

Agenda



TIOGA COUNTY LEGISLATURE

6/9/2020

6:00 PM

EDWARD D. HUBBARD AUDITORIUM

Ronald E. Dougherty County Office Building

56 Main Street

Owego NY 13827

Meeting called by:	Chair Martha Sauerbrey	
Type of meeting:	<p>6th Regular</p> <p><i>This meeting will be an in-person meeting for Legislators/staff only. Public attendance via Zoom.</i></p> <p><u>Zoom Information:</u></p> <p>https://us02web.zoom.us/j/87047527971?pwd=Y2lMMVNiWldpazQ5SFI1aVlaL3VIUT09</p> <p>Dial: 646 558 8656</p> <p>Meeting ID: 870 4752 7971</p> <p>Password: 874497</p>	
Attendees:	<p>Legislator Balliet</p> <p>Legislator Hollenbeck</p> <p>Legislator Monell</p> <p>Legislator Mullen</p> <p>Legislator Roberts</p> <p>Legislator Sauerbrey</p> <p>Legislator Standing</p> <p>Legislator Sullivan</p> <p>Legislator Weston</p>	
	Agenda topics	
<p>Invocation</p> <p>Pledge of Allegiance</p> <p>Recognition Resolution (1)</p> <p>Privilege of the Floor</p> <p>Approval of Minutes</p>	<p>Legislator Standing</p> <p>Legislator Standing</p> <p>Linda Myers, Department of Social Services</p> <p>May 12 , 2020</p>	

Petitions, Communications & Notices Appointments/Reappointments Reports Standing Committees		
RESOLUTIONS:	<ol style="list-style-type: none">1. Re-Appoint Director Soil & Water Conservation District2. Resolution of the Legislature of Tioga County Amending Resolution 184-17 to Extend Imposition of an Additional One Percent Rate of Sales and Compensating Use Tax for a Period of Three Years Through November 30, 20233. Authorization to Contract with NYSTEC – Radio Consulting State Interoperable 18 Grant4. Award Bridge Preventative Maintenance Phase VI PIN 9754.30 Construction Contract5. Amend Resolution 91-20 to Authorize Contract with Triad Group for Workers' Compensation Administration6. Re-Authorize Contract with Acara – Tioga Career Center7. Authorize Board of Elections to Enter into Purchase Agreement for ClearCount Ballot Scanning System and Amend Budget8. Execute Lease for Office Space between Tioga County and Tioga Tobacco Asset Securitization Corporation9. Authorize Appointment of Captain-Operations Officer – Sheriff's Office10. Authorize Appointment of Undersheriff – Sheriff's Office11. Extend Duration of Temporary Accounting Associate I Position – Sheriff's Office12. Standard Work Day and Reporting Resolution	

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REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -20 RECOGNIZE LINDA M. MYERS
30 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Linda began her career with the Tioga County Department of Social Services as a Typist in June 1990. In October 1994, Linda was promoted to Community Services Worker in the Income Maintenance Unit and currently is an integral part of the Home Energy Assistance Program; and

WHEREAS: Linda Myers has been a dedicated and loyal employee in the performance of her duties; and

WHEREAS: Linda Myers has shown the highest levels of reliability, trust, loyalty and competence in the performance of her duties; and

WHEREAS: Linda Myers will retire on June 30, 2020; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Linda Myers for her thirty years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

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

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REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -20 RE-APPOINT DIRECTOR
SOIL & WATER CONSERVATION DISTRICT

WHEREAS: Mark Kwiatkowski, Pomona Grange Representative to the Tioga County Soil and Water Conservation District has agreed to serve another term; and

WHEREAS: The Pomona Grange has recommended Mark Kwiatkowski, farm operator in Owego to fill said new term; therefore be it

RESOLVED: That Mark Kwiatkowski is hereby re-appointed the Pomona Grange Representative to the Tioga County Soil and Water Conservation District retroactive to April 1, 2020 and ending March 31, 2023.

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -20 RESOLUTION OF THE LEGISLATURE OF TIOGA
COUNTY AMENDING RESOLUTION 184-17 TO
EXTEND IMPOSITION OF AN ADDITIONAL ONE
PERCENT RATE OF SALES AND COMPENSATING
USE TAX FOR A PERIOD OF THREE YEARS THROUGH
NOVEMBER 30, 2023

WHEREAS: By Resolution 231-15, the Tioga County Legislature imposed in this county and decreed there shall be paid all of the sales and compensating use taxes described in Article Twenty-nine of the New York State Law as authorized by subdivision (a) of section twelve hundred ten of the Tax Law, at the rate of three percent. In addition to those taxes imposed at the rate of three percent, Resolution 231-15 imposed in this county and decreed there shall be paid such sales and compensating use taxes at the additional rate of one percent through November 30, 2017; and

WHEREAS: By Resolution 184-17, the Tioga County Legislature amended Resolution 231-15 imposed in this county and decreed there shall be paid such sales and compensating use taxes at the additional rate of one percent through November 30, 2020; and

WHEREAS: Item VV of Subpart C of Part XXX of Chapter 58 of the Laws of 2020 authorized Tioga County to impose its additional one percent rate of sales and compensating use taxes through November 30, 2023; and

WHEREAS: The Tioga County Legislature wishes to amend Resolution 231-15, as amended by Resolution 184-17, to impose the additional one percent of sales and compensating use taxes for a period of three additional years through November 30, 2023; therefore be it

RESOLVED: By the Legislature of Tioga County, that Section One of Resolution 231-15, as amended by Resolution 184-17, shall be amended to read as follows:

SECTION 1: Imposition of general sales and compensating use taxes. There are hereby imposed in this county and there shall be paid all of the sales and compensating use taxes described in Article Twenty-nine of the New York Tax Law as authorized by subdivision (a) of section twelve hundred ten of the Tax Law, at the rate of three percent. In addition to those taxes imposed at the rate of three percent, there are hereby imposed in this county and there shall be paid such sales and compensating use taxes at the additional rate of one

percent for the period commencing December 1, 2015, and ending November 30, 2023"; and be it further

RESOLVED: That this enactment shall take effect December 1, 2020.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -20 AUTHORIZATION TO CONTRACT
WITH NYSTEC - RADIO CONSULTING
STATE INTEROPERABLE 18 GRANT

WHEREAS: The Tioga County Office of Emergency Services has a need to upgrade and replace its current radio communications system due to poor performance issues; and

WHEREAS: The Director of Emergency Services would like to contract with NYSTEC at a cost of \$49,992.18 for the period June 1, 2020 through December 31, 2020; and

WHEREAS: NYSTEC is listed on the Office of General Services Administration contract; and

WHEREAS: There are sufficient funds in account A3415.540140 IO18F (contracted services) State Interoperable Grant18 Radio & Equipment; therefore be it

RESOLVED: That the Chair of the County Legislature is authorized to execute a contract between Tioga County and NYSTEC upon review by the County Attorney.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. -20 AWARD BRIDGE PREVENTATIVE MAINTENANCE
PHASE VI PIN 9754.30 CONSTRUCTION CONTRACT

WHEREAS: Tioga County was awarded funding for this project through NYSDOT;
and

WHEREAS: Funding is available for this portion of the project; and

WHEREAS: The Commissioner of Public Works received sealed bids on May 29,
2020 and the bid results were as follows:

R. DeVincentis Construction, Inc.	\$169,000.00
Economy Paving	\$366,000.00
Bothar Construction	\$217,791.00

And;

WHEREAS: Tioga County has completed the review of the bids and finds the low
bidder R. DeVincentis Construction, Inc. meets all of the qualifications of the bid
specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to
R. DeVincentis Construction, Inc., not to exceed \$169,000.00 to be paid out of
the following account: D5110.540050 – Bridge Projects.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -20 AMEND RESOLUTION 91-20 TO
AUTHORIZE CONTRACT WITH TRIAD GROUP
FOR WORKERS' COMPENSATION ADMINISTRATION

WHEREAS: Resolution 91-20 authorized a three year contract with Triad Group to be the third-party administrator for the Tioga County Self-Insurance Plan for the period of May 1, 2020 through April 30, 2023; and

WHEREAS: Triad required additional time to transition the claims from UMR Risk Management due to a change in UMR's data format; therefore be it

RESOLVED: That Resolution 91-20 is amended to reflect that the contract with Triad Group will be for the period of June 1, 2020 through May 31, 2023; and be it further

RESOLVED: That the remainder of Resolution 91-20 shall remain unchanged.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -20 RE-AUTHORIZE CONTRACT WITH ACARA
TIOGA CAREER CENTER

WHEREAS: Broome & Tioga Counties, in partnership through the Broome/Tioga Workforce Development Board, provides for the delivery of employment and training services under the Workforce Innovation Opportunity Act 2015; and

WHEREAS: The Tioga Career Center continues to have a need for a Resource Room Clerk to assist individuals in the Career Center's Resource Room with operation of computers and various computer programs, to instruct clients on how to use NYS Dept of Labor job site, and to assist clients in accessing employment opportunities, and to assist Workforce staff and businesses in maintaining current job listings; and

WHEREAS: Acara is able to provide such services for the Tioga Career Center, from July 1, 2020 to June 30, 2021, and said contract is to be funded entirely by the Workforce Innovation Opportunity Act; and

WHEREAS: The funds necessary for said contract are included in the WIOA PY 2020 Budget under the WIOA Grant; and

WHEREAS: The Supervisor of the Tioga Career Center is authorized to enter into such contract as indicated; and

WHEREAS: Said contract would provide for compensation at the bill rate of \$15.10 per hour from 7/1/20-12/30/20, and \$16.00 per hour from 12/31/20-6/30/21 at a maximum of 25 hours per week; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Supervisor of Tioga Career Center to enter into a contract, upon approval by the County Attorney, with Acara at the above bill rate(s) effective July 1, 2020 through June 30, 2021.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -20 AUTHORIZE BOARD OF ELECTIONS TO
ENTER INTO PURCHASE AGREEMENT FOR
CLEARCOUNT BALLOT SCANNING SYSTEM
AND AMEND BUDGET

WHEREAS: Executive Order 202.23 by Governor Cuomo mandated that every eligible voter be mailed an application to request an absentee ballot in response to the coronavirus pandemic; and

WHEREAS: The Tioga County Board of Elections is therefore receiving an inundation of absentee ballot requests, likely to number in the thousands, resulting in an equivalent number of absentee ballots to count after the June 23 primary election; and

WHEREAS: The ClearCount/ClearAudit ballot scanning system by Clear Ballot would reduce the amount of time it takes the BOE to process these ballots from days to hours, and provides the added benefit of automating the 3% audit of voting systems, eliminating days-worth of pre-election prep, and reducing the time needed to complete the actual audit from days to hours; and

WHEREAS: Tioga County has \$68,618.71 remaining grant funding available from the HAVA SHOEBOX program, which would be used to fully reimburse the \$52,260.00 proposed up-front cost; and

WHEREAS: ClearCount/ClearAudit is the only software system approved by New York State as an independent automated post-election audit solution, providing justification for a sole source procurement; and

WHEREAS: The purchase and subsequent reimbursement of the ClearCount/ClearAudit system would result in an estimated net savings of \$4,480-5,760 for Tioga County in 2020, as a result of the reduction in hours wage labor; and

WHEREAS: The Board of Elections 2020 budget requires project accounts and funds in order to facilitate the purchase and reimbursement of the ClearCount/ClearAudit system; therefore be it

RESOLVED: That the Tioga County Board of Elections is authorized to:

- (1) Enter into a purchase agreement with Clear Ballot to purchase the ClearCount/ClearAudit solution, pending approval by the County Attorney, for the cost of \$52,260; and

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(2) Create a project code of CC20 under the following 2020 budget accounts for the listed amounts, in order to facilitate the proposed purchase and reimbursement:

- H1450 440890 (Federal Aid-HAVA Revenue) – proj. CC20 - \$52,260.00
- H1450 520490 (Capital Election Expense) – proj. CC20 - \$52,260.00

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -20 EXECUTE LEASE FOR OFFICE SPACE
BETWEEN TIOGA COUNTY AND
TIOGA TOBACCO ASSET SECURITIZATION
CORPORATION

WHEREAS: It is necessary for the Tioga Tobacco Asset Securitization Corporation to lease office space from Tioga County; and

WHEREAS: It appears appropriate to enter into a lease for said office space, inclusive of all utilities, equipment, and furniture, at property located at 56 Main Street in the Legislative Office; and

WHEREAS: The lease of said office space is for a period of one year and will automatically renew annually until terminated; now therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease with the Tioga Tobacco Asset Securitization Corporation for the lease of said office space located at 56 Main Street, Owego, New York.

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -20 AUTHORIZE APPOINTMENT OF
CAPTAIN – OPERATIONS OFFICER
SHERIFF'S OFFICE

WHEREAS: Legislative approval is required for any appointment to a non-union position within Tioga County; and

WHEREAS: Due to a promotion, the position of Captain – Operations Officer, within the Sheriff's Office, will become vacant on June 10, 2020; and

WHEREAS: The Sheriff has identified a qualified candidate from the certified eligible list and would like to backfill the position immediately; and

WHEREAS: During the June 4, 2020 Legislative Worksession, consensus was given to the Sheriff on the salary offer for his selected candidate; therefore be it

RESOLVED: That the Sheriff is hereby authorized to promote Shawn Nalepa to the title of Captain – Operations Officer at an annual, non-union salary of \$83,000 effective June 10, 2020.

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -20 AUTHORIZE APPOINTMENT OF
UNDERSHERIFF
SHERIFF'S OFFICE

WHEREAS: Legislative approval is required for any appointment to a non-union position within Tioga County; and

WHEREAS: Due to a retirement, the position of Undersheriff within the Sheriff's Office became vacant on May 19, 2020; and

WHEREAS: The Sheriff has identified a qualified candidate to appoint to the position; and

WHEREAS: During the June 4, 2020, Legislative Worksession, consensus was given to the Sheriff on the salary offer for his selected candidate; therefore be it

RESOLVED: That the Sheriff is hereby authorized to promote Rich Hallett to the title of Undersheriff at an annual, non-union salary of \$88,000 effective June 10, 2020.

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -20 EXTEND DURATION OF TEMPORARY
ACCOUNTING ASSOCIATE 1 POSITION
SHERIFF'S OFFICE

WHEREAS: Resolution 29-20 authorized the creation and hiring of one temporary, full-time Accounting Associate 1 position within the Sheriff's Office; and

WHEREAS: The Sheriff desires to extend this position through December 31, 2020; therefore be it

RESOLVED: That said temporary position be extended through December 31, 2020 at the hourly rate of \$13.19.

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. -20 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	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
County Clerk	Andrea Klett	7	01/01/20 – 12/31/23	N	21.47

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 9th day of June, 2020 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 9th day of June, 2020.

Tioga County Legislative Clerk

Affidavit of Posting: I, Cathy Haskell, being duly sworn, depose and say that the posting of the resolution began on June 9, 2020 and continued for at least 30 days. That the resolution was available to the public on the

- Employer's website at www.tiogacountyny.com
- Official sign board at Tioga County Legislative Office.
- Main Entrance Clerk's Office at _____