemployment benefits, social services, and Medicaid have increased. Although federal stimulus funding has benefited Tioga County this past year, during this same period municipal revenue has decreased from less economic activity, job losses, and lower consumer spending. Tioga County has not been insulated from the effects of this recession. With this in mind, local officials have made prudent decisions formulating the 2011 County budget while still providing both valuable and mandated services to the citizens of Tioga County.

"General Fund expenses have increased from \$65,795,756 in 2010 to \$68,776,115 in the proposed spending plan. This represents an increase of 4.53% or \$2,980,359. Major increases include fringe benefits, education costs, and debt service. A few equipment purchases and a hiring freeze will help offset these expenses.

"The budget will see an increase in General Fund revenues of \$1,452,838 or 3.45% from \$42,162,439 in 2010 to \$43,615,277 in the 2011 proposal. We are anticipating flat sales tax collections and reduced state aid next year. However, PILOT payments, jail revenue, and accounting for bond proceeds will support the General Fund.

"There have been significant increases in other areas of the budget, namely the Capital Fund. The County plans to meet our infrastructure schedule by replacing four bridges and 16 miles of roads next year. The cost of \$6,000,000 will receive reimbursement of \$2,300,000 in Federal and State aid and the remaining \$3,700,000 will be financed by Build America bond proceeds.

"Subsequently, the total proposed spending plan of \$92,000,000 is an increase of \$7,000,000 or 8% over the current year. It is proposed that an increase of appropriate fund balance in the amount of \$1,100,000 be used to help offset the General Fund increase. This will bring the appropriate fund balance in the 2011 plan up to \$4,900,000.

"The County tax levy will increase \$427,521 or 2.16% to \$20,260,838, although tax rates vary from town to town due to state established equalization rates. The composite tax rate for all taxing districts has decreased \$0.15 to \$13.63 per \$1,000 due to a slight increase in net assessments.

"The other tax that appears on your bill is the recycling or solid waste tax. The tax levy for recycling in the solid waste budget has increased from \$828,403 to \$847,850, an increase of \$19,447 or 2.35% for 2011. Appropriations have increased \$70,816 or 5.62% from 2010. However, revenues have also increased \$51,379 or 11.87%. The proposed composite rate will drop from \$0.58 to \$0.57 per \$1,000 of assessed value.

"I would like to thank the County Legislature, Department Heads, and all County employees for working very diligently the past four months on this 2011 budget.

"I would like to point out that the projected tax levy may not increase after tonight's hearing without an additional public hearing."

The Budget Officer presented slides on the proposed 2011 budget.

George Penney spoke. "I am pleased that the proposed budget has only a slight increase in taxes, but I am concerned with the increased appropriations, particularly an increase of appropriation of the cash on hand does not bode well for the future. I hope that you will find ways to reduce the size of County Government. Thank you."

There being no further speakers, the hearing was adjourned at 6:23 P.M.

Twelfth Regular Meeting
December 14, 2010

The Twelfth Regular Meeting of 2010 was called to order by the Chair at 6:00 P.M. Seven Legislators were present, Legislators McEwen and Quinlan being absent.

Chair Weston asked Legislator Sullivan to have a moment of prayer. "Heavenly Father, we ask for your blessing on this Assembly. Please provide your guidance and grant us the gift of wisdom so that we may perform our duties on behalf of the people of the County."

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

There were 25 people in attendance.

Drew Griffin presented Employee of the Fourth Quarter 2010 to Katherine Garrison from the Department of Social Services.

"First of all I would like to thank the Legislators for their continued support of the Employee of the Quarter Program and my fellow committee members for all the hard work that they do throughout the year. Tonight it is my great pleasure to introduce to you Kathy Garrison.

"Kathy began her career here at Tioga County Department of Social Services in a temporary position as a typist in November of 1991. In 1992, Kathy became a seasonal typist in the HEAP Unit and in February of 1993, she became a permanent employee in the Income Maintenance Unit as a typist. In October of 1995, Kathy was promoted to Social Welfare Examiner and in Feb of 2002, Kathy was again promoted this time to Social Services Investigator. Kathy was promoted a last time in August of 2004 to the position she currently holds, Principal Social Welfare Examiner.

"Kathy has been involved in many different initiatives and projects unique to Tioga County in the past few years including, but not limited to:

- The integration of the Temporary Assistance and Employment Programs.
- The Intensive Case Management Project that deals with sanctioned customers
- The Home-Visiting Initiative.
- Tioga Works
- Disability Case Management Initiative/SSI Tracking
- Wheels to Work Liaison
- Community Solutions to Transportation Coordination
- TANF 200% Program Coordination
- Volunteer Income Tax Assistance (VITA)
- Generic Screening of all Assistance Programs
- Transitional Housing Services for families as well as ex-offenders
- Integrating all of the above as well as other programs (SCU/JOBS/Daycare) into the Tioga County Employment Center as a true "One Stop Shopping" center of Human Service programming for Tioga County residents

"Kathy has won the Tioga County Department of Social Services employee of the quarter on two occasions: July – September of 1994 and July – September 1998. She was also named the Tioga County Department of Social Services Supervisor of the Year in 2008.

"Kathy has a strong passion for the work that she does and is a visionary in her field. Kathy is recognized for the management strengths she has shown in working to improve her unit operations as well as those units supervised by her peers. Her high level of professionalism, her enthusiasm, her dedication to the goals of the agency and for continually striving to improve herself and those who work for her, Kathy's firm but fair approach exemplifies our goals of accountability and self-sufficiency for our customers.

Legislator Huttleston spoke. "Congratulations. I saw her in the hall coming in and she always said it would be a cold day in hell if she got this award. Thank goodness it got cold so they would give you this award. I do want to congratulate the Committee. It was a good selection. I have heard a lot about you and all of the things I have heard have always been good. I do appreciate you and all the employees that work for Tioga County. The Committee has done a good job at making another good selection. I appreciate everything you do, it makes my job easier and makes Shawn's job easier. Thank you."

Shawn Yetter, Commissioner of Social Services, spoke. “Katherine or Kathy or Kath, or Kat, she has several names, I never quite know what to call her, but she is indeed one of Tioga County’s finest employees and I thank the Employee Recognition Committee and the Legislature for the support and for honoring her here tonight.

“As you heard in her bio, she has steadily moved up through the Organization and has been extremely competent in every position that she has held. Something that was not in her bio however that I would add is that I have come to believe that she is somewhat psychic. Do you remember the character Radar on MASH who always knew what the Colonel was going to say? I call Kathy and I say I just got a call from and she will cut me off and say John Jones. I will say yea and I really need you to, uh I have already done it, it is taken care of. Then I would say well do we need to do anything with procedures, uh I have taken care of that, it will never happen again. And then I just have to say thank you and that is how Kath works every day, day in and day out.

“She is our group of employees at the top of the list as far as people who are in tune with the people that we serve. Her work comes from her heart every day and there are many many former public assistance recipients in this County who are former recipients because of the compassion that she has and the high expectation she has for outcomes from both the people we serve and from the staff that she works with as part of her team. She treats all those people, customers and staff, fairly and firmly, and she is very adept at allowing her staff the opportunity to work in that same fashion and make accomplishments happen. It is through the efforts of Kathy and her team that we see such successful opportunities and low cash assistance rolls in this County month in and month out, and our average length of stay on assistance is very low in comparison to other counties our size as well.

“All of the work, I will not repeat what was said in the bio, but all of those programs she has had an amazing impact in getting off the ground and making it happen, and Kathy we really salute you for that. This is an honor that is greatly deserved and it certainly represents the almost 20 years of service that you have given to the County, and we thank you for all that you do for us.”

Kathy Garrison spoke. "I just want to thank everyone, this is truly such an honor. Thank you to my Legislators, my admin, always with the open door policy, my family, my husband and my kids, Marcus and Mallory, they are so supportive, and, of course, my team. There are four of my girls right there and I am nothing without them. We all shine together. We are an excellent unit and we work well together. It shows and I cannot thank them enough. Thank you, thank you to everyone."

Legislator Hollenbeck read and presented the following Recognition Resolution to Norma Slocum.

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

REFERRED TO:

PERSONNEL COMMITTEE

RESOLUTION NO. 230-10

*RESOLUTION RECOGNIZING
NORMA M. SLOCUM'S
32 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Norma M. Slocum was appointed as Clerk-Typist on 11/06/78; Account Clerk-Typist on 12/11/78; Senior Account-Clerk Typist on 09/05/83; Benefits Manager on 01/01/88; and Secretary to the Personnel Officer on 01/01/90; and

WHEREAS: Norma M. Slocum has been dedicated and loyal in the performance of her duties and responsibilities during the past 32 years, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Norma M. Slocum will retire from the Tioga County Personnel Department on December 31, 2010; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Norma M. Slocum for her 32 years of dedicated and loyal service to the employees and residents of Tioga County; and be it further

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

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED UNANIMOUSLY.

Bethany O'Rourke, Personnel Officer, spoke. "As mentioned in the resolution, Norma has served Tioga County for 32 years and I think it is important to mention that no other employee of the Tioga County Personnel Department, past or present, has had more years of service than Norma. In fact, I think the closest tenure was only 19 years.

"As you can imagine after working here for 32 years the list of Norma's coworkers has been quite long, 36 I believe, but what is notable about that is the fact that Norma has put in the time and effort to maintain contact with most of them, even long after they left Tioga County and that is the way Norma is. She is devoted to the people she cares about and she has devoted her career to Tioga County.

"I personally have had the pleasure of working with Norma for 12 years and during that time Norma has been an invaluable resource, not only to me, but too many employees throughout the departments. Norma has vast historical information and although the Personnel Department staff has devoted the past two months to try and to learn Norma's duties, we cannot possibly capture all of her knowledge. Norma we are both sad and thrilled that you are retiring. Sad we will not see you on a regular basis, but thrilled for all the opportunities that retirement is going to offer you. I have no doubt you will stay busy because your social calendar pales to no bodies. I also hope you make time in that schedule to stop by and see us. We have been fortunate to have you work here 32 years. I thank you and congratulations."

Norma Slocum spoke. "Well thank you to the Tioga County Legislature for this honor and for the flowers. It has been my pleasure to work for Tioga County and meet so many wonderful people over the last 32 years. A special thanks to the Economic Development Department and Planning Department for their never ending support. I have been so proud to work with my Personnel Office coworkers.

"I thank Bethany O'Rourke for her guidance and leadership, Linn Jorgensen for her commitment to administering Civil Service Law and for her delicious chocolate chip cookies, Nancy Henry for making every day at work a joy, Susan Owens for sharing her wonderful photography with the staff, much of which belongs on the cover of Outdoor Life, and finally no words could possibly express the appreciation and affection I have for Amy Poff. Amy is a true angle on earth. Tioga County is fortunate to have all of these capable people on staff. After all these years I have learned that it is truly all about the people. The people we serve and the people we work with, and I have been lucky enough to have had the best. I thank my family and friends for being here, and I wish each of you here tonight Happy Holidays. Thank you. "

George Penney had privilege of the floor. "I would like to speak about the Groundwater Specialist position. First may I say I will miss Norma's smiling face. As to the Groundwater Specialist position, I am looking at a list of persons contracting now with the Public Health Department, a total of 36 names. I do not want to think that these will be full time positions sometime in the future. I would suggest that you might table the pending resolution for further consideration. Thank you."

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		813.74
A1165	District Attorney		723.27
A1170	Public Defender		13,173.94
A1325	Treasurer		622.50
A1355	Assessments		10,079.91
A1410	County Clerk		306.64
A1411	Department of Motor Vehicles		448.76
A1420	Law		790.07
A1430	Personnel		971.85
A1450	Elections		31,559.18

A1460	Records Management		189.08
A1460.41	Records Management		8,956.74
A1490	Public Works Administration		783.35
A1620	Buildings		65,878.76
A1680	Information Technology		18,298.83
A2490	Community College Tuition		238,262.12
A2960	Education of Handicapped Children		241,403.58
A3020	Public Safety Comm E911 System	644.40	8,715.18
A3110	Sheriff	1,451.09	16,594.76
A3140	Probation		114.51
A3241	Alternatives to Incarceration		808.50
A3146	Sex Offender Program		8,766.67
A3150	Jail		44,774.36
A3315	Special Traffic Programs		732.80
A3410	Fire		7,714.54
A3552	EMO Grant-SHSP C837970		14,350.00
A3640	Emergency Mgmt Office		632.89
A4010	Public Health Nursing		32,255.87
A4011	Public Health Administration	950.00	19,585.93
A4012	Public Health Education		54.06
A4042	Rabies Control		1,194.29
A4044	Early Intervention		26,009.59
A4053	Preventive/Primary Health Services		1,258.35
A4054	Preventive Dental Services		937.38
A4062	Lead Poisoning Program		322.35
A4064	Managed Care-Dental Services		5,862.05
A4070	Disease Control		14,152.25
A4090	Environmental Health		1,712.95
A4210	Alcohol and Drug Services		9,614.33
A4309	Mental Hygiene Co Admin		9,842.55
A4310	Mental Health Clinic		66,654.02
A4315	Mental Retardation		614.41
A4320	Crisis Intervention		31,461.49
A4321	Intensive Case Management		2,127.67
A6010	Social Services Administration		120,024.19
A6141	Energy Crisis Assistance Programs		8,747.38
A6422	Economic Development		1,133.20
A6510	Veterans' Service		942.39

A6610	Sealer Weights/Measures	169.42
A7310.41	Youth Programs, Refundable	8,467.19
A9060	Health Insurance	1,537.34
SOLID WASTE FUND		82,169.43
COUNTY ROAD FUND		29,306.63
SPECIAL GRANT FUND		7,163.46
CONSOLIDATED HEALTH FUND		63,177.52
CAPITAL FUND		168,304.66
LIABILITY INSURANCE FUND		576.00
WORKERS' COMP		<u>1,250.00</u>
GRAND TOTAL		\$ 1,456,140.37

Legislator Sauerbrey made a motion to approve the minutes of November 9 and 23, 2010, seconded by Legislator Monell, and carried.

Chair Weston abolished the Finger Lakes Association member appointment effective 12/14/2010.

Chair Weston appointed the following to a Financial Planning Committee effective 12/14/2010:

Finance Committee
Personnel Officer
County Attorney

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

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 231-10 *FIX TIME OF
ORGANIZATIONAL MEETING*

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 A.M., Monday, January 3, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 232-10 ADOPT STATE EQUALIZATION REPORTS

RESOLVED: That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 233-10 YEAR END TRANSFERS

RESOLVED: That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That the County Treasurer is hereby authorized and directed to effect this resolution.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 234-10 *AUTHORIZE TREASURER TO
ENCUMBER FUNDS*

RESOLVED: That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

RESOLVED: That said funds be encumbered before December 31, 2010 to allow proper coding of bills for payment in January.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 235-10 *ADOPT COUNTY BUDGET FOR 2011,
APPROPRIATIONS AND SALARY
SCHEDULE*

RESOLVED: That the tentative budget for Tioga County for the year 2011 submitted by the Budget Officer on November 15, 2010 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2011; and be it further

RESOLVED: That the several amounts specified in such budget as to the total for the several objects as set forth in Schedule 1 therein be appropriated for such objects, effective January 1, 2011; and be it further

RESOLVED: That the full time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 236-10 *TOWN TAX LEVY*

WHEREAS: There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2011; be it

RESOLVED: That there shall be, and there is, assessed against and levied upon and collected from the taxable property situate in the following Towns outside the incorporated Villages or partially located therein, the amounts indicated for Town purposes as specified in the Budgets of the respective Towns as follows:

<u>Part Town</u>	<u>General Outside</u>	<u>Highway Outside</u>
Barton	-	-
Candor	\$ 45,430.00	195,387.00
Newark Valley	-	-
Nichols	8,060.00	46,793.00
Owego	-	1,586,663.00
Spencer	41,449.00	372,424.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

Town of Barton	
Halsey Valley Fire Protection	14,889.00
Lockwood Fire Protection	35,000.00
Waverly Joint Fire Protection	250,347.00
Town of Berkshire	
Berkshire Fire District	125,067.00
Town of Candor	
Candor Fire District	417,560.00
Town of Newark Valley	
Newark Valley Fire District	177,227.69
Town of Nichols	
Lounsberry Fire Protection	3,000.00
Nichols Joint Fire Protection	135,400.00
Town of Owego	
Apalachin Fire District	683,595.00

Owego Fire District	931,031.63
Newark Valley Fire District	25,773.31
Town of Richford	
Richford Fire District	77,155.00
Town of Spencer	
Spencer Fire Protection District	75,000.00
Town of Tioga	
Tioga Fire District	178,561.00

Further

RESOLVED: That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within certain sewer, water and lighting Districts in the Town of Owego and the amounts specified in their annual budgets as follows:

Water District No. 4/Ext. 13	11,708.00
Water District No. 4/Ext. 15	7,553.00
Water District No. 4/Ext. 17	21,125.00
Water District No. 4/Ext. 20	17,625.00
Sewer District No. 2/Ext. 14	15,635.00
Sewer District No. 2/Ext. 15	11,573.00
Lighting District No. 1	5,297.00
Lighting District No. 2	11,950.00
Lighting District No. 3	10,378.00
Lighting District No. 4A	618.00
Lighting District No. 4B	1,939.00
Lighting District No. 5	6,319.00
Lighting District No. 6	15,779.00
Lighting District No. 7	2,013.00
Lighting District No. 8	1,307.00
Lighting District No. 9	601.00
Lighting District No. 10	841.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$196,705.18; further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$8,166.20; further

RESOLVED: That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	194,000.00	441,400.00
Berkshire	78,745.00	330,450.00
Candor	360,359.00	791,187.00
Newark Valley	266,046.00	297,800.00
Nichols	99,142.00	256,893.00
Owego	728,847.00	
Richford	140,555.00	390,600.00
Spencer	320,244.00	49,474.00
Tioga	223,004.00	502,900.00

Further

RESOLVED: That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 237-10 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. 235-10 dated December 14, 2010 adopted a Budget for the fiscal year 2011 and by Resolution No. 235-10 dated December 14, 2010 has made appropriations for the conduct of the County Government during said fiscal year and has by resolution No. 236-10 dated December 14, 2010 levied the taxes required for the support of the Government of the several Towns; therefore be it

RESOLVED: That this Legislature hereby levies the following for recycling purposes, upon the taxable real property liable therefore, in the County upon valuation as heretofore equalized by it.

Barton	109,671.15
Berkshire	20,353.02
Candor	85,328.84
Newark Valley	61,486.02
Nichols	42,092.81
Owego	381,290.81
Richford	20,400.13
Spencer	56,972.84
<u>Tioga</u>	<u>70,254.38</u>
Total	847,850.00

And be it further

RESOLVED: That pursuant to Section 360 of the County Law and Section 900 of the Real Property Tax Law, this Legislature hereby levied the following for County purposes, excluding Solid Waste set forth above, upon the taxable real property in the County upon valuation as heretofore equalized by it.

Upon all the taxable property liable for the support of County Government, the sum of \$20,260,838.00 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	385,632.86
For School Tax Returned	2,787,573.59
For Deficits from prior years' taxes	395.44
For Reimbursement of Erroneous taxes, etc.	6,148.66
All of the forgoing being subject to Credit for excess collection the prior year of	54.85

Further

RESOLVED: That the County Treasurer's Department be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. 236-10 on the rolls of the several Towns against each parcel of property set forth in said rolls, and that the Chair and the Clerk of the County Legislature be directed and empowered to execute under the seal of this Legislature the several Tax warrants for the collection of said taxes, and to cause the several tax rolls with said warrants annexed to be delivered to the Collectors of the several Tax Districts of the County on or before December 31, 2010; and be it further

RESOLVED: That the tax rates for each of the Towns, excluding Solid Waste, are as follows:

Barton	Out	8.036
	In	8.036
Berkshire		8.304
Candor	Out	111.515
	In	111.515
Newark Valley	Out	12.744
	In	12.744
Nichols	Out	30.618
	In	30.618
Owego	Out	10.788
	In	10.788
Richford		6.659
Spencer	Out	44.791
	In	44.791
Tioga		109.556

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 238-10

*ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

WHEREAS: An application for corrected tax roll indicates that property no. 1219 in the Town of Spencer, assessed to the Columbia Gas Transmission, LLC on the 2010 tax roll is erroneous in that Columbia retired their pipeline assets in the Town of Spencer in December 2008; that said assets were to be incorporated into the pipeline constructed and owned by Millenium Pipeline Company thus the parcel no longer exists; and

WHEREAS: Property no. 1219 in the Town of Spencer was billed and paid by both Columbia and Millenium in 2010, and the 2010 Columbia Gas tax bill in the amount of \$1,918.50 was paid on 1/26/10; be it therefore

RESOLVED: That a refund of \$1,918.50 be issued to Columbia Gas Transmission, LLC for overpayment of the 2010 taxes; and be it further

RESOLVED: That the erroneous town tax of \$749.90 be charged back to the Town of Spencer, and the erroneous fire tax of \$78.01 be charged back to the Spencer Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$43.73 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$1,046.86 be charged to the proper account in the records of the County Treasurer

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 239–10 *REAPPOINT MEMBERS
BOARD OF ETHICS*

WHEREAS: The terms of F. John Waite and John Hitchings on the Board of Ethics are due to expire December 31, 2010; and

WHEREAS: F. John Waite and John Hitchings have both agreed to serve another term; therefore be it

RESOLVED: That F. John Waite, Minority appointment, and John Hitchings, Chair appointment, are hereby reappointed to the Board of Ethics for a term of January 1, 2011 through March 31, 2014.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

Commissioner of DSS	TERM OF OFFICE
Soil & Water Conservation District Manager or designee	TERM OF OFFICE

WHEREAS: The Real Property Director has relinquished the position of Chair of the GIS Advisory Board; and

WHEREAS: Resolution 488-93 needs to be amended to add the GIS Manager as a member of the GIS Advisory Board for the Term of Office; and

WHEREAS: The GIS Manager has agreed to be appointed as the Chair of the GIS Advisory Board; therefore be it

RESOLVED: That Resolution 488-93 be amended to add the GIS Manager as a member of the GIS Advisory Board for the Term Of Office; and be it further

RESOLVED: That the GIS Manager be appointed as Chair of the GIS Advisory Board.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 242-10 *EXTEND YOUTH BOARD MEMBER TERM
YOUTH BUREAU*

WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and

WHEREAS: The Village of Waverly has nominated William Dimmick III to serve another term as their representative; and

WHEREAS: The Town of Barton has nominated Dave Mumbolo to replace Peter Kanze; and

WHEREAS: The Town of Tioga has nominated Doug Chrzanowski to replace Jeff Barnes, therefore be it

RESOLVED: That the Tioga County Legislature appoint Dave Mumbolo and Doug Chrzanowski, and reappoint Patty Porter and William Dimmick III to the Tioga County Planning Board, all to serve 3-year terms of 1/1/11 – 12/31/13.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: AGRICULTURE COMMITTEE

RESOLUTION NO. 244-10 *APPOINT MEMBERS TO THE TIOGA COUNTY
AGRICULTURAL AND FARMLAND
PROTECTION BOARD*

WHEREAS: The member's term representing the Farm Bureau (Ag Land Preservation) term expires as of December 31, 2010, and

WHEREAS: The Agricultural and Farmland Protection Board is desirous of filling these positions and the Tioga County Farm Bureau has found John Lacey willing to fill this position replacing Marty Borko; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints said member to the Agricultural and Farmland Protection Board for a four-year term of 1/1/11 – 12/31/14.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 245-10 *RESOLUTION APPOINTING
CHRISTINE SCHWEITZER TO THE
COMMUNITY SERVICES BOARD*

WHEREAS: The Tioga County Community Services Board has a vacant position available; and

WHEREAS: Christine Schweitzer, residing in Apalachin, NY, has expressed an interest in filling the vacant position; and

WHEREAS: The Community Services Board nominated Ms. Schweitzer for the position at its November 18, 2010 meeting; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Christine Schweitzer to the Tioga County Community Services Board for the remainder of a vacant position ending on March 31, 2014.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 246-10 *RESOLUTION ABOLISHING
HOSPICE DONATIONS COMMITTEE*

WHEREAS: The Director of Public Health has recommended that the Hospice Donations Committee is no longer needed as it is under the direction of Lourdes; therefore be it

RESOLVED: That the Hospice Donations Committee is hereby abolished effective December, 15, 2010.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 247-10 *APPROPRIATION OF ADDITIONAL REVENUE*

WHEREAS: The fee revenue being collected during 2010 has exceeded the budget; and

WHEREAS: The cost of disposing of the additional tonnage has also increased proportionally; therefore be it

RESOLVED: That the sum of \$40,000.00 be appropriated to Solid Waste Account B8160.41-140 from the additional tipping fee revenue Account B1221.00.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 248–10 *APPROPRIATION OF ADDITIONAL REVENUE*

WHEREAS: The Hazardous Waste Program has been very successful and the program during 2010 has exceeded the budget; and

WHEREAS: The cost of disposing of the additional amounts of hazardous waste and electronics due to increases in participation rates of the program which was particularly evident in the large bill for September; therefore be it

RESOLVED: That the sum of \$10,000 be appropriated from tipping fee revenue Account B1221 to Solid Waste Account B8160.42-261 for the additional amounts of hazardous waste and electronics in 2010.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 249-10 TRANSFER OF FUNDS
PUBLIC HEALTH

WHEREAS: The Tioga County Health Department (TCHD) Mobile Dental Services is in need of replacement equipment; and

WHEREAS: TCHD has the funds available for the necessary equipment; and

WHEREAS: The available funding requires transfer to the appropriate budget lines; and

WHEREAS: Transfer of funds requires Legislative approval, therefore be it

RESOLVED: That funds be transferred as follows:

From: A4064.40-140 Dental Services Contract Services	\$ 6,000
To: A9950.93-715 Transfer to Capital-All Other	\$ 6,000

And,

From: H5301.30 Interfund Transfer All Other	\$ 6,000
To: H4064.21 Capital Equip Dental Services	\$ 6,000

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 250-10 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: Tioga County Health Department (TCHD) and Information Technology Communication Services (ITCS) have identified computer and computer related equipment needs; and

WHEREAS: TCHD and ITCS have worked jointly to identify needs and possible cost savings in solutions to these needs; and

WHEREAS: Although some of the items will benefit other county departments, TCHD's shared need will allow for the partial reimbursement of these items through State Aid if purchased by TCHD; and

WHEREAS: The coordinated efforts of TCHD and ITCS in determining the solutions of purchasing the items through TCHD, have resulted in reduced budget requests by both departments in the 2011 budget, with full expectation of the same in the 2012 budgets for these items; and

WHEREAS: TCHD has earned and already received fee revenue from its Certified Home Health Care Agency (CHHA) that is well above 2010 budgeted amounts, which can be appropriated to fully cover the balance of the costs not covered by the State aid reimbursements; and

WHEREAS: The re-investment of the additional revenues into the technical and computer related components will allow for continued success in both the program and fiscal areas of the CHHA; and

WHEREAS: The Director of ITCS has reviewed and approved the computer and computer related items to be purchased; and

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

RESOLVED: That funding be appropriated as follows:

From: A1610.00 Fee Revenue: Public Health	\$ 11,270
From: A3401.00 State Aid: Public Health	\$ 6,230
To: A9950.93-715 Transfer to Capital-All Other	\$ 17,500

And,

From: H5301.30 Interfund Transfer All Other	\$ 17,500
To: H4011.21 Capital Equip Health Administration	\$ 17,500

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:	ADMINISTRATIVE SERVICES COMMITTEE FINANCE COMMITTEE
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RESOLUTION NO. 251-10	<i>TRANSFER OF FUNDS BOARD OF ELECTIONS</i>
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WHEREAS: The U. S. Election Assistance Commission approved the Advisory Opinion in Response to a Request from the New York State Board of Elections on behalf of Tioga County Board of Elections, for approval to purchase a vehicle for a Voter Education Program and for Inspector Training of Optical Scan Voting Systems and Accessible Ballot Marking Devices; and

WHEREAS: The Board of Elections received a grant in the amount of \$35,000 to purchase a vehicle; and

WHEREAS: The Board of Elections budget line for the 2010 Capital Equipment was only budgeted at \$30,000.00; and

WHEREAS: The Board of Elections has secured a vehicle for the amount of \$31,621.69; and

WHEREAS: Additional funding of \$1,621.69 is needed to meet the costs of the obtained vehicle; and

WHEREAS: These funds are able to be transferred from the \$35,000 grant; and

WHEREAS: Transfer of funds requires Legislative approval, therefore be it

RESOLVED: That the sum of \$1,621.69 be transferred as follows:

From: H4089 Federal Aid

\$1,621.69

To: H1450.21.60-Capital Equipment-Car/Truck

\$1,621.69

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PERSONNEL COMMITTEE

FINANCE COMMITTEE

RESOLUTION NO. 252-10

TRANSFER OF FUNDS

WORKERS' COMPENSATION

WHEREAS: Due to higher than anticipated workers' compensation medical costs a shortfall is anticipated in the Benefit and Award accounts in the 2010 workers' compensation budget; and

WHEREAS: Funds are available in the Payments to State Expense account; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1710.40 (450) \$85,000.00

To: Workers' Compensation Account S1720.40 (380) \$85,000.00

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 253–10 *APPROVE FUNDING
2011 YOUTH BUREAU PROGRAMS*

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 2011 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 2011 be approved by the Tioga County Legislature in the amounts indicated:

Youth Development and Delinquency Prevention Programs

Cooperative Extension Family Resource Centers	\$13,846
Tioga County Council on Alcohol & Substance Abuse	\$ 6,442
Cooperative Extension Waverly Youth Café	\$ 4,543
Camp Ahwaga	\$ 3,268
Spencer Van Etten Building Foundations	\$ 2,199

Special Delinquency Prevention Programs

Big Brothers Big Sisters of Bradford County, Inc.	\$ 9,134
A New Hope Center	\$ 8,432
Cooperative Extension Family Resource Centers	<u>\$ 2,409</u>
TOTAL	\$50,273

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 254-10 *INTER-MUNICIPAL AGREEMENT
HAZARDOUS WASTE*

WHEREAS: Tioga County has had a contract and inter-municipal agreement for the disposal of hazardous waste with Broome County over the last ten years; and

WHEREAS: Broome County has developed a proposal plus an inter-municipal agreement allowing Tioga County to utilize Broome County's Hazardous Waste Facility for the year 2011; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee , upon approval of the County Attorney, to renew the contract and inter-municipal agreement for the disposal of hazardous waste with Broome County for the year 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 255–10 HAULING/TRANSFER SERVICES

WHEREAS: The contract for Hauling/Transfer of garbage with Superior expires at the end of December 2010; and

WHEREAS: The department of Solid Waste held a bid opening on December 7, 2010

WHEREAS: The bid results were as follows:

<u>Bidder Name</u>	<u>\$/Ton/Mile</u>	<u>Miles</u>	<u>\$/Ton</u>
Superior Disposal	0.501466	68.2	34.20

Therefore be it

RESOLVED: That the Tioga County Legislature award the Hauling/Transfer bid to the low bidder Superior with the contract date effective February 1, 2011;

And be it further

RESOLVED: That the contract be for an initial 3 years with two 3 year extensions with an increase based upon the Consumer Price Index.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 256–10

*PRICING CHANGE FOR TIPPING FEE AT
TRANSFER STATION*

WHEREAS: The tipping fee at the Transfer Station is currently \$70 per ton which was last increased in August 2004; and

WHEREAS: With the significant increases in the new hauling contract, an increase in pricing would offset the cost of this increase on the taxpayer; and

WHEREAS: That the Tioga County Legislature requires all pricing to be authorized by resolution; therefore be it

RESOLVED: That the Tioga County Legislature approves the new tipping fee to be \$80 per ton starting February 1, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

RESOLVED: That the Chairman of the Legislature of the County of Tioga be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement of approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED: That this resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 258-10

*AWARD CONSTRUCTION BID FOR
LOCKWOOD MAIN STREET BRIDGE
PROJECT TO ECONOMY PAVING CO.*

WHEREAS: Tioga County will be receiving a bond issue for the Capital Project in 2010; and

WHEREAS: December 07, 2010 sealed bids were opened for the Rehabilitation of the Main Street. Bridge over Cayuta Creek in the Town of Barton; and

WHEREAS: The bid results were as follows:

1. Economy Paving Co., Inc.	Cortland, NY	\$ 923,360.00
2. R. DeVincentis Construction Inc.	Binghamton, NY	\$1,016,000.00
3. Slate Hill Construction Inc.	Warners, NY	\$1,095,111.50
4. Vector Construction Corp.	Cicero, NY	\$1,095,398.50

And

WHEREAS: McFarland and Johnson Engineers, Binghamton, NY has reviewed the bid proposals and recommends awarding the project to the low bidder Economy Paving Co., Cortland, NY, which satisfies the requirement for qualifications; therefore be it

RESOLVED: That the Tioga County Legislature award the bid for the rehabilitation of the Main St. Bridge (BIN 3334800) over Cayuta Creek in the Town of Barton to Economy Paving Co., Cortland, NY not to exceed \$923,360.00 to be paid out of the Main St Bridge Account H2009.05.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/SAFETY COMMITTEE

RESOLUTION NO. 259-10 RENEW CONTRACT
 PARTNERS IN SAFETY, INC.
 (CDL DRUG & ALCOHOL TESTING)

WHEREAS: Federal Law requires random drug and alcohol testing of CDL drivers performing “safety sensitive” tasks; and

WHEREAS: The Safety Department has coordinated with several of the Towns and Villages within Tioga County to have this testing done by an outside agency since 1995; and

WHEREAS: All the municipalities involved, including the County are in agreement that the contract should be renewed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, pending approval by the County Attorney, to renew the contract with Partners in Safety, Inc. for random drug and alcohol testing in accordance with Federal regulations at the following rates indicated:

Complete DOT Random Testing Program \$43.00 Per Employee Per Year

To Include:

- Random Selection of Employees (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- Blind Specimen Submissions
- MIS Reports
- Supervisor Training for Reasonable Cause
- Collection Site Management

ADDITIONAL CHARGES: For pre-employment, post-accident, reasonable cause or follow-up tests performed during business hours:

Drug Test (at lab or office of Partners in Safety):	\$46.00 per test
Drug Test (at Walk-In Medical Facilities, Hospitals, etc.):	\$70.00 per test
Breath Alcohol Test:	\$40.00 per test
DOT/19A Physicals (at the office of Partners in Safety):	\$45.00 per person
Emergency Service	\$125 per hour Minimum 2 hours plus the cost of the test
Split Specimen Testing (re-test of positive specimen by other SAMHSA certified lab, including shipping and maintenance of chain of custody; only when requested by employee within 72 hours of MRO's notification):	\$250.00

On-site 19A/DOT physicals available upon request (minimum volume required).

Additional services are billed monthly. Payment is due prior to the 30th of the month following the month in which services were provided.

and be it further

RESOLVED: That this contract shall be effective January 1, 2011 - December 31, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 260-10 *AUTHORIZE 2011 TAX MAP MAINTENANCE CONTRACT*

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized to enter into a Tioga County tax map maintenance contract with MRB Group, for the calendar year 2011 for an annual charge of \$25,920, payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and surveys, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 261-10 *AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY
ASSOCIATES, PC, AND TIOGA COUNTY*

WHEREAS: Beginning January 1, 2011 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$800.00 to be paid to Pathologists, \$400.00 for morgue fees, and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/11 through 12/31/11.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 262-10 *AWARD PRINTING SERVICES
CONTRACT EXTENSION*

WHEREAS: The Tioga County Legislature entered into a contract with Action Graphic Services, Inc. on November 13, 2007 for the provision of printing services, which was to commence January 1, 2008 and expire on December 31, 2008; and

WHEREAS: Said contract provided for three one-year extensions; and

WHEREAS: The second one-year extension will expire on December 31, 2010; and

WHEREAS: Action Graphic Services, Inc. has requested in writing a one-year extension of the printing services contract and is willing to provide the same service specified in the contract; therefore be it

RESOLVED: That the Tioga County Legislature agrees to the third one-year extension of the Action Graphic Services, Inc. printing services contract at the same terms and conditions as the November 13, 2007 contract upon approval of the County Attorney, which extension shall commence on January 1, 2011 and expire on December 31, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 263-10

*AUTHORIZE CONTRACT WITH
SECURITAS SECURITY SERVICES
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: The Tioga County Department of Social Services has a contract with Securitas to provide security services at the HHS complex and Mental Hygiene's Waverly Office effective January 1, 2010 through December 31, 2010; and

WHEREAS: The need for ongoing security exists at these locations; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Securitas Security Services USA upon approval of the County Attorney to continue providing unarmed security services at the HHS complex and Mental Hygiene's Waverly Office effective as of January 1, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 264-10

*RESOLUTION TO APPROVE A
CONTRACT BETWEEN THE TIOGA
COUNTY PROBATION DEPT. AND
THE FAMILY AND CHILDREN'S
SOCIETY TO PROVIDE ADULT
SEXUAL OFFENDER TREATMENT
SERVICES*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult sex offender treatment in 2011; and

WHEREAS: The Family and Children's Society is continuing to offer a sexual offender treatment program for a maximum of 20 adult sex offenders at any point in time to Tioga County Probation for \$105,200 annually; now therefore be it

RESOLVED: That the Probation Director is approved to contract with The Family and Children's Society to provide adult sexual offender treatment services in the amount of up to \$105,200 annually upon approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 265-10 *AUTHORIZE CONTRACT FOR INMATE
MEDICAL CARE*

WHEREAS: The Sheriffs Office contracts with Correctional Medical Care Inc. (CMC) to provide medical care to the inmates of the Tioga County Jail; and

WHEREAS: The Sheriffs Office is desirous to extend the current contract one additional year for an annual fee of \$269,894; and

WHEREAS: Funding for this contract will be appropriated in the 2011 budget and the Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties; be it therefore

RESOLVED: That the Tioga County Legislature authorize the Tioga County Sheriffs Office to enter into a contract with Correctional Medical Care, Inc.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 266-10 *AUTHORIZE CONTRACT FOR UNIFORM DRY
CLEANING AND LAUNDRY SERVICES*

WHEREAS: The Sheriffs Office is required to provide uniform Dry Cleaning and Laundry services for uniformed officers; and

WHEREAS: Moreton Cleaners of Waverly New York has contracted with the Sheriffs Office to provide this service; and,

WHEREAS: The Sheriffs Office is desirous to extend the current contract one additional year for a annual fee of \$12,250; and

WHEREAS: Funding for this contract will be appropriated in the 2011 budget and the Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties; be it therefore

RESOLVED: That the Tioga County Legislature authorize the Tioga County Sheriffs Office to enter into a contract with Moreton Cleaners.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 267-10	<i>AUTHORIZE THE SUBMISSION OF GRANT APPLICATION SHERIFF'S OFFICE</i>

WHEREAS: The NYS Office of Homeland Security has announced the
FY '10 State Law Enforcement Terrorism Prevention Program (SLETPP) for Tioga County Law Enforcement in the amount of \$34,000; and

WHEREAS: Applications for these monies must be received no later than December 31, 2010; and

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

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 268-10

*AUTHORIZE THE SUBMISSION OF
HOMELAND SECURITY GRANT
APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security has issued a grant of \$84,000 to the Tioga County Office of Emergency Management, and through meetings with the Sheriff and Fire Coordinator, it was determined the grant would be used for the interoperability of radio communications; and

WHEREAS: The Tioga County Emergency Management Office has to submit an application for this funding; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Emergency Management Office apply for this grant.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 269-10 *AMEND RESOLUTION 224-10, HIRING DELAY
THROUGH 2011
ALL COUNTY DEPARTMENTS*

WHEREAS: Resolution 224-10 extended the terms of the 60-day hiring delay, previously established by resolution 147-09, through December 31, 2011; and

WHEREAS: The intent of resolution 224-10 was in fact to modify the 60-day duration to 90-days due to the additional cost savings which could be realized in conjunction with having the terms of the hiring delay extended through 2011; therefore be it

RESOLVED: That Resolution 224-10 is hereby amended to reflect a 90-day Hiring Delay through December 31, 2011; and be it further

RESOLVED: That other than the number of days of said delay, the 90-day Hiring Delay shall continue to adhere to all other terms set forth by Resolution 147-09 until further Legislative action.

ROLL CALL VOTE

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

No – Legislator Huttleston.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 270-10 *AUTHORIZE PURCHASE OF SPECIFIC AND
AGGREGATE STOP-LOSS FOR
CONSOLIDATED HEALTH INSURANCE
PROGRAM*

WHEREAS: The Tioga County Consolidated Municipal Health Insurance Program's (TCCMHIP) specific and aggregate stop-loss policies expire December 31, 2010; and

WHEREAS: TCCMHIP continues to experience rising health insurance costs and large claims incurred by individual members; and

WHEREAS: The continuance of both specific and aggregate stop-loss coverage help to limit exposure to the TCCMHIP; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to purchase specific and aggregate stop-loss, subject to review by the County Attorney, from an A Rated or better Insurance Company who can provide the best coverage not to exceed a cost of \$410,993 dependent on enrollment, for the Tioga County Consolidated Municipal Health Insurance Program for the period of January 1, 2011 through December 31, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 271-10 *RENEW SPECIFIC EXCESS AND EMPLOYERS'
LIABILITY
INSURANCE FOR WORKERS'
COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy through Safety National Casualty Corp expires December 31, 2010; and

WHEREAS: The Tioga County Self-Insurance Plan's employers' liability insurance policy through United States Liability Insurance Co. expires December 31, 2010; and

WHEREAS: The Tioga County Self-Insurance Plan by-laws allow the committee to purchase excess or catastrophic insurance; and

WHEREAS: The continuance of both excess and employers' liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; and

WHEREAS: Safety National Casualty Corp. and United States Liability Insurance Co. are both A rated insurance companies and both are licensed in New York State; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to purchase specific excess insurance from Safety National for the period of January 1, 2011 through December 31, 2011 to be paid for out of the 2011 Tioga County Self-Insurance budget account \$1722.40; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to purchase employers' liability insurance from US Liability Insurance for the period of January 1, 2011 through December 31, 2011 to be paid for out of the 2011 Tioga County Self-Insurance budget account \$1710.40-270.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 272-10 *REQUEST WAIVER OF 60-DAY HOLD
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Resolution 302-09 extended the 60-day hiring delay through December 31, 2010; and

WHEREAS: Effective July 8, 2010, Rebecca McCarthy, Caseworker, went out on Family Medical Leave; and

WHEREAS: Ms. McCarthy went into unpaid Family Medical Leave status on July 28, 2010; and

WHEREAS: Ms McCarthy's Family Medical Leave ended on September 26, 2010; and

WHEREAS: Ms McCarthy has not returned to work and will resign from her position effective January 14, 2011, as agreed; and

WHEREAS: The 60-day delay would have been met on November 25, 2010, based upon the end of her Family Medical Leave date of September 26, 2010; therefore be it

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver from the 60-day hiring delay for Ms. McCarthy's position and is authorized to begin recruitment as of December 15, 2010 in order to fill the position effective January 15, 2011.

WHEREAS: Funds for the position are included in the 2011 Health Department budget in the contractual line, which will require transfer to the appropriate personnel line in 2011; and

WHEREAS: The Personnel Officer has reviewed the headcount for 2010 submitted by the Public Health Director; and

WHEREAS: The funding for this position is available within the Public Health Department funds in 2011; and

WHEREAS: The Director of Public Health desires to fill the position with the individual that has been under contract as Groundwater Management Specialist since 2003, Justin Lewis, and Mr. Lewis is willing and able; therefore be it

RESOLVED: That one position of Groundwater Management Specialist with Tioga County Health Department be created (and filled) as a non-union position with a salary range of \$38,124 – 48,124, effective December 27, 2010; and be it further

RESOLVED: That Justin Lewis be provisionally appointed as Groundwater Management Specialist, pending the Civil Service examination, with Tioga County Health Department at an annual salary of \$46,000, effective December 27, 2010; and be it further

RESOLVED: That Mr. Lewis will not be eligible for a salary increase until his 6 month anniversary due to his date of hire (in accordance with County Policy 44), and that said increase will be dependent upon the results of his performance evaluation done at that time; and be it further

RESOLVED: That as a result of creating a full-time position, the 2010 authorized headcount for the Public Health Department for full-time positions will change from 52 to 53; and be it further

RESOLVED: That funding be transferred as follows:

From: A4090.40-140 Environmental Health: Contractual	\$ 900
To: A4090.10-10 Environmental Health: Personnel	\$ 900

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE
PERSONNEL

RESOLUTION NO. 274-10

*RE -APPOINT KENNETH
DEL BIANCO COMMISSIONER
OF PUBLIC WORKS*

WHEREAS: The appointment of Kenneth Del Bianco, Commissioner of Public Works expires February 20, 2011; and

WHEREAS: Mr. Kenneth Del Bianco desires to continue as the Commissioner of Public Works; therefore be it

RESOLVED: That the Tioga County Legislature re-appoint Mr. Kenneth Del Bianco, P.E. to the position of Commissioner of Public Works for another five year term effective February 20, 2011 to February 19, 2016.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 275-10 2011 STAFF CHANGES
(VARIOUS DEPARTMENTS)

WHEREAS: The Tioga County Legislature reviewed requests from departments regarding staff changes for 2011; and

WHEREAS: These requests were considered during the 2011 Budget preparation process; therefore be it

RESOLVED: That the following position changes are effective January 1, 2011 unless noted otherwise:

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
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ECONOMIC DEVELOPMENT & PLANNING DEPARTMENT

New Position	Agricultural Program Assistant – P.T.* (\$ 20.36 /hour)		+ \$18,000
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- Temporary position for the period 1/1/11-12/31/12

PERSONNEL DEPARTMENT

S. Owens	Personnel Clerk (Grade 5)	Abolish	- \$25,718
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And be it further:

RESOLVED: That approval to backfill any newly-created position must still be sought from the full Legislature prior to hiring.

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 276-10 ERRONEOUS ASSESSMENT
TOWN OF TIOGA

WHEREAS: An application for corrected tax roll indicates that properties no. 1366, 1367, 1368, and 1369 in the Town of Tioga, assessed to the Columbia Gas Transmission, LLC on the 2010 tax roll are erroneous in that Columbia retired their pipeline assets in the Town of Tioga in December 2008; that said assets were to be incorporated into the pipeline constructed and owned by Millenium Pipeline Company thus the parcels no longer exist; and

WHEREAS: Properties no. 1366, 1367, 1368, and 1369 in the Town of Tioga were billed as follows and paid by Columbia Gas Transmission, LLC on 1/26/2010;

	<u>Acct 1366</u>	<u>Acct 1367</u>	<u>Acct 1368</u>	<u>Acct 1369</u>
County	\$ 3,426.14	3,754.05	178.13	2,252.91
Recycle	143.11	156.81	7.44	94.10
Townwide	1,324.65	1,451.43	68.87	871.04
Tioga Fire	329.66	361.21	17.14	216.77
	\$ 5,223.56	5,723.50	271.58	3,434.82

be it therefore

RESOLVED: That a refund of \$14,653.46 be issued to Columbia Gas Transmission, LLC for erroneous payment of the 2010 taxes on these four properties; and be it further

RESOLVED: That the erroneous town tax of \$3,715.99 be charged back to the Town of Tioga, and the erroneous fire tax of \$924.78 be charged back to the Tioga Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$401.46 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$9,611.23 be charged to the proper account in the records of the County Treasurer

ROLL CALL VOTE

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

No – None.

Absent – Legislators McEwen and Quinlan.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:34 P.M.

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CERTIFICATE OF CHAIR AND CLERK

STATE OF NEW YORK)

COUNTY OF TIOGA)

We, DALE N. WESTON, Chair and MAUREEN L. DOUGHERTY, Clerk of the Tioga County Legislature, do hereby certify that this pamphlet and volume of the Proceedings of said Legislature, at its monthly and special sessions held in said County during the year 2010, is correct and is printed by authority and direction of said Legislature and pursuant to Section 211 of the County Law.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the Seal of said Legislature at Owego, County of Tioga, State of New York.

DALE N. WESTON
Chair

MAUREEN L. DOUGHERTY
Clerk

Dated: December 20, 2010