

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

RESOLVED: That Tioga County shall forward copies of this Resolution to the Governor, the New York State Legislature, New York State's Congressional Delegation, and all others deemed necessary and proper.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

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

RESOLUTION NO. 22-10 ***APPROPRIATION OF FUNDS***
PUBLIC HEALTH

Adoption moved by Legislator Huttleston,
Seconded by Legislator Monell.

WHEREAS: New York State Child Passenger 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	\$ 5,000
To: A4012.40-640 Health Education: Non-Office Supplies	\$ 5,000

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

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-E00) 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**

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

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

**RESOLUTION NO. -10 AUTHORIZE THE APPLICATION FOR A
NYS-DOH GRANT: “CREATING HEALTHY
PLACES TO LIVE, WORK AND PLAY”**

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

WHEREAS: It is required under current Tioga County Policy 47 that the County Legislature give prior approval for all grants that will require in-kind contributions; and

WHEREAS: New York State Health Department desires to reduce obesity in New York, one of the major causes of health insurance increases; and

WHEREAS: New York State Health Department is accepting applications for the “Creating Healthy Places to Live, Work and Play” grant to provide funding to assist Counties in reducing obesity and other chronic diseases; and

WHEREAS: This grant is intended to be “block-type” funding to insure that chronic disease programs survive other funding cuts to programs related to chronic disease (i.e. Obesity and Diabetes); and

WHEREAS: New York State Health Department intends to award this grant to four counties in the Central New York Region; and

WHEREAS: Tioga County Health Department wishes to apply for this grant; and

WHEREAS: The grant will be for between \$875,000 and 1.2 million dollars over five years, depending on award amount; and

WHEREAS: A local share of up to \$26,250 (based upon grant award amount) of in-kind costs on an annual basis would be required; and

WHEREAS: The in-kind contribution can consist of existing costs of providing office space, telephone, use of a vehicle and computer systems, thereby reducing the additional costs; and

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.