

*Second Regular Meeting*  
February 13, 2024

The Second Regular Meeting of 2024 was held on February 13, 2024 and was called to order by the Chair at 12:00 P.M. Legislators Brown, Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, and Standingger were present with Legislator Weston being absent.

Chair Sauerbrey asked Legislator Brown to have a moment of prayer. "Lord, I ask you to continue looking over this Legislature as we make the best decisions for Tioga County and also keep an eye out for our fellow Legislator Dale Weston."

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

There were 5 people in attendance.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of January 2 and 9, 2024, seconded by Legislator Brown and carried.

Chair Sauerbrey made the following appointments:

***CSEA Contract Negotiations Committee:***

- Legislator Ciotoli
- Legislator Standingger
- Personnel Officer Parke
- Commissioner of Public Works Hammond
- Deputy Commissioner of Social Services Myers

***ED&P Legislative Standing Committee:***

- Legislator Ciotoli – 2/13/24 – 12/31/24

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 39-24 APPOINT MEMBERS ALTERNATIVES TO  
INCARCERATION ADVISORY BOARD

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

	TERM
Ex-Offender	4/1/24-3/31/25
Crime Victim	4/1/24-3/31/25
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/24-3/31/25

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 40-24 RE-APPOINT MEMBER TO THE  
TIOGA COUNTY LOCAL DEVELOPMENT  
CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member Christina DiStefano expires as of March 31, 2024; and

WHEREAS: Christina DiStefano has expressed a desire to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Christina DiStefano for another three-year term effective 4/1/24 through 3/31/27.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 41-24      *RE-APPOINT MEMBER TO THE  
TIOGA COUNTY LOCAL DEVELOPMENT  
CORPORATION (TCLDC)*

WHEREAS: The term of Tioga County Local Development Corporation member Beth Johnson expires as of March 31, 2024; and

WHEREAS: Beth Johnson has expressed a desire to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Beth Johnson for another three-year term effective 4/1/24 through 3/31/27.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 42-24                      *SET PUBLIC HEARING FOR 2024 ANNUAL AGRICULTURAL DISTRICT INCLUSIONS*

WHEREAS: The Tioga County Legislature, as per Resolution No. 296-03 designated January 2<sup>nd</sup> through January 31<sup>st</sup> as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

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

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2024 on February 22, 2024 at 10:00 A.M. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY. All interested parties will be heard by the Tioga County Legislature at this hearing.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 43-24                      *SET PUBLIC HEARING FOR NYS CDBG MICROENTERPRISE GRANT APPLICATION*

WHEREAS: Tioga County Economic Development & Planning intends to apply for a NYS CDBG Microenterprise Program Grant to support microenterprises in Tioga County with business start-up and expansion funding; and

WHEREAS: The Tioga County Legislature is required to hold a public hearing allowing for citizen feedback on the community and economic development needs of Tioga County and the proposed program; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing for community input in regard to the current Community Development Block Grant project in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, February 22, 2024 at 10:05 A.M. All interested parties will be heard by the Tioga County Legislature at this hearing.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 44-24      *ERRONEOUS ASSESSMENT*  
*TOWN OF NICHOLS*

WHEREAS: An application for Corrected Tax Roll for the year 2024 indicates that parcel #150.00-1-36 acct#918 in the Town of Nichols assessed to Sandi Calabrese-Clark on the 2024 tax roll of the Town of Nichols is erroneous in the fact that return school tax did not include the Basic Star exemption, which was erroneously removed; and

WHEREAS: An application for Refund or Credit of Real Property Taxes was filed requesting a refund of property taxes levied by Tioga County and Town of Nichols for 2024; and

WHEREAS: The 2024 tax bill was paid to the Nichols Tax Collector in the Town of Nichols on 1/10/2024; therefore be it



	Original Bill #3877	Corrected Bill #3877
County	412.54	330.04
Townwide	41.73	32.79
Part Town	90.46	71.07
Apalachin Fire	174.97	174.97
<b>Total</b>	<b>719.70</b>	<b>608.87</b>

And be it further;

RESOLVED: That the erroneous County tax of \$82.50 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous Townwide tax of \$8.94 be charged back to the Town of Owego; and be it further

RESOLVED: That the erroneous Part Town tax of \$19.39 be charged back to the Town of Owego.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 46-24 AMEND RESOLUTION NO. 13-24  
 ERRONEOUS ASSESSMENT  
 TOWN OF TIOGA

WHEREAS: Resolution No. 13-24 adopted on January 9, 2024 incorrectly indicated parcel #103.00-2-8.20 is located in the Town of Barton when in fact it is located in the Town of Tioga; and

WHEREAS: An application for Corrected Tax Roll for the year 2024 indicates that parcel #103.00-2-8.20 acct#1956 in the Town of Tioga assessed to Allen H. Hopkins

on the 2024 tax roll of the Town of Tioga is erroneous in the fact that Spencer Van-Etten School Taxes were paid; therefore be it

RESOLVED: That new 2024 tax bills be issued by the Tioga County Treasurer's Office to Allen H. Hopkins for parcel #103.00-2-8.20 as follows:

103.00-2-8.20	Original Bill #915	Corrected Bill #915
County	1259.33	1259.33
Townwide	470.09	470.09
Return School	2552.23	0.00
Tioga Fire	145.40	145.40
<b>Total</b>	<b>4427.05</b>	<b>1874.82</b>

And be it further

RESOLVED: That the erroneous County tax \$1874.82 be charged back to the proper accounts of the Tioga County Treasurer's Office.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE  
 RESOLUTION NO. 47-24 SUPREME COURT ORDER  
 TOWN OF OWEGO

WHEREAS: The Supreme Court of the State of New York has rendered an Order in the matter of MRAN Hospitality, LLC & MH Hospitality of Tioga, LLC v. Town of Owego, New York and its Assessor, and Board of Assessment Review and issued Stipulation of Settlement and Order, indicating a reduction of assessment as decided by the parties involved, and filed on January 9<sup>th</sup>, 2024; and



WHEREAS: The Court Stipulation of Settlement and Order reduces the assessment of parcel 153.07-1-40.112 from 1,725,000 to 977,400 for the tax year of 2022/2023 and 2023/2024; and

WHEREAS: The 2023 Town and County taxes were paid at the Treasurer's Office on May 30<sup>th</sup>, 2023 and the order stipulates a refund be generated based on the reduced assessment; and

WHEREAS: The 2024 Town and County taxes remain unpaid at the Town of Owego, and the order stipulates an amended and revised tax bill shall be issued according to the reduced assessment; therefore be it

RESOLVED: That a refund be issued for the 2023 taxes by the Tioga County Treasurer's Office and the erroneous amounts be charged back to the proper accounts in the records of the Tioga County Treasurer's Office; and be it further

RESOLVED: That a new bill for the unpaid 2024 tax year for 153.07-1-40.112 be issued by the Tioga County Treasurer's Office as stipulated by the order and the erroneous amounts be charged back to the proper accounts in the records of the Tioga County Treasurer's Office; and be it further

RESOLVED: That the parcel 153.07-1-40.112 assessment shall remain at \$977,400 for the tax years 2024/2025 and 2025/2026 absent application of any of the enumerated exceptions to RPTL 727.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 48-24

*REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO EXCEED FOOD & BEVERAGE PURCHASE GUIDELINES*

WHEREAS: The Tioga County Veterans' Service Agency (TCVSA) conducts multiple community outreach events monthly and at these events provides food, beverages, and supplies to those in attendance as well as information on resources, benefits, and services available to veterans, military, and their families; and

WHEREAS: County Policy – Section III; Subsection H. Purchase of Food, Beverages, and Supplies limit expenses to \$150 per event; and

WHEREAS: The TCVSA will be holding the following events in February, with grant funds being used, that will exceed the \$150.00 per event limit, and requests to exceed the event limit must be made by resolution and require the approval of the County Legislature:

February 17 – Jewelry Workshop, Dwyer Grant - \$500.00

February 28 & 29 – Mental Health First Aid Training, Dwyer Grant - \$350.00

Therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to exceed the per event limit using grant funding as identified, noting that TCVSA will not exceed the total amount mentioned for each event above.

Legislator Mullen spoke. "This is all Dwyer Grant money. It is not local budgeted funds. This is money they receive to do exactly this."

ROLL CALL VOTE

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

No – None.

Absent – Legislator 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. 49-24 *AUTHORIZE PURCHASES OUTSIDE COUNTY POLICIES  
PUBLIC HEALTH*

WHEREAS: Tioga County Public Health (TCPH) has need to purchase food and beverage items as part of the operation of their department; and

WHEREAS: While some of these expenditures fall outside of County Policies, they are reimbursed through outside entities, including grants and non-governmental funding awards; and

WHEREAS: In coordination with the County Auditor, TCPH desires to establish clear approvals for these expenditures by receiving Legislative authorization via Resolution for TCPH to make expenditures that may be outside normal County Policies for food/beverages; and

WHEREAS: Operational situations for the benefit of TCPH and Tioga County occur when employees and/or volunteers are participating in an event and unable to break or leave for meals at the events; and

WHEREAS: TCPH has identified the following events it wishes to receive authorization from the Legislature to purchase foods/beverages for those employees and/or volunteers working these events during meal times:

- Rabies Vaccination Clinics
- Car Seat & CarFit Events
- Public Health Tabling Events

In addition, the following may go over the \$150 County Policy threshold:

- Public Health Emergency Preparedness Events/Drills
- Hosting State Meetings/Events
- Hosting Water Operators Association meetings (100% reimbursed)

And

WHEREAS: Authorization outside of County Policies requires Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes TCPH to purchase food/beverages in the above-mentioned events, with the understanding that no local funds will be used.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 50-24 *AUTHORIZE COUNTY CLERK TO COLLECT  
ADDITIONAL LIS PENDENS FEE*

WHEREAS: NYS law allows the County Clerk to charge recording fees of \$25 for Notices of Pendency filed in court cases in addition to the \$35 filing fee; and

WHEREAS: The Tioga County Clerk is not currently collecting this recording fee on Notices of Pendency in addition to the \$35 filing cost; and

WHEREAS: In order to keep the fee charged consistent across the State, the New York State Office of Court Administration is increasing the fee for a Notice of Pendency to \$60 from the current \$35 to include the additional \$25 recording fee; therefore be it

RESOLVED: That the County Clerk is authorized to charge a total of \$60 for Notices of Pendency filed and recorded in the office.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 51-24      *AUTHORIZE THE SALE OF COUNTY OWNED  
PROPERTY LOCATED IN THE TOWN OF BARTON  
TO MARY E. MARSHALL*

WHEREAS: Property located in the Town of Barton assessed to the County of Tioga, identified as Tax Map number 157.07-1-21, parcel number 10851 which was acquired for 2018 & 2019 delinquent taxes; and

WHEREAS: Angel L. Beebe was the closing bidder with the winning bid of \$100 paid at the Foreclosure Auction held on October 7, 2021 and has defaulted by not appearing at closing with forfeiture of the \$100; and

WHEREAS: The Treasurer has approached an adjacent property owner, Mary E. Marshall, hereby making an offer to sell said property for \$100, "as is", thereby transferring the property to Mary E. Marshall; therefore be it

RESOLVED: That the County rescinds its previous resolution to sell said property to Angel L. Beebe, the closing bidder with \$100, paid at the Foreclosure Auction held on October 7, 2021, by Default of Appearance at closing, with forfeiture of the \$100; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$100 and recording costs, a Quit Claim Deed conveying the property assessed to the County of Tioga located in the Town of Barton identified on the Town of Barton Tax Map as number 157.07-1-21, parcel number 10851, to Mary E. Marshall and/or assigns.

ROLL CALL VOTE

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

No – None.

Absent – Legislator 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. 52-24      *APPORTIONING FORFEITURE OF CRIME  
PROCEEDS FOR DRUG ENFORCEMENT ACTIVITIES*

WHEREAS: Resolution No. 239-20 established a system for the disposal of property, the order of priority of disbursements and the restrictions on the use of both pre-conviction and post-conviction forfeitures of crime proceeds; and

WHEREAS: Tioga County has received \$10,000.00 from a drug forfeiture case; and

WHEREAS: It is agreed the funds shall be divided between the agencies involved in the investigation in accordance with Section 1349 of the Civil Practice Laws and Rules; and

WHEREAS: Distribution details are as follows:

Tioga County District Attorney's Office (15%)	\$1,500.00
Owego Police Department (5%)	\$500.00
NYS Office of Alcoholism and Substance Abuse Services (OASAS)	3,200.00
Owego Police Department (75%)	\$3,600.00
Tioga County District Attorney's Office (25%)	<u>\$1,200.00</u>
	\$10,000.00

And

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

RESOLVED: That funding be appropriated as follows:

FROM:	A1165-426250 Forfeiture of Crime Proceeds	\$ 1,500.00
	A1165-426260 Forfeiture of Crime Proceeds Restricted	\$ 8,500.00
TO:	A1165-540335 Asset Forfeiture Expense	\$ 1,500.00
	A1165-540336 Asset Forfeiture Expense-Restricted	\$ 8,500.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 53-24 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 Year 11 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	\$11,579
To: A4011 540487	Public Health: Program Expense	\$11,579

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 54-24 AMEND BUDGET AND TRANSFER FUNDS  
PUBLIC WORKS

WHEREAS: Tioga County has budgeted for replacement of the HVAC controls and a rooftop unit at the Court Annex Building; and

WHEREAS: The Commissioner has received bids for the new installation of the HVAC system and there are insufficient funds for this project in the current budget; and

WHEREAS: Funds are available in another capital line item because DPW made use of an existing structure instead of a new construction truck wash facility; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H1620.520994.M7674	Building Construction - ARPA	\$160,000
To: H1620.520927.M7674	Court Annex Renovation- ARPA	\$160,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.



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

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 55-24      *APPROVE SOLE SOURCE PURCHASE OF BOILER AT  
THE PUBLIC SAFETY BUILDING AND  
AMEND BUDGET AND TRANSFER FUNDS  
PUBLIC WORKS*

WHEREAS: One boiler at the Public Safety Building failed and with time being of the essence to begin the process of manufacturing a replacement boiler; and

WHEREAS: The Commissioner of Public Works received a quote for the replacement of the boiler unit for the amount of \$20,510.48 from Adirondack Combustion Technologies; and

WHEREAS: Legislative approval is required for all sole source purchases; and

WHEREAS: Adirondack Combustion Technologies is the sole source for a replacement Patterson Kelly Boiler unit which will only work with the current HVAC system installed at the Public Safety Building; and

WHEREAS: This purchase will be in Tioga County's best financial interest as it is less expensive for the County to purchase the boiler unit directly from the vendor than to purchase it through a mechanical services contractor who will still need to purchase the item from Adirondack Combustion Technologies, further, this will allow Tioga County DPW personnel to install said boiler at an additional cost savings; and

WHEREAS: Funds are available for the purchase of the boiler from Account A1620.540140; and

WHEREAS: Legislative approval is needed for budget amendments and interfund transfers; therefore be it

RESOLVED: That the Tioga County Legislature approve the purchase of the boiler from Adirondack Combustion Technologies, Duanesburg, NY in the amount of \$20,510.48; and be it further

RESOLVED: That the Tioga County Legislature authorizes the following transfer of funds and 2024 budget amendment:

From: A1620.540140	Contracting Services	\$20,510.48
To: H1620.520913	Public Safety Building Renovations	\$20,510.48

And be it further

RESOLVED: That the following interfund transfer be approved:

From: A9950.593715	Interfund Transfers	\$20,510.48
To: H1620.450310	Interfund Transfers	\$20,510.48

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE
	FINANCE COMMITTEE

RESOLUTION NO. 56-24	<i>APPROPRIATION OF FUNDS AND AMEND 2024 BUDGET SOCIAL SERVICES</i>
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WHEREAS: Prior year Safe Harbor Grant funds were re-established for the remaining unspent balance as of year-end 2023 for purchase completion in 2024; and

WHEREAS: Legislative approval is needed to amend or modify budget and appropriate funds; therefore be it

RESOLVED: That the following funds be transferred and the 2024 budget be modified as follows:

From: A6010.540487 Program Expense	\$ 10,200
To: A6010.520200 Office Equipment	\$ 3,350
To: A6010.540010 Advertising Expense	\$ 6,850

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 57-24 *APPROPRIATION OF FUNDS AND  
AMEND 2024 BUDGET  
SOCIAL SERVICES*

WHEREAS: The County of Tioga has received Federal 5311 funds granted by the Federal Transit Administration and the New York State Department of Transportation; and

WHEREAS: Federal Transit Administration and New York State Department of Transportation have granted these funds to be used to support mobility management services; and

WHEREAS: Tioga County has a contract with Rural Health Network of South Central New York to provide these services; and

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

RESOLVED: That funding be appropriated as follows:

A5630.430900 State Aid-Transportation	\$ 69,893.00
A5630.440900 Federal Aid-Transportation	\$ 559,138.00
A5630.540140 Contracting Services	\$ 629,031.00

And be it further

RESOLVED: That available funds on 12/31/24 of the original \$629,031.00 will be carried forward into the New Year.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 58-24      *APPROPRIATION OF FUNDS*  
*2023-2024 NYS STOP DWI*  
*HIGH VISIBILITY ENGAGEMENT GRANT*  
*STOP DWI*

WHEREAS: The NYS STOP-DWI Foundation Board has awarded a High Visibility Engagement grant of \$24,000 to Tioga County STOP-DWI; and

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

RESOLVED: That the 2023-2024 NYS STOP DWI High Visibility Engagement grant be appropriated as follows:

2023:

FROM: A3315-445890-CRK23 Federal Aid-Other Transp NPSP      \$4,291.33

TO: A3315-540590-CRK23 Services Rendered-STOP DWI \$4,291.33

2024:

FROM: A3315-445890-CRK23 Federal Aid-Other Transp NPSP \$19,708.67

TO: A3315-540590-CRK23 Services Rendered-STOP DWI \$19,708.67

And be it further

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

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 59-24 TRANSFER OF FUNDS  
2023 BUDGET MODIFICATION  
MENTAL HYGIENE

WHEREAS: Tioga County is required to pay the full costs for Criminal Court Ordered Psychiatric Care for persons assigned Criminal Psychiatric services by Tioga County Courts; and

WHEREAS: Tioga County Mental Hygiene has received notice by New York State Office of Mental Health that a Tioga County resident was assigned these services, along with the required documentation and payment amount; and

WHEREAS: Tioga County Mental Hygiene has determined the amount of additional funding needed for these already incurred mandated expenses within its own budget, yet this will require a budget modification and transfer of funds; and



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	\$ 75,000.00
To: CI1910.450310 Interfund Transfer	\$ 75,000.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 61-24 *AUTHORIZE BOARD OF ELECTIONS BUDGET  
TRANSFER TO PAY ELECTION INSPECTORS*

WHEREAS: Budget transfers between expense account types must be approved by resolution; and

WHEREAS: The Tioga County Board of Elections 2024 budget for Election Inspector pay currently exists in an operating expense account (54) rather than a salary expense account (51); and

WHEREAS: As of January 1, 2024, Tioga County considers all Election Inspectors county employees, and county employees must be paid out of a salary expense account; therefore be it

RESOLVED: That the Board of Elections is authorized to execute a budget transfer as follows:

FROM:	A1450 540143	Election Inspectors	\$123,318.00
FROM:	A1450 540143-EV	Election Inspectors - Early Voting	\$ 32,400.00
TO:	A1450 510020	Part Time/Temporary	\$155,718.00

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 62-24

*FILING OF AN APPLICATION FOR HOUSEHOLD  
HAZARDOUS WASTE STATE ASSISTANCE PROGRAM*

WHEREAS: The State of New York announced a grant from the DEC Household Hazardous Waste (HHW) program to assist counties and local governments with their household hazardous waste program expenses; and

WHEREAS: Through this grant Solid Waste would be partially reimbursed for their eligible costs of their HHW program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sustainability Manager to apply and administer said grant via NYS Grants Gateway; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to sign the application via Grants Gateway for grant upon approval by the County Attorney.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.



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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 63-24 *REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO PURSUE A GRANT KNOWN AS NY FOOD FEEDING NY FAMILIES*

WHEREAS: The USDA Agriculture and Marketing Service through the NY State Department of Agriculture is offering a \$250,000 grant that will run from May 1, 2024 to August 31, 2025; and

WHEREAS: The goals of this program are to support local and traditionally disadvantaged farmers/producers by building and expanding economic opportunities and creating new market channels, establish and broaden partnerships between New York farmers/producers to improve food access for underserved communities by tailoring distribution to unique local challenges, producers and local food networks to ensure distribution of fresh nutritious foods in rural, remote and/or underserved areas, 85% of the monies will be used for the purpose of purchasing agriculture food products and distributing these products for free to underserved communities facing food insecurity by purchasing food from NY State farmers/producers, targeting socially disadvantaged farmers/producers; and

WHEREAS: We know that our veterans, military and their families, for the most part, do not use local food pantries or food banks in their communities for many reasons, one major reason is that they have pride and don't want neighbors to know they are struggling with food insecurities, and there are many small and struggling disadvantage farmers/producers in NY State, in particular veteran, Amish and persons of color who have limited means to gain access to farmers markets or larger distribution points. All of the food and products purchased through this grant will be used to help veterans, military and their families overcome food insecurities, without any requirements and free of charge; therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to pursue this grant application to establish and maintain a food purchasing and distribution program with the funds provided.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 64-24      *AWARD COURT ANNEX  
HVAC CONSTRUCTION CONTRACT  
PUBLIC WORKS*

WHEREAS: Tioga County has budgeted for the HVAC repairs to the Court Annex Building; and

WHEREAS: The Commissioner of Public Works received sealed bids on December 21, 2023 and the bid results were as follows:

Postler & Jaeckle Corporation, Endicott NY	\$290,200.00
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And

WHEREAS: Tioga County DPW has completed the review of the bids and finds the low bidder Postler & Jaeckle Corporation, Endicott, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Postler & Jaeckle Corporation, Endicott, NY not to exceed \$290,200.00 to be paid out of the following account:

H1620.520927.M7674 – Court Annex Renovation-ARPA

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE  
INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 65-24      *AUTHORIZE LEASE EXTENSION WITH NYSEG  
FOR TELECOMMUNICATIONS TOWER AND  
EQUIPMENT ON BALLOU ROAD, TOWN OF TIOGA*

WHEREAS: Tioga County has a need to maintain the telecommunications tower, install a generator, propane storage tank, and replace the existing cabinet with a prefabricated communications shelter at property located in the Town of Tioga on Ballou Road and identified as tax map number 117.00-1-10; and

WHEREAS: The property the tower is located on belongs to New York State Electrical and Gas Corporation (NYSEG) and NYSEG has agreed to a ten (10) year lease extension from April 1, 2023 to March 31, 2033; and

WHEREAS: The Tioga County Legislature authorized leasing a portion of this property by way of Resolution No. 60-03 on March 11, 2003, and the extension of this lease by way of Resolution No. 86-13 on January 2, 2013; and

WHEREAS: The Tioga County Attorney has reviewed the lease extension and has approved to its form; therefore be it

RESOLVED: That Tioga County enter into a ten (10) year lease extension at fifteen hundred dollars (\$1,500 USD) plus twenty five percent (25%) of annual revenue received from renting antenna space to Zeta Broadband or any other assignees, affiliates, or subtenants; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair of the Legislature to sign the lease extension.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 66-24 *AUTHORIZING CHAIR OF THE TIOGA COUNTY LEGISLATURE TO SIGN DEAN CREEK PELTO AND PYLKAS DAM REHABILITATION PLANS*

WHEREAS: The Pelto and Pylkas Dams were authorized by a Pilot Watershed Program and were constructed in 1955 as high hazardous structures; and

WHEREAS: The sites provide attenuation of floods and protection of downstream structures; and

WHEREAS: The Tioga County Soil & Water Conservation District (SWCD), Tioga County, and the Town of Spencer are all local sponsors for the project; and

WHEREAS: The structures do not meet current NYSDEC or NRCS safety and performance criteria for a high hazard dam; and

WHEREAS: Tioga County SWCD received funding from NRCS to develop rehabilitation plans for both dams and these plans have been completed, identified a preferred alternative, and costs associated with constructing these alternatives, including design, permitting, etc., and the total costs were \$7,283,220; and

WHEREAS: NRCS has a program to cover a portion of the rehabilitation costs in the amount of \$5,124,870, leaving \$2,158,350 to the local sponsors to cover; therefore be it

RESOLVED: That the Tioga County Legislature is accepting the rehabilitation plans for both Pelto and Pylkas Dams; and be it further

RESOLVED: That the rehabilitation plans are not a funding obligating document, and carrying out the rehabilitation plans is contingent upon the availability of local funding; and be it further

RESOLVED: That this resolution take effect immediately and authorizes the Chair of the Tioga County Legislature to sign the plan documents.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 67-24                      *UTILITY EASEMENT WITH NEW YORK STATE ELECTRIC  
& GAS AND TIOGA COUNTY*

WHEREAS: New York State Electric & Gas (NYSEG) is requesting an easement for tree work and to bring 3-phase power for the New York Power Authority's Fast Charging Stations located at the Courthouse parking lot owned by Tioga County (Tax Parcel ID # 128.08-6-81); and

WHEREAS: Currently there is not enough power capable of powering NYPA's Fast Charging Stations; and

WHEREAS: It is proposed that Tioga County grant an easement for NYSEG to bring 3-phase power and complete said tree work; and

WHEREAS: Said work and utility easement shall not interfere with the use of the land for county purposes; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair to sign the utility easement between NYSEG and Tioga County upon its approval by the County Attorney.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 68-24      *AUTHORIZATION TO ENTER INTO A FIVE (5) YEAR AGREEMENT WITH MUNICIPALITIES TO ACCEPT HOUSEHOLD ELECTRONIC WASTE FROM TIOGA COUNTY RESIDENTS*

WHEREAS: In January of 2015, New York State banned consumers from disposing of certain types of electronic waste in landfills, waste-to-energy facilities, in the trash, or at curbside for trash pickup; and

WHEREAS: Due to this ban, the only disposal point for such waste is through the Tioga County Household Hazardous Waste program which requires electronic waste be brought to the Broome County Landfill; and

WHEREAS: To provide alternative drop off sites the Department of Solid Waste will pay for the recycling costs for acceptable household electronic waste brought to a participating Tioga County municipality either during a public clean up event or at an agreed upon permanent drop off location which they sponsor for their residents; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair of Tioga County or their designee to enter into agreements with participating municipalities as approved by the County Attorney for up to five (5) years to provide for electronic waste drop off sites.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 69-24 RESOLUTION TO APPROVE A GRANT AWARD FROM NYS DIVISION OF CRIMINAL JUSTICE FOR COUNTY PRE-TRIAL SERVICES

WHEREAS: The Probation Department received a Grant Award from the New York State Division of Criminal Justice Services for the County Pre-Trial Services in the amount of \$60,000; and

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

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

RESOLVED: That the 2024 Budget be modified and funds be appropriated to the following accounts:

FROM:	A3140-433100 CPS01 State Aid Probation	\$60,000.00
TO:	A3140 520090 CPS01 Computer- CPS	\$22,801.87
	A3140 540660 CPS01 Telephone (Service 5 yrs.)	\$29,632.20
	A3140 540220 CPS01 Automobile Fuel	\$ 2,165.93
	A3140 540140 CPS01 Contracting Services (EM)	\$ 5,400.00

And be it further

RESOLVED: That appropriations be re-established for the remaining unspent balance as of year-end until projects are completed.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 70-24      *AUTHORIZE CONTRACT FOR  
CONSULTANT SERVICES  
(PERSONNEL DEPARTMENT)*

WHEREAS: Legislative approval is required to contract for professional services; and

WHEREAS: The Benefits Manager position became vacant on January 26, 2024 due to a resignation; and

WHEREAS: There is a need to contract with the recently retired Benefits Manager for continuity of operations and training of the successor; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to contract with Amy Poff for consulting services at the rate of \$50.00 per hour, not to exceed 15 hours per week, from February 13, 2024 through December 31, 2024; and be it further

RESOLVED: That Ms. Poff will submit invoices for payment on a monthly basis.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 71-24      *AUTHORIZE APPOINTMENT OF  
BENEFITS MANAGER  
(PERSONNEL DEPARTMENT)*



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

WHEREAS: The Benefits Manager position became vacant with the announced resignation of the current Benefits Manager, Alexander Freyvogel effective January 26, 2024; therefore be it

RESOLVED: That the Personnel Officer is authorized to provisionally appoint Camille Mattison-Corneby to the title of Benefits Manager, pending successful completion of civil service examination requirements at an annual, Management/Confidential salary of \$54,354.00, retroactive to February 12, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 72-24 *AUTHORIZE APPOINTMENT OF SECRETARY TO THE PERSONNEL OFFICER (PERSONNEL DEPARTMENT)*

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

WHEREAS: Due to a resignation and a promotion within the department, the Personnel Officer has reviewed work assignments, staffing structure, and future succession training needs within the department for the administration of Civil Service, and benefits; and

WHEREAS: The Personnel Officer has identified a desirable candidate; therefore be it



February 26, 2024, in accordance with payroll processing standards; and be it further

RESOLVED: That said appointment shall be provisional, pending the outcome of a civil service examination.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 74-24      *AUTHORIZE APPOINTMENT OF  
DIRECTOR OF EMERGENCY SERVICES  
(DEPARTMENT OF EMERGENCY SERVICES)*

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

WHEREAS: The Director of Emergency Services position became vacant with the announced resignation of the current Director of Emergency Services, Michael Simmons effective February 6, 2024; and

WHEREAS: Corinne Cornelius has been serving as Deputy Director of Emergency Services since January 3, 2023; therefore be it

RESOLVED: That Corinne Cornelius is appointed to the title of Director of Emergency Services at an annual Management/Confidential salary of \$72,965.00, retroactive to February 12, 2024; and be it further

RESOLVED: That in accordance with Tioga County's Civil Service Rules, Ms. Cornelius shall serve a probationary period of eight to fifty-two weeks.



ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Meeting was adjourned at 12:14 P.M.