

*Fourth Regular Meeting*  
April 11, 2023

The Fourth Regular Meeting of 2023 was held on April 11, 2023 and was called to order by the Chair at 12:02 P.M. Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standinger were present with Legislators Flesher and Weston being absent.

Chair Sauerbrey asked for a moment of prayer. "Good and Holy God, we ask for your blessing this day in this meeting. We ask that you guide and direct this Legislature and bless us with the gift of knowledge that we would know how to make decisions for the betterment of the citizens of the community. We ask that you guide and direct us in all that we do. I also pray especially today for one of our members, Dale Weston, who is in the hospital for some observation. We ask for God's blessing on him and pray that he comes back to us soon."

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

There were 22 people in attendance.

Chair Sauerbrey reported we have two Proclamations; **Fair Housing Month** that Legislator Ciotoli will read and present to County Attorney DeWind and **Child Abuse Prevention Month** that will be noted in the minutes.

**COUNTY OF TIOGA**  
**EXECUTIVE PROCLAMATION**

WHEREAS: The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS: The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS: Tioga County is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS: Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

WHEREAS: More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

WHEREAS: Acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of April 2023 as

### **FAIR HOUSING MONTH**

in Tioga County as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of Tioga County.

County Attorney DeWind spoke. "Although we do not have our own public housing here in Tioga County, it is an important process that we recognize that we do have a role as the County government insuring that fair housing spreads to all our residents. It has been awhile since we have had a legal proclamation through the Law Department, so I look forward to continuing this for the upcoming month and making sure, to the extent that we can, the Tioga County residents are aware that fair housing is something that we stand behind."

### **COUNTY OF TIOGA EXECUTIVE PROCLAMATION**

#### **CHILD ABUSE PREVENTION MONTH PROCLAMATION**

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WHEREAS: The Tioga County Department of Social Services received 1167 reports of alleged abuse/neglect involving 2467 children in 2022; 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 like Cornell Cooperative Extension, Lourdes PACT, Catholic Charities, Hillside's Regional Permanency Center, CASA-Trinity, and

Aspire Hope NY offer support and educational services to families so families can help their child achieve his/her full potential within the community; 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 2023 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 ensure that all children are raised in safe, nurturing families, thereby strengthening the communities in which we live.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of March 14, 2023, seconded by Legislator Brown and carried.

Chair Sauerbrey appointed the following Legislators to the **County Administrator Committee:**

- Legislator Brown
- Legislator Roberts
- Legislator/Chair Sauerbrey
- Legislator Standing

Chair Sauerbrey reported the Committee will meet today following this Legislative meeting.

Chair Sauerbrey stated all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

Legislator Mullen moved for the adoption of the following resolution, seconded by Legislator Roberts.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -23 APPOINT MEMBER TO THE  
TIOGA COUNTY PLANNING BOARD

WHEREAS: The Town of Berkshire position on the Tioga County Planning Board has been vacant for several months; and

WHEREAS: The Berkshire Town Board has found Abraham David willing and able to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Abraham David to the Tioga County Planning Board representing the Town of Berkshire for a term of 4/12/23 – 12/31/25.

Legislator Roberts made a motion to have the resolution withdrawn, seconded by Legislator Standinger and carried.

ROLL CALL VOTE TO WITHDRAW

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

**RESOLUTION WITHDRAWN.**

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 142-23 RE-APPOINT MEMBER  
TO TRAFFIC SAFETY BOARD  
SHERIFF'S OFFICE

WHEREAS: Michael Jackson's term on the Traffic Safety Board expired on 3/31/2023; and

WHEREAS: Michael Jackson has been found willing and able to continue serving on the Traffic Safety Board; therefore be it

RESOLVED: That Michael Jackson be re-appointed to the Traffic Safety Board for the term of 4/1/2023 through 3/31/2026.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 143-23      *AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS*

WHEREAS: A project for the Day Hollow Road Culvert Replacement PIN 9755.37 (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 and 20% non-Federal Funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering / Design and Right-of-Way Incidentals work.

NOW, THEREFORE, the Tioga County Legislature, duly convened does hereby

RESOLVE: That the Tioga County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED: That the Tioga County Legislature hereby authorized the County of Tioga to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering / Design and Right-of-Way Incidentals work for the Project or portions thereof; and it is further

RESOLVED: That funding be appropriated and new project accounts established as follows:

From: H51 10.445020.H2302 Federal Aid-County Road Bridge	\$128,000.00
H51 10.435020.H2302 State Aid-County Road Bridge	\$ 24,000.00
H.390900 Fund Balance Unrestricted	\$ 8,000.00
To: H51 10.520003.H2302 Culvert Replacement	\$160,000.00

And it is further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and it is further

RESOLVED: That the Chair of the Tioga County 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 or 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 it is 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 it is further

RESOLVED: This Resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE/LEGAL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 144-23 *AUTHORIZE ACCEPTANCE OF YEAR FIVE FUNDING FROM THE NYS OFFICE OF INDIGENT LEGAL SERVICES AND ACCEPT YEAR FIVE FUNDING FOR HURRELL-HARRING GRANT AND AMEND 2023 BUDGET*

WHEREAS: By Resolution No. 257-18 adopted on November 13, 2018 Tioga County entered into a five-year agreement with the New York State Office of Indigent Legal Services for distribution of funds to provide representation to persons legally entitled to counsel but unable to hire an attorney; and

WHEREAS: The allocated amount to Tioga County from NYS Office of Indigent Legal Services for the fiscal year April 2022 – March 2023 is \$771,014.42; and

WHEREAS: It is necessary for Tioga County to adopt the fifth-year funding budget for said distribution in said amount of \$771,014.42; and

WHEREAS: Said funding in the amount of \$771,014.42 needs to be appropriated and the 2023 budget be amended; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the fifth-year budget of said distribution in the amount of \$771,014.42 and the Chair of the Legislature is hereby authorized to execute the fifth year ILS Hurrell–Harring contract amendment; and be it further

RESOLVED: That upon execution of the fifth-year contract amendment, the ILS HH Grant of \$771,014.42 subtracting out the \$464,568.79 salary and fringe Tioga County has already appropriated and the 2023 Budget be amended as follows:

Revenue Account: A 1174 430260 State Aid Indigent      \$ 456,893.43

Expense Account: A 1174 510010 Full Time Salary      \$ 3,181.30  
                           A 1174 510020 Part Time Salary      \$ 14,588.46

A 1174 520200 Office Equipment      \$ 11,500.00  
 A 1174 520250 Remodeling      \$ 8,000.00  
 A 1174 520256 Security      \$ 5,000.00  
 A 1174 540140 Contracted Services      \$ 62,000.00  
 A 1174 540030 Assigned Counsel      \$ 10,000.00  
 A 1174 540040 Books      \$ 2,500.00  
 A 1174 540180 Dues      \$ 200.00  
 A 1174 540191 Utilities      \$ 3,100.00  
 A 1174 540221 Cleaning/Maint.      \$ 5,000.00  
 A 1174 540280 Investigations      \$ 63,796.42  
 A 1174 540320 Leased Services      \$ 4,000.00  
 A 1174 540390 Mileage      \$ 4,000.00  
 A 1174 540420 Supplies      \$ 10,000.00  
 A 1174 540550 Rent      \$ 30,500.00  
 A 1174 540620 Software Expenses      \$ 39,000.00

A 1174 540733 Training/CLE	\$	8,000.00
A 1174 581088 Retirement	\$	8,143.60
A 1174 583088 Social Security	\$	156.62
A 1174 585588 Disability	\$	61.53
A 1174 584088 Workers Comp	\$	2,172.30
A 1174 586088 Health Ins/HRA	\$	11,510.10
A 1174 588988 EAP	\$	35.30

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 145-23      *AUTHORIZE ACCEPTANCE OF  
2023 NYS PTS GRANT  
(PTS-2023-TIOGA CO SO-00240-054)  
APPROPRIATION OF FUNDS &  
MODIFY 2023 BUDGET  
SHERIFF'S OFFICE*

WHEREAS: The Sheriff's Office applied for and was awarded a NYS PTS (Police Traffic Services) grant (PTS-2023-Tioga Co-SO-00240-054) in the amount of \$10,530; and

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

RESOLVED: That the Tioga County Legislature authorize the acceptance of this award; and be it further

RESOLVED: That the 2023 budget be modified and funds be appropriated to the following accounts:

FROM: A3110.445890 Federal Aid – Other Transportation      \$10,530



TO: A3110.510030 Sheriff Overtime \$10,530

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 146-23 *AUTHORIZE ACCEPTANCE OF  
2022 SICG TARGETED GRANT (ST22)  
APPROPRIATION OF FUNDS &  
MODIFY 2023 BUDGET  
OFFICE OF EMERGENCY MANAGEMENT*

WHEREAS: The Office of Emergency Management applied for and was awarded a Homeland Security Statewide Interoperable Communications “Targeted” Grant 2022 (ST22) in the amount of \$6,000,000. This grant will be used for upgrading the radio communications in the county with no local share associated with said grant; and

WHEREAS: This funding must be accepted and appropriated; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the acceptance of this award and authorizes the Chair of the Legislature to sign any and all grant-related paperwork which has first been reviewed and approved by the County Attorney; and be it further

RESOLVED: That the 2023 budget be modified and transfer of funds be appropriated to the following accounts:

TO: H3021.433063.ST22 State Aid Interop Comm Grant \$6,000,000

And

FROM: H3021 521230 E911	Radio & Equipment	\$6,000,000
TO: H3021 540140 ST22	Contracted Services	\$3,000,000
TO: H3021 521230 ST22	Radio & Equipment	\$3,000,000

And be it further

RESOLVED: That appropriation of funds be re-established for the remaining unspent balance as of year-end until the project is completed.

#### ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 147-23      *AUTHORIZE THE SUBMISSION OF  
EMPG23 GRANT APPLICATION  
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The NYS Department of Homeland Security/Federal Emergency Management Agency has issued an Emergency Management Performance Grant (EMPG23) in the amount of \$22,058 with a 50% local share; and

WHEREAS: County Policy requires that a resolution be approved before any such grant application is submitted; and

WHEREAS: Said grant will be used towards reimbursement of Emergency Services salaries; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be authorized to submit the 2023 EMPG grant application and authorization be given to the Chair of the Legislature to sign such application, after review by the County Attorney; and be if further

RESOLVED: That authorization be given to utilize funds in account A3640.510010 Full Time Salary to offset the 50% local share of \$22,058.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 148-23      *AUTHORIZE THE SUBMISSION OF  
HOMELAND SECURITY GRANT  
APPLICATION (SHSP23)  
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The NYS Department of Homeland Security/Federal Emergency Management Agency has issued a grant of \$59,750 to the Tioga County Office of Emergency Services. 35% of the monies will be appropriated to the Sheriff's Office (\$20,913) and 65% to Emergency Management (\$38,837) with no local share; and

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

RESOLVED: That the Tioga County Office of Emergency Services be authorized to submit the 2023 Homeland Security grant application and authorizes the Chair of the Legislature to sign such application after review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ED&P COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 149-23 ACCEPTANCE OF APPALACHIAN REGIONAL  
COMMISSION GRANT APPLICATION FOR  
STRATEGIC PLAN AND CREATE ACCOUNTS

WHEREAS: Tioga County’s current strategic plan, Tioga County 2020 Strategic Plan, was adopted in 2016 and is now mostly complete and out of date; and

WHEREAS: Tioga County Legislature Resolution 167-22 allowed for the application to the Appalachian Regional Commission to create a new strategic plan; and

WHEREAS: The same resolution committed \$25,000 from the General Fund Balance as cash match to the \$50,000 total project cost; and

WHEREAS: Amending of the 2023 Budget and the appropriation of funds requires Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby accepts said grant award in the amount of \$25,000 and authorizes the Chair of the County Legislature to sign any and all grant related paperwork upon review and approval of the County Attorney; and be it further

RESOLVED: That the following 2023 budget appropriation be approved as follows:

To:	A8020 449020 ARC23 Federal Aid-Planning Studies	\$25,000.00
From:	A8020 540140 ARC23 Contracted Service-ARC	\$50,000.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. 150-23      *RESOLUTION TO APPROVE AND ENTER INTO  
A MOU WITH THE TOWN OF OWEGO FOR  
CDL DRUG TESTING*

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

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

WHEREAS: The Tioga County Safety Officer must supervise the quarterly random CDL drug screens for the Department of Public Works; and

WHEREAS: The Town of Owego, as a courtesy, has offered to host towns and villages within Tioga County for the random drug and alcohol screens of CDL drivers performing "safety sensitive" tasks; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a Memorandum of Understanding (MOU) with the Town of Owego to provide the testing location for the County's CDL random drug screens.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 151-23      *AUTHORIZATION TO JOIN AND PARTICIPATE IN  
NEW NATIONAL OPIOID SETTLEMENTS WITH CVS,  
WALGREENS, AND WALMART CONCERNING  
CLAIMS RELATED TO THE OPIOID CRISIS*

WHEREAS: Tioga County joined in a New York State legal action seeking compensation from those responsible for causing and perpetuating the opioid addiction crisis (the "Action"); and

WHEREAS: The Action is against various Defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS: The County has previously joined together with other Plaintiffs to settle its claims with several of the Defendants including Allergan and Teva; and

WHEREAS: The Action alleged several causes of action against Defendants CVS, Walgreens and Walmart based on claims that their actions also contributed to the opioid epidemic; and

WHEREAS: Similar litigation concerning the vast opioid addiction crisis has been filed in State and Federal Courts throughout the Country; and

WHEREAS: CVS, Walgreens and Walmart have offered to settle the claims against them by entering into comprehensive National Settlement agreements; and

WHEREAS: Tioga County has the opportunity to participate in the "New National Opioid Settlements" to settle claims with CVS, Walgreens and Walmart and to also enter into settlement sharing agreements with the other New York State Plaintiffs; and

WHEREAS: After conferring with Litigation Counsel it appears to be in the best interest of Tioga County to join in the New National Opioid Settlements to resolve its claims with CVS, Walgreens and Walmart and avoid protracted litigation; therefore be it

RESOLVED: That Tioga County is authorized to participate in New National Opioid Settlements with CVS, Walgreens and Walmart and to enter into sharing agreements with the other participating New York State Defendants; and be it further

RESOLVED: That Tioga County Chair of the Legislature, Martha Sauerbrey, is authorized to execute such forms and agreements, as approved by the County Attorney to compromise the claims with these Defendants and distribute the proceeds between the participating Plaintiffs.

#### ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.



Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. 153-23      *AUTHORIZE CONTRACT WITH ACCORD,  
A CENTER FOR DISPUTE RESOLUTION, INC.  
FOR OFFICE SPACE*

WHEREAS: Accord, A Center for Dispute Resolution, Inc. has provided dispute resolution services in Tioga County, serving Individuals, families, and organizations to help them to discover peaceful alternatives to conflict through mediation and provides other services such as training and advocacy which are a benefit to the County and its citizens; and

WHEREAS: Tioga County, as a courtesy, would like to continue to provide Accord, A Center for Dispute Resolution, Inc with office space at the Ronald E. Dougherty County Office Building to assist individuals, families, and organizations to discover agreeable and enduring solutions to conflict; and

WHEREAS: The Ronald E. Dougherty County Office Building has space available for that purpose; therefore be it

RESOLVED: That the Tioga County Legislature does hereby grant permission to Accord, A Center for Dispute Resolution, Inc to use Ronald E. Dougherty County Office Building, Room 205, at no cost, for an initial period of one year which may thereafter be extended on mutual consent for two additional one-year terms; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be authorized to sign a lease with Accord, A Center for Dispute Resolution, Inc whose main office is located at 350 State Street, Binghamton, New York for the lease of said office space located at 56 Main Street, Owego, New York, which lease shall commence on May 1, 2023.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.



Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE/LEGAL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 154-23 STATE AID CASINO REVENUE  
RESERVE ALLOCATION

WHEREAS: Resolution 234-22 authorized the Tioga County Legislature to annually determine the designated reserve fund or funds to allocate the funds received from State Aid Casino Revenue; and

WHEREAS: State Aid Casino Revenue grossed \$1,710,809.09 in 2022; and

WHEREAS: The Tioga County Legislature would like to fund the Capital Building Reserve-SAC with the total 2022 amount received in State Aid-Casino funds; therefore be it

RESOLVED: That the State Aid Casino Revenue received in 2022 be allocated to the Capital Building Reserve-SAC as follows:

To: H 387810	Building Reserve-SAC	\$1,710,809.09
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And be it further

RESOLVED: That the Tioga County Legislature authorizes an interfund transfer and appropriation from the general fund to the capital fund as follows:

From: A9950.593715 Interfund Transfer	1,710,809.09
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To: H1340.450310 Interfund Transfer	1,710,809.09
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ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 155-23 FUND THE UNEMPLOYMENT INSURANCE  
RESERVE FOR 2022

WHEREAS: The Unemployment Insurance Reserve has a current balance of \$74,386.56; and

WHEREAS: Unemployment claims for budget year 2022 totaled \$14,058.52, leaving a remaining budget of \$30,941.48; and

WHEREAS: Resolution 112-91 established a \$100,000.00 ceiling for the Unemployment Insurance Reserve; and

WHEREAS: Legislative approval is needed to reserve funds; therefore be it

RESOLVED: That the 2022 available unemployment budget, up to the ceiling be allocated to the Unemployment Insurance Reserve for 2022 as follows:

To: A 388906	Unemployment Insurance Reserve	\$25,613.44
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ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ED&P COMMITTEE  
LEGISLATIVE WORKSESSION  
FINANCE COMMITTEE

RESOLUTION NO. 156-23 ARPA FUNDS FOR NEIGHBORHOOD DEPOT  
ECONOMIC DEVELOPMENT & PLANNING

WHEREAS: American Rescue Plan Act “ARPA” Funds have been granted to Tioga County by the US Treasury in 2021; and

WHEREAS: As of 04/03/2023 there is approximately \$325,000 in unspent ARPA funds of the granted \$750,000 towards Broadband improvement efforts for neighboring municipalities in Tioga County; and

WHEREAS: The Tioga County Legislature has recognized a need for the funding of the Neighborhood Depot project, a new construction project located outside of the floodplain at 143 North Avenue in the Village of Owego (VOO). This 15,000 SF facility will host several nonprofits including; Tioga United Way, Tioga County Rural Ministry, Catholic Charities of Tompkins Tioga; Racker, and allow them to share resources, create jobs, meet community needs and act as a disaster recovery center. Partnering organizations provide services and programs for early childhood services, people with disabilities, poverty-stricken families, immigrant services and various other community needs. This project will improve quality of life, revitalize/improve the visual aesthetics of North Avenue in coordination with the VOO s DRI Local Planning Committee vision, promote a shared services concept by reducing the overhead spending for nonprofits in Tioga County and allow organizations to use that money to hire more staff and provide additional services; and

WHEREAS: It has been determined by the US Treasury that ARPA funds granted shall be considered obligated by calendar year end 2024, and expended by the end of calendar year 2026; and

WHEREAS: The Tioga County Legislature is agreeable to making the unspent ARPA funds available to the Neighborhood Depot project if needed to complete the project; and

WHEREAS: Legislative approval is needed for the modification of the use of any American Recovery funds; therefore be it

RESOLVED: That the Tioga County Legislature is willing to commit the unspent ARPA funds dedicated towards Broadband improvement efforts to the Neighborhood Depot project, if needed; and be it further

RESOLVED: That the funds shall remain with the Broadband improvement efforts until such time as the Neighborhood Depot need is determined.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Roberts.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 157-23 ESTABLISH NEW BUDGET LINE,  
MODIFY 2023 BUDGET AND TRANSFER FUNDS  
RECORDS MANAGEMENT

WHEREAS: The Director of Assets and Records Management has a need for a new chair; and

WHEREAS: The chair selected by the Director of Assets and Records Management costs \$149.99; and

WHEREAS: Chairs must be purchased using a Chair expense line 520070 and the 2023 Records budget does not have this established line;

WHEREAS: Legislative approval is required for budget amendments; therefore, be it

RESOLVED: That a 520070 Chairs line be established in the Records budget and that the following funds be transferred for said purchase:

From:	A1460	540640	Supplies (Not Office)	\$ 150.00
To:	A1460	520070	Chairs	\$ 150.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Roberts.

REFERRED TO: LEGAL & FINANCE COMMITTEE  
 RESOLUTION NO. 158-23 TRANSFER OF FUNDS  
 2023 BUDGET MODIFICATION  
 COUNTY LIABILITY INSURANCE FUND

WHEREAS: The funds budgeted for 2023 for insurance premiums & insurance claims will not cover the flood insurance and claim costs for the remainder of the year; and

WHEREAS: Funds will need to be transferred from the Tioga County Contingency account to accommodate the increased amount in insurance premiums and claims; and

WHEREAS: Amending of the 2023 Budget and the appropriation of Contingent accounts require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a budget transfer from the Contingency account as follows:

From: A1990.540715 Contingency Transfer	\$130,000.00
To: CI1910.540270 Insurance Premiums	\$ 70,000.00
To: CI1930.540270 Insurance Claims	\$ 60,000.00

And be it further

RESOLVED: That the Tioga County Legislature authorizes an interfund transfer from the general fund to the liability fund as follows:

From: A9901.590715 Interfund Transfer	\$130,000.00
To: CI1910.450310 Interfund Transfer	\$130,000.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Mullen moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 159-23 TRANSFER OF FUNDS  
2023 BUDGET MODIFICATION  
VETERANS' SERVICE AGENCY

WHEREAS: The Tioga County Veteran Services' Agency (TCVSA) will be purchasing additional equipment and technology for the new office needs; and

WHEREAS: The TCVSA shall be utilizing funds as allowed by ARPA program guidelines to pay for the necessary equipment and technology; and

WHEREAS: Amending of Budget and Transfer of Funds requires Legislative approval; therefore be it

RESOLVED: That TCVSA budget be modified, and the following sums be transferred within the 2023 TCVSA budget to cover the costs of equipment and technology needs:

From: A6510 540640 M7674	ARPA Supplies (Not Office)	\$ 1,400.00
To: A6510 520130 M7674	ARPA Equipment (Not Car)	\$ 1,000.00
To: A6510 520621 M7674	ARPA Computer Equipment	\$ 400.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 160-23 AMEND BUDGET & APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded funding from New York State; and

WHEREAS: The award is designated for Community Cancer Prevention in Action, which is a partnership between Broome and Tioga Counties; and

WHEREAS: Cancer Prevention is an area of focus for Public Health; and

WHEREAS: The funding will pass through Broome County to Tioga County Public Health; and

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

RESOLVED: That funding be appropriated as follows:

From: A4053 422800	Public Health: Local Grants	\$ 10,000
To: A4053 540640	Public Health: Supplies	\$ 10,000

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 161-23 AMEND BUDGET & APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded additional funding from the New York State Department of Health (NYSDOH); and

WHEREAS: The award is for successful participation in the NYSDOH Local Health Department Performance Incentive Program; and

WHEREAS: The funding is designated for Public Health program related expenses; and

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

RESOLVED: That funding be appropriated as follows:

From: A4011 434010	Public Health: State Aid	\$13,708
To: A4011 540487	Public Health: Program Expense	\$13,708

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.



Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

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

RESOLUTION NO. 162-23 *AMEND BUDGET AND APPROPRIATE FUNDS  
MENTAL HYGIENE AND PUBLIC HEALTH*

WHEREAS: The New York State Department of Health has instituted a mandatory New York State Health Care and Mental Hygiene Worker Bonus (HWB) Program whereby it is the employer's responsibility to submit its eligible workforce for the bonus; and

WHEREAS: A qualified employer who fails to identify, claim, and/or pay any bonus for more than 10 percent of bonus eligible workers may be subject to penalties of up to \$1,000.00 per violation of the HWB Program; and

WHEREAS: Tioga County Mental Hygiene (TCMH) and Tioga County Public Health (TCPH) have both identified eligible workforce employees; and

WHEREAS: Tioga County will incur no local share increase, as New York State will also reimburse "fringe benefit" costs associated with the HWB; and

WHEREAS: The Budget Officer will need to modify "fringe benefit" budget lines as is appropriate; and

WHEREAS: Amending of Budget and Appropriation of Funds require Legislative approval; therefore be it

RESOLVED: That the budget be modified and appropriated as follows:

From: A4210-434890-HWB1 State Aid - Other Health	\$ 9,000.00
To: A4210-510050-HWB1 Salary All Other	\$ 9,000.00
From: A4310-434890-HWB1 State Aid - Other Health	\$ 18,000.00
To: A4310-510050-HWB1 Salary All Other	\$ 18,000.00
From: A4011-434890-HWB1 State Aid - Other Health	\$ 12,000.00
To: A4011-510050-HWB1 Salary All Other	\$ 12,000.00

And be it further

RESOLVED: That the Budget Officer is authorized to make adjustments to “fringe benefit” budget lines as is appropriate; and be it further

RESOLVED: That available funds on 12/31/23 of this amendment and appropriation will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Roberts.

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 163-23 AMEND BUDGET AND TRANSFER FUNDS  
HIGHWAY WORKER (SEASONAL)  
PUBLIC WORKS

WHEREAS: There will be a need for the Highway Department to employ one (1) additional Highway Worker (Seasonal) for 2023; and

WHEREAS: Public Works Administration has budgeted for an Engineering Technician position that has not been able to be filled to date; and

WHEREAS: Legislative approval is needed to amend 2023 Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the 2023 Budget:

From: A1490.510010	Public Works Full Time	\$20,000.00
To: D5110.510020	County Road Part Time	\$20,000.00

And be it further

RESOLVED: That the Tioga County Legislature authorizes an interfund transfer and appropriation of funds from the General Fund to the County Road Fund as follows:

From: A9901.591715	Interfund Transfer - A to D Fund	\$20,000.00
To: D5110.450310	Interfund Transfer	\$20,000.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO:	PUBLIC WORKS COMMITTEE
	FINANCE COMMITTEE

RESOLUTION NO. 164-23	<i>AMEND 2023 CAPITAL BUDGET AND TRANSFER FUNDS FOR MECHANIC TRUCK PUBLIC WORKS</i>
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WHEREAS: The newly purchased Mechanic Truck requires additional equipment; and

WHEREAS: Cost savings was achieved in another 2023 Capital Budget line and Legislative approval is needed to authorize all Capital expenses; and

WHEREAS: Legislative approval is needed to amend 2023 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the 2023 Capital Budget:

From: H5130.521922	Paver	\$10,000.00
To: H5130.521061	Mechanic Truck	\$10,000.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

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

RESOLUTION NO. 165-23 *APPROPRIATION OF FUNDS AND  
 BUDGET MODIFICATION  
 MENTAL HYGIENE*

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated pass through state aid funding for The Dwyer Program; funding is to provide services including non-clinical interventions, outreach, suicide prevention, and peer-to-peer counseling for Veterans suffering from PTSD, Traumatic Brain Injury and any Veteran looking to reintegrate into civilian society. The Dwyer Program is available to all Veterans, members of the Armed Forces, National Guard, Army Reserve, and their families; and

WHEREAS: TCMH has an existing contract with Tioga County Veterans' Service Agency (TCVSA), to provide these services to Tioga County residents; and

WHEREAS: TCMH and TCVSA will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: Appropriation of funds and Budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4310-434900 State Aid-Mental Health	\$100,000.00
To: A4320-540590 Services Rendered	\$100,000.00

From: A6510-427700-DP22 Other Unclassified Revenue DP \$100,000.00

To: A6510-540487-DP22 Program Expense DP \$100,000.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 166-23      *AMEND RESOLUTION NO. 120-23*  
*APPROPRIATION OF FUNDS*  
*FY2022 DOMESTIC TERRORISM GRANT*  
*OFFICE OF EMERGENCY SERVICES*

WHEREAS: Resolution No. 120-23 appropriated funds from the FY2022 Domestic Terrorism Prevention Grant into an erroneous account number; and

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

RESOLVED: That Resolution No. 120-23 be amended to appropriate funds to the correct account as listed below:

FROM: A3361-433060-DT22 State Aid-Homeland Security \$172,413

TO: A3360-433060-DT22 State Aid-Homeland Security \$172,413

FROM: A3361-540140-DT22 Contracting Services \$172,413

TO: A3360-540140-DT22 Contracting Services \$172,413

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 167-23 AMEND RESOLUTION NO. 124-23;  
 ESTABLISH NEW BUDGET LINE,  
 REQUEST AND TRANSFER RESERVE FUNDS,  
 AND MODIFY 2023 BUDGET  
 SAFETY OFFICE

WHEREAS: Resolution No. 124-23 allowed the appropriating from Reserve funds to the Liability fund; and

WHEREAS: The org (A2989) Other Education/Handicapped Parking has been set up to receive and expend said reserve funds; and

WHEREAS: Amending of Budget requires Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature amend Resolution No. 124-23 and authorize the following transfer:

From: CI8042.540010	Advertising	\$254.00
To: A2989.540010	Advertising	\$254.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Roberts.

REFERRED TO: PUBLIC WORKS COMMITTEE  
 PERSONNEL COMMITTEE

RESOLUTION NO. 168-23 CREATE AND FILL ONE (1)  
 HIGHWAY WORKER (SEASONAL) POSITION  
 PUBLIC WORKS



salary of \$69,997 effective April 24, 2023, pending the successful completion of all civil service examination requirements.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO

HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 170-23

*AUTHORIZATION TO RECLASSIFY  
WELFARE MANAGEMENT SYSTEM COORDINATOR  
POSITION IN SOCIAL SERVICES*

WHEREAS: Legislative approval is required for any position reclassification; and

WHEREAS: After further review of the Welfare Management System Coordinator position, the Commissioner of Social Services has found there would not be any line of succession; and

WHEREAS: The Commissioner of Social Services has determined that the reclassification of the Welfare Management System Coordinator to Senior Social Welfare Examiner would be better utilized within the department; and

WHEREAS: The current incumbent in the Welfare Management System Coordinator position has met the Civil Service requirements as a Senior Social Welfare Examiner; and

WHEREAS: This reclassification will not impact the Department of Social Services allotted budget as both positions reside in the same CSEA salary grade IX (\$43,599 - \$44,599); therefore be it

RESOLVED: That the full-time Welfare Management System Coordinator position (CSEA salary grade IX) be reclassified to full-time Senior Social Welfare Examiner (CSEA salary grade IX) effective April 11<sup>th</sup>, 2023.



## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

## RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 171-23 AUTHORIZATION TO RECLASSIFY  
RECORDS MANAGEMENT CLERK POSITION  
IN MENTAL HYGIENE

WHEREAS: Legislative approval is required for any position reclassification; and

WHEREAS: On November 14<sup>th</sup>, 2022, a desk audit was requested by the incumbent and a review was conducted by the Personnel Department for the full-time Records Management Clerk position held by Amy Joyce; and

WHEREAS: Upon analysis of the work performed by Ms. Joyce, the Personnel Officer has recommended reclassification of said position to the title of Records Management Technician and be allocated to CSEA SG VII (\$39,041 - \$40,041); and

WHEREAS: The position of Records Management Technician is competitive, therefore the incumbent's status will be provisional until successfully meeting Civil Service examination requirements; therefore be it

RESOLVED: That the full-time Records Management Clerk position (CSEA salary grade VI) filled by Ms. Joyce be reclassified to full-time Records Management Technician (CSEA salary grade VII); and be it further

RESOLVED: That Ms. Joyce's salary will be retroactive to November 14<sup>th</sup>, 2022 through December 30<sup>th</sup>, 2022 at an annual salary of the 2022 CSEA SG VII \$37,904.00 then be retroactive beginning January 2, 2023 at the 2023 CSEA SG VII annual salary of \$39,041.00. The changes will be reflected in 2023 payroll #9.

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

## RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 172-23      *AUTHORIZE APPOINTMENT OF  
PUBLIC HEALTH DIRECTOR  
(PUBLIC HEALTH)*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: The position of Public Health Director (\$84,029-\$94,029 M/C) became vacant January 11, 2023 due to the prior director's expired term; and

WHEREAS: Ms. Heather Vroman was appointed Interim Public Health Director effective January 11, 2023 via Resolution #43-23; and

WHEREAS: The Tioga County Board of Health has unanimously recommended Ms. Vroman as the Tioga County Public Health Director; and

WHEREAS: The County Legislature recognizes Ms. Vroman's qualification, experience and commitment toward Tioga County Public Health; therefore be it

RESOLVED: That the Tioga County Legislature appoints Heather Vroman to the position of Public Health Director at an annual salary of \$90,000 effective April 12, 2023 for a six-year term ending April 11, 2029.

Legislator Standinger spoke. "I think it is wonderful that we are promoting from within, and I thank Heather for accepting the position. I am sure there is going to be a lot of changes up there, which will be a good thing."

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 173-23 *AUTHORIZE APPOINTMENT TO TITLE OF  
DEPUTY DIRECTOR OF PUBLIC HEALTH  
PUBLIC HEALTH*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: As of January 11, 2023, the position of Deputy Director of Public Health has been vacant due to appointment of prior incumbent to Interim Public Health Director; and

WHEREAS: The Interim Director of Public Health has an immediate need to appoint a replacement to said vacancy and has identified a candidate who is both qualified and willing to accept this appointment; therefore be it

RESOLVED: That the Interim Director of Public Health is authorized to appoint Susan Medina to the title of Deputy Director of Public Health at an annual Management/Confidential salary of \$80,625.00 effective May 8, 2023.

Legislator Standinger spoke. "This young lady was prior installed in the Public Health Department; she ran the Dental Van. I am glad to see she is coming back. I am sure she will embrace her new role here instead of Broome County."

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 174-23 *AUTHORIZE APPOINTMENT TO TITLE OF  
DIRECTOR OF PATIENT SERVICES  
PUBLIC HEALTH*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: The Tioga County Legislature approved the creation of the Management/Confidential position of Director of Patient Services via Resolution #134-23; and

WHEREAS: The Interim Director of Public Health has identified a candidate who is both qualified and willing to accept this appointment; therefore be it

RESOLVED: That the Interim Director of Public Health is authorized to appoint Melanie Miller provisionally to the title of Director of Patient Services at an annual Management/Confidential salary of \$72,126.00 effective April 24, 2023.

Legislator Standinger spoke. "Mel Miller was previously employed by Tioga County and now she is back. I am glad we have a nurse on staff now."

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 175-23      *CREATE AND FILL TEMPORARY,  
FULL-TIME CLERK (SEASONAL) POSITION  
TREASURER'S OFFICE*

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

WHEREAS: The Treasurer's Office has a need to hire a temporary, full-time Clerk to work during the summer season to provide clerical support within the office; and

WHEREAS: The Treasurer appropriately budgeted for said position in the approved 2023 budget; therefore be it

RESOLVED: That one (1) temporary, full-time Clerk (Seasonal) position is created at the hourly rate of \$14.20 in accordance with Resolution 196-09, effective April 11, 2023; and be it further

RESOLVED: That the Treasurer shall be allowed to fill said position for a duration not to exceed beyond September 30, 2023.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 176-23      *STANDARD WORK DAY AND  
REPORTING RESOLUTION*

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	Standard Work Day (Hrs/day)	Term Begins/Ends	Days/Month (based on Record of Activities)	Pay Frequency	Not Submitted
<b>Appointed Officials</b>						
Assistant Public Defender	Kristin Riddell	7	11/21/22-12/31/25	7.10	Biweekly	

I, Cathy Haskell, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 11<sup>th</sup> day of April, 2023 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this 11<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Tioga County Legislative Clerk

Affidavit of Posting: I, Cathy Haskell, being duly sworn, depose and say that the posting of the resolution began on April 11, 2023 and continued for at least 30 days. That the resolution was available to the public on the

- Employer's website at [www.tiogacountyny.gov](http://www.tiogacountyny.gov)
- Official sign board at Tioga County Legislative Office.
- Main Entrance Clerk's Office at \_\_\_\_\_

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

## RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 177-23      *AMEND EMPLOYEE HANDBOOK:  
SECTION III. FINANCIAL RULES,  
SUBSECTION C. FIXED ASSETS,  
PARAGRAPH III. ACCOUNTING BASIS AND  
OPERATIONAL PRINCIPLES*

WHEREAS: Section III. Financial Rules, Subsection C. Fixed Asset Policy in the Employee Handbook was last updated on March 9, 2021 and is in need of further revision for clarification and up-to-date information in Paragraph III. Accounting Basis and Operational Principles; and

WHEREAS: This policy revision will incorporate new GASB standards, current practices, a new sub-paragraph entitled Intangible Asset-Lease and an update to the Useful Life sub-paragraph, both under Paragraph III. Accounting Basis and Operational Principles, Definitions and Classification Guidelines, as well as ensure compliance with the County's Munis Financial Management Accounting System as defined by the County; therefore be it

RESOLVED: That Section III. Financial Rules, Subsection C. Fixed Asset Policy, Paragraph III. Accounting Basis and Operational Principles is hereby amended as follows:

**c. FIXED ASSETS**  
**(FORMERLY POLICY #5)**

**FIXED ASSET POLICY  
FOR TIOGA COUNTY**

**III. ACCOUNTING BASIS AND OPERATIONAL PRINCIPLES**

- **DEFINITIONS**
- **CLASSIFICATIONS GUIDELINES**

### III. ACCOUNTING BASIS AND OPERATIONAL PRINCIPLES

Tioga County has adopted a Fixed Asset Program in accordance with the principles established by the Governmental Accounting Standards Board (GASB) Statements Nos. 1, 34, and 87.

#### OFFICE OF RECORD

The Treasurer's Office shall be the official office of record for all capital asset purchases, improvements, additions, and disposals. The Treasurer's Office will have the sole responsibility of establishing and determining useful life and depreciation.

The County Clerk's Office shall be the official office of record for all non-capital asset purchases, improvements, additions, and disposals.

#### DEFINITIONS AND CLASSIFICATION GUIDELINES

This section will establish guidelines to be used by purchasing when classifying and valuing purchased items. Asset acquisition must be classified within one of the following categories:

**CAPITAL ASSET** – A Capital Asset as defined by this Policy is a fully functioning unit, which has an acquisition cost of \$5,000, or greater, and a useful life of at least 2 years. All capital assets shall be recorded in a manner consistent with the provisions of GASB Statement 34, by classification, and further in conformance with requirements set forth in "Governmental Accounting, Auditing and Financial Reporting" (GAAFR) guide issued by the Government Finance Officers Association.

In accordance with Generally Accepted Accounting Principles, all costs associated with bringing a capital asset to working condition will be recorded as a cost of the capital asset. This includes any costs related to design including engineering, architecture, and site preparation, freight, and other labor or consulting fees associated with the preparation of a capital asset for public use.

**NON-CAPITAL ASSET** - An asset, which has an acquisition cost of less than \$5,000, and a useful life of at least one year.

- Only items costing one thousand dollars (\$1,000.00) or more will be inventoried with the exception of computer equipment and other miscellaneous items so designated.
- All computer equipment purchased through IT will be inventoried regardless of cost.

**INTANGIBLE ASSET-LEASE** - A lease is defined as a contract that conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like



transaction. All capital leases shall be recorded in a manner consistent with the provisions of GASB Statement 87.

GASB Statement 87 states that future lease payments should be discounted using the interest rate the lessor charges the lessee, which may be the interest rate implicit in the lease. If the interest rate cannot be readily determined by the lessee or lessor, the estimated incremental borrowing rate should be used.

For statewide financial reporting purposes, state entities within the primary government should first use the explicit rate that is stated in their leasing contract. In the absence of a stated interest rate, entities should attempt to calculate the implicit interest rate (an internal rate of return). If an implicit rate cannot be determined, the incremental borrowing rate should be used to discount future lease payments. Borrowing rate can be requested through Tioga County's primary lending authority.

**CONSUMABLES (SUPPLIES OR DISPOSABLES)** - Are items which, regardless of cost, are neither Capital Assets nor inventory items; they have a useful life of less than one year. These items will not be recorded as a Capital Asset, nor will they be inventoried and will not receive a Property Record Tag.

**INFRASTRUCTURE** - Are assets that are defined as Capital Assets that are immovable and of value only to the governmental unit and include such things as sidewalks, roads, and utility lines. Accordingly, and in conformance with GASB Statement 34, Tioga County will include these values for items with an acquisition or appraised value of \$25,000 or greater in the Capital Asset System.

#### **CLASSIFICATION GUIDELINES:**

**ORDINARY REPAIRS** - Repairs made to keep an asset in good working condition, regardless of cost, are ordinary repairs and shall not be recorded in the Capital Asset System. Ordinary repairs for a building include such things as repainting and repairing a roof. Ordinary repairs for equipment and vehicles include replacing small parts or other maintenance items.

**EXTRAORDINARY REPAIRS/IMPROVEMENTS** - Major repairs made not just to keep an asset in good working condition, but also to extend its useful life beyond that originally estimated, are extraordinary repairs and shall be recorded in the Capital Asset System. A replaced roof would be an example of an extraordinary repair. Improvements involve modifying an existing asset to make it more efficient or productive, usually by replacing part of the asset with an improved or superior part and shall be recorded in the Capital Asset System.

**ADDITIONS TO EXISTING CAPITAL ASSETS** - Which have an acquisition cost of at least \$5,000, shall be assigned to and increase the value of the Property Record of

the existing item and shall be considered a Capital Asset Addition. The Useful Life of Extraordinary Repairs and Improvements will be determined by the number of years the useful life is extended. Additions to Existing Capital Assets will be capitalized according to the Useful Life guidelines below.

**SOFTWARE** - Will be subject to the threshold above with the exception of software upgrades and maintenance costs. Upgrades and maintenance will not be recorded in the Capital Asset System. (NOTE: An exception may exist if a significant upgrade is acquired which will be determined at that time.) Software purchases greater than \$5,000 that result in a new license will be recorded in the Capital Asset System and will be assigned a property tag, which must be maintained in a log in the department wherein it resides.

**HARDWARE** - Components that are stand-alone units and will not be installed internally to an existing computer will be subject to the existing threshold of \$5,000 when determining whether it is a capital asset.

**USEFUL LIFE** – All Capital Assets except land will be assigned a useful life appropriate to that asset. Land has an unlimited useful life and will not be subject to the provisions of this paragraph. The cost of an asset will be capitalized using the **straight-line half year** method over the useful life of the asset. Useful life is obtained using the Capital Assets Policy and Procedure Manual provided by the New York State Office of General Services.

And be it further

RESOLVED: That the remainder of this policy remains unchanged.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. 178-23

AMEND EMPLOYEE HANDBOOK:  
SECTION IV. PERSONNEL RULES,  
SUBSECTION R. ENTITLED TIOGA COUNTY  
SEXUAL HARASSMENT PREVENTION POLICY

WHEREAS: The Tioga County Sexual Harassment Prevention Policy needs to be amended in whole due to numerous updates and changes; and

WHEREAS: The County Attorney has reviewed the Employee Handbook for compliance with State and Federal Law and has identified the need to amend the policy in its entirety and replace it; therefore be it

RESOLVED: That the Tioga County Sexual Harassment Prevention Policy be amended in its entirety and replaces as follows:

**r. SEXUAL HARASSMENT PREVENTION POLICY**

**TIOGA COUNTY SEXUAL HARASSMENT PREVENTION POLICY**

Sections:

- I. Policy Statement
- II. Definitions of Prohibited Conduct
- III. Reporting Sexual Harassment
- IV. Complaint and Investigation of Sexual Harassment
- V. Reimbursement
- VI. False Reporting
- VII. Legal Protections and External Remedies

**I. POLICY STATEMENT**

Tioga County is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Tioga County's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Tioga County. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

**POLICY:**

1. Tioga County's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Tioga County. In the

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics, and criminal history.

remainder of this document, the term “employees” refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Tioga County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Tioga County who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, County Attorney or Personnel Officer. All employees, paid or unpaid interns, or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Tioga County to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Tioga County will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Tioga County will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

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<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. Tioga County will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the County Attorney and Personnel Officer.
8. This policy applies to all employees, paid or unpaid interns, and non-employees, such as contractors, subcontractors, vendors, consultants or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

## **II. DEFINITIONS OF PROHIBITED CONDUCT**

### **A. What Is sexual harassment?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

## **B. Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **C. Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **D. Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **E. Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **III. REPORTING SEXUAL HARASSMENT**

#### **A. Reporting Procedures**

**Preventing sexual harassment is everyone's responsibility.** Tioga County cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, County Attorney or Personnel Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, County Attorney or Personnel Officer.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.



## **B. Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the County Attorney or Personnel Officer.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

## **IV. COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT**

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Tioga County will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the County Attorney and/or Personnel Officer will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If they refuse, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## **V. REIMBURSEMENT**

Any employee who has been subject to a judgement of personal liability for intentional wrongdoing in connection with a claim for sexual harassment shall reimburse Tioga County for any monies it paid to a complainant for what was found to be the employee's proportionate share of said judgement. These reimbursements must be made within ninety (90) days from payment by Tioga County to the Complainant. A failure to reimburse will result in the sum being withheld directly from the employee's compensation or through enforcement of a money judgement.

## **VI. FALSE REPORTS**

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, Tioga

County may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law.

## **VII. LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Sexual harassment is not only prohibited by Tioga County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process, Tioga County employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **A. State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year (three years beginning Aug. 12, 2020)** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Tioga County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the

harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **B. Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **C. Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the

NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

#### **D. Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

#### ROLL CALL VOTE

Yes – Legislators Sauerbrey, Mullen, Roberts, Standinger, Brown, Ciotoli, and Monell.

No – None.

Absent – Legislators Flesher and Weston.

RESOLUTION ADOPTED.

Chair Sauerbrey spoke. “Before I adjourn today’s meeting, I want to congratulate Heather Vroman on her new position as Public Health Director.”

Public Health Director Vroman spoke. “Thank you very much for the opportunity and I very much look forward to serving Tioga County.”

Meeting was adjourned at 12:22 P.M.