

*Eleventh Regular Meeting*  
**November 10, 2009**

The Eleventh Regular Meeting of 2009 was called to order by the Chair at 1:38 P.M. Eight Legislative members were present, Legislator Quinlan being absent.

Chair Weston asked Legislator McEwen to have a moment of prayer. “The fact that tomorrow is Veterans’ Day I would like to ask for a moment of silence for both the men and women that are serving now and the families that have lost Veterans’, and the great job that they are doing for the Country.”

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

There were 19 people in attendance.

Legislator Huttleston read and presented the following Proclamation on Adoption Awareness Month to Gail Barton, Deputy Commissioner of Social Services and Liz Jenkins.

PROCLAMATION

This November marks the 19<sup>th</sup> annual National Adoption Month. November 15<sup>th</sup> is National Adoption Day. Our task is to find permanent homes for all our children. 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.

**Legislator Huttleston spoke. "I appreciate all that our department does and I appreciate them. I know when I talk to Gail and she places a foster child and somebody adopts them she is always very excited about it. Probably as excited as the parents, which is good. Our people get very involved, they are very close to the situations and I think a lot of times we are not aware of some of the situations and how good it is that these children get a chance to live a life and grow up to be a human being in a nice and loving family. I appreciate you adoptive parents and all you do."**

**Gail Barton, Deputy Commissioner of Social Services, spoke. "Thank you to the Tioga County Legislature for recognizing November as Adoption Awareness Month. There was a Proclamation done by both the New York State Governor and the President of the United States recognizing November as Adoption Awareness Month. This is a time when we honor families who have adopted, especially those who have adopted children from foster care. Saturday, November 21, has been designated as National Adoption Day when Courts across the Country will finalize the adoptions of thousands of foster children. In 2008, 2328 children in New York were adopted from foster care and over 6000 foster children in New York State currently have a goal of adoption.**

**"All children yearn for and deserve to have a permanent home. We are very fortunate to have foster parents including relative foster parents who have opened their hearts and homes to foster children and who then have subsequently committed to make them a permanent part of their family. Today we celebrate and honor you, and most importantly say thank you.**

**"I would like to introduce you to a couple of the foster adoptive parents from Tioga County. Millie and Bo Henning. I think you have seen them before because they are pretty faithful in coming to be recognized as foster parents in the spring. They have been approved foster adoptive parents since 2001 and they have had approximately 35 foster children since they were certified in 2001. In May of 2008 a sibling group of four very young children was placed in their home. These children who are now ages 3, 4, 5, and 6 are now freed for adoption and Millie and Bo have committed to becoming their permanent family. Thank you.**

“Michael Willon who some of you may know or recognize, he was the former Owego-Apalachin School Superintendent, now divides his time between New York City and Tioga County. Michael was certified as a foster adoptive parent in 2006. A baby named Charley was placed in his home June 22, 2006. Less than a year later a sibling of this baby was also placed in his home. On June 12, 2009 both boys were adopted by Michael. It was a long journey and I have to say on behalf of our department it is clear that these boys ended up in the home that they were meant to be in.

“If you would like to know more about adoption or about foster parenting please contact the Tioga County Department of Social Services. I would urge all of you to please help spread the word that there are many more children in foster care who are waiting for permanent homes, but mostly I would like to say thank you to Michael and to Millie and to Bo for the commitment they have made on behalf of children in Tioga County who were formerly foster children who now will have permanent homes. Thank you very much. I want to recognize the Foster Care Adoption Supervisor who does all this work, Liz Jenkins, and I appreciate all that you do Liz. She is new in her position. She came over from the Child Protective world and moved over voluntarily to learn the foster care adoption world which is very different and very complex, and she is doing a great job in that role.”

Joseph Albrecht had privilege of the floor. “Thank you. I do have a concern and it is growing, and I have mentioned it before. I would like to have as accurate a reading on unfunded mandates from the Federal Government and the State Government that have to be met by Tioga County, and I ask for this information because someone at higher levels needs to be reminded about certain issues relative to the distribution of fiscal resources. I am not sure how to ask this. I will go back to a statement I made in the past. Relative to we all have skin in the game, but the problem is if you have not participated in the game previously and yet you were receiving rewards of those who were participating in the game, I think there has to be an adjustment on that side of the ledger, and as I said if I can find out who is responsible at the Federal and State level then I can share some of my concerns with them.

“One of the things that has come up fairly recently in proposed legislation relative to healthcare is the imposition of fines and actual prison time if you do not participate in the program. Where that goes from here I do not know, but it is there and it has been documented and that particular program has been approved by the House of Representatives of the United States, which really gives me cause to wonder. One of the documents that did not receive approval or discussion was one which indicated that 90% of the expense of health coverage for those people who receive less than 200% of the Federal poverty level will be borne by the States and if you want to look that one up it falls from a representative of the State of Georgia, and it was a proposed legislative item on the other side of the aisle. I do not like names and designations for people, I am going to leave it at that, but it is out there

and I think the handwriting is on the wall. It becomes very convenient for those people “in power” to simply move expenditures and so forth to a different level and then ignore the consequences, and those days have passed. I thank you very much for your time.”

Chris Bonner had privilege of the floor. “Hey in Rome the saying is do what the Romans do and all roads lead to Rome. Rome is gone. It declined. The United States is in decline too whether you know it or not ladies and gentlemen. This Country is bankrupt. That is what I said, bankrupt. Now let’s go to our Governor up there in Albany. He says well we got a budget deficit up there and it is I do not know how many billions of dollars. Now here is a report, “State Funds are Misused”. It is just the State funds. Here is a man here, his name is DiNapoli. He is saying that we are raiding the funds, that they are taking money out of the auto tax and putting it into other programs, whatever they want to do with it. Well I do not know where this guy has been. He says he has been up there for over 20 years and he is just telling it now. I knew that when I was in knickers man and out there running the streets as a teenager, that they were raiding the funds. The tax on gas was for the maintenance and the bridges and the roads, but these are only in name only.

“There are other trust funds they call them, which I will not go into because these people here will go into a panic of where these trust funds have been misused. Now we live in a cold State and we have snow and ice that is coming up here. It could be right around the corner, any day now. We have one thing that destroys the roads and the bridges that we use every year. That ladies and gentleman is sodium chloride salt. A number of years ago I got up here and I asked when Mr. D’Angelo was up here why don’t we look into a salt substitute. Our bridges do not wear out, our roads do not wear out, they rot out from the salt, and if you go up there on any of these bridges and you take a look at the years that the salt has been piled up on there, and you look at that steel and that steel is rusted and rotten out. It is peeling off, just like the ships and the salt water where they have the sailors going down there with air hammers every year or two getting off all the shale and repainting them. This is going to happen here and they got other solutions. Why doesn’t New York State take some lottery tickets? They might win the lottery.”

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		1,157.00
A1165	District Attorney		3,508.14
A1170	Public Defender		2,292.08
A1172	Assigned Counsel		15,880.41
A1325	Treasurer		4,876.66
A1345	Purchasing		291.87
A1355	Assessments		6.24
A1410	County Clerk		2,538.92

A1411	Department of Motor Vehicles		2,038.50
A1420	Law		2,397.00
A1430	Personnel		1,209.10
A1450	Elections		19,568.26
A1460	Records Management		279.88
A1460.41	Records Management, Grant		4,465.00
A1490	Public Works Administration		1,080.50
A1620	Buildings	299.99	70,924.35
A1680	Information Technolgoy		11,324.26
A2490	Community College Tuition		177,147.95
A2960	Education of Handicapped Children		213,778.63
A3020	Public Safety Comm E911 System	109.95	3,288.51
A3110	Sheriff	220.00	21,080.40
A3110.41	Sheriff-Court Attendants		2,400.64
A3140	Probation		25.42
A3142	Alternatives to Incarceration		1,831.60
A3146	Sex Offender Program		8,766.67
A3150	Jail		43,820.29
A3315	Special Traffic Programs	5,000.00	1,110.00
A341	Fire	1,063.27	5,930.69
A3640	Emergency Mgmt Office		286.42
A4010	Public Health Nursing		34,246.79
A4011	Public Health Administration		13,224.65
A4012	Public Health Education		347.69
A4042	Rabies Control		7,305.47
A4044	Early Intervention		50,479.23
A4053	Preventive/Primary Health Services		774.71
A4054	Preventive Dental Services		1,764.24
A4064	Managed Care-Dental Services		17,285.24
A4070	Disease Control		101.20
A4090	Environmental Health		18,369.57
A4210	Alcohol and Drug Services		15,138.81
A4309	Mental Hygiene Co Admin	370.00	21,994.10
A4310	Mental Health Clinic		41,779.23
A4315	Mental Retardation		18,499.24
A4320	Crisis Intervention Services		6,511.06
A4321	Intensive Case Management		1,569.92
A6010	Social Services Administration		123,520.44
A6422	Economic Development		1,210.36
A6510	Veterans' Service		197.29
A6610	Sealer Weights/Measures		498.37
A7180	Snowmobile Grant Program		11,429.90
A7310.41	Youth Programs, Refundable		8,314.71
A8020	Planning		335.04
A9060	Health Insurance		2,504.92
SOLID WASTE FUND			92,712.35

COUNTY ROAD FUND	54,900.75
SPECIAL GRANT FUND	80,187.15
CONSOLIDATED HEALTH FUND	706,308.78
CAPITAL FUND	464,697.52
LIABILITY INSURANCE FUND	45.00
WORKERS' COMP	<u>1,358.00</u>
GRAND TOTAL	\$ 2,427,980.33

Legislator McEwen made a motion to approve the minutes of October 13 and 24, 2009, seconded by Legislator Monell, and carried.

Chair Weston made the following appointment to the MEGA Board:

Economic Development & Planning Director  
Term – 11/13/09-11/12/13

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. 282-09 SET PUBLIC HEARING  
2010 BUDGET

Adoption moved by Legislator McEwen,  
seconded by Legislator Huttleston.

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2010 be held at 6:00 P.M., Tuesday, November 24, 2009 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 283-09 CONFINEMENT OF DOGS  
FOR PROTECTION OF DEER

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**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 21, 2009 until April 15, 2010.

**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.

**CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 284-09 ESTABLISH EQUALIZATION RATES**

Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.

**RESOLVED:** That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2010 County taxes among the several Towns are hereby established as follows:

Town of Barton	100.00
Town of Berkshire	100.00
Town of Candor	6.45
Town of Newark Valley	65.50
Town of Nichols	24.70
Town of Owego	71.00
Town of Richford	100.00
Town of Spencer	19.00
Tioga of Tioga	6.45

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

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
 FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 285-09 MORTGAGE TAX DISTRIBUTION**

Adoption moved by Legislator McEwen,  
 seconded by Legislator Sullivan.

**RESOLVED:** That the mortgage tax report for the period April 1, 2009 to September 30, 2009 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	\$ 38,759.00
Village of Waverly	10,300.54
Town of Berkshire	12,156.29
Town of Candor	25,050.91
Village of Candor	1,414.03
Town of Newark Valley	19,493.22
Village of Newark Valley	2,381.11
Town of Nichols	16,710.10
Village of Nichols	1,275.80
Town of Owego	176,725.58
Village of Owego	13,154.49
Town of Richford	3,130.29
Town of Spencer	16,587.90
Village of Spencer	1,968.31
Town of Tioga	<u>14,299.85</u>
	<b>\$353,407.42</b>

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



**REFERRED TO: ADMINISTRATIVE SERVICES**

**RESOLUTION NO. 286-09      *MAKE PUBLIC OPPOSITION TO THE  
SCHEDULED APRIL 1, 2010, NYS LICENSE  
PLATE REISSUANCE PROJECT***

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

**WHEREAS: Governor Paterson, through the NYS Budget, has scheduled a License Plate Reissuance Project to begin April 1, 2010, and**

**WHEREAS: The fee to NYS motor vehicle owners will be \$25.00 for new plates per vehicle and an additional \$20.00 for those owners who wish to keep their same number, and**

**WHEREAS: NYS is in the 8<sup>th</sup> year of a License Plate Reissuance Project that began in 2001, and**

**WHEREAS: The previous License Plate Reissuance Project of 1986 lasted 15 years, and**

**WHEREAS: It appears the scheduled License Plate Reissuance Project is premature and unnecessary at this time, and**

**WHEREAS: The fee attached to the project becomes a financial burden to New Yorkers, and**

**WHEREAS: The New York State Association Of County Clerks unanimously adopted a resolution on September 28, 2009 opposing the project and recommending the NYS Legislature rescind this budgetary act, now therefore be it**

**RESOLVED: That the Tioga County Legislature opposes the NYS License Plate Reissuance Project scheduled for April 2010, and be it further**

**RESOLVED: That the Tioga County Legislature recommends the Governor and Legislature cancel the License Plate Reissuance Project**

**CARRIED**

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

**RESOLUTION NO. 287-09** *AMEND TIOGA EMPLOYMENT  
CENTER BUDGET*

Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan.

**WHEREAS:** The Tioga Employment Center, as part of the Broome-Tioga Workforce New York for employment and training services, is funded under the federal Workforce Investment Act; and

**WHEREAS:** The Tioga Employment Center has been allocated supplemental funds under the Workforce Investment Act Economic Stimulus Program Grant in the amount of \$40,590 for Dislocated Workers; therefore be it

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

**From:** CD4489 – Federal Aid-ARRA \$40,590

**To:** CD6293.40-190 – Federal Employment Program \$40,590

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

**REFERRED TO:** AGRICULTURE COMMITTEE

**RESOLUTION NO. 288-09** *APPOINT MEMBERS TO THE TIOGA  
COUNTY AGRICULTURAL AND FARMLAND  
PROTECTION BOARD*

Adoption moved by Legislator Sullivan,  
seconded by Legislator Monell.

**WHEREAS:** Two members' term representing expire as of December 31, 2009, and

**WHEREAS:** The Agricultural and Farmland Protection Board is desirous of filling these positions and has found Pam Moore (dairy) willing to serve another term and Kevin Perry (artificial inseminator) willing to serve in the agribusiness position; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints said members to the Agricultural and Farmland Protection Board for four-year terms of 1/1/10 – 12/31/13 as follows:

**Pam Moore – Active Farmer  
Kevin Perry replacing Richard VanScoy - Agribusiness**

**CARRIED**

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 289-09                      *APPOINT MEMBERS TO THE  
TIOGA COUNTY PLANNING  
BOARD***

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

**WHEREAS:** Three Board members' terms expire as of December 31, 2009 and Mike Katchmir, alternate resigned months ago; and

**WHEREAS:** The Town of Nichols Board has re-nominated Pam Moore to serve and the Town of Owego Board has re-nominated Jason Rieg to serve, and the TCPB has found Nichole Leonard willing to serve an alternate, at-large position to fulfill the unexpired term of Mike Katchmir whose term also expires the end of this year, therefore be it

**RESOLVED:** That the Tioga County Legislature re-appoints Jason Reig and Pam Moore to serve three-year terms of 1/1/10 – 12/31/12; and be it further

**RESOLVED:** That the Tioga County Legislature also appoints Nichole Leonard as an alternate, to serve the remainder of Mike Katchmir's unexpired term from 11/11/09 - 12/31/09 as well as for the three-year term of 1/1/10 – 12/31/12.

**CARRIED**

**REFERRED TO**

**PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 290-09**

***ACCEPTANCE OF APPLICATION FOR  
OWEGO FIREFIGHTER DANIEL  
WOODY TO THE TIOGA COUNTY HAZ-  
MAT TEAM***

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

**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: Campville Firefighter Richard Perkins has recently resigned from the Team; and**

**WHEREAS: Owego Firefighter Daniel Woody has applied for membership to the County Haz-Mat Team; and**

**WHEREAS: Firefighter Woody is currently trained to the New York State Office of Fire Prevention and Control Hazardous Materials Technician level on his own time; and**

**WHEREAS: Firefighter Woody would replace Firefighter Perkins as an active member of the Haz-Mat Team; therefore be it**

**RESOLVED: That Owego Firefighter Daniel Woody be added to the Tioga County Haz-Mat Team roster to replace Richard Perkins.**

**CARRIED**

**REFERRED TO:**

**PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 291 09**

***ALLOW THE COUNTY FIRE  
COORDINATOR TO APPLY FOR  
GRANT FUNDING UNDER THE 2009  
NYS HOMELAND SECURITY HAZ-  
MAT GRANT PROGRAM***

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

**WHEREAS: The New York State Office of Homeland Security is Offering a 2009 Haz-Mat Grant Program; 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 the Tioga County Fire Coordinator be permitted to apply for Hazardous Materials Grant Funding under the currently available New York State Office of Homeland Security 2009 Haz-Mat Grant Program to provide needed equipment for the Tioga County Haz-Mat Team.**

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 292-09      *AUTHORIZE THE SUBMISSION OF GRANT APPLICATION-SHERIFF'S OFFICE***

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

**WHEREAS: The NYS Office of Homeland Security has announced the FY' 09 State Law Enforcement Terrorism Prevention Program (SLETPP) for Tioga County Law Enforcement in the amount of \$38,000; and**

**WHEREAS: Applications for these monies must be received no later than November 30, 2009; 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:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE**

**RESOLUTION NO. 293-09      *AWARD PRINTING SERVICES  
CONTRACT EXTENSION***

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

**WHEREAS:** The Tioga County Legislature entered into a contract with Action Graphics Services 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 first one-year extension will expire on December 31, 2009; and

**WHEREAS:** Action Graphics Services 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 a one-year extension of the Action Graphics Services printing services contract at the same terms and conditions as the November 13, 2007 contract, which extension shall commence on January 1, 2010 and expire December 31, 2010.

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

**REFERRED TO: ADMINISTRATIVE SERVICES  
FINANCE COMMITTEE  
INFORMATION TECHNOLOGY**

**RESOLUTION NO. 294-09      *AUTHORIZE CONTRACT FOR HIRE OF  
BROWN RIVER RECORDS PRESERVATION  
TO PERFORM WORK FOR COUNTY CLERK***

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

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

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

**WHEREAS: Avalon Document Services was hired to perform this duty but was unable to scan all the survey maps due to the severe damaged condition of many of said survey maps; and**

**WHEREAS: Records Management has a balance of \$8,568.66 of grant funds to use on this restoration project for the County Clerks office; and**

**WHEREAS: Brown River Records Preservation Service has been contacted and has inspected the damaged maps and submitted a quote to restore the maps in order that they may be preserved for future use by the public and has agreed to restore maps in order to preserve the historic information for public use; be it therefore resolved**

**RESOLVED: That the Tioga County Legislature authorize the Tioga County Clerk to enter into a contract with Brown River Records Preservation Services to restore damaged survey maps on file with the Tioga County Clerks office with total payment of said services not to exceed \$8,568.66 and to be paid for from Records Management Account A1460.41-140.**

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED****REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 295-09**      *RENEW CONTRACT*  
*PARTNERS IN SAFETY, INC.*  
*(CDL DRUG & ALCOHOL TESTING)*

Adoption moved by Legislator Sauerbrey,  
 seconded by Legislator McEwen.

**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 which reflect a \$2.50 increase per employee per year and a \$5.00 increase for a drug test at walk in facilities and hospitals or for breath alcohol test at a lab or office of Partners in Safety;

**Complete DOT Random Testing Program      \$42.00 per employee per year**

**To Include:**

- Random Selection of Employees (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests
- Record Management
- Internet Resulting/Updating
- DOT Audit Assistance
- Regulatory Updates
- Blind Specimen Submissions
- MIS Reports
- 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: \$45.00 per test
- Drug Test at walk-in medical facilities or hospitals: \$70.00 per test
- DOT breath alcohol test at lab or office of Partners in Safety: \$40.00 per test
- DOT/19A Physicals at the office of Partners in Safety: \$45.00 per test
- Emergency Service: (for special situations requiring urgent on –site Collections or tests on nights, weekends or holidays) \$125 per test (minimum 2 hours plus the cost of test)
- Split Specimen Testing re-test of positive specimen by other SAMSHA 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).

and be it further

**RESOLVED:** That this contract shall be effective January 1, 2010 - December 31, 2010.

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

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 296-09 AUTHORIZED LETTER OF CREDIT FROM TIOGA STATE BANK**

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

**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 \$1,136,520 for the period January 1, 2010 through December 31, 2010; 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:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 297-09** *RENEW CONTRACT WITH EXCELLUS BLUE CROSS/BLUE SHIELD TO ADMINISTER HEALTH INSURANCE BENEFITS*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.

**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, 2010 through December 31, 2010; 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, 2010 through December 31, 2010.

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



**WHEREAS:** The Tioga County Sheriff's Department has advised administration at the Tioga County Health and Human Services complex that they can no longer provide security at the HHS complex effective January 1, 2010; and

**WHEREAS:** The need for ongoing security exists in the complex; therefore be it

**RESOLVED:** That effective January 1, 2010, Tioga County will contract with Securitas Security Services USA to provide unarmed security at the Tioga County Health and Human Services Complex at the rate of \$16.98 per hour per officer at an estimated annual expense of \$75,000; and be it further

**RESOLVED:** That said contract will be for the period 1/1/10 through 12/31/10.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

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

**RESOLUTION NO. 300-09** *RATIFY CONTRACT WITH  
TIOGA COUNTY CORRECTIONS  
ASSOCIATION (T.C.C.A)*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.

**WHEREAS:** The current collective bargaining agreement between Tioga County and the Tioga County Corrections Association (T.C.C.A.) expires December 31, 2009; and

**WHEREAS:** In anticipation of this, teams from both the County and T.C.C.A. have been meeting since March, 2009 to negotiate a successor agreement; and

**WHEREAS:** The T.C.C.A. voted on October 1 to approve a three-year proposal; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby ratifies a collective bargaining agreement with the T.C.C.A. for the term January 1, 2010 through December 31, 2012; and be it further

**RESOLVED:** That the Tioga County Legislature hereby authorizes the Budget Officer to appropriate funds in accordance with the terms of this agreement.

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 301-09 AUTHORITY 2010 SALARIES  
BOARD OF ELECTIONS

Adoption moved by Legislator Sullivan,  
seconded by Legislator Sauerbrey.

WHEREAS: The salaries for employees of the Board of Elections are set by resolution; and

WHEREAS: No Non-Union staff are receiving salary increases in 2010; therefore be it

RESOLVED: That the 2010 rates of pay for Board of Elections staff shall be as follows:

	<u>2010 pay:</u>
Commissioner (2)	\$ 34,000/year
Deputy Commissioner (2)	\$ 27,000/year

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

Legislator Huttleston spoke. "I brought up before that we did that this year and I want to go on record to make sure that in some cases we become firm but flexible. In other words, if there is some revenue producing areas or some people that are deprived of services because of the 60 day freeze we will look at it on a case-by-case basis. In some cases we have to be firm but flexible and I want to go on record to make sure that all the Legislators agree with that."

**REFERRED TO:** FINANCE COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 302-09** *EXTEND 60-DAY HIRING DELAY  
THROUGH 2010  
ALL COUNTY DEPARTMENTS*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**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 of April 2009-October 2009 was approximately \$60,000; and

**WHEREAS:** The Tioga County Legislature believes this is a cost-containing measure that should be continued for 2010; therefore be it

**RESOLVED:** That the terms of the 60-day Hiring Delay outlined in Resolution 147-09 shall be continued through December 31, 2010.

Roll Call:

Ayes 08

Noes 00

Absent 01

**CARRIED**

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

**RESOLUTION NO. 303-09** *CREATE AND FILL  
SEASONAL CLERK POSITIONS  
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.

**WHEREAS:** Legislative approval is required for the creation of any new positions within Tioga County; and

**WHEREAS:** In the past, Tioga County has supported the creation of several temporary positions in various departments during the college Holiday break; and

**WHEREAS:** The intent of the County is to offer these positions, when possible, to Tioga County students pursuing a two or four year college education in order to provide those individuals with some earning potential; and

**WHEREAS:** The hiring of up to six (6) Seasonal Clerks will aid in workload coverage during the Holiday season; therefore be it

**RESOLVED:** That the Department of Social Services be hereby authorized to create and fill up to six (6) Seasonal Clerk positions at the rate of \$8.15 per hour (minimum wage, plus \$1) effective December 1, 2009 through January 31, 2010; and be it further

**RESOLVED:** That students who had previously worked for Tioga County as Seasonal Clerks and were compensated at the higher rate (20 cents per hour for each year of employment) be compensated the same.

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

**REFERRED TO:** ADMINISTRATIVE SERVICES

**RESOLUTION NO. 304-09** *APPOINTMENT OF ADMINISTRATIVE CORONER*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.

**WHEREAS:** The Tioga County Coroners selected an Administrative Coroner for 2009; and

**WHEREAS:** Due to the passing of the Administrative Coroner it is necessary to appoint one of the other Coroners as Administrative Coroner until the end of 2009; and

**WHEREAS:** Such Administrative Coroner will perform the 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; and

**WHEREAS:** Thomas Hyde, Tioga County Coroner, has been selected by the three duly elected County Coroners to be designated as the Administrative Coroner; therefore be it

**RESOLVED:** That Thomas Hyde be designated Administrative Coroner for the remainder of 2009 retroactive to October 14, 2009 and be given the prorated annual stipend of \$3,000.00 for the remainder of 2009 as set forth in the County budget.

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

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

**RESOLUTION NO. 305-09** *AUTHORIZE HIRING WAIVER;  
 ADMINISTRATIVE ACCOUNTING  
 SUPERVISOR  
 PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,  
 Seconded by Legislator Oberbeck.

**WHEREAS:** Barbara Schrier, Public Health Administrative Accounting Supervisor, is on an unpaid leave of absence until her resignation on December 4, 2009; and

**WHEREAS:** This position of Administrative Accounting Supervisor carries the responsibility of the 'billing coordinator' for Nursing Services, and has not been paid since September 17, 2009; and

**WHEREAS:** Tioga County Legislature established a 60 day delay in backfilling vacant positions for the purpose of cost savings; and

**WHEREAS:** Public Health has been informed that per the wording of the resolution, the 60 day delay in backfilling would not start until the effective resignation date of December 4, 2009; and

**WHEREAS:** Public Health would like to backfill the position as early as December 7, 2009 to allow for the search of a qualified candidate to begin immediately; and



**WHEREAS:** Public Health feels that the cost savings intent of the 60 day delay in backfilling will already have been achieved on November 17, 2009; therefore be it

**RESOLVED:** That the Public Health Director is hereby granted a waiver from the 60-day Hiring Delay for Ms. Schrier's position and is authorized to fill it as of December 7, 2009.

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

**REFERRED TO:** LEGISLATIVE WORKSESSION

**RESOLUTION NO. 306-09** *APPOINT COUNTY CORONER*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.

**WHEREAS:** One position of County Coroner has unexpectedly become vacant and needs to be filled until the next General Election in 2010; therefore be it

**RESOLVED:** That Warren Bennett be and hereby is appointed Tioga County Coroner until the next General Election to be held in 2010 to fill the vacant Coroner position.

**CARRIED**

Legislator Monell made a motion to bring forth the following late-filed resolutions, seconded by Legislator Sullivan and carried.

**REFERRED TO:** LEGAL COMMITTEE

**RESOLUTION NO. 307-09** *AUTHORIZE CHAIR TO EXECUTE DOCUMENTS REGARDING GREATER CATSKILLS FLOOD REMEDIATION PROGRAM*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.

**WHEREAS:** Tioga County applied for funds under the Greater Catskills Flood Remediation Program to purchase certain residential property which are prone to flooding; and

**WHEREAS:** The program requires that the county provides assurances that the home will be condemned and the property will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, flood mitigation, or wetlands management practices; and

**WHEREAS:** The funding is now available; and

**WHEREAS:** The Towns in which the properties are located have agreed to accept title to these properties subject to the requirements set forth above; and

**WHEREAS:** The properties need to be contracted to and initially transferred to the County in order for the funding to be obtained; now therefore be it

**RESOLVED:** That the Chair of the Legislature, subject to County Attorney approval, is authorized to execute any and all documents to carry out and effectuate the terms and conditions of the grant, including the execution of all contracts, transfer documents and deeds.

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

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 308-09** *AUTHORIZE EXTENSION OF  
PART-TIME POSITIONS  
(BOARD OF ELECTIONS)*

Adoption moved by Legislator Sullivan,  
seconded by Legislator Monell.

**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 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 Democrat 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

**WHEREAS:** In order to continue to comply with the HAVA regulations and New York State Elections Laws, the Board of Elections Commissioners have budgeted for these positions in the 2010 Budget Request, and

**WHEREAS:** In order to continue to comply with the HAVA regulations and New York State Elections Laws, the Board of Elections Commissioners wish to have the two part-time positions extended through December 31, 2010; therefore be it

**RESOLVED:** That the Board of Elections Commissioners be authorized to continue the two part-time Voting Machine Technician positions through December 31, 2010, to work on an as-needed basis, at a rate of \$11.00 per hour, not to exceed the 2010 budgeted amount; and be it further

**RESOLVED:** That Voting Machine Technician positions will be reviewed prior to 12/31/10 in order for the Legislature to evaluate the continued need and use of said positions.

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

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 309-09 PURCHASE OF PRINTER  
REAL PROPERTY OFFICE**

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Monell.

**WHEREAS:** The current printer in the Real Property Office is beyond repair and there is a need for a new printer to be able to print tax bills and large jobs, and the equipment account does not have sufficient funds to cover this item, and

**WHEREAS:** The Information Technology Director has reviewed and approved the purchase of a printer in the amount of \$6,518.00, therefore be it

**RESOLVED:** That the Real Property Director be authorized to purchase a printer in the amount of \$6,518.00 and that the following sums be transferred:

<b>From: Assessment Account A1357.40-487</b>	<b>\$6,518.00</b>
<b>To: Assessment Account A1357.20-130</b>	<b>\$6,518.00</b>

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED****The Meeting adjourned at 2:09 pm.**