

First Special & Organizational Meeting
January 3, 2011

The First Special and Organizational Meeting of 2011 was called to order by the Clerk at 9:02 A.M.

The following County Legislators were present:

DISTRICT 1

Richard L. Huttleston

DISTRICT 5

Andrew J. Quinlan

DISTRICT 2

Martha C. Sauerbrey

DISTRICT 6

Dale N. Weston

DISTRICT 3

Michael Roberts

DISTRICT 7

Ronald N. McEwen

Ed Hollenbeck

DISTRICT 4

Loretta A. Sullivan

Tracy Monell

There were 11 people in attendance.

The Clerk asked Legislator Weston to have a moment of Prayer. "I would like a moment of silence for all the public servants throughout the State. I believe we will need it."

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

The Clerk announced that the first order of business was the election of a Chair. Legislator Huttleston nominated Legislator Weston, seconded by Legislator Hollenbeck. Legislator Monell moved to close the nominations, seconded by Legislator McEwen. On roll call vote all members voted Aye and the Clerk cast one ballot and Legislator Weston was appointed Chair of the Tioga County Legislature for a one year term.

County Clerk Robert Woodburn swore Legislator Dale Weston in as Chair of the Tioga County Legislature for 2011.

Chair Weston spoke. "Before I say anything else, I must tell you that given the challenges of these times facing this office, I think this event might be very similar to a prisoner looking out from his cell window watching people build his scaffold.

"Thank you and welcome everyone to the first session of the Tioga County Legislature in 2011. At the time I say thanks to you, the Legislators, for my nomination to the position of Chairperson. We as a Legislature in 2010 made good on our promises for the year by using harsh cost cutting measures. These measures were derived from a list of 53 suggestions submitted by department heads, other Tioga County employees, Legislators, and involved citizens of the County. Without the support and ideas of the aforementioned group we could not have accounted for \$500,000 in savings for the year last year. In the 2011 budget those savings will amount to 1.5 million dollars.

"Unfortunately this seemingly large amount of savings will not be enough to offset the increasingly large cost of pensions and healthcare, two areas of greatest impact to our budget. So we are right back to where we started in 2010 excepting that we have used up many of the 53 measures of potential savings.

"On a brighter note, this year's 2011 budget is history. We are okay for the year if all the promises the State have made come to fruition. On the darker side, it is next year that we have to worry about. Our budget is approximately 93 million dollars, 15 million of which we have control. We saved about 1.5 million dollars or 10% of what we have to work with. I would ask that the State to save us 10% by cutting 8.5 million dollars of our mandated programs required of Tioga County. Simply said, "Let the State reduce our mandated spending by the same amount we have had to sacrifice from our own programs."

"That is enough of my finger pointing for the day. Back to reality. How do we fund the 2012 budget? We need money to do this. From where does it come? Sales tax, we have no control over what we get for sales tax, hope for the best. Property tax, increase the amount, probably not a popular idea. Bonding, which we have done. We have bonded out for three years in our capital projects. We can take money from the fund balance. We can cut our anticipated expenses through loss of employees, wage freezes, loss of benefits, loss of services, consolidation, closing bridges. These are just a myriad of different ways that this whole problem still has to be attacked if we are trying to keep the budget down.

“In a nutshell the buck stops here in more ways than one. We must continue in last year’s direction. It is the duty of the Legislature to make tough decisions that will result in fair and equitable effort to serve the people of Tioga County. Thank you.”

County Clerk Woodburn swore in the two Election Commissioners, Bernadette Toombs, Republican Election Commissioner and John Langan, Democratic Election Commissioner.

The Chair announced the next order of business was the election of a Deputy Chair. Legislator McEwen nominated Legislator Sauerbrey, seconded by Legislator Sullivan. Legislator Sullivan moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote all members voted Aye and the Chair cast one ballot and Legislator Sauerbrey was appointed Deputy Chair of the Tioga County Legislature for a one year term.

County Clerk Robert Woodburn swore Legislator Sauerbrey in as Deputy Chair of the Tioga County Legislature for 2011.

The Chair called for nominations for Public Information Officer. Legislator McEwen nominated Maureen Dougherty, seconded by Legislator Sauerbrey. Legislator Monell moved to close the nominations, seconded by Legislator McEwen. On roll call vote all Legislators voted for Maureen Dougherty as Public Information Officer, and the Chair cast one ballot and Maureen Dougherty was appointed Public Information Officer for a one year term.

The Chair called for nominations for Republican Majority Leader. Legislator McEwen nominated Legislator Michael Roberts, seconded by Legislator Sauerbrey. Legislator Monell moved to close the nominations, seconded by Legislator McEwen. On roll call vote all Legislators voted for Legislator Michael Roberts as Republican Majority Leader, and the Chair cast one ballot and Legislator Michael Roberts was appointed Republican Majority Leader for a one year term.

Chair Weston asked if there were any disclosures to be made.

Legislator Hollenbeck stated. “I have no disclosures.”

Legislator Huttleston stated. "I have my own real estate appraisal business and I do no work for county properties that are to be sold or owned, or anything involving the County properties that would be a conflict of interest."

Legislator McEwen stated. "I have no disclosures."

Legislator Monell stated. "I have no disclosures."

Legislator/Chair Weston stated. "I have no disclosures."

Legislator Quinlan stated. "I have no disclosures."

Legislator Roberts stated. "I have no disclosures."

Legislator Sauerbrey stated. "I work for the Tioga County Chamber of Commerce, but there is no tax money paid to that organization and I have no disclosures."

Legislator Sullivan stated. "I am a partner in a commercial heating business and we do no business with any County properties."

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 1-11 *TRIPS AUTHORIZED*

RESOLVED: That the Chair and the Clerk of the County Legislature, the County Attorney, and County Legislators be, and they hereby are, authorized to make such trips as their duties may require and that their actual and necessary expenses for travel, meals and lodging incurred on such trips be a County charge.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 2-11 DESIGNATION OF OFFICIAL DEPOSITORIES

RESOLVED: That, pursuant to the powers vested in this Legislature by Section 212 of the County Law, as amended, the following Banks within New York State be, and they hereby are designated as depositories for the deposit of all monies received by the County Treasurer, to an amount not to exceed the sum set opposite the name of each Bank as follows:

JP Morgan Chase Bank	\$25,000,000
Chemung Canal Trust Company	\$25,000,000
Citizens Bank, N.A.	\$25,000,000
Community Bank, N.A.	\$25,000,000
HSBC Bank USA, N.A.	\$25,000,000
M&T Bank	\$25,000,000
Tioga State Bank	\$25,000,000
National Bank and Trust Company, N.A.	\$25,000,000

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 3-11 *DESIGNATE OFFICIAL NEWSPAPERS*

RESOLVED: That the Tioga County Courier and the Morning Times are hereby designated official newspapers for the publication of all local laws, notices and other matters required by law to be published pursuant to County Law §214, Subd. 2; and be it further

RESOLVED: That the Press and Sun Bulletin, a daily newspaper, is hereby designated as the official newspaper for purposes of publishing all local laws, notices and other matters required by law to be published at such times that there is insufficient time to publish in the above two newspapers.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 4-11 *DESIGNATION OF NEWSPAPER FOR
REPUBLICAN PARTY*

RESOLVED: That the Morning Times is hereby designated as the newspaper published in the County of Tioga for the Republican Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd. 1.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 5-11 *DESIGNATION OF NEWSPAPER FOR
DEMOCRATIC PARTY*

RESOLVED: That the Tioga County Courier is hereby designated as the newspaper published in the County of Tioga for the Democratic Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 6-11 SET SALARY OF CHAIR

RESOLVED: That the salary of the Chair of the Tioga County Legislature be set at \$30,400 per year, which includes the salary received as County Legislator of \$9,400 and an additional \$21,000 to serve as Chair.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 7-11 FIX DATES AND TIMES OF
TIOGA COUNTY LEGISLATIVE
MEETINGS

RESOLVED: That the Tioga County Legislature during 2011 shall meet regularly in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York at 1:30 P.M. on the Tuesday following Committees which are held during the first full work week of the month; and be it further

RESOLVED: That the, March, June, September and December 2011 Legislative meetings shall be held at 6:00 P.M.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO. 8-11 APPOINTMENT OF
ADMINISTRATIVE CORONER

WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2011; and

WHEREAS: Such Administrative Coroner will perform the supervisory duties of managing their budget, paying the bills, and various office functions of the Coroner's office; and

WHEREAS: The Administrative Coroner will have no supervisory authority over the other Coroners; therefore be it

RESOLVED: That W. Stewart Bennett, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2011 and be given a stipend of \$3,000.00 as set forth in the County budget.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 9-11 *APPOINT DIRECTORS
SOIL & WATER CONSERVATION
DISTRICT*

RESOLVED: That Legislators Dale Weston and Tracy Monell are hereby appointed Directors of the Tioga County Soil and Water Conservation District for a one year term of January 1, 2011 through December 31, 2011; and be it further

RESOLVED: That John King is hereby appointed the Pomona Grange Representative to the Tioga County Soil and Water Conservation District for a three year term of January 1, 2011 through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 10-11 ANNUAL REVIEW OF PROCUREMENT POLICY

WHEREAS: General Municipal Law §104-b requires an annual review of Tioga County's procurement policy and procedures; now therefore be it

RESOLVED: That the Tioga County Legislature affirms its annual review of its Procurement Policy.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 9:22 A.M.

First Regular Meeting
January 11, 2011

The First Regular Meeting of 2011 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Quinlan being absent.

Chair Weston asked for a moment of prayer. "I would like to have a moment of silence for all the suffering souls involved in the recent shootings in Arizona."

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

There were 43 people in attendance.

Drew Griffin from the Employee Recognition Committee presented the Employee of the year 2010 to Kathy Garrison.

"Good Afternoon. It is my honor to be here today and present the 2010 Tioga County Employee of the year award. It is important that we recognize the Legislature for their continued support of the Employee Recognition Program, the members of the Employee Recognition Committee, past, present, and future who face the difficult challenge of selecting an award recipient each quarter, and to all the employees of Tioga County whose dedication to the people of this County make it a difficult decision for us and they also make me proud to call them my colleagues.

"Innovative, passionate, exceptional, creative, and compassionate, all of these are adjectives used to describe Kathy Garrison by her staff, her peers, and her supervisors. It is these qualities that have earned Kathy the honor and distinction of being chosen for this award. It is my great pleasure today to present Kathy Garrison with Tioga County's Employee of the year award for 2010."

Valerie Nitti, Director of Employment and Transition Support for the Department of Social Services, spoke. "First I would like to take the opportunity to thank the Legislature and the Employee Recognition Committee for honoring Kathy and for continuing to support the efforts of the Recognition Program for Tioga County employees. I congratulate Kathy on the honor of being the Tioga County Employee of the year for

2010. I was thinking that Drew was going to do her BIO again, which would tell you all of the positions that she has held in our Agency throughout the years. You did not hear that, but she has served many positions and she supervises many programs, the most of which is our Public Assistance Employment Program that is located in the Workforce Office at the Employment Center.

"We are the only County in New York State that has integrated both cash assistance and employment programming, which has been very effective and an efficient way of doing business that we do. Kathy effectively tracks the progress of the various projects and programs that are within that Unit. Kathy is passionate about her work as Drew said about the work that she does and the customers that she and her staff serve. Customer service and positive outcomes for family are Kathy's driving force.

"Kathy has several attributes that have contributed to her success and I want to mention a few. First, Kathy's communication style is pure unequivocal honesty. Kathy has a knack for being able to communicate with our most difficult to serve customers, yet what she says is heartfelt, passionate, and generally pure advocacy. She understands the big picture and that is the balance of customer service, department policy, and the commitment to the taxpayers of Tioga County. Second, Kathy continually demonstrates the ability to perform a difficult job that has daily crisis. Kathy and her staff essentially house the homeless, feed the hungry, and deal with the unemployed and underemployed populations of our County on a daily basis. Third, Kathy's flexibility to meet every changing priorities is commendable and I continue to be very proud of Kathy's accomplishments as I know how hard she has worked to be the Supervisor that she has become.

"On a personal note, Kathy and I are always looking out for a good quote of the day, so I was looking on the Internet today, of course not in violation of policy 43, and found a couple that I thought would really fit this situation. The first is about our jobs down at DSS. It is like wrestling a gorilla, you do not quit when you are tired, you quit when the gorilla is tired, and the gorillas are never tired. The second, which is more fitting and more professional is this, "success is not the key to happiness, happiness is the key to success and if you love what you do you will always be successful". Kathy it is very obvious that you love what you do. Thank you."

Legislator Huttleston spoke. "I remember when she was employee of the last quarter it was a very cold day and she said she always thought it would be a cold day in hell when she got this award, and guess what it is a cold day in hell, which is good news. The bad news is spring is coming so this will probably be the end of it. I really do appreciate everything you do and you are certainly deserving of it. You make my life easier, you make the Legislator's life easier, you make Shawn's life easier and everybody in your department. I appreciate everybody in that department as well as you and thank you for the tribute to this nice lady."

Kathy Garrison spoke. "I just want to thank everyone again. I love what I do. I hope it shows. I work very hard along side my staff on a daily basis. I could not do it without them. If I was missing one of them we would fall apart I feel. I feel very strongly about that. My Administration, of course, for continuing to have their open door policy, which is so very important, my peers, my other Principle Welfare Examiners, thank you, thank you for being there for me. Just thank you. If I missed anybody I am sorry."

The following two recognition resolutions were offered:

Legislator Sauerbrey read and presented the following Recognition Resolution to Jeffrey Anderson.

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO:

PUBLIC SAFETY

RESOLUTION NO. 11-11

*RESOLUTION RECOGNIZING
JEFFREY L. ANDERSON'S
36 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Jeffrey L. Anderson was appointed as Deputy Sheriff-Jailer on 1/29/75; appointed as Deputy Sheriff on 8/9/76; appointed as Sergeant on 10/12/89; appointed as Lieutenant On 4/27/08; and

WHEREAS: Jeffrey L. Anderson has been dedicated and loyal in the performance of his duties and responsibilities during the past 36 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Jeffrey L. Anderson will retire from the Tioga County Sheriff's Office on January 31, 2011; 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 Jeffrey L. Anderson for his 36 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Jeffrey L. Anderson.

ROLL CALL VOTE

Unanimously Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey spoke. "This gentleman here always has the most wonderful smile on his face. I want you to know I appreciate that."

Sheriff Gary Howard spoke. "I have worked with Jeff, I have worked for Jeff, and I was lucky enough to have Jeff work for me when I took over the Office of Sheriff. We have spent many a nights together working in patrol and throughout the years. He will be missed. A few that do not know, Sergeant Randy Kipling will be taking his place as there is always somebody to take your chair 15 minutes after you leave. I will miss Jeff. Over the years I have seen him handle some pretty difficult situations and he has a very calm demeanor over him, and yes he does have a smile, not all the time, most of the time I guess.

“What I will miss about Jeff is the friendship that we had, the long long days on Cayuga Lake and Owasco Lake fishing, and the weekend trips walleye fishing. We became good friends over the years. I have watched his family grow. He has a new addition, he has a granddaughter who is about 20 months old that I am sure he is going to be spoiling even more so now. I wish him and his wife Barb the very best in the future.”

Jeff Anderson spoke. “I just want to thank the members of the Sheriff's Office for the support over the years. I am looking forward to retirement, the part I am going to miss is all the friends at the Sheriff's Office. I have had a long career and if I had to do it over again there is nothing I would change about it. I would still work for the Sheriff's Office. It is a great group of guys to work with. Thank you.”

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO:

HEALTH & HUMAN SERVICES

RESOLUTION NO. 12-11

*RECOGNITION OF KARLA HARDING'S
YEARS OF SERVICE
SOCIAL SERVICES*

WHEREAS: Karla Harding began her career as a Clerk-Typist in the Foster Care Unit on September 10, 1979, was promoted to Community Services Worker in the Employment Unit on August 8, 1988, was promoted to DSS Employment Counselor on July 16, 1990 and finally, promoted to Office Manager on November 9, 1992, the title she currently holds; and

WHEREAS: Ms. Harding has seen many changes within the Social Services Department in her 31-1/2 years with them and has grown with these changes; and

WHEREAS: Ms. Harding will retire on February 11, 2011; 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 and recognize Karla Harding for her 31-1/2 years of service to Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Karla Harding.

ROLL CALL VOTE

Unanimously Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED UNANIMOUSLY.

Ms. Harding was unavailable for the meeting.

Joe Albrecht had privilege of the floor. He spoke about his concerns revolving around the effect of the affordable Healthcare Patient Protection Act.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		998.90
A1165	District Attorney		7,246.18
A1170	Public Defender		5,968.37
A1172	Assigned Counsel		44,329.19
A1185	Medical Examiners/Coroners		10,492.09
A1325	Treasurer		11,169.15
A1355	Assessments		4,550.84
A1362	Tax Advertising/Expense		4,329.06
A1410	County Clerk		1,866.68
A1411	Department of Motor Vehicles		490.46
A1420	Law		1,067.85
A1430	Personnel		1,748.61
A1450	Elections		34,937.18
A1460	Records Management		3,236.46
A1460.41	Records Management		794.63
A1490	Public Works Administration		52.65
A1620	Buildings	310.45	90,690.58
A1680	Information Technology		19,010.73
A2490	Community College Tuition		74,065.10

A2960	Education of Handicapped Children		305,520.10
A3020	Public Safety Comm E911 System		6,830.86
A3110	Sheriff	2,155.08	14,823.93
A3140	Probation		331.11
A3142	Alternatives to Incarceration		1,643.95
A3146	Sex Offender Program		17,533.30
A3150	Jail		31,051.36
A3315	Special Traffic Programs	5,000.00	4,819.87
A3410	Fire	656.41	14,047.20
A3552	EMO Grant-SHSP C837970	2,105.00	
A3640	Emergency Mgmt Office		872.84
A3641	Emergency Mgmt Grant Program		181.00
A4010	Public Health Nursing		53,416.64
A4011	Public Health Administration	8,109.49	21,412.28
A4012	Public Health Education		65.79
A4042	Rabies Control		1,725.30
A4044	Early Intervention	97.90	61,831.59
A4053	Preventive/Primary Health Svcs		351.66
A4054	Preventive Dental Services		732.25
A4062	Lead Poisoning Program		28.50
A4064	Managed Care-Dental Services		18,606.08
A4070	Disease Control		3,454.61
A4090	Environmental Health		12,387.83
A4210	Alcohol and Drug Services		9,866.38
A4211	Council on Alcoholism		20,999.47
A4309	Mental Hygiene Co Admin		12,159.85
A4310	Mental Health Clinic		38,783.40
A4315	Mental Retardation		5,114.36
A4320	Crisis Intervention Services		5,542.76
A4321	Intensive Case Management		2,717.61
A6010	Social Services Administration		50,830.55
A6422	Economic Development		1,385.78
A6510	Veterans' Service		322.85
A6610	Sealer Weights & Measures		232.25
A7310	Youth Programs		69.82
A7310.41	Youth Programs, Refundable		5,869.00
A8020	Planning		420.43
A9060	Health Insurance		1,537.34
SOLID WASTE FUND			96,240.97
COUNTY ROAD FUND			89,560.38
SPECIAL GRANT FUND			18,907.42
CONSOLIDATED HEALTH FUND			69,446.77

CAPITAL FUND	302,145.03
WORKERS' COMP	<u>11,561.00</u>
GRAND TOTAL	\$ 1,650,860.51

Legislator Sauerbrey made a motion to approve the minutes of December 14, 2010, seconded by Legislator McEwen, and carried.

Chair Weston made the following appointment to the Cornell Cooperative Extension Board:

Legislator Michael Roberts -1 year term -1/1/11-12/31/11

Chair Weston announced the following 2011 Standing Committees

**STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2011**

	Chairman			
1. County Clerk, Historian, Real Property Veterans/Elections,	Monell	Huttleston	Quinlan	Sauerbrey
2. Economic Development/ Planning/Tourism/ Job Training & Agriculture	Quinlan	Roberts	Sullivan	McEwen
3. Finance/Legal & Safety	McEwen	All Legislators		
4. Information Technology	Sullivan	Monell	Hollenbeck	McEwen
5. Legislative Worksessions/ Legislative support	Weston	All Legislators		
6. Health & Human Services	Huttleston	Hollenbeck	Quinlan	Monell
7. Public Safety/ Probation & DWI	Sauerbrey	Huttleston	Roberts	McEwen
8. Public Works/ Capital Projects	Roberts	Sauerbrey	Sullivan	Huttleston
9. Personnel/ADA	Hollenbeck	Sullivan	Monell	Sauerbrey

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 13–11 *AUTHORIZATION FOR TIOGA COUNTY
APPROVAL OF THE ISSUANCE OF REVENUE
BONDS BY THE CENTRAL BRADFORD
PROGRESS AUTHORITY AND DECLARING
THAT IT IS DESIRABLE FOR THE HEALTH,
SAFETY AND WELFARE OF THE PEOPLE OF
TIOGA COUNTY FOR THE CENTRAL
BRADFORD PROGRESS AUTHORITY TO
FINANCE AND REFINANCE CERTAIN
FACILITIES SERVING THE PEOPLE OF TIOGA
COUNTY*

WHEREAS: The Central Bradford Progress Authority (the “Authority”) has requested the assistance of Tioga County in providing “host approval” under section 147(f) of the Internal Revenue Code, as amended (the “Code”) in connection with the issuance by the Authority of its revenue bonds in a principal amount not to exceed \$300,000,000 (the “Bonds”) for the purpose of making a loan to Guthrie Health, a Pennsylvania nonprofit corporation (the “Borrower”), to finance and refinance the costs of acquisition, construction, renovation, equipping, furnishing and installation of land, buildings, equipment, furnishings, fixtures and software for the provision of clinical, hospital, inpatient, outpatient, diagnostic, treatment, ancillary, support and/or other health care related services provided by members of the health care system headed by the Borrower at various locations, including locations in Tioga County ; and

WHEREAS: Section 147(f) of the Code requires the approval of the governing body or chief elected representative of each state or local government jurisdiction in which bond-financed facilities are located, following a public hearing by an authorized representative of the state or local government jurisdiction; and

WHEREAS: In accordance with the above-mentioned requirement, a public hearing was held by or on behalf of Tioga County respecting the proposed issuance of the Bonds to finance and refinance facilities that are located within Tioga County, after notice of the hearing (the “Hearing Notice”) was published not less than 14 days prior to the hearing date in a

newspaper of general circulation in Tioga County. A copy of the Hearing Notice and proof of publication thereof is attached to and made a part of these resolutions as Exhibit A hereto; therefore be it

RESOLVED: By the Legislature of the County of Tioga as follows:

1. The issuance of the Bonds to finance and refinance costs of facilities described in the Hearing Notice that are located in Tioga County is hereby approved in accordance with section 147(f) of the Code. This approval does not impose any liability on Tioga County or in any way involve Tioga County in the issuance of the Bonds, nor shall the credit or taxing power of Tioga County be pledged in any way for the issuance of the Bonds or the financing and refinancing of any projects with respect thereto.
2. It is hereby declared desirable for the health, safety and welfare of the people in Tioga County to have the Authority issue the Bonds for the purpose of, among other things, financing and refinancing costs of facilities located in Tioga County.
3. The proper officers, authorized representatives or designees of Tioga County are hereby authorized, directed and empowered to execute and deliver a copy of these resolutions and such other documents or certifications as may be required of Tioga County for the host approval. Without limiting the generality of the foregoing authorization, Tioga County is authorized and empowered to execute and deliver a Certificate of Approval in the form attached hereto as Exhibit B.
4. These resolutions shall be effective immediately upon adoption. All prior resolutions inconsistent herewith are hereby rescinded to the extent of such inconsistency.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be conducted by the Central Bradford Progress Authority by and on behalf of, and as a joint undertaking of, the Pennsylvania municipalities of the Borough of Towanda, the Township of North Towanda, the Township of Towanda and the Township of Wysox, the Pennsylvania Counties of Bradford, Sullivan, and Wyoming, the New York Counties of Broome, Chemung, Schuylar, Steuben, Tioga, and the New York municipality of the Town of Dryden, on December 22, 2010, at 2 P.M. local time at 1 Elizabeth Street, Suite 3, Towanda, Pennsylvania 18848.

The hearing will be held in connection with the proposed issuance by the Central Bradford Progress Authority (the "Authority") of its revenue bonds (the "Bonds"), in one or more series, in an aggregate principal amount not to exceed \$300,000,000. The Bonds will be issued pursuant to a plan of financing for the benefit of Guthrie Health, a Pennsylvania nonprofit corporation ("Guthrie Health") and certain organizations which are members of an integrated health care delivery system headed by Guthrie Health (collectively, with Guthrie Health, the "System Members"). The proceeds of the Bonds will be used to make a loan to Guthrie Health, the net proceeds of which will be used to undertake a project consisting of (1) the financing, including reimbursement, of the costs of acquisition, construction, renovation, equipping, furnishing and installation of land, buildings, equipment, furnishings, fixtures, and software for the provision of clinical, hospital, inpatient, outpatient, diagnostic, treatment, ancillary, support and/or other health care related services provided by System Members at various locations listed on Schedule I attached hereto; (2) the refunding of a portion or all of the outstanding Revenue Bonds (Guthrie Health Issue), Series A of 2002, and Revenue Bonds (Guthrie Health Issue), Series of 2007, previously issued by the Health Care Facilities Authority of Sayre for the benefit of System Members, thereby refinancing certain costs of acquisition, construction, renovation, equipping, furnishing and installation of land, buildings, equipment, furnishings, fixtures and software at facilities used for delivery of health care and ancillary services by the System Members at various locations listed on Schedule I attached hereto; (3) the funding of any required debt service reserve fund for the Bonds; and (4) the payment of the costs of issuing the Bonds.

Members of the public are invited to attend the public hearing and/or to submit written comments on the issuance of the Bonds and the financing and refinancing of the above-described projects on or before the hearing date. Written comments should be submitted to the Central Bradford Progress Authority, c/o Anthony J. Ventello, Executive Director, 1 Elizabeth Street, Suite 3, Towanda, PA 18848.

CENTRAL BRADFORD PROGRESS
AUTHORITY

EXHIBIT B

Certificate of Approval

The undersigned, being the highest elected official of Tioga County named below, on behalf of Tioga County, does hereby approve the issuance by the Central Bradford Progress Authority (the "Authority") of its revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$300,000,000, to finance and refinance costs of health care and related facilities for the benefit of Guthrie Health and its affiliates as further described in the notice of the public hearing attached as Exhibit A hereto.

A public hearing concerning the issuance of the Bonds following reasonable public notice was held at 1 Elizabeth Street, Suite 3, Towanda, PA on December 22, 2010, at 2:00 p.m.

In Witness Whereof, the undersigned has executed this Certificate this ____ day of _____, 2011.

Tioga County, New York

By: _____
Title: Chair of the Tioga County Legislature

Schedule I

<u>INITIAL OWNER</u>	<u>TOWN</u>	<u>COUNTY</u>	<u>STATE</u>	<u>LOCATION OF FACILITIES</u>
Guthrie Clinic Ltd.	Athens	Bradford	PA	412 South Main Street, Athens, PA 18810
	Apalachin	Tioga	NY	3 Tioga Boulevard, Apalachin, NY 13732
	Bath	Steuben	NY	7569 Route 54 Bath, NY 14810
	Bath	Steuben	NY	TBD (New O/P Clinic location)
	Big Flats	Chemung	NY	31 Arnot Road, Horseheads, NY 14845
	Canton	Bradford	PA	61 Sullivan Street, Canton, PA 17724
	Corning	Steuben	NY	130 Centerway Corning, NY 14830
	Corning	Steuben	NY	144 East First Street, Corning, NY 14830
	Corning-Steuben	Steuben	NY	123 Conhocton Street, Corning, NY 14830
	Dushore	Sullivan	PA	110 Main Street, Dushore, PA 18614
	Ithaca	Tompkins	NY	1780 Hanshaw Road, Ithaca, NY 14850
	Elmira	Chemung	NY	200 Madison Avenue, Health Services Building, Elmira, NY 14901
	Erwin	Steuben	NY	9768 Liberty Drive, Painted Post, NY 14870
	Mansfield	Tioga	PA	63 South Main Street, Mansfield, PA 16933
	Owego	Tioga	NY	128 North Avenue, Owego, NY 13827
	Owego	Tioga	NY	Rt-38 Owego, NY 13827 (new O/P Clinic location)
	Pine City	Chemung	NY	1243 Pennsylvania Ave, Pine City, NY 14871
	Sayre	Bradford	PA	Guthrie Square (bounded by Wilbur Avenue, Hayden Street, Brock Street and Hospital Place), Sayre, PA 18840
	Sayre	Bradford	PA	North Elmer Avenue, Sayre, PA 18840
	Sayre	Bradford	PA	317 Lockhart Street, Sayre, PA 18840
Towanda	Bradford	PA	7 Colonial Drive, Towanda, PA 18848	
Towanda	Bradford	PA	204 York Avenue, Towanda, PA 18848	
Troy	Bradford	PA	68 Fenner Avenue, Troy, PA 16947	

	Troy	Bradford	PA	101 Elmira Street (at Troy Community Hospital), Troy, PA 16947
	Tunkhannock	Wyoming	PA	Rt 6 Town Plaza Suite 2, Tunkhannock, PA 18657
	Vestal	Broome	NY	2517 Vestal Parkway, East Vestal, NY 13850
	Watkins Glen	Schuylers	NY	One First Street Watkins Glen, NY 14891
	Waverly	Tioga	NY	150 Broad Street, Waverly, NY 14892
	Waverly	Tioga	NY	29 North Chemung Street, Waverly, NY 14892
	Wellsboro	Tioga	PA	9 Water Street, Wellsboro, PA 16901
	Wellsboro	Tioga	PA	146 East Avenue/US Route 6, Wellsboro, PA 16901 (new O/P clinic location)
	Wyalusing	Bradford	PA	Route 6 West, Farm and Home Plaza, Wyalusing, PA 18853
Guthrie Healthcare System	Sayre	Bradford	PA	Guthrie Square (bounded by Wilbur Avenue, Hayden Street, Brock Street and Hospital Place), Sayre, PA 18840
Robert Packer Hospital	Athens	Bradford	PA	Round Top Tower (on Road Top Per Road, approximately 1/2 mile north of the intersection of Round Top Road and Round Top Park Road), Athens Township, PA 18840
	Sayre	Bradford	PA	Guthrie Square (bounded by Wilbur Avenue, Hayden Street, Brock Street and Hospital Place), Sayre, PA 18840
	Sayre	Bradford	PA	North Thomas Avenue, Sayre, PA 18840 (building and land containing hangar and laundry facilities)
	Sayre	Bradford	PA	North Thomas Avenue, Sayre, PA 18840 (parking lot located 1/4 mile east of hangar and laundry building)
Troy Community Hospital	Sayre	Bradford	PA	TBD (new O/P location)
	Troy	Bradford	PA	101 Elmira street, Troy, PA 16947
	Troy	Bradford	PA	TBD (new hospital location)
Corning Hospital	Corning	Steuben	NY	176 Denison Parkway , East Corning, NY 14830
	Corning	Steuben	NY	Is New Hospital needed in Tefra in case assets that are financed are moved after the 3 years

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO.14-11 APPOINT MEMBERS
 REGION 7 FOREST
 PRACTICE BOARD

RESOLVED: That the following members be appointed for the following terms to the Region 7 Forest Practice Board:

<u>Name</u>	<u>Term</u>
Leonard Hamley-Landowner member	1/3/11-12/31/13
Charles Truman-Landowner member	1/3/11-12/31/13
Chris Joyce-Business member	1/3/11-12/31/13

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 15-11 MODIFY LEGISLATOR APPOINTMENT
 TO THE STERPDB REGIONAL BOARD

WHEREAS: Tioga County Legislature Resolution 395-01 appointed the Chair of the Economic Development and Planning Committee to serve as the Designated County Legislator representative on the STERPDB Regional Board; and

WHEREAS: In some instances it may not be feasible for the Chair of Economic Development and Planning to fulfill this role; and

WHEREAS: In order to maintain full representation on said Board from Tioga County the position appointment should be more flexible to allow for any other County Legislator to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature modifies the County Legislator appointment representative to the STERPDB Regional Board as follows:

Designated County Legislator

Chair of EDP Committee or Designee

Term of Office

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 16-11

*APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: Several members terms on the Tioga County Planning Board expired as of 12/31/10; and

WHEREAS: The Town of Berkshire has nominated Tim Pollard to replace Jim Lacey; and

RESOLVED: That the Tioga County Legislature appoint Tim Pollard to the Tioga County Planning Board, to serve a 3-year term of 1/1/11 – 12/31/13.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 17-11 *RESOLUTION APPOINTING
TRACEY BRIGGS TO THE
COMMUNITY SERVICES BOARD*

WHEREAS: The Tioga County Community Services Board has a vacant position available; and

WHEREAS: Tracey Briggs, residing in Apalachin, NY, has expressed an interest in filling the vacant position; and

WHEREAS: The Community Services Board nominated Ms. Briggs for the position at its December 16, 2010 meeting; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Tracey Briggs to the Tioga County Community Services Board for a vacant position ending on March 31, 2015.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 18-11 APPOINT - FIRE ADVISORY BOARD

RESOLVED: That upon recommendation of the Tioga County Fire Chiefs, the following members be and are hereby appointed to the Tioga County Fire Advisory Board for the year 2011:

OFFICERS:	CHAIRMAN	STEVE FEDOROWICZ
	VICE CHAIRMAN	DON HOWARD
	SECRETARY	MICHAEL RODEN

Membership:

<u>DEPARTMENT</u>	<u>DELIGATE</u>	<u>ALTERNATE</u>
APALACHIN	MIKE RODEN	DON AMES
BERKSHIRE	BRET WELCH	DEAN DELDEN
CAMPVILLE	ROB ZIEMBA	JOHN HICKEY
CANDOR	JON ROMAN Jr.	TOM KING
HALSEY VALLEY	RON FRISBIE	DAVE BUMP
LOCKWOOD	DAVE CURTIS	BOB LONG
NEWARK VALLEY	ERNIE TUETKIN	JOHN HANEY
NICHOLS	TRUMAN KITTLE	LAURA KITTLE
OWEGO	ED BIDWELL	SCOTT GURNEY
RICHFORD	JOHN KEENER	ZACH ARMSTRONG
SOUTHSIDE	FRANK OKRASINSKI	JOE STOCKS
SPENCER	CHRIS GARLAND	DEREK GRIER
TIOGA CENTER	MILTON KEMP	ART MAYER
WAVERLY	DON HOWARD	JEFF WHEELER
WELTONVILLE	RON HOLBROOK	DOREEN HOLBROOK
BUREAU of FIRE	JOHN V. SCOTT	
	JOHN OLSEN	
	LARRY SINGLETON	
	CONNIE FEDOROWICZ	
	KEVIN FORD	
	STEVE FEDOROWICZ	
EMO	RICHARD LECOUNT	

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 20-11 *FUND SHERIFF'S GRANT –
BUCKLE UP NEW YORK GRANT*

WHEREAS: The Sheriff's Office has been awarded a BUNY (Buckle Up New York) Grant SO-00174-(054) from the Governor's Traffic Safety Committee in the amount of \$4,368; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the BUNY Grant be appropriated as follows:

From: A3395. State Aid-Sheriff BUNY Grant	
Tioga Co SO-00174-(054)	\$4,368

To: A3115.10.30 BUNY Grant-Personnel Services (O/T)	\$4,368
-----------------------------------------------------	---------

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 21-11 *FUND SHERIFF'S GRANT –STEP GRANT*

WHEREAS: The Sheriff's Office has been awarded a STEP (Selective Traffic Enforcement) Grant Tioga Co SO-00203-(054) from the Governor's Traffic Safety Committee in the amount of \$24,960; and

WHEREAS: This funding now needs to be appropriated, therefore be it

RESOLVED: That the STEP Grant be appropriated as follows:

From: A3390. State Aid-Sheriff STEP Grant
Tioga Co SO-00203-(054) \$24,960

To: A3111.10.30 STEP Grant-Personnel Services (O/T) \$24,960

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 22-11 *FUND SHERIFF'S GRANT –NYS
CHILD PASSENGER SAFETY
GRANT*

WHEREAS: The Sheriff's Office has been awarded a Child Passenger Safety Program Grant – Tioga Co SO-00176-(054) from the NYS Governor's Traffic Safety Committee in the amount of \$4,050; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Child Passenger Safety Grant be appropriated as follows:

From: State Aid-Sheriff NYS CPSG Tioga Co SO-00176-(054)	A3396.00	\$4,050
To: Sheriff Grant Tioga Co SO-00176-(054) Equipment (Equipment Not Car)	A3116.20.130	\$3,350
To: Sheriff Grant Tioga Co SO-00176-(054) State Required Training	A3116.40.731	\$ 700

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 23-11 *ENCUMBER FUNDS FROM
SHERIFF'S GRANT –NYS WMD
GRANT LE08-1020-EOO*

WHEREAS: The Sheriff's Office was awarded a NYS Homeland Security Grant (Project # LE08-1020-EOO) in the amount of \$26,000; and

WHEREAS: This funding was appropriated in 2009 and unspent funds remain which need to be re-appropriated in 2011; therefore be it

RESOLVED: That the remaining funds in NYS Homeland Security Grant (Project # LE08-1020-EOO) be re-appropriated in 2011 as follows:

From: State Aid-Sheriff LE08-1020-EOO	A3397.00	\$24,864
To: Sheriff LE08-1020-EOO Grant-Personnel	A3117.10.30	\$ 5,364
Sheriff LE08-1020-EOO Grant-Equip	A3117.20.130	\$19,500

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 24-11 *ENCUMBER FUNDS FROM
SHERIFF'S GRANT –NYS WMD
GRANT LE09-1035-EOO*

WHEREAS: The Sheriff's Office was awarded a NYS Homeland Security Grant (Project # LE09-1035-E00) in the amount of \$38,000; and

WHEREAS: This funding was appropriated in 2010 and unspent funds remain which need to be re-appropriated in 2011; therefore be it

RESOLVED: That the remaining funds in NYS Homeland Security Grant (Project # LE09-1035-E00) be re-appropriated in 2011 as follows:

From: State Aid-Sheriff LE09-1035-E00	A3397.00	\$ 29,722.14
To: Sheriff LE09-1035-E00 Grant-Personnel	A3119.10.30	\$ 6,000.00
Sheriff LE09-1035-E00 Grant-Equipment	A3119.20.130	\$ 23,722.14

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 25-11 *ENCUMBER FUNDS FROM
FIRE GRANT –NYS WMD
GRANT SH08-1032-EOO*

WHEREAS: The Bureau of Fire was awarded a NYS WMD Grant in 2008 (SH08-1032-EOO) in the amount of \$78,000; and

WHEREAS: This funding was re-appropriated in 2010 and unspent funds remain which need to be re-appropriated in 2011; therefore be it

RESOLVED: That the remaining funds in NYS WMD Grant (SH08-1032-EOO) be re-appropriated in 2011 as follows:

From: State Aid-Fire SH08-1032-EOO	A3306.00.00	\$78,000
To: Fire SH08-1032-EOO Grant-EQUIPMENT	A3990.20.230	\$78,000

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 26-11 APPROVAL TO APPLY FOR GRANT
FUNDING THROUGH NYS DIVISION
OF CRIMINAL JUSTICE SERVICES

WHEREAS: The funding stream for the Alternatives To Incarceration Program has been changed from state aid funding to grant based funding; and

WHEREAS: The Tioga County Legislature supports the Alternatives to Incarceration programming resulting in the release from incarceration of eligible defendants and the benefit to the housing classification structure for the Tioga County Jail; now therefore be it

RESOLVED: That the Tioga County Legislature approves that the Tioga County Probation Department may apply for a grant through NYS Division of Criminal Justice Services to continue funding for the County's Alternatives To Incarceration Programs of Pre-Trial Release, Community Service, and Specialized Drug/Alcohol Programs (TATI).

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 27-11 *MODIFY FEE SCHEDULE*
PUBLIC HEALTH

WHEREAS: The current rate schedule for Tioga County Department of Public Health services is below the level to insure maximum reimbursement; and

WHEREAS: The Department of Public Health would be able to increase revenues with the adjusted rate; and

WHEREAS: Our independent auditors have recommended that the Public Health services rate be adjusted; and

WHEREAS: Changes to rates are required to be approved by the Legislature; therefore be it

RESOLVED: That the fee schedule be modified as follows retroactive to January 1, 2011:

Skilled Nursing Care	\$190.00 per visit
Physical Therapy	\$125.00 per visit
Occupational Therapy	\$125.00 per visit
Home Health Aide	\$50.00 per hour

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 28-11 *CONTRACT AUTHORIZATION – COUNTY OF
MONROE AND MONROE COUNTY SHERIFF WITH
THE TIOGA COUNTY SHERIFF*

WHEREAS: The Rochester Psychiatric Center Forensic Unit provides services at the Rochester Psychiatric Center; and

WHEREAS: Said Forensic Unit has the capability of providing inpatient psychiatric services for Sheriff's Offices of surrounding counties that have inadequate facilities for treatment of mentally ill inmates; and

WHEREAS: The Monroe County Legislature, by Resolution Number 76 of 2010, adopted on April 13, 2010, authorized the execution of an Intermunicipal Agreement with applicable counties for the performance of the services specified; and,

WHEREAS: An Intermunicipal Agreement has been reviewed and approved in content by the Sheriff's Office and the County Attorney; therefore be it

RESOLVED: That the Tioga County Legislature authorize the execution of this Intermunicipal Agreement with Monroe County for such services.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 29-11 *APPOINT FREEDOM OF
INFORMATION OFFICER*

WHEREAS: The Tioga County Sheriff's Office handles a significant number of Freedom of Information requests; and

WHEREAS: Maureen Dougherty, Clerk of the Tioga County Legislature, is the Freedom of Information Officer for Tioga County with the County Attorney acting as Freedom of Information Officer in her absence; and

WHEREAS: Lieutenant Jeff Anderson who was the designated Freedom of Information Officer for the Sheriff's Office is retiring on January 28, 2011; therefore be it

RESOLVED: That Sergeant Randy Kipling of the Tioga County Sheriff's Office be and hereby is appointed Freedom of Information Officer for Tioga County to handle the Freedom of Information requests received by the Tioga County Sheriff's Office; and be it further

RESOLVED: That in the event the Freedom of Information Officer makes a personal request for information, said request shall be reviewed by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE COMMITTEE
 RESOLUTION NO. 30-11 ERRONEOUS ASSESSMENT
 TOWN OF TIOGA

WHEREAS: An application for corrected tax roll indicates that property no. 1563 assessed to John & MaryAnn Yaman in the 2011 tax roll of the Town of Tioga is erroneous in that the assessment was increased to \$20,000 from \$10,000 in error per the Town of Tioga assessor; be it therefore

RESOLVED: That a new tax bill be issued to John & MaryAnn Yaman by the Town of Tioga tax collector for property no. 1563 as follows:

	<u>Old Bill Amt</u>	<u>Corrected Bill</u>
County	\$ 2,191.12	1,095.56
Recycle	91.70	45.85
Townwide	943.12	471.56
Tioga Fire	<u>239.53</u>	<u>119.77</u>
	\$ 3,465.47	1,732.74

and be it further

RESOLVED: That the erroneous town tax of \$471.56 be charged back to the Town of Tioga and the erroneous fire tax of \$119.76 be charged back to the Tioga Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$45.85 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$1,095.56 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 31-11 STANDARD WORK DAY AND
REPORTING RESOLUTION
BOARD OF ELECTIONS, DISTRICT
ATTORNEY AND PERSONNEL OFFICES

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	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
Election Commissioner	Bernadette Toombs	2761	35935675	7	1/1/11-12/31/12	Y	N/A
Election Commissioner	John Langan	6385	5003614-4	7	1/1/11-12/31/12	Y	N/A
Deputy Election Commissioner	Sandra Saddlemire	5377	37592896	7	1/1/11-12/31/12	Y	N/A
Deputy Election Commissioner	Vera Richards	5013	50235761	7	1/1/11-12/31/12	Y	N/A
3 RD Assistant District Attorney	Cheryl Mancini	7475	38662920	7	9/15/10-12/31/11	N	8.18
Civil Service Administrator	Linn Jorgensen	4149	41289059	7	3/18/10-3/17/16	Y	N/A

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved to have the following late-filed resolutions considered, seconded by Legislator Hollenbeck and carried.

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

REFERRED TO:

PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 32-11

*REQUEST WAIVER OF 90-DAY HOLD
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Resolution 269-10 extended the 60-day hiring delay to 90 days through December 31, 2011; and

WHEREAS: Effective January 10, 2011, Carrie Norton resigned as Senior Caseworker in the Children and Adult Services Division; and

WHEREAS: Per Resolution 147-09, the Commissioner of Social Services is authorized to backfill that position by promoting a Caseworker within his department; and

WHEREAS: A salary increase of \$1,475 will be associated with this promotion; and

WHEREAS: The promotion will create a vacant entry-level Caseworker position; and

WHEREAS: Said vacancy will leave the Child Protective Services Units understaffed while experiencing a period of high volume caseloads; therefore be it

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver from the 90-day hiring delay and is authorized to fill the Caseworker position at an annual salary of \$36,407.00 (2011 CSEA salary grade XI), effective 01/12/11.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO 33-11 *AUTHORIZE SALE OF PROPERTY ASSESSED TO LOCO HOLDINGS LOCATED IN THE VILLAGE OF WAVERLY, TOWN OF BARTON TO EDWARD BOWMAN AND MERRANDA M. ROUGHT OR THEIR ASSIGNS*

WHEREAS: Property located in the Village of Waverly, Town of Barton, known as 231 Broad Street, assessed to Loco Holdings, identified as Tax Map number 166.19-2-73 and parcel number 70; and

WHEREAS: Tioga County has been approached by Edward Bowman & Merranda M. Rought, who have made an offer to purchase the property for \$500.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$500.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property assessed to Loco Holdings, located in the Village of Waverly, Town of Barton, identified on the Town of Barton Tax Map as number 166.19-2-73 parcel number 70 to Edward Bowman & Merranda M. Rought, or their assigns.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING
 COMMITTEE

RESOLUTION NO. 34-11 *UTILITY EASEMENT TO NEW YORK STATE ELECTRIC &
 GAS AND INERGY MIDSTREAM, LLC
 CONSTRUCTION AGREEMENT*

WHEREAS: Inergy Midstream, LLC (Inergy) proposes to construct and install an electric transmission line over land owned by Tioga County; and

WHEREAS: It is proposed that Tioga County grant a utility easement to New York State Electric & Gas (NYSE&G), over which said electric transmission line shall be constructed; and

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

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair to execute a utility easement and any other pertinent documents to grant to New York State Electric & Gas a permanent one-hundred (100) foot wide by approximately 3,982 linear foot-long utility easement across County lands; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair to execute a letter agreement with Inergy Midstream, LLC, whereby Inergy Midstream, LLC shall pay to Tioga County, as consideration for granting said easement, the sum of one hundred and thirty nine thousand, three hundred seventy dollars (\$139,370.00).

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 35-11 ERRONEOUS ASSESSMENT
TOWN OF OWEGO

WHEREAS: An application for corrected tax roll indicates that property no. 11779 assessed to Cherlynn Mantei in the 2011 tax roll of the Town of Owego is erroneous in that an aged exemption that was not applied reduced the 2010/2011 school tax taxable to zero and reduced the town and county taxable amounts; and

WHEREAS: The school taxes were not paid and were relieved to the 2011 town and county tax bill; be it therefore

RESOLVED: That a new tax bill be issued to Cherlynn Mantei by the Town of Owego tax collector for property no. 11779 as follows:

	<u>Old Bill Amt</u>	<u>Corrected Bill</u>
County	\$ 443.39	295.59
Recycle	18.54	12.36
Townwide	29.26	22.51
Part Town	74.01	56.93
Return School	250.26	-
Owego Fire	<u>118.05</u>	<u>118.05</u>
	\$ 933.51	\$ 505.44

and be it further

RESOLVED: That the erroneous town tax of \$23.83 be charged back to the Town of Owego; and be it further

RESOLVED: That the erroneous solid waste tax of \$6.18 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$233.89 be charged back to the Owego Apalachin School District; and be it further

RESOLVED: That the erroneous county tax and school penalty of \$164.17 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Monell.

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:59 P.M.

Second Regular Meeting
February 15, 2011

The Second Regular Meeting of 2011 was called to order by the Chair at 1:30 P.M. All Legislative members were present.

Chair Weston asked Legislator Hollenbeck to have a moment of prayer. "God Bless our brave men and women who keep this Republic free and keep us safe, and God help this Legislature lead this County in a prosperous way."

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

There were 6 people in attendance.

Legislator Quinlan spoke. "I would like to take this time for a moment of silence for Legislator Hollenbeck's mother who passed away recently.

"I had an unfortunate accident three and a half months ago, and I have not been here to cause any confusion or trouble, but I just wanted to take time out, I wish it was a bigger crowd, to tell you people how fortunate I am that I came through this. I had a very serious accident. I do not think people realized it, but I want to thank every one of the Legislators here and all the people who sent me cards, who said prayers for me, and did everything on my behalf, and I think that is one reason I got well so quick plus with the help of my wonderful wife. God bless every one of you and I am glad you are all here together because it is hard to thank everyone individually, but I want to thank you all for all the cards and for everything you did for me.

"I have another announcement to make. The Mayor of Waverly called me and asked me to invite everybody from the Legislature to an open house Saturday, February 19 at 10:00 a.m. for the recognition of the opening of the Ithaca Street School building offices. Supposedly the Lieutenant Governor is coming. It has been a long time coming and it is a beautiful facility. We took over the Ithaca Street School. We have the Village Police there, all the Public Works, Village Offices, and we have a big recreation room for the Senior Citizens. I would like to invite everyone because I know you people are good people. Thank you."

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		680.03
A1165	District Attorney		5,909.52
A1172	Assigned Counsel		18,471.73
A1325	Treasurer		1,700.00
A1345	Budget		50.00
A1355	Assessments		178.41
A1410	County Clerk		12,481.67
A1420	Law		1,769.10
A1430	Personnel		6,073.95
A1450	Elections		31,033.32
A1460	Records Management		79.84
A1490	Public Works Administration		772.89
A1620	Buildings		82,251.30
A1680	Information Technology		39,254.19
A2960	Education Handicapped Children		103,556.37
A3020	Public Safety Comm E911 System		17,856.71
A3110	Sheriff	306.81	30,047.22
A3140	Probation		812.83
A3142	Alternatives to Incarceration		759.00
A3150	Jail		65,339.71
A3315	Special Traffic Programs		8,802.19
A3410	Fire	526.15	1,633.80
A3552	EMO Grant-SHSP C837970		42,884.73
A3640	Emergency Mgmt Office		461.97
A3992	EMO C837990 Grant	33,009.84	
A4010	Public Health Nursing	122.39	54,038.47
A4011	Public Health Administration		12,639.59
A4012	Public Health Education		75.00
A4042	Rabies Control		4,956.02
A4044	Early Intervention	186.00	38,911.90
A4053	Preventive/Primary Health Svcs	134.00	44.79
A4054	Preventive Dental Services		764.26
A4064	Managed Care-Dental Services		15,516.69
A4070	Disease Control		2,340.40
A4090	Environmental Health		884.31
A4210	Alcohol and Drug Services		10,177.54
A4211	Council on Alcoholism		30,923.32
A4309	Mental Hygiene Co Admin	8.59	10,513.37
A4310	Mental Health Clinic		89,105.03

A4311	Rehabilitation Support Services	3,705.78
A4315	Mental Retardation	614.41
A4320	Crisis Intervention Services	7,035.84
A4321	Intensive Case Management	2,985.82
A4333	Psycho Social Club	38,739.38
A6010	Social Services Administration	191,921.42
A6141	Energy Crisis Assistance Programs	43,302.30
A6422	Economic Development	333.12
A6515	Veterans' Service	60.00
A6610	Sealer Weights/Measures	85.64
A7180	Snowmobile Grant Program	35,227.50
A7310.41	Youth Programs, refundable	7,812.05
A7989	Tourism	123,898.65
A8020	Planning	690.11
A8025.41	Regional Planning 7-County Board	11,137.00
A9060	Health Insurance	1,596.82
SOLID WASTE FUND		70,479.07
COUNTY ROAD FUND		156,686.24
SPECIAL GRANT FUND		9,279.88
CONSOLIDATED HEALTH FUND		1,307.32
CAPITAL FUND		20,740.50
LIABILITY INSURANCE FUND		40.00
WORKERS' COMP		<u>12,865.00</u>
GRAND TOTAL		\$ 1,518,588.80

Legislator Monell made a motion to approve the minutes of January 3 and 11, 2011, seconded by Legislator McEwen, and carried.

Chair Weston abolished the following committees effective February 15, 2011:

County Attorney Search Committee
 Non-Union Evaluation Committee
 Veterans' Director Interview Committee

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

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

REFERRED TO: COUNTY CLERK COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 36-11 *AUTHORIZE INCREASE IN ADMINISTERING
MORTGAGE TAX BY
THE TIOGA COUNTY CLERK AS APPROVED
BY NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE*

WHEREAS: Section 262 (Article 11) of the New York State Tax Law mandates that recording officers are entitled to receive for the county all necessary expenses for the purpose of administration of the mortgage tax in their office and approved allowance by the New York State Department of Taxation and Finance; and

WHEREAS: The Tioga County Clerk has requested proper compensation that is reasonable and necessary allowances to cover county expenditures for collection, disbursements of the mortgage tax; and

WHEREAS: The Tioga County Clerk office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$85,977.00 per year; and

WHEREAS: The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to increase the mortgage expense to be \$85,977.00 for the period of April 2011 – April 2012; be it therefore

RESOLVED: That the County Clerk be authorized to collect or withhold from its disbursements \$7,164.75 for the months of April 2011 through month of April 2012, for a total annum amount of \$85,977.00.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 37-11 *ENCUMBER FUNDS FROM
STATE AID-RECORDS MANAGEMENT
#0580-10-1406*

WHEREAS: Records Management was awarded a Local Government Records Management Improvement Fund Grant (Project # 0580-10-1406) in the amount of \$50,331; and

WHEREAS: This funding was appropriated in 2009 and unspent funds remain which need to be re-appropriated in 2011; therefore be it

RESOLVED: That the remaining funds in the Local Government Records Management Improvement Fund Grant (Project #0580-10-1406) be reappropriated in 2011 as follows:

From: State Aid-Records Management #0580-10-1406 A3060	\$1,322.49
To: Records Management-Contracting Services A1460.41.140	
	\$1,322.49

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: ED&P COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 38-11 *ENCUMBER FUNDS FROM NEW YORK STATE MAIN
 STREET PROGRAM GRANT FOR THE OWEGO
 HISTORIC DOWNTOWN PROGRAM*

WHEREAS: Tioga County Economic Development & Planning was awarded a New York State Main Street Program Grant through the New York State Housing Trust Fund Corporation's Office of Community Renewal in the amount of \$471,143.00; and

WHEREAS: The Tioga County Legislature authorized the acceptance of said grant through Resolution 182-10 on September 14, 2010 and unspent funds remain which need to be re-appropriated in 2011; therefore be it

RESOLVED: That the total grant fund in the amount of \$471,143.00 in said grant be re-appropriated in 2011 as follows:

From: CE3990/2010 New York Main Street Program	\$471,143.00
To: CE8510.40/2010 New York Main Street Program	\$471,143.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 39-11 *TRANSFER OF FUNDS*
WORKERS' COMPENSATION

WHEREAS: Resolution 271-10 authorized the Personnel Officer to purchase workers' compensation specific excess Insurance from Safety National for the period of January 1, 2011 through December 31, 2011; and

WHEREAS: The 2011 renewal rate for this policy was not finalized by Safety National until late December 2010; and

WHEREAS: The 2011 amount budgeted for this policy was \$99,215 but the actual cost came in at \$100,698.00; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1710.40 (270) insurance-liability	
	\$ 862.00
Workers' Compensation Account S1710.10 (10) personal services	
	\$ 621.00

To: Workers' Compensation Account S1722.40 (270) insurance-liability	
	\$1,483.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: ED&P COMMITTEE
JOB TRAINING COMMITTEE

RESOLUTION NO. 40-11 *AMEND TIOGA EMPLOYMENT
CENTER BUDGET*

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

WHEREAS: The Tioga Employment Center has been allocated additional funds: New York State Disability Program Navigator in the amount of \$4,802.00; Dislocated Worker Supplemental Funds in the amount of \$12,044.00; and Youth Incentive Funds in the amount of \$3,001.00; therefore be it

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

From: CD4791 – Federal Aid-Federal Employment Program	\$19,847.00
To: CD6293.10-10 – Federal Employment Program 1	\$ 4,802.00
CD6293.40-190- Federal Employment Program 1	\$12,044.00
CD6293.40-733- Federal Employment Program 1	\$ 3,001.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 41-11 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: Tioga County Health Department (TCHD) has received American Recovery and Reinvestment Act Early Intervention funding through the NYS Department of Health; and

WHEREAS: TCHD has received approval of the workplan and budget, and is required to appropriate the funds into the proper account codes that match the approved budget; and

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

RESOLVED: That funding be appropriated as follows:

From: A4401.00 Federal Funds	\$23,079
To: A4044.20-130 Early Intervention: Equip	\$ 4,600
To: A4044.40-640 Early Intervention: Supplies	\$18,479

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 42-11 *APPROPRIATION OF FUNDS*

WHEREAS: Tioga County Health Department (TCHD) has received American Recovery and Reinvestment Act Immunization funding through the NYS Department of Health; and

WHEREAS: TCHD has received approval of the workplan and budget, and is required to appropriate the funds; and

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

RESOLVED: That funding be appropriated as follows:

From: A4401.00 Federal Funds	\$20,000
To: A4053.20-130 Preventive & Primary Health: Equip	\$ 8,400
To: A4053.40-640 Preventive & Primary Health: Supplies	\$11,600

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 43-11 *RE-ESTABLISH PRIOR YEAR
PUBLIC WORKS PROJECTS*

WHEREAS: Prior year Public Works Projects need to be re-established for the remaining balance as of year end 2010 for completion in 2011; therefore be it

RESOLVED: That the following accounts and amounts be re-established:

<u>Bridge Projects</u>	<u>BIN #</u>	<u>Amt to Establish</u>
H2006.03 Halsey Valley Rd.	3335010	\$ 31,526.78
H2009.02 East River Rd.	3335410	\$ 35,790.23
H2009.05 Main St. Bridge	3334800	\$ 56,869.37

<u>Federal Bridge Program</u>	<u>BIN#</u>	<u>Amt to Establish</u>
H2008.08 Southside Dr.	3335530	\$ 309,932.56
H2010.07 Lillie Hill RD	3335510	\$ 57,125.00

CHIPS Program

H2008.02 Bodle Hill Rd.		\$ 20,970.26
H2008.04 Montrose Turnpike Resurf.		\$ 25,621.88
H2009.01 West Creek Rd. Resurf.		\$ 157,193.27
H2010.01 West River Rd.		\$ 49,170.25
H2010.02 Halsey Valley Rd.		\$ 30,928.32
H2010.03 Hamilton Valley Rd.		\$ 10,485.50
H2010.05 Crumtown Rd.		\$ 35,076.21
H2010.06 Straits Corners Rd.		\$ 37,625.00
H2010.10 Halsey Valley Rd.		\$ 10,658.90

Capital Projects

H2010.08 Culvert Replacement		\$ 42,160.60
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Capital Construction

H1620.20-121 Elevators		\$ 50,000.00
H1620.20-924 Court House Façade		\$ 53,876.96
H1620.20-925 56 Main St Façade		\$ 3,101.00
H1620.20-926 HVAC Control System		\$ 30,000.00
H1620.20-927 Court House Ext. Renov.		\$ 126,321.78

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 2011 on February 24th, 2011 at 10:00 AM in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, NY.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 45-11 *APPORTION DOG FUND MONIES*

WHEREAS: There has been received from the County Treasurer a report of the expenditures and surplus from the Dog License Fund monies for the year ended December 31, 2010; be it therefore

RESOLVED: That the County Treasurer is hereby authorized and directed to pay to the several Towns the surplus monies apportioned to them as follows:

Town of Barton	\$1,500.61
Town of Berkshire	\$ 336.94
Town of Candor	\$1,484.10
Town of Newark Valley	\$ 806.14
Town of Nichols	\$ 710.02
Town of Owego	\$2,337.77
Town of Richford	\$ 96.83
Town of Spencer	\$ 461.29
Town of Tioga	<u>\$1,024.43</u>
TOTAL	\$8,758.13

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen made a motion to have the following resolutions (11), all on erroneous assessments, passed as one, seconded by Legislator Hollenbeck and carried.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 46-11

*ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: An application for corrected tax roll indicates that property no. 287 assessed to William & Patricia Kramer in the 2010 tax roll of the Town of Candor is erroneous in that a 2009-10 school tax relevy was added to the tax bill in error; and

WHEREAS: The 2010 tax bill of \$1,941.48 for property no. 287 was paid in full to the Town of Candor on 1/15/10 including the erroneous school relevy amount of \$78.87; be it therefore

RESOLVED: That the \$78.87 erroneous school tax amount be refunded to William & Patricia Kramer; and be it further

RESOLVED: That the erroneous school tax of \$73.71 be charged back to the Candor School District; and be it further

RESOLVED: That the erroneous penalty of \$5.16 be charged to the proper account in the records of the County Treasurer

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 47-11

*ERRONEOUS ASSESSMENT
TOWN OF RICHFORD*

WHEREAS: An application for corrected tax roll indicates that property no. 606 assessed to State of New York in the 2011 tax roll of the Town of Richford is erroneous in that the assessor inadvertently omitted a code to exempt the parcel from county taxes; and

WHEREAS: The NYS bills are special franchise and paid to the County Treasurer's Office, and NYS contacted the Treasurer's Office to discuss the erroneous bill; be it therefore

RESOLVED: That the State of New York pay a reduced amount of \$93.23 for the 2011 tax bill for property no. 606 in the Town of Richford, the total of the original bill amount of \$167.43 less the erroneous county tax of \$70.59 and the erroneous recycle tax of \$3.61; and be it further

RESOLVED: That the erroneous solid waste tax of \$3.61 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$70.59 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 48-11

*ERRONEOUS ASSESSMENT
TOWN OF RICHFORD*

WHEREAS: An application for corrected tax roll indicates that property no. 606 assessed to State of New York in the 2010 tax roll of the Town of Richford is erroneous in that the assessor inadvertently omitted a code to exempt the parcel from county taxes; and

WHEREAS: The NYS bills are special franchise and paid to the County Treasurer's office, and NYS contacted the Treasurer's office to discuss the erroneous bill; be it therefore

RESOLVED: That the State of New York pay a reduced amount of \$106.67 for the 2010 tax bill for property no. 606 in the Town of Richford, the total of the original bill amount of \$178.89 less the erroneous county tax of \$58.31 and the erroneous recycle tax of \$3.39 and the penalties of \$10.52; and be it further

RESOLVED: That the erroneous solid waste tax of \$3.39 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$58.31 and penalty amounts of \$10.52 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 49-11 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that property no. 1546 assessed to Si & Chan Vo on the 2011 tax roll of the Town of Owego is erroneous in that the 2010-11 village taxes were releived to the town and county bill in error; be it therefore

RESOLVED: That a new bill be issued to Si & Chan Vo for property no. 1546 by the Town of Owego tax collector as follows:

	<u>Vo #1546</u>	<u>Corrected Vo #1546</u>
County	\$ 623.55	\$ 623.55
Recycle	26.07	26.07
Townwide	50.28	50.28
Return Village	<u>1,157.96</u>	<u> </u>
	\$1,857.86	\$ 699.90

and be it further

RESOLVED: That the erroneous village tax and interest of \$1,082.21 be charged back to the Village of Owego; and be it further

RESOLVED: That the erroneous penalty amount of \$75.75 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 50-11

*ERRONEOUS ASSESSMENT
TOWN OF RICHFORD*

WHEREAS: An application for corrected tax roll indicates that property no. 183 assessed to Jonathan W Harrington on the 2011 tax roll of the Town of Richford is erroneous in that the 2010-11 school taxes were releived to the town and county bill in error; be it therefore

RESOLVED: That a new bill be issued to Jonathan W Harrington for property no. 183 by the Town of Richford tax collector as follows:

	<u>Harrington #183</u>	<u>Corrected Harrington #183</u>
County	\$ 324.96	\$ 324.96
Recycle	16.64	16.64
Townwide	375.70	375.70
Return School	238.70	-
Richford Fire	<u>53.48</u>	<u>53.48</u>
	\$1,009.48	\$ 770.78

and be it further

RESOLVED: That the erroneous school tax and interest of \$223.08 be charged back to the Whitney Point School District; and be it further

RESOLVED: That the erroneous penalty amount of \$15.62 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 51-11 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that property no. 230 assessed to Wade M Harding on the 2011 tax roll of the Town of Owego is erroneous in that the 2010-11 village taxes for property no. 1145 assessed to Simon Caudullo on the 2011 tax roll of the Town of Owego were relevied to the town and county bill for property no. 230 in error; and

WHEREAS: The 2011 town and county bill for property no. 230 assessed to Wade M Harding has been paid to the Town of Owego tax collector including the erroneous village tax relevy amount of \$2,464.18; be it therefore

RESOLVED: That a new bill be issued to Simon Caudullo for property no. 1145 by the Town of Owego tax collector as follows:

	<u>Caudullo #1145</u>	<u>Corrected Caudullo #1145</u>
County	\$ 1,269.75	\$ 1,269.75
Recycle	53.08	53.08
Townwide	102.39	102.39
Return School	3,243.96	3,243.96
Return Village	<u> </u>	<u>2,464.18</u>
	\$4,669.18	\$ 7,133.36

and be it further

RESOLVED: That a refund of \$2,464.18 for the erroneous village tax amount be issued to Wade M Harding for property no. 230 by the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 52-11

*ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that property no. 208 assessed to Ann Marie Elliker on the 2011 tax roll of the Town of Owego is erroneous in that the 2010-11 village taxes for property no. 517 assessed to James & Karen Campbell on the 2011 tax roll of the Town of Owego were relieved to the town and county bill for property no. 208 in error; and

WHEREAS: The 2011 town and county bill for property no. 208 assessed to Ann Marie Elliker has been paid to the Town of Owego tax collector including the erroneous village tax relevy amount of \$1,058.64; be it therefore

RESOLVED: That a new bill be issued to James & Karen Campbell for property no. 517 by the Town of Owego tax collector as follows:

	<u>Campbell #517</u>	<u>Corrected Campbell #517</u>
County	\$ 367.87	\$ 367.87
Recycle	15.38	15.38
Townwide	29.66	29.66
Return School	352.78	352.78
Return Village	<u> </u>	<u>1,058.64</u>
	\$ 765.69	\$ 1,824.33

and be it further

RESOLVED: That a refund of \$1,058.64 for the erroneous village tax amount be issued to Ann Marie Elliker for property no. 208 by the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 53-11 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that property no. 218 assessed to Philip & Barbara Byrd on the 2011 tax roll of the Town of Owego is erroneous in that the 2010-11 village taxes for property no. 1333 assessed to Julie L Carrigan on the 2011 tax roll of the Town of Owego were relevied to the town and county bill for property no. 218 in error; and

WHEREAS: The 2011 town and county bills for these properties have not yet been paid to the Town of Owego tax collector; be it therefore

RESOLVED: That a new bill be issued to Philip and Barbara Byrd for property no. 218, and a new bill be issued to Julie L Carrigan for property no. 1333 by the Town of Owego tax collector as follows:

	<u>Byrd #218</u>	<u>Carrigan #1333</u>
County	\$ 1,310.53	\$ 596.58
Recycle	54.79	24.94
Townwide	96.41	48.11
Return School		1,524.14
Return Village	<u> </u>	<u>1,544.18</u>
	\$ 1,461.73	\$ 3,737.95

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 54-11

*ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that property no. 1025 assessed to Georgia Fey on the 2011 tax roll of the Town of Owego is erroneous in that the 2010-11 village taxes for property no. 1053 assessed to William D & Carmelita Oakes on the 2011 tax roll of the Town of Owego were releived to the town and county bill for property no. 1025 in error; and

WHEREAS: The 2011 town and county bills for these properties have not yet been paid to the Town of Owego tax collector; be it therefore

RESOLVED: That a new bill be issued to Georgia Fey for property no. 1025, and a new bill be issued to William D & Carmelita Oakes for property no. 1053 by the Town of Owego tax collector as follows:

	<u>Fey #1025</u>	<u>Oakes #1053</u>
County	\$ 933.16	\$ 293.43
Recycle	39.01	12.27
Townwide	75.25	23.66
Return School		749.67
Return Village	<u> </u>	<u>757.08</u>
	\$ 1,047.42	\$ 1,836.11

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 55-11 *ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

WHEREAS: An application for corrected tax roll indicates that property no. 1748, assessed to Andrea L Battaglia-Lawrence, on the 2011 tax roll of the Town of Spencer is erroneous in that the assessment of \$11,700 included a doublewide mobile home that is located on another parcel, and the actual assessment should be \$2,500; and

WHEREAS: The 2011 Town and County tax bill of \$919.15 for property no. 1748 was paid to the Town of Spencer tax collector by CFCU Community Credit Union on 1/14/11; be it therefore

RESOLVED: That a refund of \$722.74 be issued to CFCU by the Town of Spencer tax collector; and be it further

RESOLVED: That the erroneous town tax of \$265.51 be charged back to the Town of Spencer, and the erroneous fire tax of \$27.92 be charged back to the Spencer Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$17.24 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$412.07 be charged to the proper account in the records of the County Treasurer

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 56-11

*ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: A Supreme Court Order has reduced the assessments for property no. 200 and property no. 3019 assessed to Julie A Mix in the 2011 tax roll of the Town of Candor; and

WHEREAS: Property no. 200 is assessed at \$25,000 on the 2011 tax roll and has been reduced to \$7,718 by the court, and property no. 3019 is assessed at \$1,500 on the 2011 tax roll and has been reduced to \$1,103 by the court; and

WHEREAS: The reduced assessments apply to both school and town and county, and the school taxes for both properties were not paid and have been relieved to the 2011 town and county bills; the tax bills for these properties have not yet been paid to the Town of Candor tax collector; be it therefore

RESOLVED: That the Town of Candor tax collector issue new bills to Julie A Mix for properties no. 200 and no. 3019 as follows:

	<u>Mix Acct #200</u>	<u>Mix Acct # 3019</u>
County	\$ 860.67	\$ 123.00
Recycle	36.02	5.15
Townwide	477.60	68.26
Part Town	111.73	15.97
Returned School	2,199.50	314.33
Candor Fire	<u>168.95</u>	<u>24.15</u>
Total Tax Bill	\$ 3,854.47	\$ 550.86

and be it further

RESOLVED: That the erroneous town tax of \$1,349.95 be charged back to the Town of Candor, and the erroneous fire tax of \$387.02 be charged back to the Candor Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$82.51 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$4,708.59 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county tax of \$1,971.48 and school penalties of \$329.61 be charged to the proper accounts in the records of the County Treasurer

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 57-11 *APPOINT MEMBER TO THE TIOGA COUNTY BOARD OF HEALTH*

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: John Ober, DVM, resigned from the Board of Health 3/17/2010; and

WHEREAS: The appointed term for John Ober, DVM, on the Board of Health expires 12/31/2011; and

WHEREAS: Joseph Picco, DDS, has agreed to fill the unexpired term of John Ober, DVM; therefore be it

RESOLVED: That Joseph Picco, DDS, be appointed to the Board of Health to fill the unexpired term of John Ober, DVM, for a term of 2/17/2011-12/31/2011.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 58-11 *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	4/1/11-3/31/12
Crime Victim	4/1/11-3/31/12
Rep for Private Organization Operating within County	4/1/11-3/31/12
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/11-3/31/12

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 59-11 *APPROVE ALTERNATIVES TO INCARCERATION 2011 CONSOLIDATED SERVICE PLAN*

WHEREAS: The Alternatives To Incarceration Service Plan for 2011 has been presented to and approved by members of the Alternatives To Incarceration Committee on January 20, 2011; now therefore be it

RESOLVED: That the Tioga County Legislature approve the Alternatives To Incarceration Service Plan for the time period of 1/1/2011 to 12/31/2011 and submit same to the NYS Division of Criminal Justice Services and Office of Probation and Correctional Alternatives to continue state-grant funding for Pre-Trial Release, Community Service, and Specialized & Drug/Alcohol Programs.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 60-11 *AMEND POLICY 29
RULES OF PROCEDURE OF THE
TIOGA COUNTY LEGISLATURE*

WHEREAS: Policy 29 Rules of Procedure of the Tioga County Legislature needs updating as to Section 2-Committees; and

WHEREAS: Section 2-Committees Finance/Legal needs to have Safety added; and

WHEREAS: Section 2-Committees Public Safety/Probation, DWI, Safety & Coroner needs to have Safety removed; therefore be it

RESOLVED: That Policy 29 Rules of Procedure of the Tioga County Legislature be amended as follows:

Section 2-Committees – Finance/Legal – add Safety to now read Finance/Legal & Safety.

Section 2-Committees – Public Safety/Probation, DWI, Safety & Coroner – remove Safety to now read Public Safety/Probation, DWI & Coroner

And be it further

RESOLVED: That the remainder of Policy 29 Rules of Procedure of the Tioga County Legislature shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 61-11 *DEFERRED COMPENSATION EXTENSION AGREEMENT*

WHEREAS: Tioga County currently use the services of Nationwide Retirement Solutions to administer the deferred compensation program, 457 plan, available to all employees; and

WHEREAS: The contract with Nationwide Retirement Solutions expires on March 8, 2011; and

WHEREAS: The County has the option of renewing the contract for 2 one year periods; and

WHEREAS: Nationwide Retirement Solutions is the named deferred compensation carrier in the CSEA contract; and

WHEREAS: All terms and provisions of the original contract will remain in full force and effect; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Legislative Chair to execute the necessary documents, subject to review by the County Attorney, to extend the services of Nationwide Retirement Solutions as our deferred compensation administrator for the period of March 8, 2011 through March 8, 2012.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 62-11 *STANDARD WORK DAY AND
REPORTING RESOLUTION
PUBLIC HEALTH*

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	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
Public Health Director	Johannes Peeters	8507	10560233	7	1/11/11-1/10/17	Y	N/A

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PERSONNEL COMMITTEE
ECONOMIC DEVELOPMENT &
PLANNING COMMITTEE

RESOLUTION NO. 63-11

*AMEND RESOLUTION 275-10
STAFF CHANGES 2011;
AGRICULTURE PROGRAM ASSISTANT*

WHEREAS: Resolution 275-10 authorized the creation of a temporary, part-time Agriculture Program Assistant position for the period of 1/1/11 – 12/31/2012; and

WHEREAS: This position was created to coincide with two anticipated agricultural district reviews as mandated by Article 25AA of the NYS Agricultural Districts Law; and

WHEREAS: NYS Department of Agriculture & Markets' Agriculture Protection Division has rescheduled one of the said reviews for Tioga County to coincide with its' original anniversary date and thus the use of a temporary, part-time position staff person will not be needed until 12/1/12 and last only 13 months in duration instead of 24 months since both reviews will be conducted virtually concurrently instead of one after the other; therefore be it

RESOLVED: That Resolution 275-10 is hereby amended to reflect the duration of the temporary, part-time Agricultural Program Assistant shall be in effect from 12/1/12 through 1/31/13 at the established hourly rate of \$20.36.

Legislator McEwen made a motion to amend the above resolution, seconded by Legislator Sauerbrey and to read as follows:

The third Whereas change 12/1/12 to "12/1/11" and change 13 months to "14 months".

The Resolved change 12/1/12 to "12/1/11".

ROLL CALL VOTE ON THE AMENDMENT WAS AS FOLLOWS:

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

AMENDMENT ADOPTED

ROLL CALL VOTE ON THE AMENDED RESOLUTION WAS AS FOLLOWS:

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION AS AMENDED ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 64-11

*REQUEST WAIVER OF HIRING FREEZE
PUBLIC HEALTH DEPARTMENT*

WHEREAS: Resolution 269-10 instituted a 90-day hiring delay, in accordance with Resolution 147-09, for most positions sought for backfill which could not otherwise be filled by promotion; and

WHEREAS: The Public Health Department has been carrying a vacant Senior Typist position since 8/13/10; and

WHEREAS: On 1/26/11, the Public Health Director filled said vacancy by promotion of a Typist, Denise Morykan, within his department; and

WHEREAS: The Public Health Director is now in need of backfilling a Typist vacancy; and

WHEREAS: The Public Health Director received verbal approval at the 1/20/11, legislative work session to begin recruiting for the Typist position due to the fact he has carried a vacancy at the promotional level for more than 90 days; therefore be it

RESOLVED: That the Public Health Director is hereby granted a waiver from the 90-day hiring freeze for a Typist position, vacated by Ms. Morykan, and is authorized to fill said position as of 2/16/11, from the appropriate civil service eligible list at an annual salary of \$21,874.00 (CSEA Grade III).

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Sauerbrey, and Sullivan.

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 65-11 *BACKFILL FULL TIME
DEPUTY SHERIFF POSITION;
AUTHORIZE HIRING WAIVER
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a full-time Deputy Sheriff position due to the promotion of a Deputy Sheriff effective February 12, 2011; and

WHEREAS: The Tioga County Legislature established a 90-day delay in backfilling vacant positions for the purpose of cost savings; and

WHEREAS: The Sheriff is in need of backfilling this most recent Deputy Sheriff vacancy in order to maintain adequate staffing levels for the road patrol division; therefore be it

RESOLVED: That the Sheriff is hereby granted a waiver from the 90-day hiring delay for the position of Deputy Sheriff; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to fill the full-time Deputy Sheriff position from the appropriate civil service list at an annual salary of \$42,108 per year, effective March 12, 2011.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:

FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 66-11

*AUTHORIZE CONTRACT
TREASURER'S OFFICE*

WHEREAS: Jane Bradley, former Deputy Treasurer and Chief Accountant, resigned December 31, 2010 after 3 years of service; and

WHEREAS: Mrs. Bradley had minimal time to train her replacement and the County Treasurer expects additional technical training will be needed as the new replacement encounters new financial reporting tasks; and

WHEREAS: The County Treasurer would like Mrs. Bradley to provide said training and Mrs. Bradley is willing; and

WHEREAS: The County Attorney has reviewed the contract; now therefore be it

RESOLVED: That the County Treasurer is hereby authorized to enter into a contract with Jane Bradley to provide training at an hourly rate of \$50.00, not to exceed a total of \$3,000, for the period of February 16, 2011 through August 31, 2011.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL
FINANCE/LEGAL

RESOLUTION NO. -11 APPOINTMENT OF REPLACEMENT
DEPUTY TREASURER

WHEREAS: Jane Bradley, Deputy Treasurer, has announced her resignation with the Treasurer's Office effective 12/31/10; and

WHEREAS: James P. McFadden, County Treasurer, has the need to appoint a replacement for position of Deputy Treasurer; therefore be it

RESOLVED: That the Treasurer be allowed to appoint Margareta C. Olin to the title of Deputy Treasurer; and be it further

RESOLVED: That this title is an exempt class and will have a probationary period until September 30, 2011, and the annual salary will be \$43,000 effective 2/16/11.

Legislator McEwen made a motion to withdraw the above resolution, seconded by Legislator Roberts.

ROLL CALL TO WITHDRAW THE ABOVE RESOLUTION WAS AS FOLLOWS:

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 67-11

*CREATE AND FILL TEMPORARY
SEASONAL HIGHWAY WORKER
POSITIONS; AUTHORIZATION OF
90-DAY HIRING FREEZE
PUBLIC WORKS*

WHEREAS: There will be a need for the Highway Department to employ two seasonal Highway Workers for 2011; and

WHEREAS: The Commissioner of Public Works has budgeted money to cover expenditures of such employment; and

WHEREAS: A delay in filling the seasonal Highway Worker Positions beyond March will hinder the Public Works Department's ability to complete various projects during the 2011 season; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works a waiver from the 90-day hiring freeze upon the creation of two (2) Highway Worker positions at an hourly rate of \$9.00/hr. effective 03/01/11 for a temporary duration not to exceed 11/30/11.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen made a motion to have the following four late-filed resolutions considered, seconded by Legislator Sauerbrey and carried.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 68-11 *ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY*

WHEREAS: An application for corrected tax roll indicates that property no. 507 assessed to Richard & Patricia Brink on the 2011 tax rolls of the Town of Newark Valley is erroneous in that the parcel was assessed with a house in error and the assessor has corrected the assessment to reflect only a barn, acreage and an adjusted ag exemption, thus reducing the taxable value from \$98,101 to \$25,733; and

WHEREAS: The 2011 tax bill for property no. 507 has not yet been paid to the Town of Newark Valley tax collector; be it therefore

RESOLVED: That a new bill be issued to Richard & Patricia Brink for property no. 507 in the Town of Newark Valley by the Town of Newark Valley tax collector as follows:

Corrected 2011 Tax Bill – Brink Acct #507

County	\$ 327.94
Recycle	13.72
Townwide	124.83
<u>Newark Valley Fire</u>	<u>37.94</u>
Total Bill	\$ 504.43

and be it further

RESOLVED: That the erroneous town tax of \$351.06 be charged back to the Town of Newark Valley, and the erroneous fire tax of \$106.71 be charged back to the Newark Valley Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$38.57 be charged back to the Solid Waste Fund; and be it further

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 70-11 *ABOLISH POSITION AND TRANSFER FUNDS
TREASURER'S OFFICE AND
BUDGET OFFICE*

WHEREAS: The County Treasurer's Office has a vacant position of Deputy County Treasurer; and

WHEREAS: The County Legislature recognizes the need to have greater devotion to the County Budget preparation and tracking than has been allocated the past few years; and

WHEREAS: In order to address this need, a new position is required; therefore be it

RESOLVED: That the vacant position of Deputy County Treasurer is abolished effective February 15, 2011; and be it further

RESOLVED: That the following transfer of funds take place effective February 15, 2011:

From: Treasurer Account A1325.10-10	\$62,631
To: Budget Account A1340.10-10	\$62,631

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 71-11 *DEPUTY COUNTY TREASURER
SALARY ADJUSTMENT
TREASURER'S OFFICE*

WHEREAS: Jane Bradley, Deputy County Treasurer, resigned from the Treasurer's Office effective 12/31/10; and

WHEREAS: James P. McFadden, County Treasurer, has the need for the remaining Deputy County Treasurer to assume additional duties; therefore be it

RESOLVED: That the Treasurer be allowed to increase the salary of Margareta C. Olin in her current Deputy County Treasurer position; and be it further

RESOLVED: That the 2011 annual salary will be \$43,000 effective 2/16/11.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Sauerbrey, and Sullivan.

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:48 P.M.

Public Hearing
Annual Agricultural District Inclusion
February 24, 2011

The Public Hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2011 was called to order by the Chair at 10:00 A.M. Six Legislative members were present, Legislators Huttleston, Monell, and Roberts being absent.

There were 7 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

Elaine Jardine, Planning Director, spoke. "This year we received several requests for inclusion into the Agricultural Districts during the designated period, January 2 through January 31. We ended up with a total of 6 farms, 14 properties, and 695 acres being included this year within two Agricultural Districts, Spencer and North Tioga. I went out and field verified any farm that any of our Ag Agency Staff or myself was not familiar with, and they are all agricultural viable land, which are eligible for inclusion."

There being no further comments, the hearing was adjourned at 10:02 A.M.

Third Regular Meeting
March 15, 2011

The Third Regular Meeting of 2011 was called to order by the Chair at 6:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Huttleston to have a moment of prayer. "Isn't it great to be an American? We are all so lucky and blessed to be born in a great, caring, loving, and free Country that gives us freedom of religious choice, and several other freedoms that other people in the world are unable to enjoy. Let us take the time to thank the many people from the past that have given and sacrificed so much to allow us to live free. Let us bless and thank our Leaders and Military Forces who are making many sacrifices to ensure and protect our freedom. Let us pray that the entire world will someday be able to live in peace and all people will be free of hate, anarchy, and terrorism. Thank you Lord for this great Country and our freedom, and I ask you to guide and bless this Legislative body, our Department Heads, and Employees."

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

There were 9 people in attendance.

Chair Weston stated that we have Employee of the First Quarter 2011. "Employee of the First Quarter 2011. The Employee Recognition Committee is pleased to announce that George Craven was selected as Employee of the First Quarter 2011. George has worked with the Department of Public Works for over 33 years. George chose not to attend tonight as he did not want the additional attention. He wanted to be sure that it was clear that he means no disrespect in not attending the Legislative meeting. It is just that he prefers to stay out of the limelight. George was presented with his plaque and savings bond earlier today."

Chair Weston noted the following two Proclamations for Public Health.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Vaccines are among the 20th Century's most successful and cost-effective public health tools available for preventing disease and death; and

WHEREAS: National immunization levels are at or near record highs for most vaccines and most vaccine-preventable diseases have been reduced by 99 percent or more since the introduction of vaccines; and

WHEREAS: Children need a series of vaccinations, starting at birth, to be fully protected against 14 potentially serious diseases; and

WHEREAS: Immunizations are one of the most important ways parents can protect their children against serious diseases; and

WHEREAS: Tioga County recognizes National Infant Immunization Week (NIIW) to focus attention on the importance of timely immunization for infants and toddlers 2 years old and younger; and

WHEREAS: The Tioga County Legislature and the Health Department declare that National Infant Immunization Week (NIIW) serve as a call to parents, caregivers, and healthcare providers to participate in activities to increase the awareness of immunizing children before their second birthday; and

WHEREAS: The week of April 23–April 30, 2011 has been declared National Infant Immunization Week to help ensure that children have all their vaccinations by the age of two, therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the week of April 23 – April 30, 2011 as:

INFANT IMMUNIZATION AWARENESS WEEK IN TIOGA COUNTY

and encourages businesses, government agencies, national organizations, community-based organizations, and service groups to spread the immunization message throughout their communities. It is also encouraged that health care providers, parents, and children's caregivers in Tioga County advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: The nurses who live and who work in Tioga County while serving in many roles are all members of one profession, and as such have shown strength, commitment, professional skill and compassion directed at improving the health of the residents of Tioga County; and

WHEREAS: The nursing profession is rapidly changing, requiring nurses to expand their role through critical thinking, and holistic analysis of patient care, to meet the new challenges; and

WHEREAS: Tioga County nurses serve in many capacities within Tioga County; e.g., immunization clinics, control of communicable disease, homecare, mental health, well child clinics, Department of Social Services, doctor's offices, prenatal care programs, nursing homes, and more; and

WHEREAS: The week of May 7 through 13, 2011 is "NATIONAL NURSING WEEK" and the Tioga County Legislature wishes to express their support and recognition of the nurses working and living in Tioga County, therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate the week of May 7 – 13, 2011 as:

NATIONAL NURSING WEEK IN TIOGA COUNTY

and encourage businesses, government agencies, community-based organizations, service groups and our fellow citizens to recognize the many nurses who work and live in Tioga County as being nurses with strength, commitment and compassion.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		269.76
A1165	District Attorney		1,796.75
A1170	Public Defender		1,777.01
A1172	Assigned Counsel		21,450.66
A1325	Treasurer		979.10
A1355	Assessments		2,168.95
A1362	Tax Advertising and Expense		1,200.00
A1410	County Clerk		902.46
A1411	Department of Motor Vehicles		310.08
A1420	Law		264.00
A1430	Personnel		2,927.20
A1450	Elections		12,537.67
A1460	Records Management		1,029.75

A1490	Public Works Administration		298.74
A1620	Buildings		92,500.58
A1621	Buildings		28,813.57
A1680	Information Technology		39,970.20
A1490	Community College Tuition		1,218.25
A2960	Education of Handicapped Children		346,249.46
A3020	Public Safety Comm E911 System	98.99	2,876.65
A3110	Sheriff	1,009.47	17,829.66
A3140	Probation		2,038.49
A3146	Sex Offender Program		8,766.67
A3150	Jail	179.70	77,580.75
A3315	Special Traffic Programs		1,528.71
A3410	Fire	1,851.20	2,024.68
A3640	Emergency Mgmt Office		309.38
A4010	Public Health Nursing		34,470.14
A4011	Public Health Administration		8,329.00
A4042	Rabies Control		2,545.12
A4044	Early Intervention	372.00	33,867.69
A4053	Preventive/Primary Health Svcs		265.36
A4054	Preventive Dental Services		1,253.36
A4064	Managed Care-Dental Services		16,570.73
A4070	Disease Control		2,219.00
A4090	Environmental Health		1,128.97
A4210	Alcohol and Drug Services		12,449.77
A4211	Council on Alcoholism		9,923.66
A4309	Mental Hygiene Co Admin	81.00	10,435.55
A4310	Mental Health Clinic		47,261.19
A4315	Mental Retardation		614.41
A4320	Crisis Intervention Services		17,869.56
A4321	Intensive Case Management		2,540.40
A6010	Social Services Administration		53,819.35
A6422	Economic Development		514.76
A6610	Sealer Weights and Measures		137.83
A7510	Historian		169.22
A8020	Planning		53.09
A9060	Health Insurance		3,193.64
SOLID WASTE FUND			58,545.34
COUNTY ROAD FUND			99,903.60
SPECIAL GRANT FUND			4,016.00
CONSOLIDATED HEALTH FUND			190,160.07
CAPITAL FUND			241,963.77
LIABILITY INSURANCE FUND			1,131.00

WORKERS' COMP	<u>105,673.00</u>
GRAND TOTAL	\$ 1,634,236.12

Legislator McEwen made a motion to approve the minutes of February 15 and 24, 2011, seconded by Legislator Monell, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Chair Weston read the 2010 Highlights of the State of the County Address.

Areas of note within Tioga County in 2010 and 2011 goals.

I. Overall Review of the County

- 2010 was a very challenging year on municipal budgets and 2011 will continue to be just as challenging.
- As New York State continues to deal with its enormous budget deficit, many of their budget cuts further reduce reimbursement to counties for mandated services, thereby pushing the burden to local governments. We are trying to balance a budget of 93 M and we have control over approximately 10 to 15 M, and all the rest of the dollars are mandated. It is very difficult, especially if we run into the 2% tax cap. It is just going to burden us even further.
- For the last three years we have seen double digit increases in the demand for services provided by social services, public health, and mental health.
- Those services come at a time when revenues are shrinking and increased workloads exist throughout the county.
- In our effort to absorb these costs rather than passing them on, we are redefining the way our county government does business. We are focusing on doing more with less.
- Challenges for 2011 include identifying savings in the county's health costs, services, and mitigating state mandate impacts.
- Over the last five years our retirement costs have risen from just over \$500,000 per year to 1.9 M in 2011. Our tentative bill for retirement costs in 2012 is projected to be 2.8 M, \$900,000 more than 2011.
- The \$900,000 increase in retirement for 2012 equates to a 4.5% tax levy increase all by itself. That sort of negates the 2% tax cap.
- Based on claim experience, the county's portion for the health insurance plan contribution has grown from 5 M to 8 M during the past five years, an average increase of 13%.

- Distribution of VLT Aid to municipalities – The Executive Budget is proposing to eliminate payments to all eligible municipalities, which means a loss to Tioga County for 2011 of \$183,000 after losing approximately \$217,000 in the two previous years. We are now getting 0.
- The proposed 2% property tax cap would have a disastrous impact on all counties if it is not coupled with mandate relief.
- I want to personally thank all of our department heads and employees for helping us during these challenging economic times. Through your hard work and diligence we have been able to, thus far, survive these economic hard times.
- In 2011 our challenges are significant, but with hard work and dedication we hope to get through this.

II. County Government News:

- Child Protective Services received 1,024 reports involving 2,168 children.
- Foster Care and Adoption finalized eight adoptions.
- The Child Support Enforcement Unit collected 5.4 M for children in Tioga County.
- The HEAP Unit processed 10,273 benefits to customers, totaling 4.06 M for 2009-2010 season.
- Tioga Transport opened an office on North Avenue in Owego, which includes a waiting area for passengers. This move was part of a consolidation of their call center operations.
- The Sheriff's Department secured grant funding in the amount of \$67,986.
- The ATI Work Weekend Program performed more than 5,280 man-hours of work throughout the county during 2010.
- The Road Patrol Division recorded 473,155 miles of patrol, and handled 8,233 calls for service, a 6% increase from 2009.
- The Criminal Investigations Division worked an increased case load of 711 cases, 14.5% higher than 2009.
- Pistol Permit transactions increased 25% over 2009 for a total of 715. Over the last two years the number of transactions has increased 45%.
- Over 19,000 mental health services were provided to Tioga County residents in 2010. An average of approximately 800 unduplicated individuals received services each month.
- Alcohol and Drug Services provided over 8,000 units of service to approximately 265 individuals throughout the year.
- Twelve vaccination clinics were held at the schools and at the Health Department and 1,059 H1N1 vaccinations were given.

- In 2010 the Southside Drive Bridge was replaced with 100% Stimulus funds totaling 1.3 M. By the way, we do not have any more stimulus funds.
- In Board of Elections there was a countywide deployment of the Optical Scan voting systems for the Primary and General Election.
- A Federal Election Assistance Commission grant was approved to buy a truck for transporting the voting machines for Board of Elections.
- In Real Property 2011 Town and County Tax rolls for all nine Towns have been added to their webpage for the first time with positive feedback.
- Stop DWI operational costs came in under budget by 9%.
- The Veteran population for Tioga County as of September 30, 2010 was 4,000 as estimated by the Buffalo VA Regional Office.
- A total of all fees collected by the County Clerk was 6.9 M, 5.2 M of it was for New York State and 1.6 M went to Tioga County.
- The Emergency Management Office completed the acquisition and demolition of five homes in flood prone areas of the county.
- Information Technology consolidated the County's Verizon wireless plans into one plan with shared minutes in an effort to reduce telecommunications costs by \$6,200 per year.
- Information Technology eliminated an AT&T T-1 Circuit in November, a savings of \$22,000 per year.
- In 2010 Probation received a total of \$228,396 in restitution, fines, special surcharges, and fees that were collected and disbursed for Tioga County government and crime victims.
- In the Solid Waste Department the third annual tire and scrap metal collection program for the Towns of Barton, and Owego, was held in 2010. Five trailers were loaded with tires, which amounts to approximately 5,000 tires off the rim.

III. On the Economic Development front:

- CNYOG committed to invest over 25 M in a compression station in the Town of Owego.
- Harvard Custom Manufacturing was purchased by a local company, Catalyst, and is retaining over 100 jobs and bringing another 30+ to Tioga County.
- The United States Army Corp of Engineers has selected a site in the Town of Nichols for a new, state of the art, Army Reserve Center.
- Planning was one of the main forces in Tioga County to have a census count. We had an 83% response rate, the highest countywide response in NYS of all 62 Counties.

- Economic Development and Planning administered the NYS Snowmobile grant and distributed over \$61,000 of registration funded money to local clubs.

IV. Overall good news for the County

- Tioga County received a clean audit opinion with no findings by the independent auditors.
- Tioga County bonded for 9 M to finance the replacement of seven bridges over the next three years.
- Sheriff's Department operational costs came in under Budget by nearly 3% and revenues finished 68% above their goal at \$786,819.
- Economic Development and Planning applied for and was awarded a grant that will result in nearly \$600,000 being invested in Village of Owego properties.
- Outsourced cleaning at HHS Building, leading to elimination of three full-time positions – savings \$80,000
- Outsourced evening security at HHS Building – savings \$10,000
- Changed meal reimbursement policy – savings \$3,000
- Continued hiring freeze/60-day delay – savings \$454,750
- Reduced Veterans' Service Officer position to part-time – savings \$14,451
- Abolished two full-time and two part-time positions – savings \$128,550

V. 2011 Goals

- Replace Straits Corners Road Bridge and Tappan Road Bridge
- Rehabilitate Halsey Valley Road Bridge and Main Street Bridge Lockwood
- Construct Phase 3 of the Courthouse Exterior Renovation Project
- Energy study of all County Buildings
- Economic Development will administer the New York Main Street Grant that will result in over \$767,000 of investment into Village of Owego properties.
- Economic Development will assist with projects that will result in over 40 M of new construction in Tioga County.
- Sell Parker Lane thereby putting it back on the tax rolls and then move offices to 56 Main Street.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 72-11 *HOME RULE REQUEST IN SUPPORT OF S02401/
A04864: EXTENDING THE CURRENT AND
IMPOSING ADDITIONAL SALES AND
COMPENSATING USE TAXES BY THE COUNTY
OF TIOGA*

WHEREAS: The continuation of previously authorized additional sources of revenue is required to enable counties, such as Tioga County to meet the ever-increasing costs of delivering essential governmental services to their citizens without undue reliance on local property taxes; and

WHEREAS: State Legislative authority is needed to extend the current sales and compensating use taxes for the County of Tioga at the same level and upon the same terms and conditions as now currently exist; now therefore be it

RESOLVED: That the Tioga County Legislature hereby requests the enactment of Senate bill number S02401 and Assembly bill number A04864 entitled "An Act to Amend the Tax Law in relation to extending the authorization of the County of Tioga to impose an additional one percent of sales and compensating use taxes".

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 73-11 *REAPPOINTMENT OF COUNTY HISTORIAN*

WHEREAS: Emma Sedore was appointed Tioga County Historian on November 13, 2001; and

WHEREAS: She is a dedicated Historian; and

WHEREAS: Her term is set to expire March 31, 2011 and she has expressed a desire to continue as the Tioga County Historian for another term; therefore be it

RESOLVED: That Emma Sedore of Owego, New York, be hereby re-appointed County Historian for a two year term from April 1, 2011 until March 31, 2013.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 74-11 *RE-APPOINT MEMBERS TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)*

WHEREAS: The terms of two Tioga County Local Development Corporation members; Annette Schweiger and Debra Twigg expire as of March 31, 2011; and

WHEREAS: Annette Schweiger and Debra Twigg have expressed a desire for re-appointment to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Annette Schweiger and Debra Twigg for another three-year term of 4/1/11 – 3/31/14.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 75-11 *RESOLUTION APPOINTING
BRIAN FLYNN TO THE
COMMUNITY SERVICES BOARD*

WHEREAS: The Tioga County Community Services Board has a vacant position available; and

WHEREAS: Brian Flynn, residing in Owego, NY, has expressed an interest in filling the vacant position; and

WHEREAS: The Community Services Board nominated Mr. Flynn for the position at its February 17, 2011 meeting; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Brian Flynn to the Tioga County Community Services Board for a vacant position with term ending on March 31, 2015.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 76-11 *RESOLUTION REAPPOINTING
KATHY ROUSH TO COMMUNITY
SERVICES BOARD*

WHEREAS: Kathy Roush's appointment to the Community Services Board will expire on March 31, 2011; and

WHEREAS: The Community Services Board has recommended Ms. Roush's reappointment; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That Ms. Roush be reappointed to the Community Services Board, for a term starting April 1, 2011 and ending March 31, 2015.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 77-11

*AMEND RESOLUTION NO. 54-11
ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: Resolution 54-11 was adopted to allow a new tax bill be issued by the Town of Owego tax collector to Georgia Fey for property no. 1025, and to William & Carmelita Oakes for property no. 1053 to correct the village tax relevy; and

WHEREAS: The Town of Owego tax collector has since discovered that Georgia Fey paid the tax bill for property no. 1025, including the erroneous village tax relevy of \$757.08 on 1/31/11; and

WHEREAS: The Town of Owego tax collector will use Resolution no. 54-11 to proceed with the creation of a new tax bill correctly adding the village relevy for William & Carmelita Oakes for property no. 1053; and

WHEREAS: The Town of Owego tax collector has paid the January tax collection amounts to the County Treasurer; be it therefore

RESOLVED: That Resolution 54-11 be amended to allow the County Treasurer to issue a refund of the paid erroneous village tax of \$757.08 to Georgia Fey.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
AGRICULTURE COMMITTEE

RESOLUTION NO 79-11 *AUTHORIZE 2011 REQUESTS FOR INCLUSION
OF LANDS IN AGRICULTURAL DISTRICTS*

WHEREAS: In accordance with §303-B of the NYS Agricultural and Markets Law 25-AA, the Tioga County Planning Department has solicited agricultural land owners to request inclusion of lands in agricultural districts; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and prepared a report listing and summarizing these requests which are located within the Spencer and North Tioga Agricultural Districts; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed said report and determined that the land to be included consists of viable agricultural land and its inclusion will serve the public interest by helping to maintain a viable agricultural industry within the district and therefore recommends County Legislature approval of inclusion of lands into their respective agricultural districts; and

WHEREAS: The Tioga County Legislature has held the required public hearing and no opposition was heard; therefore be it

RESOLVED: That the Tioga County Legislature approve the 2011 requests for inclusion of land listed in said report into the Spencer and North Tioga Agricultural Districts, and be it further

RESOLVED: That the Tioga County Legislature directs the Tioga County Planning Department to submit said report to the Commissioner of NYS Department of Agriculture and Markets for final certification.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 80-11

*RESOLUTION CALLING ON THE
GOVERNOR AND THE STATE
LEGISLATURE TO RECOGNIZE
TIOGA COUNTY PROBATION
DEPARTMENT AS IMPORTANT
PARTNER IN PUBLIC SAFETY AND TO
ALLOCATE STATE FUNDING TO PAY
FOR THE PROGRAMS THE PROBATION
DEPARTMENTS ARE MANDATED
TO PROVIDE*

WHEREAS: County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

WHEREAS: It is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change; and

WHEREAS: State funding for Probation has been drastically cut from a 53.4 percent State share in 1990 to only 14 percent in 2010, putting a huge strain on counties to fund the remaining 86 percent at a cost to county property taxpayers of \$340 million in 2010; and

WHEREAS: During a special legislative session on November 18, 2009, the legislature passed and the Governor signed Leandra's Law, which increased penalties for Driving While Intoxicated (DWI) and mandated harsher penalties including mandatory sentencing of ignition interlock devices (IIDs) for DWI offenders; and

WHEREAS: Regulations promulgated by the Office of Probation and Correctional Alternatives (OPCA) mandated that counties create plans for monitoring those individuals required by their sentence to install an IID and required counties to designate an entity to be responsible for monitoring of these devices. Further, probation is mandated to collect DNA samples from offenders, for which the county receives no reimbursement from the State; and

WHEREAS: The legislation provided no funding or resources whereby the ignition interlock section of this legislation could be implemented by local jurisdictions, thus creating an unfunded mandate on counties that are responsible for ensuring that individuals sentenced to IIDs comply with the law and their sentence; and

WHEREAS: The New York State Vehicle & Traffic Law currently states that court ordered surcharges in Driving While Intoxicated related convictions be forwarded by the courts to the State of New York; and

WHEREAS: These court ordered surcharges on Driving While Intoxicated convictions should be directed to this County to be used to support the enforcement of the ignition interlock provisions of Leandra's Law; and

WHEREAS: In 2010 the New York State Senate unanimously approved S.7951 which would amend New York State Vehicle & Traffic Law Sections 1809-C and 1809-E directing that mandatory court ordered surcharges imposed and collected on DWI offenses be directed to the STOP-DWI Program in the county where the offense occurred; now therefore be it

RESOLVED: That the Tioga County Legislature recognizes the extraordinary and important role Probation provides to the community, law enforcement and the courts; and be it further

RESOLVED: That the Tioga County Legislature urges Governor Andrew M. Cuomo and the New York State Legislature to fund Probation at adequate levels to ensure the continued support of and resources for the important work Probation Officers perform; and be it further

RESOLVED: That the Tioga County Legislature urges the redirection of court ordered surcharges in Driving While Intoxicated related convictions be directed to the counties who administer STOP-DWI, Probation and other anti-DWI programs and alleviate the undue burdens Leandra's law placed on county services and redirect the DNA collection fee to the county entity, be it the Probation department or Sheriffs' Office that collects the DNA; and be it further

RESOLVED: That the Tioga County Legislature shall forward copies of this Resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 81-11 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: New York State Highway Safety Program funding has been awarded to the Tioga County Public Health Department; and

WHEREAS: The funding is specifically designated for the purchase of program deliverables; and

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

RESOLVED: That funding be appropriated as follows:

From: A3401.12 State Aid – Health Education	\$13,500
To: A4012.20-130 Health Education: Equipment	\$ 5,500
To: A4012.40-640 Health Education: Supplies	\$ 8,000

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 82-11 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: New York State Child Passenger Safety Program funding has been awarded to the Tioga County Public Health Department; and

WHEREAS: The funding is specifically designated for the purchase of program deliverables; and

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

RESOLVED: That funding be appropriated as follows:

From: A3401.12 State Aid – Health Education	\$ 7,000
To: A4012.20-131 Health Education: Car Seats	\$ 5,000
To: A4012.40-640 Health Education: Supplies	\$ 2,000

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 83-11 *AUTHORIZE THE SUBMISSION OF
FY' 2012 NYS GTSC BUNY GRANT
APPLICATION – SHERIFF'S OFFICE*

WHEREAS: The NYS Governors Traffic Safety Council has announced a FY' 12 BUNY (Buckle Up New York Program) grant; and

WHEREAS: Applications for this grant must be received no later than May 15, 2011; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 84-11 *AUTHORIZE THE SUBMISSION OF
A FY' 2012 GTSC STEP GRANT
APPLICATION – SHERIFF'S OFFICE*

WHEREAS: The NYS Governors Traffic Safety Council has announced a FY' 12 STEP (Selective Traffic Enforcement Program) grant; and

WHEREAS: Applications for this grant must be received no later than May 15, 2011; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 85-11 *AUTHORIZE THE SUBMISSION OF
FY' 2012 NYS GTSC CHILD
SAFETY SEAT GRANT APPLICATION
SHERIFF'S OFFICE*

WHEREAS: The NYS Governors Traffic Safety Council has announced a FY' 12 Child Safety Seat Program grant; and

WHEREAS: Applications for this grant must be received no later than May 15, 2011; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 86-11 *AUTHORIZE THE SUBMISSION OF
LEMPG GRANT APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant applications are submitted; and

WHEREAS: The New York State Emergency Management Office has announced the FY '10 Local Emergency Planning Grant (LEMPG) for Tioga County Emergency Management Office in the amount of \$23,061; and

WHEREAS: This grant has been used for augmenting and supplementing the local Office of Emergency Management budget for the past 31 years; and

WHEREAS: Application for these monies must be submitted no later than March 31st, 2011; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 87-11 *AWARD DESIGN SERVICES CONTRACT
DELTA ENGINEERS FOR DESIGN SERVICES
OF THE GRIDLEYVILLE CROSSING RD BRIDGE
OVER CATATONK CREEK BIN: 3335090*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the design of these bridges as part of the Bond Issue; and

WHEREAS: The Gridleyville Crossing Rd. Bridge (BIN: 3335090) is one of the bridges in the program; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Delta Engineers, Endwell, NY 13760 in the amount of \$69,997; and be it further

RESOLVED: That account H2011.10 be established for this project by transferring \$69,997 from H511 Appropriated Reserve account into H2011.10 Gridleyville Crossing Rd. Bridge over Catatonk Creek (BIN: 3335090).

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 88-11 *AWARD DESIGN SERVICES CONTRACT
SHUMAKER ENGINEERS FOR DESIGN
SERVICES OF THE DEAN CREEK RD BRIDGE
OVER DEAN CREEK (BIN: 3334850) AND
SABIN RD BRIDGE OVER DEAN CREEK
(BIN: 3334860)*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the design of these bridges as part of the Bond Issue; and

WHEREAS: The Dean Creek RD Bridge over Dean Creek (BIN: 3334850) and Sabin Rd Bridge over Dean Creek (BIN: 3334860) are two of the bridges in the program; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Shumaker Engineers, Binghamton, NY 13901 in the amount of \$74,900; and be it further

RESOLVED: That account H2011.09 be established for this project by transferring \$74,900 from H511 Appropriated Reserve account into H2011.09 Dean Creek RD Bridge over Dean Creek (BIN: 3334850) and Sabin Rd Bridge over Dean Creek (BIN: 3334860) for that amount.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 89-11 *AWARD DESIGN SERVICES CONTRACT
MCFARLAND – JOHNSON ENGINEERS FOR
DESIGN SERVICES OF THE GASKILL RD
BRIDGE OVER LITTLE NANTICOKE CREEK
(BIN: 3335370)*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the design of these bridges as part of the Bond Issue; and

WHEREAS: The Gaskill RD Bridge over Little Nanticoke Creek (BIN: 3335370) is one of the bridges in the program; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to McFarland-Johnson Engineers, Binghamton, NY 13901 in the amount of \$69,871; and be it further

RESOLVED: That account H2011.08 be established for this project by transferring \$69,871 from H511 Appropriated Reserve account into H2011.08 Gaskill RD Bridge over Little Nanticoke Creek (BIN: 3335370).

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 90-11 *AWARD CONSTRUCTION INSPECTION
CONTRACT TO MCFARLAND-JOHNSON INC
FOR THE MAIN STREET BRIDGE OVER
CAYUTA CREEK (BIN:3334800)*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the design of these bridges as part of the Bond Issue; therefore be it

RESOLVED: That the Tioga County Legislature award the construction inspection services contract to McFarland-Johnson Engineers, Binghamton, NY 13901 in the amount of \$168,115 to be paid out of Main Street Bridge account H2009.05.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 91-11 *AMEND COUNTY POLICY 26
TIOGA COUNTY ETHICS LAW
LOCAL LAW NO. 5 OF THE YEAR
1990 AS AMENDED*

WHEREAS: County Policy 26 Tioga County Ethics Law outlines the Tioga County Ethics Law and Disclosure Law in accordance with Article 18 of the New York State General Municipal Law; and

WHEREAS: Section IV Disclosure of Interest C refers to Exhibit A, which is actually Schedule A; and

WHEREAS: Schedule A includes Donations Committee Members/Certified Home Health Agency (All) and Donation Committee Members/Hospice (All), which have been abolished; therefore be it

RESOLVED: That County Policy 26 Tioga County Ethics Law be amended as follows:

Section IV Disclosure of Interest C – change Exhibit A to “Schedule A”.

Schedule A – remove Donations Committee Members/Certified Home Health Agency (All) and Donation Committee Members/Hospice (All)

And be it further

RESOLVED: That the remainder of Policy 26: Tioga County Ethics Law shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 92-11 *AMEND COUNTY POLICY 44:
NON-UNION BENEFITS*

WHEREAS: County Policy 44 outlines benefits and salary increase parameters for Non-Union staff; and

WHEREAS: Section 1. WAGES indicates that employees hired on or after September 1 will not be eligible for a salary increase effective January 1 of the following year; and

WHEREAS: Said restriction cannot be applied to employees of the Board of Elections due to Election Law regulations governing the salaries of employees of Boards of Elections; and

WHEREAS: The Policy goes on to explain that annual salary increases are determined by the results of the performance evaluations; and

WHEREAS: Employees of the Board of Elections are not evaluated, but have their salaries set by local resolution; therefore be it

RESOLVED: That County Policy 44 Section 1 WAGES be amended to include a fourth paragraph, as follows:

“Exception: Salaries for employees of the Board of Elections shall be set by local resolution; said employees are not subject to performance evaluations. Further, regardless of date of hire, employees of the Board of Elections shall have their salaries adjusted effective January 1, in accordance with the aforementioned resolution.”

And be it further

RESOLVED: That the remainder of Policy 44: Non-Union Benefits shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 93-11 *AMEND RESOLUTION NO. 147-09*
HIRING DELAY

WHEREAS: Resolution No. 147-09 established a Hiring Delay of 60 days; and

WHEREAS: Resolution No. 224-10 as amended by Resolution No. 269-10 amended Resolution No. 147-09 to reflect a 90-day hiring delay through December 31, 2011; and

WHEREAS: Resolution No. 147-09 outlined certain exceptions to the 60-day Delay; and

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
Commissioner of Public Works	Kenneth Del Bianco	8611	32525560	7	2/20/11-2/19/16	Y	N/A
Deputy Commissioner of Public Works	Gary Hammond	6750	38606786	7	2/20/11-2/19/16	Y	N/A
Secretary to Commissioner of Public Works	Jennifer Bennett	9435	37729993	7	2/20/11-2/19/16	Y	N/A

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 95-11 REQUEST WAIVER OF HIRING FREEZE
MENTAL HYGIENE

WHEREAS: Resolution 269-10 instituted a 90-day hiring delay, in accordance with Resolution 147-09, for most positions sought for backfill which could not otherwise be filled by promotion; and

WHEREAS: On 2/18/11, a Clinical Social Worker vacancy resulted due to the removal of an incumbent during a probationary period; and

RESOLVED: That one full-time position of Chief Accountant be created effective March 21, 2011 in the Non-Union group with a 2011 Hire Range of \$51,850 – 61,850; and be it further

RESOLVED: That the following transfer of funds occur effective March 21, 2011 to allow for payment of the appointee’s salary:

From:		
Budget Account A 1340.10-10		\$61,850
To:		
Treasurer’s Account A 1325.10-10		\$61,850

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 97-11 *CREATE PART-TIME POSITION
BUDGET OFFICER*

WHEREAS: The financial and economic climate of the past three years has made it increasingly difficult to prepare a County Budget that satisfies the tax-payers while still addressing State mandates and the needs of Tioga County residents; and

WHEREAS: Tioga County’s 2011 Budget is in excess of \$92 million; and

WHEREAS: The Tioga County Legislature believes having a position with the primary focus of preparing and tracking the County Budget is critical to allow Tioga County to manage the needs of the County in this increasingly difficult financial climate; therefore be it

RESOLVED: That the part-time position of Budget Officer is created effective March 21, 2011 at an annual salary of \$15,000; and be it further

RESOLVED: That the Budget Officer shall be appointed by and answer directly to the County Legislature and serve a term of office that coincides with Group One of the County Legislators.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

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

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO 98-11 *APPOINT NATURAL GAS COORDINATION TEAM*

WHEREAS: The Tioga County Legislature currently has no authority to either allow or prohibit the development of natural gas using high volume hydraulic fracturing (HVHF) in Tioga County; and

WHEREAS: The Tioga County Legislature currently has no authority to regulate the gas industry in Tioga County; and

WHEREAS: The Tioga County Legislature recognized the merits of being prepared for the possibility of HVHF in Tioga County, and approved the creation of the Tioga Investigates Natural Gas (TING) committee in March of 2009 whose mission was to research the public sector impacts of gas development in the County and make recommendations for municipal preparation; and

WHEREAS: One of TING’s core recommendations is the formation of a Natural Gas Coordination Team (NGC Team) whose members represent those county departments and agencies that will be most impacted by the activities of natural gas development. The mission of the NGC Team will be to prepare for the possibility of natural gas development in Tioga County and deal with any issues that may arise by communicating with and providing information to the County Central Point of Contact (CPOC), the gas companies and their subcontractors, Town and Village officials, and State and Federal regulating agencies as they (the NGC Team) deem necessary or as requested by the CPOC; and

WHEREAS: The intended function of this team is not to regulate, but rather to prepare, acquire and provide information, and address issues, and

WHEREAS: It will be most efficient to appoint this team by position rather than by name; therefore be it

RESOLVED: That the Tioga County Legislature approves the creation of a Team to be called the Natural Gas Coordination Team (NGC Team) with membership as follows:

Director of Economic Development & Planning (CPOC)	Term of Employment
County Planning Director (CPOC)	Term of Employment
Public Works Commissioner	Term of Employment
Sheriff	Term of Office
Emergency Management Officer	Term of Employment
Fire Coordinator	Term of Employment
Public Health Director	Term of Employment
County Attorney	Term of Employment
GIS Manager	Term of Employment
SWCD Manager	Term of Employment
Municipal Representative	Term of Employment

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No –None.

Absent –None.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:29 P.M.

Fourth Regular Meeting
April 12, 2011

The Fourth Regular Meeting of 2011 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

Chair Weston asked Legislator McEwen to have a moment of prayer. "I would like to ask for a moment of silence for all our men and women serving around the world and also for all of the people suffering through natural disasters around the world."

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

There were 19 people in attendance.

Chair Weston noted the following two proclamations on Mental Health Awareness Month & Children's Mental Health Week and Child Abuse Prevention Month.

2011 PROCLAMATION

Mental Health Awareness Month & Children's Mental Health Week

WHEREAS: The citizens of Tioga County value the overall health and well-being of all the residents of Tioga County they are proud to support the observance of Mental Health Awareness Month and Children's Mental Health Week; and

WHEREAS: In any given year, one in ten Americans experience a mental illness serious enough to impact their life at home, in school, or at work; and

WHEREAS: Mental illness is the leading illness-related cause of disability, a major cause of death through suicide, a factor in school failure, a contributor of poor overall health, incarceration, and homelessness; and

WHEREAS: There is evidence that early intervention, family-centered care for children, and person-centered treatment for adults can result in reduction and management of symptoms such that individuals with mental illness can live full, productive and meaningful lives in their communities; and

WHEREAS: It is known that early detection, identification, and treatment for children and adolescents can prevent mental health conditions from becoming more serious or long-lasting; and

WHEREAS: There is an expectation of hope, healing and recovery for the citizens of Tioga County who experience symptoms of mental illness, and

WHEREAS: Tioga County has made a commitment to a community-based system of care that provides opportunities for the promotion of health, wellness, and recovery; therefore

THE TIOGA COUNTY LEGISLATURE hereby asks all residents of our county to join in declaring May 2011 as *Mental Health Awareness Month* and May 1 – 7, 2011 as *Children's Mental Health Week* in Tioga County.

Child Abuse Prevention Month Proclamation

WHEREAS: The Tioga County Department of Social Services received 1,024 reports of alleged abuse/neglect involving 2,168 children in 2010; 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 and Finger Lakes Parenting Network offer support and educational services to families so families can help their child achieve his/her full potential within the community; and

WHEREAS: The Family Resource Centers of Tioga County, a program of Cornell Cooperative Extension of Tioga County in collaboration with Tioga County families and agencies, will again sponsor a Family Fun Night on May 13, 2011 to celebrate Tioga County's investment in the safety and nurturing of all children; 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 2011 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 insure that all children are raised in safe, nurturing families, thereby strengthening the communities in which we live.

Kevin McCabe, Governor Cuomo's Regional Representative spoke. "Thank you Mr. Chairman. I appreciate the opportunity to come here today. I am here mainly to introduce myself. I am Governor Cuomo's Regional Representative. I work in the Binghamton Region, which comprises six counties, Broome and Tioga, Chenango, Chemung, Tompkins, and Delaware. I am located in the Binghamton State Office Building on 44 Hawley Street in Binghamton. My phone number is 607-721-8367 and my email address is Kevin.mccabe@exec.ny.gov. The main reason why I asked the Chairman if I could be here today was just to introduce myself, let you know that the Governor has a regional representative in this area, in this community, and I am available to help you with any kind of issues that you might be having with the State and I would be happy to assist you in anyway that I can. Thank you very much for the time."

Chris Bonner had privilege of the floor. He spoke about his concerns of jobs going overseas, tax credits and programs, and the upcoming Presidential Election for 2012.

John Schaffer had privilege of the floor. "I am a Business Agent for Laborers Local 785, Binghamton, New York. Thank you for letting me come down and speak. I have spoken here on several occasions, when we had Tioga Downs coming in. I spoke on the millennium pipeline, which benefited the County. We have 1200 proud members of our Labor's Union, our combined local 785 and none of them are working on this new compressor station. Shame, shame on you guys for giving them that money, not putting a requirement in there for them to hire any local help. They are claiming, I watched on TV the other night, one of you gentlemen spoke up, no they are going to buy our material here, well let's wait and see, we are going to hire local people. I have tried, I have tried, they do not want to hear it.

"I have got documentation right on me if you want to see it, they are on the Craig's list hiring electricians out of Scranton, Pennsylvania to do work in Owego, New York. We have electricians that live in Owego, New York. We have laborers that work in Owego, New York, we have carpenters that work in Owego, New York. That compressor station was going to be built in Owego, New York because the pipeline goes through Owego, New York. They were not going to build it anyplace else. They did not need that money. They did not need what you guys gave them and you handed it to them, and we cannot get a New Yorker on the job.

"Now me putting people to work is very important to me. It should be important to you guys. You are taking our New York tax dollars and giving it to the people from Pennsylvania and West Virginia, pretty soon, you can sit and smirk all you want, but I am going to tell you something, pretty soon you are going to have the wild wild west up here just like they have in Pennsylvania. Do we want that? You control and I am asking for your help, the next piece that comes through, put something in there to hire local people. I do not care if they are union or non-union, I prefer them to be union. We can use the money here. My children live in Tioga County, a great percentage of our workers live in Tioga County, and you are not affording them the opportunity to work and that stinks. Thank you very much."

Alex Parillo had privilege of the floor. "Thank you Mr. Chairman, thank you Legislative body. I live at 130 Reservoir Hill Road in Candor, New York. I have been a Tioga County resident for over 10 years now. I generally work in Tioga County, I hold two mortgages in Tioga County, I bought all my vehicles in Tioga County, I buy all my gas in Tioga County, I put three kids in school in Tioga County, my wife is a teacher in Tioga County. I spend all my time in Tioga County. I sell wood here, I plow driveways here, all my friends live here, all my family lives here. I do not have a job here right now.

"Now I am a proud taxpayer. I pay them whenever they come in the mail. I pay them out of my check every week when I am working and I do not necessarily have a problem with the way these IDAs function and the way that we invite business and we encourage entrepreneurs to start businesses and bring money and prosperity to our community. That is a great plan, it is a great idea. Unfortunately we have kind of missed the boat. I have been to probably two or three dozen Legislative meetings at cities, county levels, as well as the State in regards to IDA and the way it is put out. They are asked to spend a certain amount of money in the local

community. Usually they do it in way of materials or labor, and those are the tax incentives and abatements that they are asking for. Not pretending to be a tax expert or financial expert, that is my basic understanding of how that system works. We give them a little break, they promise to come here and spend a little money. Well I paid my share in and I am not feeling like I am really getting my share out on this Central New York Oil & Gas project.

“We have had this happen, I went and spoke down in Chemung County about CVS a few years ago. Huge project, millions of dollars in State money and County money. Now we had probably 12 different contractors down there on that project, every single one of them was from out of New York, not even from within our State, I mean that is just ridiculous. Six of them were illegal immigrants, one of them had a gun. I mean is it so difficult to put in a little bit of stipulation in there, 20% local hiring, 50%, something, a start anywhere. We require them to permit here. We require them to do business here as far as materials. We would love to see the language go in there. Now it is not going to get fixed, this Legislation has been sitting at the State level from my understanding for close to a decade now as far as IDA reform goes. It is not going to happen. I go to the counties, I go to the cities, I go the other places, they tell me they are waiting for the State to act. I go to the State, the State tells me they are waiting for the counties, it is their problem. Once enough counties pass resolutions then it will come to the State and we will pass a statewide resolution. It has been getting kicked back and forth here and it is really starting to aggravate me as a taxpayer. Either abolish the system, fix the system, or take me right out of it to be honest with you. If everybody else in the County wants to spend their money that way and ship their money down the road, then so be it, but I do not want to ship anymore of my money out of State.

“I fight and I try very very hard to spend locally. If I am in Ithaca, if I am in Tompkins County and I have enough gas to get back to Tioga County, I drive back to Tioga County and buy my gas. If there is a sale price on something in Tompkins County, it does not matter because we prefer to do our business in Tioga County. We prefer to keep it right in Candor because that is where I live, but if I cannot keep it in Candor then I go to Owego, they have some bigger stores than we do down in Candor. I guess you guys are getting the jest of what I am getting at, if there is anything this body can do in the way of talking to the folks down at Central New York Oil & Gas, I mean the deal is already down, so we are not going to take that back, but in the meantime we can probably try

to work something out that would help out both parties and help the County, and help give a little return to us folks that are paying in, paying into this system every week, every month, every year just to make sure I can get a little bit of that back. Thank you for your time."

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		445.64
A1165	District Attorney		1,908.23
A1170	Public Defender		893.04
A1172	Assigned Counsel		23,414.74
A1185	Medical Examiners/Coroners		1,610.03
A1325	Treasurer		232.20
A1355	Assessments		2,160.00
A1410	County Clerk		601.87
A1411	Department of Motor Vehicles		429.84
A1420	Law		3,261.00
A1430	Personnel		1,367.15
A1450	Elections		16.60
A1460	Records Management		84.70
A1490	Public Works Administration		502.04
A1620	Buildings		49,131.82
A1621	Buildings		17,710.39
A1680	Information Technology		23,946.95
A2490	Community College Tuition		537,900.32
A2960	Education of Handicapped Children		169,544.73
A3020	Public Safety Comm E911 System	8.00	3,177.14
A3110	Sheriff	849.09	29,093.07
A3140	Probation		25.75
A3146	Sex Offender Program		8,766.67
A3150	Jail-Annex		46,402.28
A3315	Special Traffic Programs		74.70
A3410	Fire		3,465.80
A3640	Emergency Mgmt Office		378.45
A3641	Emergency Mgmt Grant Program	278.00	
A3992	EMO C837990 Grant	780.00	
A4010	Public Health Nursing		30,387.95
A4011	Public Health Administration		3,517.06
A4012	Public Health Education		306.66
A4042	Rabies Control		3,925.53
A4044	Early Intervention		28,993.15

A4053	Preventive/Primary Health Svcs		4,481.77
A4054	Preventive Dental Services	134.00	339.37
A4062	Lead Poisoning Program		24.00
A4064	Managed Care-Dental Services		14,727.26
A4070	Disease Control		3,315.37
A4090	Environmental Health		507.88
A4210	Alcohol and Drug Services		10,997.24
A4211	Council on Alcoholism		20,999.47
A4309	Mental Hygiene Co Admin	159.00	9,957.69
A4310	Mental Health Clinic		42,037.01
A4311	Rehabilitation Support Services		3,705.78
A4315	Mental Retardation		614.41
A4320	Crisis Intervention Services		22,178.07
A4321	Intensive Case Management		1,959.67
A4333	Psycho Social Club		38,739.38
A6010	Social Services Administration		63,264.85
A6422	Economic Development		808.45
A6510	Veterans' Service		132.00
A6610	Sealer Weights/Measures		139.67
A7510	Historian		350.00
A8020	Planning		131.82
SOLID WASTE FUND			87,648.56
COUNTY ROAD FUND			105,497.75
SPECIAL GRANT FUND			21,841.73
CONSOLIDATED HEALTH FUND			35,749.09
CAPITAL FUND			28,292.61
LIABILITY INSURANCE FUND			3,046.00
WORKERS' COMP			<u>10,749.00</u>
GRAND TOTAL			\$ 1,528,119.49

Legislator McEwen made a motion to approve the minutes of March 15, 2011, seconded by Legislator Monell, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Sullivan introduced A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for a four year term of office commencing January 1, 2012 and continuing through and including December 31, 2015.

County of Tioga

Local Law No. of the Year 2011.

A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four year term of office commencing January 1, 2012 and continuing through and including December 31, 2015.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: PURPOSE

As set forth at Local Law No. 3 of 2003, the annual salary for the elected public offices of County Clerk and County Sheriff shall not be increased during a term of office.

Accordingly, it is the purpose and intent of this Local Law to establish the salary for the Offices of County Clerk and County Sheriff for the four-year term of office commencing January 1, 2012 and continuing through and including December 31, 2015.

SECTION 2: ANNUAL SALARY

- A) The annual salary for the Offices of County Clerk and County Sheriff for the term of office beginning January 1, 2012 and continuing through and including December 31, 2015 is hereby established as follows:

1. County Clerk	\$61,000
2. County Sheriff	\$77,000

SECTION 3: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision,

section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This Local law shall take effect January 1, 2012.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 99-11 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. A OF 2011*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2011 A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four year term of office commencing January 1, 2012 and continuing through and including December 31, 2015 in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, May 5, 2011 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator McEwen introduced A Local Law to establish the staggered terms of Tioga County Legislators in accordance with Local Law No. 2 of 1994.

County of Tioga

Local Law No. of the Year 2011.

A Local Law to establish the staggered terms of Tioga County Legislators in accordance with Local Law No. 2 of 1994.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: TERMS OF OFFICE

Notwithstanding the provisions of any general, special or local law to the contrary, members of the Tioga County Legislature shall continue to be elected to staggered terms of three and four years over a ten year cycle as established in Local Law No. 2 of 1994.

SECTION 2: STAGGERED TERMS OF OFFICE

A. The seven County Legislative Districts shall be divided into two groups as follows:

1. Group One shall consist of:
 - a. The representative from District No 1
 - b. The representative from District No 2
 - c. The representatives from District No. 4
 - d. The representative from District No. 5
2. Group Two shall consist of:
 - a. The representative from District No. 3
 - b. The representative from District No. 6
 - c. The representatives from District No. 7

B. The County Legislators elected from the County Legislative Districts included in Group One shall be elected for a term of four (4) years at the general election to be held in the year Two Thousand Eleven (2011) and shall be elected for a term of three (3) years at the general elections to be held Two Thousand Fifteen (2015) and Two Thousand Eighteen (2018).

- C. The County Legislators from the County Legislative Districts included in Group Two shall be elected for a term of three (3) years at the general elections to be held in the years Two Thousand Eleven (2011) and Two Thousand Fourteen (2014) and shall be elected for a term of four (4) years at the general election to be held in Two Thousand Seventeen (2017).
- D. Subject to reapportionment, if necessary, staggered terms shall be utilized in the general elections following succeeding federal decennial censuses.

SECTION 3: COUNTY ATTORNEY

The term of office of the County Attorney shall be the same as the term of office of the Legislators in Group One.

SECTION 4: LEGISLATIVE CLERK

The term of office of the Legislative Clerk shall be the same as the term of office of the Legislators in Group One.

SECTION 5: BUDGET OFFICER

The term of office of the Budget Officer shall be the same as the term of office of the Legislators in Group One.

SECTION 6: EFFECTIVE DATE

This local law shall be effective on the date of adoption.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 100-11 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. B OF 2011*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2011 A Local Law to establish the staggered terms of Tioga County Legislators in accordance with Local Law No. 2 of 1994 in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, May 5, 2011 at 1:05

P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 101-11

*APPLY FOR NEW YORK STATE
HOUSING TRUST FUND CORPORATION
– 2011 NEW YORK MAIN STREET
PROGRAM GRANT FUNDS*

WHEREAS: The NYS Housing Trust Fund Corporation through their 2011 New York Main Street Program (NYMS) has made available a funding opportunity for rehabilitation of building stock to foster small business development, expand housing, stimulate reinvestment, enable adaptive reuse, address Americans with Disabilities Act (ADA), address code enforcement issues, energy efficiency and to preserve and revitalize mixed-use (commercial, civic and residential) business districts through building rehabilitation, façade improvement and streetscape improvement grants; and

WHEREAS: The NYMS Program criteria allows units of government to be eligible applicants and to act as a Local Program Administrator (LPA); and

WHEREAS: The Tioga County Tourism Study (2004) recommends that our revitalization efforts follow the National Trust's Main Street Center 4-point Approach, one of which is – Design: Enhancing the historic commercial district's physical appearance through building rehabilitation, compatible new construction, public improvements and design management systems; and

WHEREAS: The Village of Owego has initiated a coordinated effort to revitalize their targeted historic central business district through several recent, significant accomplishments and their Village of Owego Consolidated Master Plan (adopted 2003), includes a strategy in the Economic Development Chapter and Building Improvements and Filling Vacancies section to “Seek... pertinent funding to undertake commercial revitalization”; and

WHEREAS: The Village of Owego and Tioga County approved resolutions for the 2010 NYMS Program in which application was made and said application was awarded and is has been encumbered for twelve on-going projects at this time, and

WHEREAS: The Village of Owego approved a resolution in support of this application to the 2011 NYMS Program by Tioga County and is desirous of the County conducting this activity for them; and

WHEREAS: Several additional property owners in the Village of Owego downtown business district target area have expressed in writing interest in utilizing this funding to make building improvements; and

WHEREAS: This grant source requires applicants to administer and ensure successful completion of all assisted projects by evaluating and assuring compliance with all local, state and federal laws and regulations, and allows an up to a 7.5% administrative fee as administrative revenue for providing such services; and

WHEREAS: The NYMS Program grant application will be submitted for a total of up to \$500,000 for building rehabilitation and façade improvements with 25% cash match provided by property owners, plus Tioga County Department of Economic Development & Planning will receive revenue for staff time to provide administrative services, therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes submission and administration of said grant to New York State Housing Trust Fund, NYMS Program in the amount of up to \$500,000 with cash match provided by property owners with up to 7.5% in administrative revenue to be received for providing such services.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 102-11

*AWARD CONSTRUCTION BID FOR
STRAITS CORNERS RD BRIDGE
OVER PIPE CREEK (BIN: 3335040)
TO ECONOMY PAVING
CORTLAND, NEW YORK*

WHEREAS: Tioga County has received a bond issue for Capital Projects; and

WHEREAS: March 16, 2011 at 10:30 AM sealed bids were opened for the construction of the Straits Corners Bridge over Pipe Creek (BIN: 3335040), Town of Tioga, NY; and

WHEREAS: The bid results were as follows:

1. Economy Paving	Cortland, NY	\$ 986,689.80
2. Frampton Construction	Pine City, NY	\$ 990,000.00
3. Procon Contracting	Vestal, NY	\$ 998,000.00
4. Vector Construction	Cicero, NY	\$1,009,724.20
5. Silverline Construction	Burdett, NY	\$1,086,000.00
6. R. DeVincentis Construction	Binghamton, NY	\$1,086,000.00
7. Slate Hill Constructors, INC	Warners, NY	\$1,179,748.40
8. FAHS Construction Group	Binghamton, NY	\$1,228,589.70

And

WHEREAS: Labella Associates, Rochester, NY has reviewed the bid proposals and recommends awarding the project to the low bidder Economy Paving Co., Cortland, NY, which satisfies the requirement for qualifications; therefore be it

RESOLVED: That the Tioga County Legislature award the bid for the replacement of the Straits Corners Road Bridge over Pipe Creek (BIN: 3335040) not to exceed \$986,689.80 to be paid out of the Straits Corners Road Bridge Account H2010.06.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 103-11

*HIRE LABELLA ASSOCIATES FOR
CONSTRUCTION MANAGEMENT &
INSPECTION SERVICES FOR THE
STRAITS CORNERS RD BRIDGE
BIN: 3335040*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Labella Associates has submitted a proposal for Construction Management and Inspection for the Replacement of Straits Corners Rd. Bridge over Pipe Creek (Bin: 3335040); therefore be it

RESOLVED: That the Tioga County Legislature award the Construction Management and Inspection Services contract to Labella Associates, Rochester, NY 14614 in the amount of \$92,447 to be paid out of Straits Corners Rd Bridge Account H2010.06.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 105-11 *AUTHORIZATION TO MAKE FEDERAL
SECTION 5311 CONSOLIDATED GRANT
APPLICATION
SOCIAL SERVICES*

WHEREAS: The County of Tioga is submitting a request for a grant of operating assistance and capital funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for fixed route and demand response service throughout the County, with limited service to contiguous counties, by Tioga Transport, Inc. for the 2011 and 2012 fiscal years; and

WHEREAS: The County of Tioga and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share; and

WHEREAS: The County of Tioga is contracting with a third party subcontractor for the project described above; now therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of the County of Tioga to sign the application and progress and complete the above named project; and be it further

RESOLVED: That the Chair of the Legislature is authorized to sign any contracts or agreements between County of Tioga and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 106-11

*RESOLUTION APPOINTING
DONNA CORBIN TO THE MENTAL
HEALTH SUBCOMMITTEE OF THE
COMMUNITY SERVICES BOARD*

WHEREAS: The Mental Health Subcommittee of the Tioga County Community Services Board has a vacant position available; and

WHEREAS: Donna Corbin, representing Glove House, Inc. has been attending the Mental Health Subcommittee meetings in a Guest capacity for the last six months and has now expressed an interest in filling the vacant position; and

WHEREAS: The Chair of the Mental Health Subcommittee recommended her membership on the Subcommittee to the Community Services Board; and

WHEREAS: The Community Services Board nominated Ms. Corbin for the position at its March 17, 2011 meeting; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Donna Corbin to the Mental Health Subcommittee of the Tioga County Community Services Board effective April 12, 2011.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 107-11 *RESOLUTION URGING GOVERNOR CUOMO
TO REJECT THE 2011 NYS MANDATE
RELIEF REDESIGN TEAM REPORT*

WHEREAS: Governor Andrew Cuomo issued Executive Order No. 6 which, among other things, formed a Mandate Relief Redesign Team to fundamentally redesign and reform government to make it more affordable and efficient; and

WHEREAS: On March 1, 2011, Governor Cuomo accepted a preliminary report from said Redesign Team; and

WHEREAS: Although the effort may have been well-intended, the Report provides little mandate relief and, instead, offers goals and ideas for future study; and

WHEREAS: The Report does not meet the mission that was identified by the Governor and provides no substantial recommendations or specific legislation to curb unfunded mandates or implement mandate relief in the near future; and

WHEREAS: New York State mandates upon lower level governments are responsible for imposing huge property taxes upon residents of the State; and

WHEREAS: It is imperative that Governor Cuomo implement real mandate reform now, rather than promise relief to taxpayers through future studies; now therefore be it

RESOLVED: That the Tioga County Legislature hereby urges Governor Andrew Cuomo to reject the 2011 Mandate Relief Redesign Team Report and to immediately direct said Team to prepare a final report that introduces property tax relief for the citizens of New York State; and be it further

RESOLVED: That certified copies of this Resolution be forwarded to the County Treasurer, Governor Andrew Cuomo, Senator Thomas Libous, Assemblymen Finch and Friend, NYS Association of Counties, all New York State Counties, and to each and every other person, institution or agency who will further the purport of this Resolution.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 108-11 *AMEND POLICY 11*
TRAVEL POLICY AND PROCEDURES

WHEREAS: Policy 11 Travel Policy and Procedures needs to have an accountable plan to be in conformance with IRS regulations; therefore be it

RSOLVED: That Policy 11 Travel Policy and Procedures be amended to add Section IX Accountability and shall read as follows:

IX. ACCOUNTABILITY

- A. You must adequately account to the County of Tioga for expenses within 30 days of completion of travel.
- B. You must return any excess reimbursement or allowance within 30 days of completion of travel.

And be it further

RESOLVED: That the remainder of Policy 11 Travel Policy and Procedures shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 109-11 POLICY 25 BLOODBORNE
PATHOGENS PROTECTION PROGRAM
AND EXPOSURE CONTROL PLAN

WHEREAS: Policy 25 Bloodborne Pathogens Protection Program and Exposure Control Plan needed to have significant changes made to it along with the addition of a section; therefore be it

RESOLVED: That Policy 25 Bloodborne Pathogens Protection Program and Exposure Control Plan be amended in its entirety and the amended Policy is as follows:

POLICY 25**BLOODBORNE PATHOGENS PROTECTION PROGRAM
AND
EXPOSURE CONTROL PLAN**

Sec.

- I. Purpose and Scope
- II. Definitions
- III. Exposure Control Plan
- IV. Personal Protective Equipment (PPE)
- V. Housekeeping
- VI. Training
- VII. Hepatitis B Vaccine Program
- VIII. Post Exposure Program

In accordance with the Occupational Safety and Health Administration Rule as set forth in 29 CFR Part 1910.1030 inclusive of 2001 changes to the Standard, Tioga County hereby adopts the following policy:

I. PURPOSE AND SCOPE

The purpose of this policy is to limit occupational exposure to blood and other potentially infectious materials since any exposure could result in transmission of bloodborne pathogens which could lead to disease or death. This policy shall cover all employees who, as a result of performing their job duties, can be reasonably anticipated to face contact with blood or other potentially infectious material.

II. DEFINITIONS

BLOOD: means human blood, human blood components and products made from human blood.

BLOODBORNE PATHOGENS: means pathogenic microorganisms that are present in human blood or other potentially infectious materials and can cause disease in humans. These pathogens include, but are not limited to Hepatitis B virus (HBV), Hepatitis C virus (HCV) and Human Immunodeficiency virus (HIV).

CLINICAL LABORATORY: means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

CONTAMINATED: means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

CONTAMINATED LAUNDRY: means laundry that has been soiled with blood or other potentially infectious materials or may contain sharps.

CONTAMINATED SHARPS: means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes and exposed dental wires.

DECONTAMINATION: means the use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

ENGINEERING CONTROLS: means controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices such as sharps with engineered sharps injury protection and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

SHARPS WITH ENGINEERED SHARPS INJURY PROTECTIONS (SESIPs): means a non-needle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medication or other fluids, with a built-in safety mechanism that effectively reduces the risk of an exposure incident (e.g., syringes with guards or sliding sheaths attached, phlebotomy tube holders that cause the needle to retract into them when the cap is closed).

NEEDLELESS SYSTEM: means a device that does not use needles for: (1) the collection of body fluids or the withdrawal of body fluids after the initial venous or arterial access is established; (2) the administration of medications or fluids; or (3) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to injuries caused by contaminated sharps penetrating the skin.

EXPOSURE INCIDENT: means a specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

HAND WASHING FACILITIES: means a facility providing an adequate supply of running potable water, soap and single-use towels or hot air drying machines.

LICENSED HEALTH CARE PROFESSIONAL: is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by 29 CFR 1910.1030 paragraph (f) "Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up."

HBV: means Hepatitis B virus.

HCV: means Hepatitis C virus.

HIV: means Human Immunodeficiency virus.

OCCUPATIONAL EXPOSURE: means reasonably anticipated non-intact skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. "Reasonably anticipated contact" includes both potential for contact as well as actual contact with blood and other potentially infectious materials.

OTHER POTENTIALLY INFECTIOUS MATERIALS (OPIM): means

- A. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid visibly contaminated with blood and all body fluids where it is difficult or impossible to differentiate between body fluids.
- B. Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
- C. HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs or other tissues from experimental animals infected with HIV, HBV or HCV.

PARENTERAL: means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts and abrasions.

PERSONAL PROTECTIVE EQUIPMENT: is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g. uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

REGULATED MEDICAL WASTE: means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

SOURCE INDIVIDUAL: means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in

institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospice and nursing homes; human remains; and individuals who donate or sell blood or blood components.

STERILIZE: means the use of physical or chemical procedure to destroy all microbial life including highly resistant bacterial spores.

UNIVERSAL PRECAUTIONS: is an approach to infection control. According to this concept, all blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV and certain other bloodborne pathogens. Universal Precautions are the required methods of control to prevent exposure to blood or OPIM under 29 CFR 1910.1030.

STANDARD PRECAUTIONS: means an approach to infection control that combines major features of Universal Precautions and Body Substance Isolation. It is based on the principles that all blood, body fluids, secretions and excretions except sweat, non-intact skin and mucous membranes may contain transmissible infectious agents. Standard Precautions include a group of infection prevention practices that apply to all patients, regardless of confirmed or suspected infection status, in any setting in which health care is delivered. They include: hand hygiene; use of gloves, gowns, masks and eye protection or face shields depending on the anticipated exposure; and safe injection practices (Guidelines for Isolation Precautions: Prevention of Transmission of Infectious Agents in HealthCare Settings, 2007, page 66). OSHA considers Standard Precautions to be an acceptable alternative infection control method to Universal Precautions as long as all other provisions to 29 CFR 1910.1030 are adhered to.

WORK PRACTICE CONTROLS: means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g. prohibiting recapping of needles by the two-handed technique.)

III. EXPOSURE CONTROL PLAN

A. EXPOSURE DETERMINATION

Each department shall determine which of their personnel can be reasonably anticipated to be at risk of exposure to blood or other potentially infectious materials. This determination shall be made according to job title. There can be two job determination lists;

1. An (A) list in which all employees within a given job title can be reasonably anticipated to be at risk of exposure
2. A (B) list in which only some employees within a given job title can be reasonably anticipated to be at risk of exposure.

These Exposure Determination lists shall be made without regard as to the use of personal protective equipment. A "Bloodborne Pathogen Risk Assessment Questionnaire" is attached to assist in making your determination.

B. IMPLEMENTATION SCHEDULE

Each department or agency within the County who has one or more employees that are covered by the Exposure Determination shall develop written procedures to ensure compliance. Each department is to cooperate with the Health Department for the delivery of these services. The Safety Officer shall make inspections for compliance.

1. Each department or agency within the County who has one or more employees that are covered by the Exposure Determination shall within thirty (30) days after the adoption of this policy develop written policies and procedures to ensure compliance with this policy and with OSHA regulations. Said protocol shall include, at a minimum, the following items:
 - a. Universal precautions shall be used to prevent contact with blood or other potentially infectious materials. Standard Precautions shall be an acceptable alternative.
 - b. Engineering and work practice controls are to be used to eliminate or minimize employee exposure.
 - c. Where risk of exposure still remains, personal protective equipment shall be used.
 - d. The provisions for hand washing facilities, or, where not feasible, suitable substitutes.
 - e. Procedure for handling contaminated needles or other contaminated sharps, i.e., glass shards, used razors.
 - f. Policies written to ensure that all procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, splattering and generation of droplets of these substances.
 - g. Procedure for the examination and decontamination of equipment which may become contaminated with blood or other potentially infectious material.
2. Upon adoption of this policy, the County shall make available the Hepatitis B Vaccine and post vaccination immune confirmation bloodwork to all employees who can reasonably be anticipated to have occupational exposure to blood and other potentially infectious materials, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.
3. Within thirty (30) days after the development of the policy / protocol by each department:
 - a. Biohazard warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and to the doors of rooms where these are located or where blood is drawn; and to other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in the regulations.
 - b. All employees with reasonably anticipated occupational exposure shall participate in a training program to be provided, at no cost to the employee, during working hours.
4. Within sixty (60) days from the adoption of this policy, each department shall establish and maintain accurate records for each employee with occupational exposure evaluation in accordance with OSHA regulations.
5. Each department shall maintain training records in accordance with the OSHA regulations.

6. Each department shall develop a departmental specific Exposure Control Plan and a copy of their Exposure Plan shall be accessible to all their employees.
7. This policy shall be made available to the Assistant Secretary of Labor for OSHA and Director of National Institute for Occupational Safety & Health, U.S. Department of Health & Human Services; upon request for examination and copying.

IV. PERSONAL PROTECTIVE EQUIPMENT (PPE)

- A. Personal Protective Equipment shall be provided by each department to each covered employee. This equipment shall be appropriate to the task performed as specified in the standard.
- B. The department head shall ensure that the employee uses the appropriate Personal Protective Equipment. An employee, in extraordinary circumstances, may, in accordance with OSHA regulations, exercise his / her professional judgment not to use Personal Protective Equipment in order to deliver the health care of public safety service. In such circumstances, the department protocol shall provide for the investigation of said event.
- C. The department shall ensure the appropriate PPE is readily available. PPE that is reusable will be properly decontaminated / cleaned and repaired.
- D. Gloves shall be worn when it is reasonably anticipated that the employee may have contact with blood or other potentially infectious material.
- E. All Personal Protective Equipment shall be appropriate to comply with the standards.

V. HOUSEKEEPING

- A. All departments shall ensure that all appropriate methods are used to maintain the workplace in a clean and sanitary condition.
- B. All disposable PPE and equipment shall be disposed of in a manner to comply with the standard.

VI. TRAINING

Each department shall ensure that all employees are trained regarding exposure precautions, use of personal protective equipment, Post Exposure Evaluation Process, universal precautions and the availability of Hepatitis B Vaccines. The training programs must include an opportunity for questions and answers. After the initial training, training shall be provided as follows:

- A. At the time of initial assignment to task where occupational exposure may take place;
- B. At least annually thereafter;
- C. Such additional training shall take place when changes such as modification of task or procedures or institution of new task or procedure affect the employee's occupational exposure. The additional training shall be limited to addressing the new exposures created.

- D. Each department will develop department specific training for tasks specific to their department to supplement training provided by the Health Department.
- E. At the direction of the County Legislature, Tioga County Health Department will develop an appropriate general bloodborne pathogen training program in accordance with the OSHA regulations, which will be made available to the departments.

VII. HEPATITIS B VACCINE PROGRAM

- A. Each department shall make Hepatitis B Vaccine available to all employees who can reasonably be anticipated to have occupational exposure to blood or OPIM.
- B. This Hepatitis B vaccine will be provided at no cost to the employee, within ten (10) working days of assignment.
- C. This Hepatitis B vaccine shall be made available at a reasonable time and place.
- D. This Hepatitis B vaccine shall be administered by a recognized health care professional.
- E. Each department shall maintain appropriate records for their employees regarding Hepatitis B vaccination or declination of same
- F. Tioga County Health Department will provide Hepatitis B Vaccination series to all county employees referred by their departments and shall maintain their Hepatitis B vaccination or declination of same received at orientation training.
- G. A copy of the Hepatitis B Vaccine declination is attached to this policy.
- H. The County reserves the right to act as the subcontractor for the delivery of these services to local Tioga County municipalities and non-profit agencies.

VIII. POST EXPOSURE PROGRAM

- A. Hepatitis B Vaccine shall be made available to all employees following an exposure incident.
- B. A Confidential medical evaluation, post exposure counseling and testing and HIV post exposure prophylaxis, if appropriate, shall also be made available at no cost to the employee.
 - 1. Documentation shall be kept concerning the exposure circumstances.
 - 2. All means available shall be used to determine if the employee was exposed to HBV or HIV.

TIOGA COUNTY HEALTH DEPARTMENT BLOODBORNE PATHOGEN QUESTIONNAIRE

NAME: _____

JOB TITLE: _____

1. While performing your normal work duties, can you reasonably anticipate ever coming in contact with:
- | | | | |
|----|----------------------------------------------------------|-----------|----------|
| A. | Human blood or blood products? | YES _____ | NO _____ |
| B. | Other human body fluids visibly contaminated with blood? | YES _____ | NO _____ |
| C. | Human body fluids not easily identified? | YES _____ | NO _____ |
| D. | Being bitten, scratched or cut by another person? | YES _____ | NO _____ |

If you answered "YES" to any of the above, please describe those work duties where contact could occur.

2. While performing your normal work duties, can you reasonably anticipate that you will:
- | | | | |
|----|----------------------------------------------------------------------|-----------|----------|
| A. | Be required to carry a gun | YES _____ | NO _____ |
| B. | Be required to restrain another person? | YES _____ | NO _____ |
| C. | Be required to be a first responder? | YES _____ | NO _____ |
| D. | Working with toddlers and young children in stressful circumstances? | YES _____ | NO _____ |

If you answered "YES" to any of the above, please describe those work duties where any of these circumstances could occur.

HEPATITIS B VACCINE DECLINATION

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B Vaccine at no charge to myself. However, I decline Hepatitis B Vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B Vaccine, I can receive the vaccination series at no charge to me.

SIGNATURE

DATE

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

PERSONNEL COMMITTEE
LEGAL & FINANCE COMMITTEE

RESOLUTION NO. 110-11

*AMEND COUNTY POLICY 30
DRUG-FREE WORKPLACE POLICY*

WHEREAS: Resolution No. 234-93 established Tioga County's Drug-Free Workplace Policy (County Policy 30); and

WHEREAS: Resolution No. 179-96 amended County Policy 30 Section I, Paragraph 2; and

WHEREAS: Said Policy was established in accordance with the Drug Free Workplace Act of 1988; and

WHEREAS: The Federal regulations address only controlled substances, but make no mention of alcohol; and

WHEREAS: Tioga County believes for safety reasons it is in the best interest of the employees, residents and customers of Tioga County to include reference to alcohol in Policy 30; now therefore be it

RESOLVED: That County Policy 30 be amended and be re-titled “Drug-Free and Alcohol-Free Workplace Policy”; and be it further

RESOLVED: That the second sentence of the first paragraph of Policy 30 shall be amended to read as follows:

“Being under the influences of any drug or alcohol on the job poses serious risks to a person’s health and safety, and jeopardizes the public trust that has been placed in Tioga County.”

and be it further

RESOLVED: That wherever reference to “controlled substance” is made throughout Policy 30, that Policy 30 be amended to add the phrase “and/or alcohol”; and be it further

RESOLVED: That the remainder of Policy 30 shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 111-11 APPROVAL TO WAIVE 90-DAY HIRING
DELAY AND BACKFILL ENGINEERING
TECHNICIAN; AUTHORIZE CREATION
OF TEMPORARY, PART TIME
ENGINEERING TECHNICIAN
PUBLIC WORKS DEPARTMENT

WHEREAS: Resolution 269-10 instituted a 90-day hiring delay, for most positions sought for backfill which could not otherwise be filled by promotion; and

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

WHEREAS: The Public Works Department will experience a vacancy on June 10, 2011 when a long term employee, George Craven, retires from the position of Engineering Technician; and

WHEREAS: The Engineering Technician position is vital to the operations of the Public Works Department; therefore be it

RESOLVED: That the Public Works Commissioner be granted a waiver from the 90-day hiring delay and be allowed to backfill the Engineering Technician position effective June 13, 2011 on a provisional basis pending civil service examination; and be it further

RESOLVED: That the Public Works Commissioner be authorized to create a temporary, part-time Engineering Technician position effective June 13, 2011, which will be filled by Mr. Craven in order to help train his replacement; and be it further

RESOLVED: That said temporary, part-time Engineering Technician position shall be compensated at a rate of \$20.00/hour, not to exceed \$2,040.00, and be paid out of Public Works Personnel Services/part time A1490.10 use code 20; and be it further

RESOLVED: That the sum of \$2,040.00 shall be transferred from Public Works Administration Account A1490.10-10 to Public Works Administration Account A1490.10-20.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 112-11 *AUTHORIZATION TO RECLASSIFY VACANT SENIOR TYPIST POSITION TO SENIOR ACCOUNT CLERK TYPIST AND FILL; AUTHORIZATION TO RECLASSIFY FUTURE SENIOR ACCOUNT CLERK TYPIST VACANCY TO ACCOUNT CLERK TYPIST HEALTH DEPARTMENT*

WHEREAS: Legislative approval is required for the reclassifying of any position within Tioga County; and

WHEREAS: The Public Health Department has been carrying a vacant Senior Typist position (CSEA Grade IV) since 1/30/10 and will be faced with a Senior Account Clerk Typist vacancy on 6/6/11 due to retirement of long term employee, Sylvia Deats; and

WHEREAS: The Public Health Department has identified the importance and efficiencies of providing training by the retiring employee directly to the new employee responsible for the critical billing role, thereby creating the most efficient and seamless transition of billing and of receiving revenue; and

WHEREAS: Said efficiencies will be realized by reclassifying the vacant Senior Typist position to that of a Senior Account Clerk Typist and thereby providing staff training prior to the retirement of Ms. Deats: therefore be it

RESOLVED: That the Tioga County Legislature authorize the Public Health Director to abolish one vacant Senior Typist position (CSEA Salary Grade IV) and create a Senior Account Clerk position (CSEA Salary Grade V) effective April 13, 2011; and be it further

RESOLVED: That the Public Health Director be allowed to fill the reclassified Senior Account Clerk Typist position effective April 13, 2011, due to carrying a Senior Typist vacancy for 14 months; and be it further

RESOLVED: That upon retirement of Ms. Deats on June 6, 2011, her vacant position of Senior Account Clerk Typist shall be reclassified and downgraded to that of an Account Clerk Typist (CSEA Grade IV) and said vacancy will be subject to the 90-day hiring delay.

ROLL CALL VOTE

Yes – Legislators McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:53 p.m.

Second Special Meeting
April 21, 2011

The Second Special Meeting of 2011 was called to order by the Chair at 10:00 A.M. Eight Legislative members were present, Legislator McEwen being absent.

The Chair asked Legislator Monell to have a moment of prayer. "Lord we thank you for this time that we can be together and we pray that you would bless us as we take care of the business of this County. We thank you for each one that represents the people of this County. We pray that you would give us direction in all that we do this day."

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

There were 4 persons in attendance.

The County Attorney asked for a motion to go into Executive Session for purposes of considering the Court House bid because part of the consideration will be consideration of employees and financial aspects of the Corporation in question whose Representative is here today and this is subject to an Executive Session.

Legislator Sauerbrey made a motion to go into Execution Session at 10:02 A.M., seconded by Legislator Monell and carried.

Legislator Weston made a motion to come out of Executive Session at 11:02 A.M., seconded by Legislator Sullivan and carried.

The Second Special Meeting was called back to order at 11:05 A.M.

There being nothing determined the meeting was adjourned at 11:06 A.M.

Third Special Meeting
April 29, 2011

The Third Special Meeting of 2011 was called to order by the Chair at 12:00 P.M. Five Legislative members were present, Legislators McEwen, Monell, Quinlan, and Sullivan being absent.

The Chair asked Legislator Roberts to have a moment of prayer. "I would ask for a moment of silence for all the flood victims and the hurricane victims across the Country."

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

There were four persons in attendance.

Legislator Sauerbrey introduced Local Law Introductory No. C of 2011 A Local Law Reapportioning the Tioga County Legislature.

County of Tioga

Local Law No. 3 of the Year 2011.

A Local Law Reapportioning the Tioga County Legislature.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

Effective January 1, 2012 the Tioga County Legislature shall consist of nine members elected from seven Legislative Districts as follows:

DISTRICT 1: That portion of the Town of Owego on the north side of the Susquehanna River bounded and described as follows:

Beginning at the northeast corner of the Town of Owego; thence in a southerly direction along the boundary line between the Town of Owego and the County of Broome to a point in the center line of the Susquehanna River; thence in a westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the easterly boundary of the Village of Owego; thence in a northerly direction along the easterly boundary of the Village of Owego to a point, said point being the

intersection of the easterly boundary line of the Village of Owego and the center line of East Front Street; thence in an easterly direction along the center line of East Front Street to a point, said point being the intersection of the center line of East Front Street and the center line of Davis Hill Road; thence in a northerly direction along the center line of Davis Hill Road and Lisle Road to a point, said point being the intersection of the center line of Lisle Road and the center line of Patton Road; thence in an easterly direction along the center line of Patton Road and Welch Road to a point, said point being the intersection of the center line of Welch Road and the center line of East Beecher Hill Road; thence in a northerly and northeasterly direction along the center line of East Beecher Hill Road to a point, said point being the intersection of the center line of East Beecher Hill Road and the center line of Gaskill Road; thence in a northwesterly direction along the center line of Gaskill Road to a point, said point being the intersection of the center line of Gaskill Road and the center line of Pultz Hill Road as extended; thence in an easterly direction along the center line of Pultz Hill Road and the center line of Hollister Road to a point, said point being the intersection of the center line of Hollister Road and the center line of Lisle Road; thence in a northeasterly direction along the center line of Lisle Road to a point, said point being the intersection of the center line of Lisle Road and the northerly boundary of the Town of Owego; thence in an easterly direction along the northerly boundary of the Town of Owego to the northeast corner of the Town of Owego, the point and place of beginning.

POPULATION: 5444

REPRESENTATIVES: ONE

DISTRICT 2: That portion of the Town of Owego on the north side of the Susquehanna River, and the Village of Owego, bounded and described as follows:

Beginning at the southwest corner of the Village of Owego; thence in a northerly direction along the westerly boundary of the Village of Owego and the center line of the Owego Creek to a point, said point being the northwest corner of the Town of Owego; thence in an easterly direction along the northerly boundary of the Town of Owego to a point, said point being the intersection of the northerly boundary of the Town of Owego and the center line of Lisle Road; thence in a southwesterly direction along the center line of Lisle Road to a point, said point being the intersection of the center line of Lisle Road and the center line of Hollister Road; thence in a westerly direction along the center line of Hollister Road

and the center line of Pultz Hill Road to a point, said point being the intersection of the center line of Pultz Hill Road as extended and the center line of Gaskill Road; thence in a south easterly direction along the center line of Gaskill Road to a point, said point being the intersection of the center line of Gaskill Road and the center line of East Beecher Hill Road; thence in a southwesterly direction along the centerline of East Beecher Hill Road to a point, said point being the intersection of the center line of East Beecher Hill Road and the center line of Welch Road, as extended; thence in an easterly direction along the center line of Welch Road and Patton Road to a point, said point being the intersection of the center line of Patton Road, as extended, and the center line of Lisle Road; thence in a southerly direction along the center line of Lisle Road and Davis Hill Road, to a point, said point being the intersection of the center line of Davis Hill Road and the center line of East Front Street (said boundary also being the westerly boundary of Legislative District No. 1); thence in a westerly direction along the center line of East Front Street to a point, said point being the intersection of the center line of East Front Street and the easterly boundary of the Village of Owego; thence in a southerly direction along the easterly boundary of the Village of Owego to a point, said point being the southeast corner of the Village of Owego; thence in a southwesterly direction along the southerly boundary of the Village of Owego to the point or place of beginning.

POPULATION: 5515

REPRESENTATIVES: ONE

DISTRICT 3: That portion of the Town of Owego on the south side of the Susquehanna River, bounded and described as follows:

Beginning at a point on the easterly boundary of the Town of Owego, said point being the intersection of the easterly boundary of the Town of Owego and the center line of the Susquehanna River; thence in a southerly direction along the easterly boundary of the Town of Owego and the westerly boundary of Broome County to a point, said point being the southeast corner of the Town of Owego; thence in a westerly direction along the southerly boundary of the Town of Owego and the Pennsylvania Border to a point, said point being the intersection of the southerly boundary of the Town of Owego and the center line of Bolles Hill Road; thence in a northeasterly direction along the center line of Bolles Hill Road to a point, said point being the intersection of the center line of Bolles Hill Road and the center line of Gaylord Road; thence in a westerly direction along the center line of Gaylord Road to a point, said point

being the intersection of the center line of Gaylord Road and the center line of Lillie Hill Road; thence in a westerly direction along the center line of Lillie Hill Road to a point, said point being the intersection of the center line of Lillie Hill Road as extended and the center line of Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of New Street; thence in a northerly direction along the center line of New Street to a point, said point being the intersection of the center line of New Street and the center line of West Main Street; thence in a westerly and northerly direction along the center line of West Main Street to a point, said point being the intersection of the center line of West Main Street and the center line of Watkins Avenue; thence in a westerly direction along said center line of Watkins Avenue to a point, said point being the intersection of the center line of Watkins Avenue and the center line of Holmes Avenue; thence northerly along said center line of Holmes Avenue to a point, said point being the intersection of the center line of Holmes Avenue and the center line of Hilton Road; thence easterly along the center line of Hilton Road to a point, said point being the intersection of the center line of Hilton Road and the center line of NYS Route 434; thence in a southeasterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of the Apalachin Creek; thence in an easterly direction along the center line of the Apalachin Creek to a point, said point being the intersection of the center line of the Apalachin Creek as extended and the center line of the Susquehanna River; thence in an easterly direction along the center line of the Susquehanna River to the point or place of beginning.

POPULATION: 5439

REPRESENTATIVES: ONE

DISTRICT 4: That portion of the Town of Owego on the south side of the Susquehanna River, and two additional Towns, bounded and described as follows:

(A) That portion of the Town on the south side of the Susquehanna River, bounded and described as follows:

Beginning at a point, said point being the intersection of the southerly boundary of the Town of Owego (on the Pennsylvania Border) and the center line of Bolles Hill Road; thence in a northeasterly direction along the

center line of Bolles Hill Road to a point, said point being the intersection of the center line of Bolles Hill Road and the center line of Gaylord Road as extended; thence in a westerly direction along the center line of Gaylord Road to a point, said point being the intersection of Gaylord Road as extended and the center line of Lillie Hill Road; thence in a westerly direction along the center line of Lillie Hill Road to a point, said point being the intersection of the centerline of Lillie Hill Road as extended and the center line of Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of New Street; thence in a northerly direction along the center line of New Street to a point, said point being the intersection of the center line of New Street and the center line of West Main Street; thence in a westerly and northerly direction along the center line of West Main Street to a point, said point being the intersection of the center line of West Main Street and the center line of Watkins Avenue; thence in a westerly direction along the center line of Watkins Avenue to a point, said point being the intersection of the center line of Watkins Avenue and the center line of Holmes Avenue; thence northerly along the center line of Holmes Avenue to a point, said point being the intersection of the center line of Holmes Avenue and the center line of Hilton Road; thence easterly along said center line of Hilton Road to a point, said point being the intersection of the center line of Hilton Road and the center line of NYS Route 434; thence in a southeasterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of the Apalachin Creek; thence in an easterly direction along the center line of the Apalachin Creek as extended to a point, said point being the intersection of the center line of the Apalachin Creek as extended and the center line of the Susquehanna River; thence in a northerly and westerly direction along the center line of the Susquehanna River to a point on the easterly boundary of the Village of Owego; thence in a southerly direction along the easterly boundary of the Village of Owego to a point, said point being the southeast corner of the Village of Owego; thence in a southwesterly direction along the southerly boundary of the Village of Owego to a point, said point being the southwest corner of the Village of Owego; thence in a northerly direction along the westerly boundary of the Village of Owego to a point, said point being the intersection of the westerly boundary of the Village of Owego and the center line of the Susquehanna River; thence in a westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the westerly boundary of the Town of Owego; thence in a southerly direction along the westerly boundary of the Town of Owego to a point on the Pennsylvania Border,

said point being the southwest corner of the Town of Owego; thence in an easterly direction and along the southerly boundary of the Town of Owego and the Pennsylvania Border to a point, said point being the intersection of the southerly Boundary of the Town of Owego (and the Pennsylvania Border) and the center line of Bolles Hill Road, the point or place of beginning.

(B) All of the Town of Nichols.

(C) All of the Town of Tioga.

POPULATION: 10879

REPRESENTATIVES: TWO, no more than one of whom shall reside in the same Town.

DISTRICT 5: That portion of the Town of Barton and the Village of Waverly, bounded and described as follows:

(A) The Village of Waverly.

(B) That portion of the Town of Barton, bounded and described as follows:

Beginning at the southwest corner of the Town of Barton; thence in a northerly direction along the westerly boundary of the Town of Barton and the easterly boundary of the County of Chemung to a point, said point being the intersection of the westerly boundary of the Town of Barton and the center line of Camptown Road; thence in an easterly direction along the center line of Camptown Road to a point, said point being the intersection of the center line of Camptown Road and the center line of NYS Highway 34; thence in a northerly direction along the center line of NYS Highway 34 approximately 420 feet to a point, said point being the intersection of the center line of NYS Highway 34 and an unnamed creek; thence in a southerly and easterly direction along the center line of said unnamed creek to a point, said point being the intersection of the center line of the unnamed creek and the centerline of Ranch Road; thence in a southerly direction along the center line of Ranch Road to a point, said point being the intersection of the center line of Ranch Road and the center line of Spring Brook; thence in a northeasterly direction along the center line of Spring Brook to a point, said point being the intersection of the center line of Spring Brook and the center line of Talmadge Hill Road West; thence in an easterly direction along the center line of Talmadge Hill Road West to a point, said point being the intersection of the center

line of Talmadge Hill Road West and Talmadge Hill Road South; thence continuing in an easterly direction along the center line of Talmadge Hill Road East a distance of approximately 752 feet to a point, said point being the intersection of the center line of Talmadge Hill Road East and the centerline of an unnamed creek; thence in an easterly direction along the center line of the said unnamed creek to a point, said point being the intersection of the center line of said unnamed creek and the centerline of Ellis Creek Road; thence in a southerly direction along the center line of Ellis Creek Road a distance of approximately 6551 feet to a point, said point being the intersection of the center line of Ellis Creek Road and the centerline of Ellis Creek; thence in a southerly direction along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek and the center line of Flag Marsh Run; thence in a westerly direction along the center line of Flag Marsh Run to a point, said point being the intersection of the center line of Flag Marsh Run and the center line of Heath Road; thence in a southerly direction along the center line of Heath Road to a point said point being the intersection of the center line of Heath Road and the center line of Rt. 17C; thence in an easterly and northerly direction along the center line of Rt. 17C to a point, said point being the intersection of the center line of Rt. 17C and the center line of Old Barton Road; thence in a northeasterly direction along the center line of Old Barton Road approximately 827 feet to a point, said point being the intersection of the center line of Old Barton Road and the center line of an unnamed creek; thence in a southerly direction along the center line of said unnamed creek to a point where said center line of said unnamed creek intersects with the westerly boundary of the Susquehanna River; thence in a southerly direction along the westerly boundary of the Susquehanna River to a point on the Pennsylvania Border; thence in a westerly direction along the southerly boundary of the Town of Barton and the Pennsylvania Border to the Southwest corner of the Town of Barton to the point or place of beginning.

POPULATION: 6001

REPRESENTATIVES: ONE

DISTRICT 6: That portion of the Town of Barton, and the Town of Spencer, bounded and described as follows:

(A) The Town of Spencer.

(B) The Town of Barton, excluding that portion which forms a portion of District 5.

POPULATION: 6003

REPRESENTATIVES: ONE

DISTRICT 7: That portion of all of the following Towns, bounded and described as follows:

(A) Candor

(B) Newark Valley

(C) Berkshire

(D) Richford

POPULATION: 11844

REPRESENTATIVES: TWO, no more than one of whom shall reside in the same Town.

SECTION 2:

Such Legislators shall be elected for terms as set forth in Local Law 2 of the Year 2011.

SECTION 3:

Town Supervisors, Village Mayors, Members of Town Boards, Members of Village Boards of Trustees shall be ineligible to serve simultaneously as County Legislators.

SECTION 4:

(A) For purposes of the nomination and election of County Legislators, this Local Law shall take effect immediately.

(B) For all other purposes, it shall take effect January 1, 2012, unless within forty-five days after its adoption there shall be filed with the Clerk a petition protesting against this Local Law, signed and authenticated as herein required by qualified electors of Tioga County, registered to vote therein at the last preceding general Election, in number equal to at least five per centum of the total number of votes cast for Governor at the last Gubernatorial Election in Tioga County, whereupon Section 4(B) of this Local Law shall not be effective until approved by the affirmative vote of a majority of the qualified Electors of Tioga County voting on the proposition for its approval.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 113-11 SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. C OF 2011

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2011 A Local Law reapportioning the Tioga County Legislature in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Tuesday, May 10, 2011 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston and Weston.

No –None.

Absent –Legislators McEwen, Monell, Quinlan, and Sullivan.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:09 P.M.

Public Hearing
Local Law Introductory No. A of 2011
May 5, 2011

The Public Hearing on Local Law Introductory No. A of 2011 A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four year term of office commencing January 1, 2012 and continuing through and including December 31, 2015 was called to order by the Chair at 1:01 P.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

There were 8 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no comments, the hearing was adjourned at 1:02 P.M.

Public Hearing
Local Law Introductory No. B of 2011
May 5, 2011

The Public Hearing on Local Law Introductory No. B of 2011 A Local Law to establish the staggered terms of Tioga County Legislators in accordance with Local Law No. 2 of 1994 was called to order by the Chair at 1:05 P.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

There were 8 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no comments, the hearing was adjourned at 1:06 P.M.

Public Hearing
Local Law Introductory No. C of 2011
May 10, 2011

The Public Hearing on Local Law Introductory No. C of 2011 A Local Law reapportioning the Tioga County Legislature was called to order by the Chair at 10:00 A.M. Seven Legislative members were present, Legislators McEwen and Sauerbrey being absent.

There were 7 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

The Clerk has received a letter from Don Burns, Tioga County Democratic Party State Committee Representative and this will be made part of the record.

County Attorney Quigley did a presentation on reapportionment and explained how the boundaries of the seven districts were changed.

Don Burns spoke and read the following letter, which is part of the record.

“The Tioga County Democratic Party has been informed that the Tioga County Legislature is in the process of considering legislation to again create two double legislative districts in Tioga County. The Chair of the Tioga County Democratic Party has asked me to convey verbally and in writing the party’s opposition to this legislation.

“The original Tioga County Legislature created two double districts each with two representatives and five single districts each with one representative in the early 1970’s as a result of the 1964 “one man, one vote” ruling by the US Supreme Court. That ruling was extended to city, town, and county legislatures under the Equal Protection Clause of the 14th Amendment in 1968 by the same court. Essentially the court ruled that the voting power of each voter be as equal as possible to that of any other voter.

“Such is not the case in Tioga County. Voters in legislative districts one, two, three, five, and six each have one vote for one legislative representative in each of their respective districts. Voters in districts four and seven each have two votes for two legislators and thereby double the representation of voters in single districts. Put another way, if I live in Waverly, Barton/Spencer, the village of Owego, Apalachin or the route 17C corridor to Endicott in the town of Owego I have one vote and one legislator per the requirements of “one man, one vote”. If I live in the town of Tioga, Nichols and the south side of Owego minus the village (District 4) or if I live in Richford, Berkshire, Newark Valley and Candor (District 7) I get to vote twice and elect two representatives in each of these districts. In effect the “one man, two votes” concept and potential disproportionality in the influence of voters in these double districts with double the voting power of a voter in a single district.

“Some may want to argue that it is too difficult to draw legislative lines to comply with the court rulings. Larger and smaller counties have done it for over 40 years. Modern software and highly specific census data make it easy. In fact, this same process has been used by the county to “adjust” the boundaries of the double districts to ostensibly comply with the court’s decisions.

“So why the resistance to “one man, one vote” districts by the county. We suspect it has more to do with political power and control than difficulty in redistricting. A similar system was used in Australia in the early part of the last century. The result. Every seat in the national legislature was held by one party for 20 years until the courts stepped in. Some might argue that this is not Australia. True, however every seat in the county legislature is now occupied by a Republican and historically while Democrats and an Independent have been elected in the single legislative districts, the double districts have never elected anything but Republicans for 40 years.

“The reasons are simple. Double districts allow for double teaming of minority party candidates. For example, suppose in District 7 two Republicans are running for the two legislative seats that represent that district and a Democrat or an Independent has the interest in running as a challenger for the same seat. The odds of winning are stacked against him/her two to one. Suppose I am a voter and I live in Candor. I have two votes and I decide I want to vote for the Democrat. I cast my first vote for the Democrat. Then I cast my second vote against the Democrat

by voting for one of their opponents. If my desire was to elect the Democratic candidate I just canceled out my vote.

“It does not end there. A single minority candidate has to deal with the concentration of resources by the dominant party candidates. They can pool their costs for campaigning and mailings by running as a team. Only very wealthy candidates or parties would even consider such a contest. You either have to start out by trying to persuade voters to not cast one of their votes or hope one of your opponents expires on election day. Neither is a good option.

“As an added encouragement to not run, the county legislation requires that no two legislators in a double district can be from the same town thereby disenfranchising potential candidates. For example, District 7 which is the towns of Richford, Berkshire, Newark Valley, and Candor is a double district. Suppose by some unimaginable miracle a Democrat should come in second in a three person race against two Republicans. If the Democrat happens to be from the same town as the Republican who came in first they are automatically disqualified from taking office and the Republican who lost... wins.

“The Tioga County Democratic Party wishes to go “on the record” as being opposed to this undemocratic system of elections and wishes to put the Tioga County Legislature “on notice” as to the reasons for their opposition to this proposed legislation.”

Kevin Millar spoke. “I tend to agree with what Don said, but my primary concern was more of voter confusion about who they are voting for and who is going to get elected, and I also think there is confusion on the part of candidates about where they are running from and who is going to get elected. I also think that candidates from double districts, if I am not mistaken, have to get twice the number of signatures as in a single district, which I think is unfair to double district entities.”

“Barbara Heywood spoke. “I vote in the Town of Tioga, so I am in District 4. According to the population chart there, district 4 has 10,000+ citizens. District 7 has 11,000+ citizens. If you split those in half they all would be almost equal to the other towns. I do not see any reason for having only seven districts plus the fact that the law says you are supposed to have a proportionate vote.”

Legislator Andy Quinlan spoke. "I think Mr. Burns and a couple of these other people are right because this double district does not make sense to me, it really does not. As far as I am concerned it gives you a two to one regardless if your are a Republican or a Democrat on the plus side and I do not think that is fair for the voters. If they want to elect you they are going to elect you. I do not care what it is. If you are a Democrat, a Republican, or what, but this way here it seems to me it is based on two to one, which I think is unfair. If you do not win the election you go home, that is it."

"Kevin Millar spoke. "This opportunity only comes up once every 10 years so I think it is a time to look at it seriously if it is at all possible, to take the two districts and make them into single districts."

County Attorney Judy Quigley spoke. "I guess I want to clarify something just in terms of legally speaking. You mention that this opportunity only comes up every 10 years. That is not actually true because what this is, this is a reapportionment. It is not technically a redistricting because there is no change in the form of government. Municipalities are prohibited from changing their method of government more than every 10 years, but a simple reapportionment like this is not considered a change in government. We are still back to the 1994 benchmark, which was when the staggered terms went into effect, so this does not prohibit this body from redistricting and actually revamping the entire process just so everyone is clear about that. This is not a change in the form of government, which would require a mandatory referendum. It is keeping the staggered terms status quo, the local law for that is keeping that status quo. The reapportionment is keeping the multi-member district system status quo. While the census happens that frequently, the Legislature would be free tomorrow if they chose to consider an entirely different redistricting plan. I just wanted to make sure that everyone understood that."

Barbara Heywood spoke. "What does it take for the public to say that they want a redistricting?"

County Attorney Judy Quigley spoke. "The law provides that it is completely up to the Legislative body to decide the form of government, so I guess that would become a political issue of persuading the members of the Legislature to undertake a redistricting, which most communities do by forming a commission and having long-term studies, and that kind of thing. That is actually a political decision."

Barbara Heywood spoke. “Well then the law needs to be changed doesn’t it because it is not following the other law, one man, one vote.”

County Attorney Judy Quigley spoke. “Well the multi-member districts continue to be upheld as not unconstitutional. There are still lots of case law, you will notice one of those slides says if applicable in terms of the criteria, the courts have deviated from the criteria when it appears there is just no other way. There are a lot of different things that are supposed to happen, so they are a little flexible about deviating from the percentage or from the boundary lines of the towns and that kind of thing. I do not think you are going to see a change in the law because the law is pretty flexible in terms of the case law about how you can do it. It ends up ultimately being a legislative political decision what form of government to be had in a particular county. It is back to the politics.”

Bridget Callaghan-Kane spoke. What you are saying basically is that it is up to you, this body here. It is in your interest to keep it the way it is because those districts are getting two votes for every one person. Basically what you are saying is that a political solution would be that people need to run against all of you and that would change that, is that what you are saying?”

County Attorney Judy Quigley spoke. “That sounds more of a comment than a question. I said it is up to the legislative body. “

Bridget Callaghan-Kane spoke. “If I walked around with a petition and got signatures from a couple of thousand people that would not make a difference either because it is basically up to you guys.”

County Attorney Judy Quigley spoke. “As far as the redistricting issue, yes that is correct, it is up to the legislative body to decide. It is done through the forces of politics.”

“Barbara Heywood spoke. “So much for the rule of law.”

“County Attorney Judy Quigley spoke. “That is the rule of law.”

Chair Dale Weston spoke. "I would just make one comment in regards to that. We do have five districts at this point that have one man, one vote. If you want to change the complexion of this and if you are arguing about the one man, one vote, you have five districts and if you change that you certainly would end up with enough people to then change the other districts if that is what they so desire."

County Attorney Judy Quigley spoke. "In the one man, one vote, multi-member districts have been held to uphold the one man, one vote rule. That one man, one vote applies to any type of legislative scheme and that is my point, is the multi-member districts have been upheld. You have weighted voting has been upheld. There are a lot of different scenarios that have been used that the courts have looked at and have determined has satisfied the one man, one vote. It is kind of an interesting concept that they actually use mathematical formulas to determine that. Multi-member and weighted voting has been upheld as satisfying the one man, one vote criteria.

There being no further comments, the hearing was adjourned at 10:28 A.M.

Fifth Regular Meeting
May 10, 2011

The Fifth Regular Meeting of 2011 was called to order by the Chair at 1:30 P.M. Seven Legislative members were present, Legislators McEwen and Sauerbrey being absent.

Chair Weston asked Legislator Monell to have a moment of prayer. "Lord, we thank you for the business of this County and for allowing us to be a part of taking care of that business. We pray Lord that you would continue to bless us, bless this Legislative body. Thank you for all the people that are here today and we pray that you would be with each one. Guide and direct in all that we do that we might bring honor to you in all that we do in this meeting."

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

There were 36 people in attendance.

Denis McCann of the Employee Recognition Committee spoke. "This is in regards to the annual Employee Recognition and first I would like to thank the Legislature for their continued support of recognizing employees and in particular the Employee Recognition Committee. Before we get started I want to point out the current members of that Committee, Drew Griffin, Tina Lounsbury, Jamie Cornell, Nat Marsh, Kim Ward, Tim Jewell, Judy Westmiller, Pat Brown, Treasurer, Sandy Saddlemire, Secretary, and myself as Chairperson. At this time I would ask the following honorees that are in attendance to please come forward, Dan Truesdail, Teresa Ryder, Robert Woodburn, Christopher Kallin, Darlene Weidman, Sandra Nugent, Sally Wheeland, and George Awad. Each of these individuals will also be honored at an annual luncheon next week where there biographies will be read, there will be comments from their department heads or others, and a presentation of the gift selected from Van Horn Jewelers for recognition of their years of service. At this time I would like to ask Legislator Loretta Sullivan to read the proclamation recognizing these employees and provide each with a copy of their certified proclamation.

Legislator Sullivan read the following Proclamation on Employee Recognition and Appreciation Week:

PROCLAMATION

WHEREAS: The mission and services of Tioga County depend heavily on the tireless contributions of its dedicated employees; and

WHEREAS: The Tioga County Legislature wishes to recognize the efforts of all Tioga County employees; and

WHEREAS: The Employee Recognition Committee was created to provide a mechanism to show our appreciation for the Employees of Tioga County; and

WHEREAS: Those employees who have served for more than 25 years have shown a steadfast commitment to serving the well-being of the residents of Tioga County, and should be recognized by those whom they have served; and

WHEREAS: The Tioga County Legislature would like to especially recognize the following employees who have attained 25 or 30 years since last year's ceremonies:

<u>Name</u>	<u>Department</u>	<u>Years</u>
Christopher Kallin	Social Services	30
Teresa Ryder	Social Services	30
Daniel Truesdail	Public Works	30
Robert Woodburn	County Clerk	30
Darlene Weidman	Social Services	25
Sandra Nugent	Social Services	25
Sally Wheeland	Public Health	25
George Awad	Public Defender	25

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE, does hereby proclaim and designate the week of May 9-13, 2011 as

EMPLOYEE RECOGNITION AND APPRECIATION WEEK

in the County of Tioga, New York, and call upon our citizens to join in recognizing these dedicated employees.

Chair Weston asked for unanimous motion and carrying of the following three recognition resolutions:

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO:

HEALTH & HUMAN SERVICES

RESOLUTION NO. 114-11

*RECOGNITION OF JILL HELLENTHAL'S
YEARS OF SERVICE
SOCIAL SERVICES*

WHEREAS: Jill Hellenthal began her career as a Clerk-Typist in the Income Maintenance Division on May 26, 1981, was promoted to Account Clerk-Typist in the Accounting Unit on August 6, 1984, promoted and returned to the Income Maintenance Division as Social Welfare Examiner on October 29, 1984, was promoted to Senior Social Welfare Examiner on August 21, 1986, was promoted to Principal Social Welfare Examiner on February 29, 1988 and finally, promoted to Head Social Welfare Examiner on October 6, 1997, the title she currently holds in the Employment and Transitional Supports Division; and

WHEREAS: Ms. Hellenthal has seen many changes within the Social Services Department in her 30 years with them and has grown with these changes; and

WHEREAS: Ms. Hellenthal will retire on June 11, 2011; 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 and recognize Jill Hellenthal for her 30 years of service to Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Jill Hellenthal.

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No – None.

Absent – Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 115-11

*RESOLUTION RECOGNIZING
GEORGE CRAVENS' 33 YEARS
OF DEDICATED SERVICE TO
TIOGA COUNTY*

WHEREAS: George Craven was appointed to the position of Laborer through the CETA Program in 1977 and was hired permanent as an Engineering Aid a year later. In 2003 his title was changed to Engineering Technician; and

WHEREAS: George Craven has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 33 years to the Department of Public works. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Craven will retire on June 10, 2011; 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 George Craven for his 33 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, George Craven.

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No – None.

Absent – Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 116-11 *RECOGNITION OF SALLY FIEDLER'S
YEARS OF SERVICE
PUBLIC HEALTH*

WHEREAS: Sally Fiedler began her career as a Typist in the Employment Unit at Social Services on July 26, 1988. She was promoted to Account Clerk-Typist in the Accounting Division on June 4, 1990 then promoted to Senior Account Clerk-Typist in the Accounting Division on August 19, 1991. Sally then transferred to Public Health on March 30, 1998 in her current role as Senior Account Clerk-Typist; and

WHEREAS: Ms. Fiedler has seen many changes within Tioga County in her 22 years and has grown with these changes; and

WHEREAS: Ms. Fiedler will retire on May 18, 2011; 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 and recognize Sally Fiedler for her 22 years of service to Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Sally Fiedler.

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No – None.

Absent – Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston read and presented the recognition resolution on Jill Hellenthal.

Legislator Huttleston spoke. "It is people like this and all the current employees that make Tioga County what it is. The big winners are not the Jill Hellenthal's and the people out there, the big winners are the people that we service in this County and do a good job for. I appreciate that as being a Legislator and I know that you do a good job because I get very few complaints. Most of the time I get nothing but good words that they are so pleased with the service that we do provide and I appreciate it. Jill we are going to miss you."

Jill Hellenthal spoke. "I will miss the people. I am tired of working."

Shawn Yetter, Commissioner of Social Services, spoke. "It seems like we have been recognizing you so much lately that I am getting use to it. Actually Jill and I go back a long way and started our careers very much at the same time, and went through a lot of training together, and she has become a friend as well as a colleague and Dick you hit it right on the head when you talked about not getting many complaints. Jill is one of the key people responsible for making that happen, so hopefully after June 11 your phone will not be ringing off the hook.

"Jill has a way with the people that we serve that she has developed over the years to be extremely compassionate, yet fair, understanding of the needs of the department and the taxpayers while recognizing the critical nature of all of the programs that we provide. She has become an important piece of institutional knowledge at the department that when she walks out the door will be sorely missed and she has very big shoes to fill, but we wish her nothing but the greatest in her time of retirement. She has earned that very much. She is one of your employees who comes to work every day and really works her tail off. I speak on behalf of the department and of the county, and of the taxpayers, Jill thank you very much for that."

The recognition resolutions for George Craven and Sally Fiedler are duly noted.

Chair Weston announced that the following two Proclamations on Elder Abuse Prevention Month and Foster Care Recognition Month are being duly noted.

PROCLAMATION

WHEREAS: People who are elderly or have disabilities have contributed to the general welfare of Tioga County by helping to preserve customs, convictions, and traditions of many people from diverse backgrounds; and

WHEREAS: These residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS: The health and well-being of disabled and elderly people in our county should be one of our highest priorities and of concern to all Americans; and

WHEREAS: People who are elderly or have disabilities are among the most important resources of our county, and it is fitting that we recognize the need to protect their health, safety, and rights; and

WHEREAS: Abuse of the elderly and people with disabilities in domestic and institutional settings is a wide-spread problem, affecting hundreds of thousands of people across the country; and

WHEREAS: Elder abuse is underreported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS: Elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, in poor neighborhoods and in suburbia; and

WHEREAS: Many of the cases investigated by Adult Protective Services in New York involve self-neglect and it is our duty as citizens to reach out to people in need; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of May 2011 to be

Elder Abuse Prevention Month

in Tioga County, and urge all citizens to work together to help reduce abuse and neglect of people who are elderly or have disabilities.

PROCLAMATION

WHEREAS: The Tioga County foster family serves as a source of love, identity, self-esteem and support for children in Tioga County; and

WHEREAS: There are 31 children in foster care in Tioga County, 18 of these children are in foster homes; and

WHEREAS: We have 20 certified foster homes, and 23 Glove House Therapeutic foster homes in Tioga County; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children in foster care, and the enduring and valuable contribution of foster parents; and

WHEREAS: It is appropriate to recognize all those who volunteer their talents and energies on behalf of children in foster care, the foster parents who serve these children and the professional staff dedicated to ensuring these children have a stable and safe foster family environment; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim May 2011 as

FOSTER CARE RECOGNITION MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize foster parents in Tioga County.

Legislator Huttleston read and presented the following Proclamations on Older American's Month/Senior Citizen's Day and Seniors of the Year to Jeff Thornton, Office of Aging Director and to Mr. and Mrs. George Penney, Senior Citizens of the year 2011.

PROCLAMATION

WHEREAS: The citizens of Tioga County embrace the opportunity to support the goal of Older Americans Month, the annual observance that gives recognition to the immeasurable contributions made by older citizens throughout our County, State and Nation; and

WHEREAS: Today's seniors are living longer, healthier lives, remaining active in their communities, staying employed longer and often taking an active role in their communities; and

WHEREAS: Senior volunteers are actively involved in a variety of aging services programs, assisting in activities that help their peers maintain their independence; many senior citizens also play key roles in the lives of young people, as well as in a broad spectrum of community endeavors; and

WHEREAS: The more than nine thousand older Americans residing in Tioga County devote their time, energy and wisdom to making the communities throughout New York better places to live; their experiences, knowledge, skills and aspirations are vital to the continued progress of our State and its quality of life; and

WHEREAS: As America grows older, each community must strive to understand and address the evolving challenges and needs of our older citizens and the people who care for them; and

WHEREAS: Our society is dependent upon nurturing, support, and resources shared among generations, and benefits from our mutual efforts to meet the needs of America's older persons and those who love them; and

WHEREAS: It is especially fitting for the citizens of Tioga County to pay special tribute to seniors across this State, Nation and around the world in support of the special events and activities being held during the month of May; now therefore

THE TIOGA COUNTY LEGISLATURE, does hereby proclaim and designate May 2011 as

OLDER AMERICANS' MONTH

And May 18, 2011 as

SENIOR CITIZENS' DAY

in the County of Tioga, New York, and call upon our citizens to take the time to honor older citizens of Tioga County, especially our senior volunteers, for the contributions they have made and continue to make to our society.

PROCLAMATION

WHEREAS: George "Lee" and Helen Penney have served as volunteers since moving to the area in 1964; and

WHEREAS: Lee and Helen Penney have been active in the Apalachin/Little Meadows Senior Citizens for many years and have alternated in the offices of president and secretary for the past several years; and

WHEREAS: Helen served as a Girl Scout trainer, leader, committee person and board member; and

WHEREAS: Helen has been a member of the American Association of University Women for fifty years, and a volunteer for the American Cancer Society, American Lung Association, and is now a member of the Garden Club; and

WHEREAS: Lee has served on the Owego Town Board and one term as County Legislator; and

WHEREAS: Lee was a member of the NYPENN Health Planning Council and a Village of Owego planning group; and

WHEREAS: When Lee opened a retail store in Owego he counseled a number of people on personal and financial matters; and

WHEREAS: Lee and Helen have sung in the Owego Community Chorus for forty years and in the Owego United Methodist Church choir for thirty years; and

WHEREAS: Lee and Helen Penney have solicited for the United Way, and as members of the Republican Committee have circulated petitions to place candidates on the ballot; and

WHEREAS: Lee and Helen Penny attend various county meetings in order to keep the public informed by writing a weekly column in a local newspaper; and

WHEREAS: Lee and Helen Penney have been selected as the 2011 Senior Citizens of the Year in Tioga County; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate May 18, 2011

George "Lee" and Helen Penney Day

In the County of Tioga, New York, and commend this observance to our citizens.

Jeff Thornton, Office of Aging Director, spoke. It certainly is a pleasure to have George and Helen as the Senior Citizens of the year. It is a wonderful opportunity for us to celebrate the seniors that still do a great deal of things in their lives and for the county, so it is a wonderful opportunity for us to be able to say thank you to both of you, and it is going to be a wonderful day when we celebrate it at Tioga Opportunities.”

Helen Penney spoke. “My husband says every day is a day of challenge and opportunity. We would like to invite any of you who are free to do so, there is to be a luncheon at Countryside on Wednesday, May 18 and any of you are welcome to come. It has been a privilege to have been selected for this. There are many worthy other people too.”

George Penney spoke. “I would just like to say thank you for this honor. From the time that we first moved here we loved this community and believe it or not we love you all. Thank you very much.”

Chris Bonner had privilege of the floor. He spoke about his concerns regarding college students graduating and leaving the State due to high costs. He also expressed his concerns regarding road and bridge fund monies in Albany being used for other purposes.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		845.37
A1165	District Attorney		834.88
A1170	Public Defender		2,118.74
A1172	Assigned Counsel		34,256.38
A1325	Treasurer		2,282.92
A1355	Assessments		2,160.00
A1362	Tax Advertising and Expenses		3,635.03
A1410	County Clerk		156.50
A1411	Department of Motor Vehicles		301.60
A1420	Law		1,970.53
A1430	Personnel		1,375.07
A1450	Elections		259.65
A1460	Records Management		49.77
A1490	Public Works Administration		142.50
A1620	Buildings		46,547.52
A1621	Buildings		11,869.43

A1680	Information Technology		12,098.96
A2490	Community College Tuition		220,905.67
A2960	Education of Handicapped Children		356,183.11
A3020	Public Safety Comm E911 System	49.00	2,992.70
A3110	Sheriff	2,479.09	22,968.95
A3140	Probation		136.00
A3146	Sex Offender Program		8,766.67
A3150	Jail	218.91	45,642.03
A3315	Special Traffic Programs		600.00
A3410	Fire		4,203.36
A3552	EMO Grant-SHSP C837970	3,306.02	
A3640	Emergency Mgmt Office		621.24
A4010	Public Health Nursing		47,121.48
A4011	Public Health Administration		11,362.15
A4012	Public Health Education		690.94
A4042	Rabies Control		4,399.30
A4044	Early Intervention		38,376.35
A4053	Preventive/Primary Health Svcs		2,258.28
A4054	Preventive Dental Services		810.26
A4062	Pre-Natal Care and Assistance		669.68
A4064	Managed Care-Dental Services	168.91	14,612.11
A4070	Disease Control		1,444.84
A4090	Environmental Health		1,443.80
A4210	Alcohol and Drug Services		2,119.37
A4309	Mental Hygiene Co Admin	318.00	7,360.24
A4310	Mental Health Clinic		14,147.02
A4315	Mental Retardation		4,077.00
A4320	Crisis Intervention Services		2,160.75
A4321	Intensive Case Management		1,425.25
A6010	Social Services Administration		125,034.10
A6141	Energy Crisis Assistance Programs		33,126.25
A6422	Economic Development		258.58
A6510	Veterans' Service		25.00
A6610	Sealer Weights and Measures		70.08
A8020	Planning		137.66
A9060	Health Insurance		1,596.82
SOLID WASTE FUND			2,552.45
COUNTY ROAD FUND			38,637.09
SPECIAL GRANT FUND			13,311.14
CONSOLIDATED HEALTH FUND			70,939.19
CAPITAL FUND			614,647.69
LIABILITY INSURANCE FUND			464.00

WORKERS' COMP	<u>54,883.05</u>
GRAND TOTAL	\$ 1,900,626.43

Legislator Roberts made a motion to approve the minutes of April 12, 21, and 29, 2011, seconded by Legislator Monell, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE
 RESOLUTION NO. 117-11 *ADOPT LOCAL LAW NO. 1 OF 2011*

WHEREAS: A public hearing was held on May 5, 2011, following due notice thereof to consider the adoption of Local Law Introductory No. A of the Year 2011 A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four year term of office commencing January 1, 2012 and continuing through and including December 31, 2015; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 1 of 2011; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 1 of the Year 2011.

A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four year term of office commencing January 1, 2012 and continuing through and including December 31, 2015.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: PURPOSE

As set forth at Local Law No. 3 of 2003, the annual salary for the elected public offices of County Clerk and County Sheriff shall not be increased during a term of office.

Accordingly, it is the purpose and intent of this Local Law to establish the salary for the Offices of County Clerk and County Sheriff for the four-year term of office commencing January 1, 2012 and continuing through and including December 31, 2015.

SECTION 2: ANNUAL SALARY

- A) The annual salary for the Offices of County Clerk and County Sheriff for the term of office beginning January 1, 2012 and continuing through and including December 31, 2015 is hereby established as follows:

1. County Clerk	\$61,000
2. County Sheriff	\$77,000

SECTION 3: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This Local law shall take effect January 1, 2012.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 118–11 *ADOPT LOCAL LAW NO. 2 OF 2011*

WHEREAS: A public hearing was held on May 5, 2011, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2011 A Local Law to establish the staggered terms of Tioga County Legislators in accordance with Local Law No. 2 of 1994; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 2 of 2011; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 2 of the Year 2011.

A Local Law to establish the staggered terms of Tioga County Legislators in accordance with Local Law No. 2 of 1994.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: TERMS OF OFFICE

Notwithstanding the provisions of any general, special or local law to the contrary, members of the Tioga County Legislature shall continue to be elected to staggered terms of three and four years over a ten year cycle as established in Local Law No. 2 of 1994.

SECTION 2: STAGGERED TERMS OF OFFICE

A. The seven County Legislative Districts shall be divided into two groups as follows:

1. Group One shall consist of:
 - a. The representative from District No 1
 - b. The representative from District No 2
 - c. The representatives from District No. 4
 - d. The representative from District No. 5
2. Group Two shall consist of:
 - a. The representative from District No. 3
 - b. The representative from District No. 6
 - c. The representatives from District No. 7

B. The County Legislators elected from the County Legislative Districts included in Group One shall be elected for a term of four (4) years at the general election to be held in the year Two Thousand Eleven (2011) and shall be elected for a term of three (3) years at the general elections to be held Two Thousand Fifteen (2015) and Two Thousand Eighteen (2018).

C. The County Legislators from the County Legislative Districts included in Group Two shall be elected for a term of three (3) years at the general elections to be held in the years Two Thousand Eleven (2011) and Two Thousand Fourteen (2014) and shall be elected for a term of four (4) years at the general election to be held in Two Thousand Seventeen (2017).

- D. Subject to reapportionment, if necessary, staggered terms shall be utilized in the general elections following succeeding federal decennial censuses.

SECTION 3: COUNTY ATTORNEY

The term of office of the County Attorney shall be the same as the term of office of the Legislators in Group One.

SECTION 4: LEGISLATIVE CLERK

The term of office of the Legislative Clerk shall be the same as the term of office of the Legislators in Group One.

SECTION 5: BUDGET OFFICER

The term of office of the Budget Officer shall be the same as the term of office of the Legislators in Group One.

SECTION 6: EFFECTIVE DATE

This local law shall be effective on the date of adoption.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 119-11 *ADOPT LOCAL LAW NO. 3 OF 2011*

WHEREAS: A public hearing was held on May 10, 2011, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2011 A Local Law reapportioning the Tioga County Legislature; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 3 of 2011; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 3 of the Year 2011.

A Local Law Reapportioning the Tioga County Legislature.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

Effective January 1, 2012 the Tioga County Legislature shall consist of nine members elected from seven Legislative Districts as follows:

DISTRICT 1: That portion of the Town of Owego on the north side of the Susquehanna River bounded and described as follows:

Beginning at the northeast corner of the Town of Owego; thence in a southerly direction along the boundary line between the Town of Owego and the County of Broome to a point in the center line of the Susquehanna River; thence in a westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the easterly boundary of the Village of Owego; thence in a northerly direction along the easterly boundary of the Village of Owego to a point, said point being the intersection of the easterly boundary line of the Village of Owego and the center line of East Front Street; thence in an easterly direction along the

center line of East Front Street to a point, said point being the intersection of the center line of East Front Street and the center line of Davis Hill Road; thence in a northerly direction along the center line of Davis Hill Road and Lisle Road to a point, said point being the intersection of the center line of Lisle Road and the center line of Patton Road; thence in an easterly direction along the center line of Patton Road and Welch Road to a point, said point being the intersection of the center line of Welch Road and the center line of East Beecher Hill Road; thence in a northerly and northeasterly direction along the center line of East Beecher Hill Road to a point, said point being the intersection of the center line of East Beecher Hill Road and the center line of Gaskill Road; thence in a northwesterly direction along the center line of Gaskill Road to a point, said point being the intersection of the center line of Gaskill Road and the center line of Pultz Hill Road as extended; thence in an easterly direction along the center line of Pultz Hill Road and the center line of Hollister Road to a point, said point being the intersection of the center line of Hollister Road and the center line of Lisle Road; thence in a northeasterly direction along the center line of Lisle Road to a point, said point being the intersection of the center line of Lisle Road and the northerly boundary of the Town of Owego; thence in an easterly direction along the northerly boundary of the Town of Owego to the northeast corner of the Town of Owego, the point and place of beginning.

POPULATION: 5444

REPRESENTATIVES: ONE

DISTRICT 2: That portion of the Town of Owego on the north side of the Susquehanna River, and the Village of Owego, bounded and described as follows:

Beginning at the southwest corner of the Village of Owego; thence in a northerly direction along the westerly boundary of the Village of Owego and the center line of the Owego Creek to a point, said point being the northwest corner of the Town of Owego; thence in an easterly direction along the northerly boundary of the Town of Owego to a point, said point being the intersection of the northerly boundary of the Town of Owego and the center line of Lisle Road; thence in a southwesterly direction along the center line of Lisle Road to a point, said point being the intersection of the center line of Lisle Road and the center line of Hollister Road; thence in a westerly direction along the center line of Hollister Road and the center line of Pultz Hill Road to a point, said point being the

intersection of the center line of Pultz Hill Road as extended and the center line of Gaskill Road; thence in a south easterly direction along the center line of Gaskill Road to a point, said point being the intersection of the center line of Gaskill Road and the center line of East Beecher Hill Road; thence in a southwesterly direction along the centerline of East Beecher Hill Road to a point, said point being the intersection of the center line of East Beecher Hill Road and the center line of Welch Road, as extended; thence in an easterly direction along the center line of Welch Road and Patton Road to a point, said point being the intersection of the center line of Patton Road, as extended, and the center line of Lisle Road; thence in a southerly direction along the center line of Lisle Road and Davis Hill Road, to a point, said point being the intersection of the center line of Davis Hill Road and the center line of East Front Street (said boundary also being the westerly boundary of Legislative District No. 1); thence in a westerly direction along the center line of East Front Street to a point, said point being the intersection of the center line of East Front Street and the easterly boundary of the Village of Owego; thence in a southerly direction along the easterly boundary of the Village of Owego to a point, said point being the southeast corner of the Village of Owego; thence in a southwesterly direction along the southerly boundary of the Village of Owego to the point or place of beginning.

POPULATION: 5515

REPRESENTATIVES: ONE

DISTRICT 3: That portion of the Town of Owego on the south side of the Susquehanna River, bounded and described as follows:

Beginning at a point on the easterly boundary of the Town of Owego, said point being the intersection of the easterly boundary of the Town of Owego and the center line of the Susquehanna River; thence in a southerly direction along the easterly boundary of the Town of Owego and the westerly boundary of Broome County to a point, said point being the southeast corner of the Town of Owego; thence in a westerly direction along the southerly boundary of the Town of Owego and the Pennsylvania Border to a point, said point being the intersection of the southerly boundary of the Town of Owego and the center line of Bolles Hill Road; thence in a northeasterly direction along the center line of Bolles Hill Road to a point, said point being the intersection of the center line of Bolles Hill Road and the center line of Gaylord Road; thence in a westerly direction along the center line of Gaylord Road to a point, said point

being the intersection of the center line of Gaylord Road and the center line of Lillie Hill Road; thence in a westerly direction along the center line of Lillie Hill Road to a point, said point being the intersection of the center line of Lillie Hill Road as extended and the center line of Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of New Street; thence in a northerly direction along the center line of New Street to a point, said point being the intersection of the center line of New Street and the center line of West Main Street; thence in a westerly and northerly direction along the center line of West Main Street to a point, said point being the intersection of the center line of West Main Street and the center line of Watkins Avenue; thence in a westerly direction along said center line of Watkins Avenue to a point, said point being the intersection of the center line of Watkins Avenue and the center line of Holmes Avenue; thence northerly along said center line of Holmes Avenue to a point, said point being the intersection of the center line of Holmes Avenue and the center line of Hilton Road; thence easterly along the center line of Hilton Road to a point, said point being the intersection of the center line of Hilton Road and the center line of NYS Route 434; thence in a southeasterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of the Apalachin Creek; thence in an easterly direction along the center line of the Apalachin Creek to a point, said point being the intersection of the center line of the Apalachin Creek as extended and the center line of the Susquehanna River; thence in an easterly direction along the center line of the Susquehanna River to the point or place of beginning.

POPULATION: 5439

REPRESENTATIVES: ONE

DISTRICT 4: That portion of the Town of Owego on the south side of the Susquehanna River, and two additional Towns, bounded and described as follows:

(A) That portion of the Town on the south side of the Susquehanna River, bounded and described as follows:

Beginning at a point, said point being the intersection of the southerly boundary of the Town of Owego (on the Pennsylvania Border) and the center line of Bolles Hill Road; thence in a northeasterly direction along the center line of Bolles Hill Road to a point, said point being the intersection of the center line of Bolles Hill Road and the center line of Gaylord Road as extended; thence in a westerly direction along the center line of Gaylord Road to a point, said point being the intersection of Gaylord Road as extended and the center line of Lillie Hill Road; thence in a westerly direction along the center line of Lillie Hill Road to a point, said point being the intersection of the centerline of Lillie Hill Road as extended and the center line of Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of New Street; thence in a northerly direction along the center line of New Street to a point, said point being the intersection of the center line of New Street and the center line of West Main Street; thence in a westerly and northerly direction along the center line of West Main Street to a point, said point being the intersection of the center line of West Main Street and the center line of Watkins Avenue; thence in a westerly direction along the center line of Watkins Avenue to a point, said point being the intersection of the center line of Watkins Avenue and the center line of Holmes Avenue; thence northerly along the center line of Holmes Avenue to a point, said point being the intersection of the center line of Holmes Avenue and the center line of Hilton Road; thence easterly along said center line of Hilton Road to a point, said point being the intersection of the center line of Hilton Road and the center line of NYS Route 434; thence in a southeasterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of the Apalachin Creek; thence in an easterly direction along the center line of the Apalachin Creek as extended to a point, said point being the intersection of the center line of the Apalachin Creek as extended and the center line of the Susquehanna River; thence in a northerly and westerly direction along the center line of the Susquehanna River to a point on the easterly boundary of the Village of Owego; thence in a southerly direction along the easterly boundary of the Village of Owego to a point, said point being the southeast corner of the Village of Owego; thence in a southwesterly direction along the southerly boundary of the Village of Owego to a point, said point being the southwest corner of the Village of Owego; thence in a northerly direction along the westerly boundary of the Village of Owego to a point, said point being the intersection of the westerly boundary of the Village of Owego and the center line of the

Susquehanna River; thence in a westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the westerly boundary of the Town of Owego; thence in a southerly direction along the westerly boundary of the Town of Owego to a point on the Pennsylvania Border, said point being the southwest corner of the Town of Owego; thence in an easterly direction and along the southerly boundary of the Town of Owego and the Pennsylvania Border to a point, said point being the intersection of the southerly Boundary of the Town of Owego (and the Pennsylvania Border) and the center line of Bolles Hill Road, the point or place of beginning.

(B) All of the Town of Nichols.

(C) All of the Town of Tioga.

POPULATION: 10879

REPRESENTATIVES: TWO, no more than one of whom shall reside in the same Town.

DISTRICT 5: That portion of the Town of Barton and the Village of Waverly, bounded and described as follows:

(A) The Village of Waverly.

(B) That portion of the Town of Barton, bounded and described as follows:

Beginning at the southwest corner of the Town of Barton; thence in a northerly direction along the westerly boundary of the Town of Barton and the easterly boundary of the County of Chemung to a point, said point being the intersection of the westerly boundary of the Town of Barton and the center line of Camptown Road; thence in an easterly direction along the center line of Camptown Road to a point, said point being the intersection of the center line of Camptown Road and the center line of NYS Highway 34; thence in a northerly direction along the center line of NYS Highway 34 approximately 420 feet to a point, said point being the intersection of the center line of NYS Highway 34 and an unnamed creek; thence in a southerly and easterly direction along the center line of said unnamed creek to a point, said point being the intersection of the center line of the unnamed creek and the centerline of Ranch Road; thence in a

southerly direction along the center line of Ranch Road to a point, said point being the intersection of the center line of Ranch Road and the center line of Spring Brook; thence in a northeasterly direction along the center line of Spring Brook to a point, said point being the intersection of the center line of Spring Brook and the center line of Talmadge Hill Road West; thence in an easterly direction along the center line of Talmadge Hill Road West to a point, said point being the intersection of the center line of Talmadge Hill Road West and Talmadge Hill Road South; thence continuing in an easterly direction along the center line of Talmadge Hill Road East a distance of approximately 752 feet to a point, said point being the intersection of the center line of Talmadge Hill Road East and the centerline of an unnamed creek; thence in an easterly direction along the center line of the said unnamed creek to a point, said point being the intersection of the center line of said unnamed creek and the centerline of Ellis Creek Road; thence in a southerly direction along the center line of Ellis Creek Road a distance of approximately 6551 feet to a point, said point being the intersection of the center line of Ellis Creek Road and the centerline of Ellis Creek; thence in a southerly direction along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek and the center line of Flag Marsh Run; thence in a westerly direction along the center line of Flag Marsh Run to a point, said point being the intersection of the center line of Flag Marsh Run and the center line of Heath Road; thence in a southerly direction along the center line of Heath Road to a point said point being the intersection of the center line of Heath Road and the center line of Rt. 17C; thence in an easterly and northerly direction along the center line of Rt. 17C to a point, said point being the intersection of the center line of Rt. 17C and the center line of Old Barton Road; thence in a northeasterly direction along the center line of Old Barton Road approximately 827 feet to a point, said point being the intersection of the center line of Old Barton Road and the center line of an unnamed creek; thence in a southerly direction along the center line of said unnamed creek to a point where said center line of said unnamed creek intersects with the westerly boundary of the Susquehanna River; thence in a southerly direction along the westerly boundary of the Susquehanna River to a point on the Pennsylvania Border; thence in a westerly direction along the southerly boundary of the Town of Barton and the Pennsylvania Border to the Southwest corner of the Town of Barton to the point or place of beginning.

POPULATION: 6001

REPRESENTATIVES: ONE

DISTRICT 6: That portion of the Town of Barton, and the Town of Spencer, bounded and described as follows:

(A) The Town of Spencer.

(B) The Town of Barton, excluding that portion which forms a portion of District 5.

POPULATION: 6003

REPRESENTATIVES: ONE

DISTRICT 7: That portion of all of the following Towns, bounded and described as follows:

(A) Candor

(B) Newark Valley

(C) Berkshire

(D) Richford

POPULATION: 11844

REPRESENTATIVES: TWO, no more than one of whom shall reside in the same Town.

SECTION 2:

Such Legislators shall be elected for terms as set forth in Local Law 2 of the Year 2011.

SECTION 3:

Town Supervisors, Village Mayors, Members of Town Boards, Members of Village Boards of Trustees shall be ineligible to serve simultaneously as County Legislators.

SECTION 4:

(A) For purposes of the nomination and election of County Legislators, this Local Law shall take effect immediately.

(B) For all other purposes, it shall take effect January 1, 2012, unless within forty-five days after its adoption there shall be filed with the Clerk a petition protesting against this Local Law, signed and authenticated as herein required by qualified electors of Tioga County, registered to vote therein at the last preceding general Election, in number equal to at least five per centum of the total number of votes cast for Governor at the last Gubernatorial Election in Tioga County, whereupon Section 4(B) of this Local Law shall not be effective until approved by the affirmative vote of a majority of the qualified Electors of Tioga County voting on the proposition for its approval.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –Legislator Quinlan.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 120-11 *MORTGAGE TAX DISTRIBUTION*

RESOLVED: That the mortgage tax report for the period October 1, 2010 to March 31, 2011 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 30,368.84
Village of Waverly	7,709.55
Town of Berkshire	8,629.05
Town of Candor	21,395.50
Village of Candor	1,203.49
Town of Newark Valley	13,209.25
Village of Newark Valley	1,590.17
Town of Nichols	6,906.74
Village of Nichols	518.44
Town of Owego	144,465.32
Village of Owego	10,827.90
Town of Richford	1,988.66
Town of Spencer	12,644.47
Village of Spencer	1,490.97
Town of Tioga	<u>18,425.58</u>
	\$281,373.93

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 121-11 *TRANSFER OF FUNDS*
PERSONNEL DEPARTMENT

WHEREAS: The Personnel Department budgeted for updates to their law books; and

WHEREAS: Periodically the publisher of the law books prints new editions of the books, incorporating all updates since the last edition; and

WHEREAS: The last edition was printed in 1999; and

WHEREAS: It turns out 2011 is a year in which the publisher printed new law books instead of simply providing updates; and

WHEREAS: The cost of the new books is \$1,530, which exceeds the \$189 budgeted for updates; therefore be it

RESOLVED: That the following sum be transferred:

From: Personnel Account A1430.10 (10) Full Time	\$ 1,340.00
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To: Personnel Account A1430.40 (340) Literature	\$ 1,340.00
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ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE FINANCE COMMITTEE
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RESOLUTION NO. 122-11	<i>APPROPRIATION OF FUNDS PUBLIC HEALTH</i>
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WHEREAS: Tioga County Health Department (TCHD) has received additional funding for Public Health Emergency Preparedness through the NYS Department of Health (NYSDOH); and

WHEREAS: TCHD has received NYSDOH budget approval of the funding, and is required to appropriate the funds; and

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

RESOLVED: That funding be appropriated as follows:

From:	A3401.00 Public Health State Aid	\$44,063
To:	A4011.20-130 Public Health Admin: Equip	\$20,000
To:	A4011.40-640 Public Health Admin: Program Supplies	\$18,563
To:	A4053.20-130 Preventive & Primary Health: Equip	\$ 5,500

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 123-11 *RESOLUTION APPOINTING
DIANE SAGUE TO THE
COMMUNITY SERVICES BOARD*

WHEREAS: The Tioga County Community Services Board has a vacant position available; and

WHEREAS: Diane Sague, residing in Newark Valley, NY, has expressed an interest in filling the vacant position; and

WHEREAS: The Community Services Board nominated Ms. Sague for the position at its April 21, 2011 meeting; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Diane Sague to the Tioga County Community Services Board for a term beginning May 10, 2011 and ending on March 31, 2015.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 124-11 *RESOLUTION APPOINTING
BARBARA NEWCOMB TO THE
COMMUNITY SERVICES BOARD*

WHEREAS: The Tioga County Community Services Board has a vacant position available; and

WHEREAS: Barbara Newcomb, residing in Apalachin, NY, has expressed an interest in filling the vacant position; and

WHEREAS: The Community Services Board nominated Ms. Newcomb for the position at its April 21, 2011 meeting; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Barbara Newcomb to the Tioga County Community Services Board for a term beginning May 10, 2011 and ending on March 31, 2015.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 125-11 *APPROVE PUBLIC TRANSPORTATION
BUS ROUTE CHANGES
SOCIAL SERVICES*

WHEREAS: A review of the current bus route schedule was done to look for efficiencies and ensure maximization of revenue miles; and

WHEREAS: Adjustments to some fixed routes will enhance ridership and increase revenue miles; therefore be it

RESOLVED: That the Department of Social Services be authorized to make the following fixed route changes, effective May 11, 2011:

1. Begin and end Route 1 in Owego
2. Begin first route in the morning on Route 5 and 8 in Owego
3. Begin and end route 7 in Owego

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, and Huttleston.

No –None.

Absent –Legislators McEwen and Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 2:00 p.m.

Fourth Special Meeting
 May 26, 2011

The Fourth Special Meeting of 2011 was called to order by the Chair at 8:28 A.M. Seven Legislative members were present, Legislators Huttleston and Monell being absent.

The Chair asked Legislator Quinlan to have a moment of prayer.

Legislator Quinlan led all Legislators and those in attendance in the Pledge of Allegiance. "Let's hope we make a good decision on this resolution. It is a foreign company to us really, but the guy seems sincere and let's hope he can do well."

There was one person in attendance.

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

REFERRED TO:	PUBLIC WORKS
RESOLUTION NO. 126-11	AWARD CONSTRUCTION BID FOR THE COURT HOUSE EXTERIOR FAÇADE PROJECT

WHEREAS: The Commissioner of Public Works budgeted money in the 2011 Capital Projects budget for the Court House Exterior Façade repairs; and

WHEREAS: Sealed bids were opened at the Public Works Administration Office at 477 Rte 96, Owego, NY on March 30, 2011 and the bid results were as follows:

<u>BIDDER:</u>	<u>BASE BID</u>	<u>West Elev.</u>	<u>Alt. 1 S.Elev.</u>	<u>Alt 2 E. Elev.</u>	<u>Alt 3 N. Elev.</u>	<u>TOTAL</u>
A-1 Construction	\$ 89,786.00		\$ 69,642.00	\$ 80,144.00	\$ 68,214.00	\$307,786.00
C.T. Driscoll	113,179.00		80,949.00	96,950.00	82,809.00	373,887.00
Hudak Waterproofing	99,500.00		77,000.00	122,000.00	79,000.00	377,500.00
AJS Masonry	124,045.00		84,089.00	99,255.00	82,605.00	389,994.00
Graciano Corp.	139,000.00		89,000.00	114,000.00	90,000.00	432,000.00

C&D Waterproofing	174,888.00	127,890.00	160,883.00	127,470.00	591,131.00
Streeter Assoc.	238,000.00	136,000.00	155,000.00	132,000.00	661,000.00
Western Bldg Rest.	229,340.00	156,031.00	207,260.00	166,551.00	759,182.00
Morris Masonry	210,000.00	173,800.00	202,700.00	174,000.00	760,500.00
W.L. Kline, Inc.	246,000.00	168,000.00	228,000.00	165,000.00	807,000.00
Marchuska Bros.	301,238.00	269,988.00	269,475.00	270,600.00	1,111,301.00
R.E. Kelly, Inc.	489,300.00	440,300.00	499,000.00	429,000.00	1,857,600.00

therefore be it

RESOLVED: That the Tioga County Legislature award the Court House Exterior Façade Project bid to the low bidder to A-1 Construction, Brooklyn, NY in the amount of \$307,786.00 to be paid out of the Court House Exterior Façade Project account H1620.20 use codes 924 & 927 and Court House Renovations H1620.21 use code 988.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, McEwen, and Weston.

No –None.

Absent –Legislators Huttleston and Monell

RESOLUTION ADOPTED.

The meeting was adjourned at 8:29 A.M.

Sixth Regular Meeting
June 14, 2011

The Sixth Regular Meeting of 2011 was called to order by the Chair at 6:00 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Quinlan to have a moment of prayer. "Father in Heaven we know that Thou canst see the hidden things in every heart. If our intentions are good, help us to make them live in good deeds. If what we intend or desire makes us uncomfortable in Thy presence, take it from us, and give us the spirit we ought to have, that we may do what we ought to do."

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

There were 13 people in attendance.

Chair Weston asked for unanimous motion and carrying of the following two recognition resolutions:

Legislator Roberts read and presented the following Recognition Resolution to Robert Manzer.

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 127-11

*RESOLUTION RECOGNIZING
ROBERT MANZERS' 38 YEARS
OF DEDICATED SERVICE TO
TIOGA COUNTY*

WHEREAS: Robert Manzer was appointed to the position of Temporary Laborer April 2, 1973 – June 24, 1973 and was hired as Permanent Laborer June 25, 1973 – July 31, 1976; he was promoted to Motor Equipment Operator August 1, 1976 – January 3, 1999, and was promoted to Automotive Stock Clerk January 4, 1999 and has remained in this position for the remainder of his career; and

WHEREAS: Robert Manzer has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 38 years to the Department of Public works. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Manzer will retire on June 27, 2011; 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 Robert Manzer for his 38 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Robert Manzer.

ROLL CALL VOTE

Unanimously Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Gary Hammond, Deputy Commissioner of Public Works, spoke. “38 years Bobby has been with the County and with respect to my fellow County employees, I do not think that there is a more dedicated individual that works for Tioga County. Through thick or thin, day or night, rain or shine, Bob is there and everything he does, he does with a work ethic unlike any I have ever seen. Bob, you are going to be missed, there is going to be somebody that will fill your position, but I do not think you will ever be replaced. Thank you.”

Bob Manzer spoke. “It has been an honor to work here. We have had our ups and downs, and everything else. I am going to miss it. I always called it just a part-time job, but I guess it turned into a full-time job. If they ever want me, just call me, I will be there. Thank you very much.”

Legislator Huttleston read and presented the following recognition resolution to Sylvia Deats.

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 128-11 *RECOGNITION OF
SYLVIA M. DEATS' 17 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
HEALTH DEPARTMENT*

WHEREAS: Sylvia M. Deats, was appointed to the part-time position of Account Clerk Typist on December 27, 1993 in the Tioga County Health Department; and appointed to Senior Account Clerk Typist on January 18, 1994; the position she still holds; and

WHEREAS: In January of 2010 Sylvia was honored as Public Health Team Member of the Quarter by her peers; and

WHEREAS: Sylvia M. Deats has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 17 years to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Deats will retire on June 6, 2011; 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 Sylvia M. Deats for her over 17 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Sylvia M. Deats.

ROLL CALL VOTE

Unanimously Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. “Anyone that has been in business or anything, your secretary always knows everything because I know all the years that I have been in business and the different secretaries I had, I would have been lost without them because they always kept me straight. They knew where everything was. They knew what to do and also they knew home row on the typewriter. It is people like Sylvia that has made this County what it is and we certainly appreciate it. You have made Hans’ job easier, you have made Denis’ job easier, and I appreciate it. Lots of luck on your retirement.”

Denis McCann, Director of Administrative Services for Public Health, spoke. “One thing about Sylvia is she came every day and did her job no matter what the circumstances were, and there were a lot of circumstances over the years. In the old 231 building she worked underneath plastic with water dripping on her. One day we found her underneath the plastic doing her work. We had to tell her she did not have to do that anymore, but that was part of her dedication. Sylvia has had the opportunity to be honored and roasted at two different luncheons. It gives you an idea about the staff that works with her, two different groups. Sylvia is one of those unassuming quiet people that tend to not get noticed in the office typically, but Sylvia you will be remembered and missed.”

Sylvia Deats spoke. “I just want to thank you for this. I have enjoyed working here. I did not enjoy the roof collapsing. I kept telling Denis the roof is leaking. Would he believe me, no. You have to have tiles fall before Denis will believe you when you tell him the roof is leaking. Just warning you.”

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		462.75
A1165	District Attorney		4,993.38
A1170	Public Defender		1,661.48
A1172	Assigned Counsel		25,850.98
A1185	Medical Examiners/Coroners		7,510.26
A1325	Treasurer	954.36	2,795.00
A1355	Assessments		2,337.00
A1410	County Clerk		779.63
A1411	Department of Motor Vehicles		60.00
A1420	Law		1,670.18
A1430	Personnel		1,695.10
A1450	Elections		1,837.96
A1460	Records Management		243.83
A1620	Buildings	218.94	41,116.56
A1621	Buildings		22,539.82
A1680	Information Technology		22,470.18
A2490	Community College Tuition		3,193.58
A2960	Education Handicapped Children		228,181.16
A3020	Public Safety Comm E911		3,670.47
A3110	Sheriff	683.95	19,971.78
A3116	Sheriff Grant S0-00176-(054)	2,997.50	
A3140	Probation		6,851.18
A3146	Sex Offender Program		8,766.67
A3150	Jail		50,118.74
A3315	Special Traffic Programs		1,600.00
A3410	Fire	1,360.80	2,221.47
A3640	Emergency Mgmt Office		660.53
A3990	Fire-SH08-1032-E00	19,658.00	
A4010	Public Health Nursing		33,146.51
A4011	Public Health Administration	196.00	24,819.44
A4042	Rabies Control		2,566.63
A4044	Early Intervention		28,257.79
A4053	Preventive/Primary Health Svcs		923.34
A4054	Preventive Dental Services	633.93	811.20
A4064	Managed Care-Dental Svcs		15,828.04
A4070	Disease Control		7,396.15
A4090	Environmental Health		1,392.36
A4210	Alcohol & Drug Services		12,411.32
A4211	Council on Alcoholism		9,923.66

A4309	Mental Hygiene Co Admin	11,874.28
A4310	Mental Health Clinic	64,293.35
A4315	Mental Retardation	1,235.65
A4320	Crisis Intervention Services	32,309.22
A4321	Intensive Case Management	2,673.97
A5630	Bus Operations	138.29
A6010	Social Services Administration	49,499.00
A6422	Economic Development	227.06
A6510	Veteran's Service	180.48
A6610	Sealer Weights/Measures	194.08
A8020	Planning	135.17
A9060	Health Insurance	1,596.82
SOLID WASTE FUND		159,360.77
COUNTY ROAD FUND		23,484.68
SPECIAL GRANT FUND		8,343.27
CONSOLIDATED HEALTH FUND		68,614.96
CAPITAL FUND		551,052.32
LIABILITY INSURANCE FUND		272.00
WORKERS' COMP		<u>2,600.00</u>
GRAND TOTAL		\$ 1,605,524.98

Legislator McEwen made a motion to approve the minutes of May 5, 10, & 26, 2011, seconded by Legislator Roberts, and carried.

Chair Weston made the following appointment to the Nonunion Salary Committee effective 6/14/2011

Secretary to Commissioner of Social Services

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator McEwen introduced Local Law Introductory No. D of 2011

County of Tioga

Local Law No. of the Year 2011.

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: TITLE

This Local Law shall be known as the “Hotel/Motel Tax Law”.

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

MOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

PERMANENT RESIDENT - A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

SECTION 4: TAX

(A) A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

(B) Said tax shall be paid by the person occupying the room who shall be liable therefore to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied. Said tax shall be paid for and on account of the County of Tioga.

(C) Such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax. Such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to non-payment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge; provided, however, that the Tioga County Treasurer shall be joined as a

part in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(D) The filing of returns and the payment of the tax shall be paid to the Tioga County Treasurer on a quarterly basis by such means and in such manner as may be directed by the Tioga County Treasurer.

SECTION 5: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Tioga County Treasurer on the date due in the amount of ten (10%) per cent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 6: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 7: JUDICIAL REVIEW

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final

determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

(A) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(C) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Tioga County Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 8: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 9: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 10: EFFECTIVE DATE

This local law shall become effective December 1, 2011 and shall remain in effect until November 30, 2014.

SECTION 11: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 129-11 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. D OF 2011*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. D of 2011 A Local Law providing for the collection of a hotel and motel tax in Tioga County in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 7, 2011 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator McEwen introduced Local Law Introductory No. E of 2011

County of Tioga

Local Law No. of the Year 2011.

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

SECTION 2:

Imposition of sales tax.

On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2011, and ending November 30, 2013 there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2:

Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 2-a:

Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2013, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2013, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a

hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2013, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2013, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2013.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vender of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the premises, for which such energy sources or services are purchased, is used solely as a residence or

identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

SECTION 3:

Section Three of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new subdivision (h) to read as follows:

(h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2011, and ending November 30, 2013, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2011, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2011, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2013. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2011, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 4:

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 4:

Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2011, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 5:

Subdivision (1) of Section 11 of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new paragraph (C) to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2011, and ending November 30, 2013, in respect to the use of property used by the purchaser in this County prior to December 1, 2011.

SECTION 6:

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2011, through November 30, 2013, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.

SECTION 7:

This enactment shall take effect on December 1, 2011.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 130-11 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. E OF 2011*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. E of 2011 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 7, 2011 at 1:05 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 131-11 *ERRONEOUS ASSESSMENT*
TOWN OF BARTON

WHEREAS: A Supreme Court Order has reduced the assessments for property no. 1878 and property no. 1879 assessed to American Tower Corp in the 2011 tax roll of the Town of Barton; and

WHEREAS: The taxable value of both property no. 1878 and no. 1879 has been reduced from \$400,000 to \$250,000 for 2011 tax purposes; and

WHEREAS: Property no. 1878 is in roll section 6, Special Franchise, and was paid to the County Treasurer on 5/13/11, and property no. 1879 is roll section 1 and was paid to the Town of Barton tax collector on 2/28/11; be it therefore

RESOLVED: That the County Treasurer's office issue a refund of \$3,362.32 for overpayment of the 2011 taxes on properties no. 1878 and 1879, and the refund be issued to the Office of Patrick J. Raymond, as attorney for American Tower Corporation; and be it further

RESOLVED: That the erroneous town tax of \$582.16 be charged back to the Town of Barton, and the erroneous fire tax of \$268.56 be charged back to the Barton Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$100.80 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$2,410.80 be charged to the proper account in the records of the County Treasurer

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 132-11 *APPROPRIATION OF FUNDS*
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Tioga County has been allocated \$36,873 in Summer Youth Employment funding; and

WHEREAS: Broome-Tioga BOCES has agreed to administer the program; and

WHEREAS: The program will allow thirty-one (31) TANF-eligible youth in Tioga County to obtain employment from July 12, 2011 through August 19, 2011; therefore be it

RESOLVED: That Tioga County accepts and allocates \$36,873 for the Summer Youth Employment program in Tioga County as follows:

From: A4610.00 Federal Aid: Administration	\$36,873
To: A6010.40.140 Contracting Services	\$36,873

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 135-11 APPROVE FUNDING
2011 YOUTH BUREAU PROGRAMS REVISED

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding, which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: Resolution No. 253-10 (adopted 12/14/2010) approved 2011 Youth Bureau program funding; and

WHEREAS: The State has now reduced 2011 Youth Bureau funding allocations; and

WHEREAS: The Tioga County Youth Board has again reviewed 2011 program applications for funding, which are consistent with guidelines previously presented to the Legislative Committee and contacted programs regarding funding reductions; now therefore be it

RESOLVED: That the following programs recommended by the Tioga County Youth Board for program year 2011 be approved by the Tioga County Legislature in the reduced amounts indicated:

Youth Development and Delinquency Prevention Programs

	<u>New Amt.</u>	<u>Cut</u>
Cooperative Extension Family Resource Centers	\$10,969	(\$5,286)
Tioga County Council on Alcohol & Substance Abuse	\$ 4,347	(\$2,095)
Cooperative Extension Waverly Youth Café	\$ 3,066	(\$1,477)
Camp Ahwaga	\$ 2,205	(\$1,063)
Spencer Van Etten Building Foundations	\$ 1,484	(\$ 715)

Special Delinquency Prevention Programs

Big Brothers Big Sisters of Bradford County, Inc.	\$ 6,172	(\$2,962)
A New Hope Center	\$ 5,688	(\$2,744)
Cooperative Extension Family Resource Centers	\$ 1,625	(\$ 784)
TOTAL	\$35,556	(\$17,126)

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 136-11

*AWARD CONSTRUCTION BID FOR
REHABILITATION OF HALSEY VALLEY
ROAD OVER PIPE CREEK PROJECT TO
FRAMPTON CONSTRUCTION*

WHEREAS: Tioga County has received a bond issue for the Capital Projects; and

WHEREAS: June 1, 2011 sealed bids were opened for the Rehabilitation of Halsey Valley Road Bridge over Pipe Creek in the Town of Tioga; and

WHEREAS: The bid results were as follows:

1. Frampton Construction	Pine City, NY	\$545,000.00
2. Vector Construction Corp.	Cicero, NY	\$557,206.00
3. Economy Paving Co., Inc.	Cortland, NY	\$562,857.05
4. R. DeVincentis Construction Inc.	Binghamton, NY	\$710,000.00

AND

WHEREAS: McFarland and Johnson Engineers, Binghamton, NY has reviewed the bid proposals and recommends awarding the project to the low bidder Frampton Construction, Pine City, NY, which satisfies the requirements for qualifications; therefore be it

RESOLVED: That the Tioga County Legislature award the bid for the Halsey Valley Road Bridge (BIN 3334970) over Pipe Creek in the Town of Tioga to Frampton Construction, Pine City, NY not to exceed \$545,000.00 to be paid out of the Halsey Valley Road Bridge Account H2010.10.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 137-11 *APPROVE ADDITIONAL INSPECTION
SERVICES TO C & S COMPANIES FOR
THE COURT HOUSE EXTERIOR FAÇADE
PROJECT*

WHEREAS: Tioga County awarded the construction contract for the Court House Façade project on May 26, 2011; and

WHEREAS: The Tioga County Legislature requested increased construction phase site presence for this project; therefore be it

RESOLVED: That the Tioga County Legislature approve additional inspection services to be provided by C & S Companies not to exceed \$16,000 to be paid out of the Buildings Capital Construction Account H1620.20 use code 927.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 138–11 *AUTHORIZE CONTRACT WITH EBS-RMSCO,
INC – MEDICARE PART D DRUG COVERAGE*

WHEREAS: Medicare-eligible beneficiaries may purchase prescription drug coverage through a Medicare Part D Plan; and

WHEREAS: An employer who provides prescription drug coverage to Medicare eligible employees, retirees, and/or their spouses must disclose to them whether or not the benefit provided is “at least as good” as the Medicare coverage, referred to as creditable coverage notice; and

WHEREAS: Plan sponsors who offer postretirement drug coverage to their qualified covered retirees may be eligible to receive a 28% tax-free subsidy of allowable drug costs for those retirees who do not elect to receive prescription benefits under a Medicare Part D Plan; and

WHEREAS: It is necessary to complete an actuarial attestation to determine that the participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide drug coverage which meets the actuarial equivalence test in order to determine if the retiree prescription coverage is “at least as good” as the Medicare coverage and to determine if the TCCMHIP participants are eligible to apply for the subsidy for the 2012 Plan Year, January 1, 2012 through December 31, 2012; and

WHEREAS: Creditable coverage notices must be provided to all Part D eligible participants no later than November 15, 2011 and the deadline to file for the 2012 Plan Year subsidy is October 3, 2011; and

WHEREAS: EBS-RMSCO, Inc. has performed this actuarial attestation each year since 2005 and is available to perform the actuarial attestation and necessary testing again in 2011 for the 2012 Plan Year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, to provide the necessary actuarial services for creditable coverage and the 28% tax-free subsidy related to Medicare Part D for the 2012 Plan Year at a cost of \$4,100 to be paid for out of the TCCMHIP Fund.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 139-11 *AUTHORIZE EXTENSION OF MEDICAL LEAVE
LESLIE GREESON
SOCIAL SERVICES*

WHEREAS: Leslie Greeson, Social Welfare Examiner, went out on medical leave on November 22, 2010, and

WHEREAS: Ms. Greeson continued and exhausted her Family Medical Leave January 1, 2011 through March 28, 2011, and

WHEREAS: In accordance with Tioga County Policy 1, Section VI, Ms. Greeson appropriately petitioned the Commissioner of Social Services for a 60-day extension of her medical leave, which was approved from March 29, 2011 through June 17, 2011; and

WHEREAS: Ms. Greeson has not yet been medically released to return to work and awaits re-evaluation by her physician for serious health issues; and

WHEREAS: In accordance with Tioga County Policy 1, Section VII, the Commissioner of Social Services recommends that Ms. Greeson's leave be approved through September 13, 2011; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves Leslie Greeson's leave through September 13, 2011; and be it further

RESOLVED: That in the event Ms. Greeson is released to full duty prior to September 13, 2011, she be allowed to return to work at that time.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 140-11 *AUTHORIZE SALARY: SECRETARY TO
PERSONNEL OFFICER
PERSONNEL DEPARTMENT*

WHEREAS: The position of Secretary to the Personnel Officer has been vacant since January 1, 2011; and

WHEREAS: Having satisfied the 90-day Hiring Delay, the Personnel Officer was granted approval by the Legislature at the April 7, 2011 work session to begin interviewing when the civil service exam results became available; and

WHEREAS: The Personnel Officer has interviewed the top three interested candidates on the civil service eligible list and has identified the candidate whom she wishes to hire; therefore be it

RESOLVED: That the Legislature authorizes the Personnel Officer to fill the Secretary to the Personnel Officer position at an annual salary of \$27,000, effective on or after June 20, 2011.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 141-11 WAIVER OF 90-DAY HIRING DELAY
SOCIAL SERVICES

WHEREAS: WHEREAS there is a vacancy in the title of Senior Account Clerk Typist as a result of the previous incumbent transferring to the Public Health Department, and

WHEREAS: The Health & Human Services Committee is supportive of waiving the 90-day hiring delay in this case in light of the fact the County has realized the 90-day savings based on the fact Public Health waited 90-days to fill their vacancy; therefore be it

RESOLVED: That the Commissioner of Social Services is granted a waiver of the 90-day delay in filling the Senior Account Clerk Typist position.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

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

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 142-10 *RECYCLING COLLECTION SERVICES*

WHEREAS: The contract for Recycling Collection Services with Taylor Garbage Services, Inc. expires at the end of December 2011; and

WHEREAS: The department of Solid Waste held a bid opening on May 20, 2011

WHEREAS: The bid results were as follows:

<u>Bidder Name</u>	<u>Weekly Pickup</u>	<u>Bi-weekly Pickup</u>
Taylor Garbage Services	\$ 4.32	No Bid
Broome Recycling Co. Inc.	\$ 6.51	No Bid

Prices are per household per month.

Therefore be it

RESOLVED: That the Tioga County Legislature award the Recycling Collection Services bid to the low bidder Taylor Garbage Services, Inc. with the contract date effective January 1, 2012; and be it further

RESOLVED: That the contract be for an initial 3 years with two 3 year extensions with an increase based upon the Consumer Price Index.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 143-11 *AUTHORIZATION TO RECLASSIFY VACANT SENIOR ACCOUNT CLERK TYPIST POSITION TO ACCOUNT CLERK TYPIST; WAIVER OF 90 DAY DELAY AND FILL;
HEALTH DEPARTMENT*

WHEREAS: Legislative approval is required for the reclassifying of any position within Tioga County; and

WHEREAS: Legislative approval is required for Waivers to the 90 day delay in backfilling vacant positions; and

WHEREAS: The Tioga County Health Department (TCHD) has a vacant Senior Account Clerk Typist position (CSEA Grade V) since 5/18/11 due to retirement of long term employee, Sally Fielder; and

WHEREAS: TCHD has determined after review of the tasks and processes that the position could be reclassified to that of Account Clerk Typist (CSEA Grade IV); and

WHEREAS: TCHD requests a waiver of the 90 day delay to be a 60 day delay prior to filling the position; therefore be it

RESOLVED: That the Tioga County Legislature authorizes TCHD to reclassify one vacant Senior Account Clerk Typist position (CSEA Salary Grade V) to that of one Account Clerk Typist (CSEA Salary Grade IV) effective June 15, 2011; and be it further

RESOLVED: That TCHD is granted a waiver from the 90 day hiring delay to be a 60 day delay and be allowed to fill the reclassified Account Clerk Typist position effective July 18, 2011.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 144-11 *AUTHORIZE SALARY FOR CHIEF
ACCOUNTANT AND AUTHORIZE
APPOINTMENT OF BUDGET OFFICER
(TREASURER'S OFFICE AND LEGISLATIVE
OFFICE)*

WHEREAS: The full-time position of Chief Accountant was created by resolution #96-11 and the part-time position of Budget Officer was created by resolution #275-10; and

WHEREAS: Both positions were duly posted and advertised, then an Interview Committee appointed by the Legislature conducted interviews of select candidates; and

WHEREAS: The County Treasurer and Legislature worked collaboratively in hopes of finding one candidate capable of performing the full spectrum of duties; and

WHEREAS: The County Treasurer has selected an individual for the Chief Accountant position, and the Interview Committee recommends the same individual for the Budget Officer position; therefore be it

RESOLVED: That the County Treasurer is hereby authorized to offer the annual salary of \$51,850 to the Chief Accountant to begin working on June 20, 2011; and be it further

RESOLVED: That Charles (Chuck) Shager is hereby appointed by the Legislature to the part-time position of Budget Officer effective June 20, 2011 at an annual salary of \$15,000; and be it further

RESOLVED: That Mr. Shager is required to become a Tioga County resident within one year of his appointment, or he shall be removed from these positions.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, and Weston.

No –None.

Absent –Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:21 P.M.

Fifth Special Meeting
June 23, 2011

The Fifth Special Meeting of 2011 was called to order by the Chair at 10:36 A.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

The Chair asked Legislator Quinlan to have a moment of prayer.

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

There were eight people in attendance.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 145-11

*AWARD CONSTRUCTION INSPECTION
CONTRACT TO MCFARLAND-JOHNSON INC
FOR THE HALSEY VALLEY RD BRIDGE OVER
PIPE CREEK (BIN:3334970)*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the inspection of these bridges as part of the Bond Issue; therefore be it

RESOLVED: That the Tioga County Legislature award the construction inspection services contract to McFarland-Johnson Engineers, Binghamton, NY 13901 not to exceed \$145,520 to be paid out of Halsey Valley Rd. Bridge account H2010.10.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, and Weston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 146–11 *AWARD ENERGY SAVINGS PERFORMANCE CONTRACT TO JOHNSON CONTROLS INC.*

WHEREAS: Johnson Controls Inc., Binghamton, NY did a presentation at the April DPW & Capital Project Committee Meeting; and

WHEREAS: The preliminary site evaluation indicated capital improvements & energy conservation measures totaling approximately \$700,000; and

WHEREAS: Public Works has funds in their budget to pay for this service; therefore be it

RESOLVED: That the Tioga County Legislature award the Energy Savings Performance Contract to Johnson Controls, Binghamton, NY to be paid out of PSB Lighting account H1620.21 use code 996 not to exceed \$25,000.

ROLL CALL VOTE

Yes – Legislators Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, and Weston.

No –None.

Absent –Legislator Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 10: 38 A.M.

Public Hearing
Local Law Introductory No. D of 2011
July 7, 2011

The Public Hearing on Local Law Introductory No. D of 2011 A Local Law providing for the collection of a hotel and motel tax in Tioga County was called to order by the Chair at 1:00 P.M. Seven Legislative members were present, Legislators Huttleston and Sullivan being absent.

There were 10 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no comments, the hearing was adjourned at 1:01 P.M.

Public Hearing
Local Law Introductory No. E of 2011
July 7, 2011

The Public Hearing on Local Law Introductory No. E of 2011 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York was called to order by the Chair at 1:05 P.M. Eight Legislative members were present, Legislator Sullivan being absent.

There were 10 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

George Penney spoke. "I would like to remind this body if I remember correctly the sales tax applies to heating oil and firewood. Both those items are a very aggressive tax. Thank you."

There being no further comments, the hearing was adjourned at 1:07 P.M.

Seventh Regular Meeting
July 12, 2011

The Seventh Regular Meeting of 2011 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Sullivan being absent.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would like to have a moment of silence for the men and women in the Armed Forces."

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

There were 19 people in attendance.

Denis McCann presented Employee of the 2nd Quarter 2011 to Margareta Olin, Deputy Treasurer, Tioga County Treasurer's Office.

"On behalf of the Employee Recognition Committee we would like to thank the Legislature for continuing to support the employee recognition efforts, in particular Legislator Sullivan who is not here today who was on the Committee this quarter and got to place her vote on this one as well.

"I am here to announce that Margareta Olin has been selected as the Tioga County Employee of the 2nd Quarter 2011. Margareta started with Tioga County in August of 1999 as a Tax Roll Supervisor in the Treasurer's Office. In January 2008 she was promoted to the appointment of Second Deputy Treasurer, the position she holds today.

"Margareta is known for her professionalism with clients, schools, other municipalities, and fellow employees. She provides great customer service to all that she comes in contact with and represents Tioga County very well. Margareta is always quick to respond to questions or when sought for assistance. From late 2010 until mid June Margareta also filled the vacant roll of Deputy Treasurer in addition to her own position. This required significant time and efforts to continue the County's accounting business including the large scale task of year-end processes and the preparation and submittal of the annual financial reporting.

“Thank you Margareta for all your hard work and efforts, and congratulations on this well deserved award.”

James McFadden, County Treasurer, spoke. “Well for a gal that did not know any English or mathematics 30 years ago, she has come a long way. Margareta was born in Germany by the way. For the past dozen years my Office, one of the major things we do of course is our accountability of the people and the Legislature, but also the State Comptroller. We have to account for every dime of spending regarding what is now a 90 million dollar budget. We have had a series of good accountants and dedicated workers including Ron McEwen who is going to be leaving the Legislature after almost 30 years of service to the County, and almost year end year out we get a perfectly clean audit with very little problems by our Independent Auditors. It makes me look good, it reflects on the County. We have a nice fund balance well managed, but it all comes down to the accounting and it is not just Margareta, it is the rest of the staff in the field like Denis and others, and I would just like to thank all of them because I can have confidence in the numbers and the accuracy, and the accountability to my constituents. I could not get it all done without the dedicated workers like Margareta Olin. Margareta, thank you very much.”

Margareta Olin spoke. “Thank you for the opportunity to work for Tioga County and the taxpayers. Thank you very much.”

Legislator Roberts read and presented the following Recognition Resolution to Daniel Truesdail.

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 147-11

*RESOLUTION RECOGNIZING
DANIEL TRUESDAIL JR.'S
30 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY*

WHEREAS: Daniel Truesdail Jr. was appointed to the position of MEO I March 16, 1981; he was promoted to HEO I August 8, 1983, he was promoted to HEO III August 26, 1988; promoted to HEO Site Leader August 28, 1995; and was promoted to Working Supervisor in 1997 and has remained in this position for the remainder of his career; and

WHEREAS: Daniel Truesdail Jr. has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 30 years to the Department of Public Works. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Truesdail will retire on July 18, 2011; 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 Daniel Truesdail Jr. for his 30 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Daniel Truesdail Jr.

ROLL CALL VOTE

Unanimously Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED UNANIMOUSLY.

Kenneth Del Bianco, Commissioner of Public Works, spoke. “You may read what it says here, It says ask me if I care, and that is Dan’s sense of humor because obviously he does care. He has been with the County for all these years and I can truly say that there has been many a winter day that I have been glad that Dan has been there, stays up a lot of the nights watching the weather, and he lives up in Richford. There is a special snow belt that is up in Richford that you do not see down here and lots of times he sees the snow before anybody else does, and he calls the guys out appropriately for the roads, the few County roads that we have up in the northern part of the County. It has been very valuable to

have Dan in that position up there and we are going to miss that, and I can always count on that it was covered. I did not really have to worry about it myself because if I had the crews up there every night to check on the roads it would be tough, but Dan stays right on top of that, did stay right on top of that, and of course he has worked on many of the projects over the years in the County. He knows the roads inside and out. We are certainly going to miss that knowledge of all the little problems and corrections that have been made over the years, and how different situations have been dealt with. I just want to thank Dan also for his years of service."

Dan Truesdail spoke. "It has been a great ride."

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		841.93
A1165	District Attorney		2,513.72
A1170	Public Defender		4,588.48
A1172	Assigned Counsel		35,024.25
A1185	Medical Examiners/Coroners		3,397.34
A1325	Treasurer		507.90
A1355	Assessments		8,408.73
A1410	County Clerk		266.50
A1420	Law		5,549.98
A1430	Personnel		7,284.45
A1450	Elections		4,202.88
A1460	Records Management		157.50
A1490	Public Works Administration		467.44
A1620	Buildings		48,211.08
A1621	Buildings		15,909.58
A1680	Information Technology		7,296.54
A2490	Community College Tuition		175,299.66
A2960	Education Handicapped Children		257,336.47
A3020	Public Safety Comm E911 System	59.98	12,147.04
A3110	Sheriff	196.53	27,325.60
A3140	Probation		271.20
A3146	Sex Offender Program		17,533.34
A3150	Jail	170.72	56,223.01
A3315	Special Traffic Programs		655.00
A3410	Fire		2,191.42
A3640	Emergency Mgmt Office		962.45

A3641	Emergency Mgmt Grant Program	1,456.01	
A4010	Public Health Nursing	304.99	49,361.83
A4011	Public Health Administration		4,864.11
A4012	Public Health Education		103.45
A4042	Rabies Control		4,387.63
A4044	Early Intervention	526.00	44,294.94
A4053	Preventive/Primary Health Svcs	6,640.00	3,058.01
A4054	Preventive Dental Services		663.24
A4064	Managed Care-Dental Services		20,735.30
A4070	Disease Control		4,241.72
A4090	Environmental Health		1,172.40
A4210	Alcohol and Drug Services		11,665.28
A4211	Council on Alcoholism		9,923.66
A4309	Mental Hygiene Co Admin		12,579.51
A4310	Mental Health Clinic		56,578.94
A4311	Rehabilitation Support Services		3,706.00
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		4,833.34
A4321	Intensive Case Management		3,284.26
A4333	Psycho Social Club		37,547.25
A6010	Social Services Administration		82,204.79
A6422	Economic Development		473.93
A6510	Veterans' Service		150.00
A6610	Sealer Weights/Measures		533.43
A7510	Historian		44.97
A8020	Planning		513.96
A9060	Health Insurance		3,193.64
	SOLID WASTE FUND		119,059.52
	COUNTY ROAD FUND		60,732.90
	SPECIAL GRANT FUND		9,826.41
	CONSOLIDATED HEALTH FUND		73,136.25
	CAPITAL FUND		810,277.17
	LIABILITY INSURANCE FUND		512.00
	WORKERS' COMP		<u>2,549.00</u>
	GRAND TOTAL		\$ 2,140,757.80

Legislator Roberts made a motion to approve the minutes of June 14 and 23, 2011, seconded by Legislator McEwen, and carried.

Chair Weston made the following appointments to a Building Closing Procedure Committee effective July 12, 2011:

Safety Officer
Sheriff
Public Works Commissioner
County Clerk
Benefits Manager
Personnel Officer
County Attorney
Public Health Director
Any Legislators

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 148-11 *AMEND POLICY 29
RULES OF PROCEDURE OF THE
TIOGA COUNTY LEGISLATURE*

WHEREAS: Policy 29 Rules of Procedure of the Tioga County Legislature Section 2 –Committees lists the committees and their functions and Section 4 – Appointments lists terms; and

WHEREAS: Section 2 - Committees Health & Human Services needs to amend (3) (b) Mental Hygiene; and

WHEREAS: Section 4 – Appointments 1 (a), (b), and (c) needs to be amended; therefore be it

RESOLVED: That Policy 29 Rules of Procedure of the Tioga County Legislature amend Section 2 – Committees Health & Human Services (3) (b) Mental Hygiene from (b) All Mental Retardation & Developmental Disabilities functions and related sub-agencies and services to "(b) All Developmental Disabilities functions and related sub-agencies and services"; and be it further

RESOLVED: That Policy 29 Rules of Procedures of the Tioga County Legislature amend Section 4 – Appointments 1 (a), (b), and (c) from Local Law 2 of 1994 to “Local Law 2 of 2011”; and be it further

RESOLVED: That the remainder of Policy 29 Rules of Procedure of the Tioga County Legislature shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 149–11 ADOPT LOCAL LAW NO. 4 OF 2011

WHEREAS: A public hearing was held on July 7, 2011, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2011 A Local Law providing for the collection of a hotel and motel tax in Tioga County; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 4 of 2011; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 4 of the Year 2011

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: TITLE

This Local Law shall be known as the "Hotel/Motel Tax Law".

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

MOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

PERMANENT RESIDENT - A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

SECTION 4: TAX

(A) A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

(B) Said tax shall be paid by the person occupying the room who shall be liable therefore to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied. Said tax shall be paid for and on account of the County of Tioga.

(C) Such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax. Such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to non-payment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge; provided, however, that the Tioga County Treasurer shall be joined as a part in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(D) The filing of returns and the payment of the tax shall be paid to the Tioga County Treasurer on a quarterly basis by such means and in such manner as may be directed by the Tioga County Treasurer.

SECTION 5: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Tioga County Treasurer on the date due in the amount of ten (10%) per cent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 6: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 7: JUDICIAL REVIEW

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

(A) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(C) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Tioga County Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 8: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 9: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 10: EFFECTIVE DATE

This local law shall become effective December 1, 2011 and shall remain in effect until November 30, 2014.

SECTION 11: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 150-11 *AUTHORIZE TIOGA COUNTY
TO HIRE MANASSE AUCTIONEERS
TO AUCTION REAL PROPERTY ACQUIRED
BY COUNTY FORECLOSURE*

WHEREAS: James P. McFadden, Tioga County Treasurer is in charge of implementing the foreclosure of taxes under Article Eleven of the Real Property Tax Law; and

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: Manasse Auctioneers has been contacted to perform the services of a public auction and Manasse Auctioneers has agreed to compensation of a uniform seven percent (7%) buyers premium, Tioga County will pay no expenses; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to contract the services of Manasse Auctioneers for the public auction of tax foreclosure properties, pending approval by the County Attorney as to form.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 151-11 *AUTHORIZE SALE OF COUNTY
OWNED PROPERTIES ACQUIRED
FOR DELINQUENT TAXES*

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 4, 2011 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

166.11-1-59, Burlingame, Bessie
166.11-1-63, Coston, John E.
124.00-2-7.20, Primera Financial Services, Inc.

Town of Candor

40.00-1-26.12, Bumgardner, Irma C.
81.00-1-27, Crisafi, Anthony J. & Mary
84.00-1-53.11, Devine, Charles A.

Town of Newark Valley

66.00-1-27, Bates, Willard M. & Rosemary L.

Town of Nichols

159.00-2-23, Isham, Gaylord

149.13-1-46, Isham, Gaylord

169.00-1-21.30, Primera Financial Services, Inc.

Town of Owego

128.12-1-21, Ellis Sr., Dana L.

128.08-1-16, Smith, Christopher & Leslie

128.08-1-71, Vesho, Kristin

129.05-3-7, Loco Holdings

Town of Richford

8.00-1-3.20, Damon, Kenneth & Julienne

Town of Spencer

92.00-1-8, Jamieson, George

69.00-1-25.20, Neilsen, David

35.00-1-1.11, Uhrig, Steve

Town of Tioga

102.16-1-12, Avery, Thomas R. & Brenda

105.00-2-7, Stahl Scott

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 152-11

*TRANSFER OF FUNDS
PUBLIC HEALTH*

WHEREAS: Tioga County Health Department (TCHD) received approval to contract with Cornell Cooperative Extension (CCE) for Health Education services through September 2011; and

WHEREAS: This arrangement is mutually beneficial for both agencies in cost savings and provision of services; and

WHEREAS: Funding for the position is available yet requires a transfer into the appropriate expenditure use codes; and

WHEREAS: Transfer of funds requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A4012.10.10	Health Education: Personnel	\$13,500
To: A4012.40-130	Health Education: Contracts	\$13,500

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE

RESOLUTION NO. 153-11 *FUND EMERGENCY MANAGEMENT
OFFICE GRANT - NYS HOMELAND
SECURITY GRANT*

WHEREAS: The Emergency Management Office has been awarded a NYS Homeland Security Grant (C837900-FY10) in the amount of \$89,392; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Homeland Security Grant (C837900-FY10) be appropriated as follows:

From: Revenue Account EMO (C837900-FY10) A3356.00 \$89,392

To: EMO C837990 Grant-Equipment A3656.20.230 \$89,392

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 154-11 APPROVAL OF TIOGA COUNTY
IGNITION INTERLOCK PLAN FOR
COMPLIANCE WITH LEANDRA'S LAW

WHEREAS: The provisions of Vehicle and Traffic Law Section 1198, known as Leandra's Law, require additional county services for the monitoring of ignition interlock devices for all DWI convictions; and

WHEREAS: Tioga County submitted a plan on June 3, 2010 to be in compliance with the rules and regulations of New York State Office (formerly Division) of Probation and Correctional Alternatives that requires all Counties to establish an Ignition Interlock Program Plan; and

WHEREAS: Tioga County submitted an amended Ignition Interlock Plan on July 5, 2011; now therefore be it

RESOLVED: That the Tioga County Legislature hereby adopts the Tioga County Amended Ignition Interlock submitted plan.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 155-11 *AWARD CONTRACT TO UPSTATE
MACHINERY FOR DEMOLITION OF
BUILDINGS AT 17 FULTON ST.*

WHEREAS: Tioga County acquired the property at 17 Fulton St. in the Village of Owego for back taxes; and

WHEREAS: The structures were inspected by the Code Enforcement Supervisor for the Village Of Owego and were deemed unsafe according to the NYS Fire Code Section 107 and Village of Owego Code Chapter 98 Unsafe Buildings; and

WHEREAS: The Commissioner of Public Works upon the recommendation from the Tioga County Legislature accepted sealed bids for demolition of the structures on the 17 Fulton St. property on June 29, 2011; and

WHEREAS: The sealed bids were accepted from the following companies:

Upstate Machinery LLC	Tioga Center, NY	\$18,500
LCP Group, Inc.	Vestal, NY	\$18,997
D & S Excavating, Inc.	Frankfort, NY	\$50,000

And

WHEREAS: Due to this being an unforeseen problem at budget time funds were not budgeted for this project; therefore be it

RESOLVED: That the Tioga County Legislature authorize the transfer of \$18,500 from Contingency Account A1990.40 use code 715 to the Expense of County Owned Properties account A1364.40 use code 140; and be it further

RESOLVED: That the Tioga County Legislature award the demolition contract to the low bidder, Upstate Machinery LLC, Tioga Center, NY in the amount of \$18,500 to be paid out of Expense of County Owned Properties account A1364.40 use code 140.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 156-11 *AMEND RES # 147-09*
HIRING DELAY

WHEREAS: Resolution No. 147-09 established a Hiring Delay of 60 days; and

WHEREAS: Resolution No. 224-10 as amended by Resolution No. 269-10 amended Resolution No. 147-09 to reflect a 90-day delay through December 31, 2011; and

WHEREAS: Resolution No. 147-09 outlined certain exceptions to the delay; and

WHEREAS: The County Legislature would like to expand upon the list of exceptions to also include situations when a County employee transfers from one Department to another and the vacancy in the Department s/he is accepting a new position in has already been vacant at least 90-days, the Department they are leaving will not have to wait the 90-days, as the County will have already realized the intended savings; therefore be it

RESOLVED: That Resolution No. 147-09 be amended to include "vacancies resulting from the move of a Tioga County employee to another Tioga County Department when the vacancy in the other Department has been vacant at least the required number of days."

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 157-11 *AUTHORIZE OUT OF TITLE PAY
PROBATION DEPARTMENT*

WHEREAS: The Principal Account Clerk in the Probation Department was forced to take an unexpected Medical Leave as of June 2, 2011; and

WHEREAS: The medical leave of absence is expected to last 6 – 8 weeks; and

WHEREAS: The work performed by the Principal Account Clerk must be performed without delay in order to allow the Probation Department to continue collecting and disbursing monies pursuant to Court orders; and

WHEREAS: There is one employee within the Department trained as a back-up for a portion of the major duties of the Principal Account Clerk; and

WHEREAS: The employee trained as back-up is in Salary Grade 6 and the Principal Account Clerk title is in Salary Grade 7, an annual difference of \$3,541; therefore be it

RESOLVED: That Lisa Baker, Probation Assistant (Grade 6) be authorized to receive Out of Title Pay in accordance with the collective bargaining agreement for her performance of the work of a Principal Account Clerk (Grade 7) retroactive to June 2, 2011 for the duration of the medical leave of the Principal Account Clerk.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 158-11 *HIRE RICHARD PERKINS FOR
ENGINEERING TECHNICIAN*

WHEREAS: The Commissioner of Public Works conducted interviews for the vacant Engineering Technician position; and

WHEREAS: Richard Perkins was hired to fill the Engineering Technician position on June 27, 2011 at an annual salary of \$29,913, which is the base of the CSEA salary grade VII; and

WHEREAS: Mr. Perkins, is an extremely qualified candidate who is a licensed engineer with approximately 17 years of related experience; and

WHEREAS: The Commission of Public Works would like to elevate Mr. Perkins' salary to \$30,613, which is the top of the CSEA salary grade VII, due to the experience he brings to Tioga County; and

WHEREAS: By hiring at the top of the pay grade, the Public Works departmental budget will experience an annual savings of approximately \$22,000 due to the previous Engineering Technician's tenure; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the annual salary for Richard Perkins, Engineering Technician, be established at \$30,613 retroactive to June 27, 2011.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 159-11 CREATE AND FILL SEASONAL
HEAP STAFF POSITIONS
SOCIAL SERVICES

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

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin Outreach in mid August and be in full season on November 1, 2011; and

WHEREAS: The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner and one seasonal Typist to staff the HEAP Program; and

WHEREAS: The starting salaries for said positions are frozen at the 2009 rate per resolution 195-09 of \$13.070/hr. and \$10.841/hr. respectively; and

WHEREAS: The Federal reimbursement will be 100% with no local share; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal positions of Social Welfare Examiner at \$13.070/hr and Typist at \$10.841/hr. effective August 10, 2011 through May 15, 2012.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 160-11 *AUTHORIZATION TO BACKFILL VACANT PUBLIC
HEALTH ENGINEER AT TRAINEE LEVEL
PUBLIC HEALTH DEPARTMENT*

WHEREAS: The Public Health Director received verbal authorization at the 5/19/11 Legislative work session to begin recruiting for the Public Health Engineer position which has been vacant since 4/30/11; and

WHEREAS: The Public Health Director has identified a qualified candidate to fill said position at the Trainee level, which will provide a cost saving to the County; and

WHEREAS: The Public Health Director has satisfied the 90-day hiring delay set forth by resolution 269-10; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorize the provisional appointment of Scott Freyburger to the position of Public Health Engineer Trainee effective 8/1/11 at an annual salary of \$44,000.00 pending the successful completion of the civil service examination.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 161-11

CREATE AND FILL TEMPORARY, PART-TIME ACCOUNT CLERK TYPIST POSITION LEGISLATIVE OFFICE

WHEREAS: The Tioga County Legislative Office employs two Deputy Clerks, one full-time and one part-time, to help support the Clerk to the Legislature and related office functions; and

WHEREAS: Since March 28, 2011, the Legislative Office has been down staff due to a leave of absence by the full-time Deputy Clerk to the Tioga County Legislature; and

WHEREAS: Said full-time position recently became vacant on June 20, 2011; and

WHEREAS: The Clerk to the Legislature has identified a need to provide coverage within the office on a temporary duration in order for her to consider restructuring the office and to recruit for a new Deputy Clerk; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of a temporary Account Clerk-Typist and authorizes the Legislative Clerk to fill said position on a part-time basis effective July 18, 2011 until December 2, 2011 at an hourly rate of \$11.478; and be it further

RESOLVED: That the sum of \$4,000.00 be transferred from Legislative Account A1010.10-10 (full time) to Legislative Account A1010.10-20 (part time/temporary).

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 162-11

AUTHORIZE THE SALE OF JERRY A. BEEMAN JR. PROPERTY LOCATED IN THE TOWN OF SPENCER TO JERRY A. BEEMAN JR. OR HIS ASSIGNS

WHEREAS: Property located in the Town of Spencer, assessed to Jerry A. Beeman Jr., identified as Tax Map number 47.00-1-22.41, parcel number 1408 owes 2009, 2010 and 2011 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Jerry A. Beeman Jr., who has made an offer to purchase the property for \$5,000.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$5,000.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property assessed to Jerry A. Beeman Jr., located in the, Town of Spencer, identified on the Town of Spencer Tax Map as number 47.00-1-22.41, parcel number 1408, to Jerry A. Beeman Jr., or his assigns.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 163-11

AUTHORIZE THE SALE OF MALCOLM M. STONE PROPERTY LOCATED IN THE TOWN OF BARTON TO THE TOWN OF BARTON OR THEIR ASSIGNS

WHEREAS: Property located in the Town of Barton, assessed to Malcolm M. Stone identified as Tax Map number 157.00-1-6, parcel number 10821 owes 2009, 2010 and 2011 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by the Town of Barton, who has made an offer to purchase the property for \$100.00, "as is"; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$100.00 and a Quit Claim Deed conveying the property assessed to Malcolm M. Stone, located in the Town of Barton, identified on the Town of Barton Tax Map as number 157.00-1-6, parcel number 10821, to the Town of Barton or their assigns.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 164-11 *AUTHORIZE THE SALE OF MANFORD &
GRACE BARR PROPERTY LOCATED IN THE
TOWN OF OWEGO TO MICHAEL S. KICZEK
OR HIS ASSIGNS*

WHEREAS: Property located in the Town of Owego, assessed to Manford & Grace Barr, identified as Tax Map number 107.00-1-48, parcel number 13477 owes 2009, 2010 and 2011 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Michael S. Kiczek, who has made an offer to purchase the property for \$400.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$400.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property assessed to Manford & Grace Barr, located in the Town of Owego, identified on the Town of Owego Tax Map as number 107.00-1-48, parcel number 13477, to Michael S. Kiczek or his assigns.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:46 P.M.

Sixth Special Meeting
July 21, 2011

The Sixth Special Meeting of 2011 was called to order by the Chair at 10:15 A.M. All Legislative members were present.

The Chair asked Legislator Roberts to have a moment of prayer. "I would like to ask for a moment of silence for the five people who lost their lives in Penn Yan."

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

There were 6 people in attendance.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 165-11 AUTHORIZATION TO WAIVE 90-DAY HIRING DELAY;
BACKFILL VACANT SECRETARY TO DIRECTOR OF
COMMUNITY SERVICES
MENTAL HYGIENE DEPARTMENT

WHEREAS: Resolution 269-10 instituted a 90-day hiring delay, for most positions sought for backfill which could not otherwise be filled by promotion; and

WHEREAS: The Director of Community Services received verbal authorization at the 5/5/11 Legislative work session to begin recruiting for the Secretary to the Director of Community Services position which became vacant on 5/13/11; and

WHEREAS: The Director of Community Services has identified a qualified candidate who is able to begin working on 8/1/11; therefore be it

RESOLVED: That the Director of Community Services be granted a waiver from the 90-day hiring delay to fill said position; and be it further

RESOLVED: That The Tioga County Legislature authorize the provisional appointment of Francine Madison to the position of Secretary to the Director of Community Services effective 8/1/11 at an annual salary of \$26,909.00 pending the successful completion of the civil service examination.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:17 A.M.

Eight Regular Meeting
August 9, 2011

The Eighth Regular Meeting of 2011 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Roberts being absent.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. "We pray in memory and thought of the families that lost the Navy Seals this last week. We pray for the leadership of our government and every level of government, to pray for guidance and the ability to make good decisions on behalf of our constituents."

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

There were 21 people in attendance.

Legislator Monell read and presented the following recognition resolution to John Crosby.

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

RESOLUTION NO. 166-11 *RECOGNITION RESOLUTION*
RECOGNIZING
GAE CROSBY
POSTHUMOUSLY

WHEREAS: Gae Crosby passed away on May 6, 2011 while an active member of the Youth Board; and

WHEREAS: The Tioga County Legislature, along with the members of the Tioga County Youth Board, would like to posthumously recognize Mrs. Crosby for her many years of dedicated service to the residents of Tioga County; and

WHEREAS: Mrs. Crosby began her tenure as a member of the Tioga County Youth Board in 2002; and

WHEREAS: Mrs. Crosby's continual involvement in the community was evidenced by her faithful attendance at meetings of the Tioga County Youth Board and the Town Board of Zoning Appeals, her active involvement in the Special Olympics, and her starting of the Tioga County Historical Society fundraiser; and

WHEREAS: Mrs. Crosby is survived by her husband, John, three children, and eight grandchildren; 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 and recognize Gae Crosby posthumously for her years of dedicated service to the Tioga County Youth Board and Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to the family of Gae Crosby.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED UNANIMOUSLY.

Daniel Sloat, President of the Tioga County Youth Board, spoke. "It has been my privilege to have served along side Gae on the Tioga County Youth Bureau Board since 2002. I think part of the testimony to Gae's effectiveness on the Board is the amount of participation from our Board members. One of the things that I remember most about Gae was her ability to find opportunities and challenges, and being on the Youth Bureau one of our biggest challenges of recent has been funding. Gae instead of the rest of our Board saying oh my gosh and wringing our hands and concern that less money to give to our youth, Gae wanted us to meet, brainstorm, and come up with some different ideas on how we might be able to get more money from the community for the youth, and that embodies Gae's spirit. In closing, I would like to say that working with Gae brings to mind a quote from Alex Pike and he said "what we do for

ourselves alone dies with us, what we do for others and the world remains and is immortal". We are going to miss you Gae."

John Crosby, Gae's husband, spoke. "If you knew Gae, everything she did she did with joy and enthusiasm. She would be humbled and she would be pleased to be recognized for the work that she did for the youth because that is when she was the happiest. On her behalf, thank you."

Chair Weston noted the following Proclamation on Child Support Enforcement Month.

PROCLAMATION

WHEREAS: New York's children need the emotional and financial support of both parents, as well as the support of their extended families and the community, in order to grow into healthy, productive adults; and

WHEREAS: New York State is committed to promoting the health and well-being of all of its children by ensuring that parents pay child support on a regular and timely basis; and

WHEREAS: Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS: The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys still continue to play an active role in child support enforcement; and

WHEREAS: In 2010, New York State child support program served more than 1.1 million children and collected nearly \$1.77 billion dollars in child support; and

WHEREAS: In 2010, Tioga County collected over \$5.4 million dollars in child support; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2011 to be

Child Support Enforcement Month

in Tioga County and salute those parents who support their children and honor the child support enforcement professionals in our community and throughout New York State.

Chris Bonner had privilege of the floor. He spoke about his concerns regarding the debt of the country.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		843.49
A1165	District Attorney		907.76
A1170	Public Defender		3,310.65
A1172	Assigned Counsel		15,899.53
A1185	Medical Examiners/Coroners		1,464.40
A1325	Treasurer		55.20
A1355	Assessments		279.55
A1410	County Clerk		392.80
A1411	Department of Motor Vehicles		106.56
A1420	Law		1,069.72
A1430	Personnel		328.50
A1450	Elections		6,604.45
A1460	Records Management		122.69
A1460.41	Records Management		4,976.25
A1490	Public Works Administration		34.13
A1620	Buildings		45,173.53
A1621	Buildings		18,849.06
A1680	Information Technology		10,905.91
A2490	Community College Tuition		71,704.43
A2960	Education Handicapped Children		240,531.37
A3020	Public Safety Comm E911 System		5,276.48
A3110	Sheriff		18,659.61
A3150	Jail		56,392.79
A3315	Special Traffic Programs		2,165.00
A3410	Fire	1,215.80	1,354.13
A3640	Emergency Mgmt Office		552.47
A3461	Emergency Mgmt Grant Program	71.87	
A3992	EMO C837990 Grant	811.50	
A4010	Public Health Nursing		56,495.25
A4011	Public Health Administration		7,067.52
A4012	Public Health Education		7,530.56

A4042	Rabies Control		1,164.06
A4044	Early Intervention	370.38	43,772.82
A4053	Preventive/Primary Health Svcs		354.80
A4054	Preventive Dental Services		299.55
A4064	Managed Care-Dental Services		15,085.76
A4070	Disease Control		2,288.58
A4090	Environmental Health		1,523.93
A4210	Alcohol and Drug Services		23,993.83
A4211	Council on Alcoholism		19,847.32
A4309	Mental Hygiene Co Admin	163.58	12,332.63
A4310	Mental Health Clinic		116,634.31
A4315	Mental Retardation		6,396.24
A4320	Crisis Intervention Services		8,416.67
A4321	Intensive Case Management		2,511.01
A4333	Psycho Social Club		11,354.97
A6010	Social Services Administration		104,549.96
A6141	Energy Crisis Assistance Program		17,729.07
A6422	Economic Development		301.82
A6510	Veterans' Service		1,746.00
A6610	Sealer Weights/Measures		248.63
A9060	Health Insurance		1,596.82
	SOLID WASTE FUND		97,106.23
	COUNTY ROAD FUND		41,506.57
	SPECIAL GRANT FUND		6,404.79
	CONSOLIDATED HEALTH FUND		34,276.81
	CAPITAL FUND		495,868.28
	LIABILITY INSURANCE FUND		400.00
	WORKERS' COMP		<u>58,306.00</u>
	GRAND TOTAL		\$ 1,707,694.38

Legislator Monell made a motion to approve the minutes of July 7, 12, & 21, 2011, seconded by Legislator Sullivan, and carried.

Chair Weston made the following appointments to a Relevy Committee:

County Attorney
Economic Development & Planning Director
County Treasurer
Chief Accountant
Legislators Hollenbeck
Sauerbrey
Sullivan
Weston

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 167-11 ADOPT LOCAL LAW NO. 5 OF 2011

WHEREAS: A public hearing was held on July 7, 2011, following due notice thereof to consider the adoption of Local Law Introductory No. E of the Year 2011 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 5 of 2011; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 5 of the Year 2011.

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

SECTION 2:

Imposition of sales tax.

On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2011, and ending November 30, 2013 there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2:

Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 2-a:

Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2013, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2013, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2013, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2013, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2013.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vender of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the premises, for which such energy sources or services are purchased, is used solely as a residence or identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

SECTION 3:

Section Three of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new subdivision (h) to read as follows:

(h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2011, and ending November 30, 2013, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2011, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2011, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2013. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2011, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 4:

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 4:

Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2011, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone

answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he

fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 5:

Subdivision (1) of Section 11 of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new paragraph (C) to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2011, and ending November 30, 2013, in respect to the use of property used by the purchaser in this County prior to December 1, 2011.

SECTION 6:

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2011, through November 30, 2013, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.

SECTION 7:

This enactment shall take effect on December 1, 2011.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 168-11

AMEND RESOLUTION NO. 7-11
FIX DATES AND TIMES OF
TIOGA COUNTY LEGISLATIVE
MEETINGS

WHEREAS: Resolution No. 7-11 set the 2011 Tioga County Legislative meetings at 1:30 P.M. on the Tuesday following committees, except for the months of March, June, September and December 2011; and

WHEREAS: The Tioga County Legislature would like to change the 1:30 P.M. Legislative meetings to 12:00 P.M.; therefore be it

RESOLVED: That Resolution No. 7-11 be amended to reflect that the Tioga County Legislature during the months of October and November 2011 shall meet in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York at 12:00 P.M. on the Tuesday following committees which are held during the first full work week of the month.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 169-11 *AUTHORIZE TO HOLD JOINT AUCTION WITH BROOME COUNTY*

WHEREAS: Broome County has offered Tioga County the ability to rejoin them with a joint auction for surplus property; and

WHEREAS: Broome County has contracted Mel Manassee & Son Auctioneers for Saturday, September 24, 2011 @ 10:00 AM; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the auction for surplus properties to be held in conjunction with Broome County on Saturday, September 24, 2011 @ 10:00 AM; and be it further

RESOLVED: That Tioga County's auction for surplus properties will be held at the Broome County Highway Dept., 47 Thomas St., Chenango Bridge, NY 13745 and 0% Commission of the proceeds will be charged to the seller.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 170-11 *TRANSFER OF FUNDS PUBLIC HEALTH*

WHEREAS: Resolution #41-11 appropriated funding that was awarded to the Tioga County Health Department (TCHD) from the American Recovery and Reinvestment Act Early Intervention (ARRA-EI) through the NYS Department of Health (NYSDOH); and

WHEREAS: NYSDOH and ARRA-EI have revised the previously approved plans which has resulted in budget modifications of the funding; and

WHEREAS: TCHD has received approval of the budget modification, resulting in the need to transfer funds into the proper account codes; and

WHEREAS: Transfer of funds requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From:	A4044.40-640	Early Intervention: Supplies	\$ 4,400
To:	A4044.20-130	Early Intervention: Equipment	\$ 4,400

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:	ED&P COMMITTEE JOB TRAINING COMMITTEE
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RESOLUTION NO. 171-11	<i>AMEND TIOGA EMPLOYMENT CENTER BUDGET</i>
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WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce New York for employment and training services, is funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center has been allocated additional funds: Dislocated Workers National Emergency Grant- OJT in the amount of \$13,189.12; therefore be it

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

From: Revenue A1510 Sheriff Fees \$10,000

To: A3110.40-444-Sheriff Fees \$10,000

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 173-11 *APPROVE SUPPLEMENTAL
AGREEMENT 3 FOR ADDITIONAL
INSPECTION SERVICES FOR
TAPPAN RD BRIDGE PROJECT
PIN: 9753.38 BIN: 3335280*

WHEREAS: Tappan Rd. Bridge in the Town of Newark Valley, NY is under construction: and

WHEREAS: The funding for this is being paid 80% Federal Aid, 15% NYS Marcheselli Aid, and 5% County funding; and

WHEREAS: Tioga County retained Delta Engineers, Endwell, NY to perform inspection services for the Tappan Rd. Bridge Project; and

WHEREAS: Additional effort is required to observe longer than anticipated pile driving operations; and

WHEREAS: The fabrication of the steel beams took longer that anticipated and NYSDOT requires full-time inspection at the factory: and

WHEREAS: A greater on-site presence, bookkeeping and monitoring is required to comply with the current Federal and State recommendations; therefore be it

RESOLVED: That the Tioga County Legislature approves the Supplemental Agreement #3 for Delta Engineers, Endwell, NY in the amount of \$39,787 for the additional engineering services to be paid out of Tappan Rd. Bridge Project Account H2007.14.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEES

RESOLUTION NO. 174-11 RECLASSIFY VACANT OFFICE MANAGER
SOCIAL SERVICES

WHEREAS: Karla Harding has retired effective February 11, 2011, creating an Office Manager vacancy; and

WHEREAS: The Department of Social Services has reviewed such vacancy and decided to decrease the level of responsibility of the position; and

WHEREAS: In order to appropriately represent these decreased responsibilities, the Department of Social Services is desirous of reclassifying the position of Office Manager, Union salary grade VI (\$26,372) to Typist, Union salary grade III (\$21,874); and

WHEREAS: The incumbent's salary at retirement was \$42,423, the actual budget savings will be \$20,549 with an additional \$14,501 savings in fringe costs; and

WHEREAS: The Personnel/Civil Service Department has reviewed the job duties and determined the appropriate title shall be Typist; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of Office Manager to Typist, and that the Department of Social Services be authorized to fill said position at Union salary grade III, \$21,874, effective August 10, 2011.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 175-11 *AUTHORIZATION TO WAIVE 90-DAY
HIRING DELAY; BACKFILL FULL TIME
DEPUTY SHERIFF VACANCY
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a full-time Deputy Sheriff position due to the resignation of a Deputy Sheriff effective June 21, 2011; and

WHEREAS: The Tioga County Legislature established a 90-day delay in backfilling vacant positions for the purpose of cost savings; and

WHEREAS: The Sheriff is in need of backfilling this most recent Deputy Sheriff vacancy in order to maintain adequate staffing levels for the Road Patrol Division; therefore be it

RESOLVED: That the Sheriff is hereby granted a waiver from the 90-day hiring delay for the position of Deputy Sheriff; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to fill the full-time Deputy Sheriff position from the appropriate civil service list at an annual salary of \$42,108 per year, effective September 10, 2011.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

Legislator McEwen moved to have the following late-filed resolution considered, seconded by Legislator Monell and carried.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 176-11 *ACCEPT AUCTION BIDS FOR COUNTY
OWNED PROPERTY ACQUIRED FOR
TAXES, AUTHORIZE EXECUTION OF DEEDS*

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Nichols, Owego, Richford, Spencer and Tioga were offered for sale at Public Auction conducted August 4, 2011 by the County Treasurer; and

WHEREAS: It is the intent of the Legislature to return the properties to the Tax Rolls as soon as possible; therefore be it

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Prior Owner-Tax Map #:</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Town of Barton:</u>		
166.11-1-59, Burlingame, Bessie	Steven T. Chaffee	\$42,000.00
166.11-1-63, Coston, John E.	Ellen Strange	\$23,000.00
124.00-2-7.20, Primera Financial Services, Inc.	Stewart A. Cole	\$15,000.00
<u>Town of Candor</u>		
40.00-1-26.12, Bumgardner, Irma C.	Joseph M. Sindoni	\$ 4,000.00
81.00-1-27, Crisafi, Anthony J. & Mary	Erik Thomas	\$ 2,000.00
84.00-1-53.11, Devine, Charles A.	Susquehanna Land Co.	\$20,000.00
<u>Town of Newark Valley</u>		
66.00-1-27, Bates, Willard M. & Rosemary L.	Joel D. Newton	\$25,500.00
<u>Town of Nichols</u>		
159.00-2-23, Isham, Gaylord	Norman J. Latini	\$ 2,200.00
149.13-1-46, Isham, Gaylord	Carol M. McCarthy	\$ 2,500.00
169.00-1-21.30, Primera Financial Services, Inc.	Michael D. Austin	\$39,000.00
<u>Town of Owego</u>		
128.12-1-21, Ellis Sr., Dana L.	James S. Walley	\$29,000.00
128.08-1-16, Smith, Christopher & Leslie	Brandon D. Jacobson	\$24,000.00
128.08-1-71, Vesho, Kristin	Joseph M. Sindoni	\$60,000.00
<u>Town of Richford</u>		
8.00-1-3.20, Damon, Kenneth & Julienne	Dacia M. Theleman	\$57,000.00
<u>Town of Spencer</u>		
92.00-1-8, Jamieson, George	Springtree Props., LLC	\$ 7,000.00
35.00-1-1.11, Uhrig, Steve	Alan C. Cook	\$ 3,500.00
<u>Town of Tioga</u>		
102.16-1-12, Avery, Thomas R. & Brenda	Dwight N. Perry	\$ 7,000.00
105.00-2-7, Stahl Scott	Brandon D. Jacobson	\$ 2,500.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:45 P.M.

Ninth Regular Meeting
September 22, 2011

The Ninth Regular Meeting of 2011 was held on September 22, 2011 as a Seventh Special Meeting as the September 13, 2011 Regular Legislative Meeting was canceled due to flooding, and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Sullivan to have a moment of prayer. “Dear Lord we pray for all those in our County who were affected by the storm and the flood. We ask that you comfort them as they face their losses. We ask that you give them the courage and the strength to get through what they need to get through. We offer a prayer of thanksgiving for all the Emergency Personnel and Volunteers that have so far worked tirelessly to get us through this and we thank you for them as well as all the Volunteers who continue to assist their neighbors.”

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

There were 3 people in attendance.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		658.41
A1165	District Attorney		1,829.23
A1172	Assigned Counsel		24,474.20
A1185	Medical Examiners/Coroners		1,050.96
A1325	Treasurer		40,460.83
A1355	Assessments		2,698.16
A1364	Expense of County Owned Property		266.20
A1410	County Clerk		537.43
A1420	Law		810.20
A1430	Personnel		938.31
A1450	Elections	105.98	360.41
A1460	Records Management		49.76
A1460.41	Records Management Grant		27.50
A1490	Public Works Administration		68.01
A1620	Buildings	49.21	39,636.12
A1621	Buildings		16,236.95

A1680	Information Technology		11,608.05
A2490	Community College Tuition		6,046.67
A2960	Education of Handicapped Children		179,652.36
A3020	Public Safety Comm E911 System		7,430.46
A3110	Sheriff		14,890.32
A3140	Probation		85.69
A3146	Sex Offender Program		8,766.67
A3150	Jail	1,592.00	44,174.06
A3315	Special Traffic Programs		588.00
A3410	Fire	1,989.70	3,619.77
A3640	Emergency Mgmt Office		656.41
A4010	Public Health Nursing		39,644.05
A4011	Public Health Administration		9,586.83
A4012	Public Health Education	4,976.05	3,466.14
A4042	Rabies Control		2,684.20
A4044	Early Intervention	65.69	39,119.49
A4053	Preventive/Primary Health Svcs	89.00	56.34
A4054	Preventive Dental Services		2,097.12
A4064	Managed Care-Dental Services		14,380.53
A4070	Disease Control		2,168.00
A4090	Environmental Health		572.00
A4210	Alcohol and Drug Services		23,100.11
A4211	Council on Alcoholism		9,923.66
A4309	Mental Hygiene Co Admin	296.65	16,741.20
A4309	Mental Health Clinic		165,446.13
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		26,977.87
A4321	Intensive Case Management		2,388.76
A6010	Social Services Administration		105,677.24
A6422	Economic Development		806.67
A6610	Sealer Weights/Measures		232.04
A9060	Health Insurance		1,596.82
SOLID WASTE FUND			70,879.33
COUNTY ROAD FUND			31,110.97
SPECIAL GRANT FUND			3,419.82
CONSOLIDATED HEALTH FUND			69,130.69
CAPITAL FUND			1,225,152.59
WORKERS' COMP			<u>1,300.00</u>
GRAND TOTAL			\$ 2,285,065.26

Legislator McEwen made a motion to approve the minutes of August 9, 2011, seconded by Legislator Roberts, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 177-11 *DESIGNATION OF TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION,
D.B.A. TIOGA COUNTY TOURISM, AS
AUTHORIZED TOURISM PROMOTION
AGENCY FOR 2012*

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the state in its tourism grants program; and

WHEREAS: The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA), therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2012 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO:	PERSONNEL COMMITTEE
RESOLUTION NO. 179-11	<i>TRANSFER OF FUNDS (PERSONNEL DEPARTMENT)</i>

WHEREAS: The Personnel Officer included \$2,000.00 in the 2011 budget to cover legal expenses anticipated in relation to a pending personnel matter; and

WHEREAS: The County Attorney is contracting with a law firm specializing in labor relations to represent Tioga County in this matter; and

WHEREAS: The Personnel Officer would like to transfer the amount budgeted in the Personnel Department budget to the Law Department Budget to assist with the cost of said legal representation; therefore be it

RESOLVED: That the following transfer of funds occur effective September 13, 2011:

FROM: Personnel Department Account	A1430.40 – 330	\$2,000.00
TO: Legal Department Account	A1420.40 – 330	\$2,000.00

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 180-11 *APPROPRIATE FUNDS TROPICAL LEE
STORM WATER DAMAGE TO COUNTY
FACILITIES*

WHEREAS: The County has suffered severe damages during the recent Tropical Lee Storm water disaster, and

WHEREAS: The need exists to replace items lost and cover expenses related to cleanup, and

WHEREAS: There will be claims made to FEMA, SEMO and our insurance for reimbursement of related expenses, and

WHEREAS: There needs to be a system in place for the tracking and documentation of these expenses, and

WHEREAS: Reimbursements of expenditures will take several months, therefore be it

RESOLVED: That the sum of \$1,000,000 be appropriated for transfer as follows:

General Fund

From:

A599 Appropriated Fund Balance	\$1,000,000
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To:

A9950.93 Transfer to Capital All Other	\$1,000,000
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And

Capital Fund

From:

H5031.30 Interfund Revenue All Other \$1,000,000

To:

H1624.20 Tropical Storm Lee Disaster \$1,000,000

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 181-11 *AMEND RESOLUTION 488-93
AS AMENDED BY RESOLUTION
NO. 241-10
GIS ADVISORY BOARD*

WHEREAS: The Tioga County GIS Advisory Board, created per resolution 488-93, serves to provide oversight and guidance to GIS activities in Tioga County including issues such as personnel, hardware and software resources, alternative program funding, application development and GIS program prioritization; and

WHEREAS: Resolution No. 241-10 amended resolution No. 488-93 to add the GIS Manager to the GIS Advisory Board and appoint as Chair; and

WHEREAS: The current 12 members of the GIS Advisory Board are appointed for terms of office and sometimes cannot be available to attend meetings and would like to have a designee appointed to attend in their place if unavailable; therefore be it

RESOLVED: That Resolution No. 488-93 be amended to add designees to the member appointments if such member might be unavailable to attend meetings and that the following members shall have designee appointments as follows:

County Planning Director or designee	TERM OF OFFICE
Real Property Director or designee	TERM OF OFFICE
Records Management Officer or designee	TERM OF OFFICE
Information Technology and Communication Svcs Director or designee	TERM OF OFFICE
Commissioner of Public Works or designee	TERM OF OFFICE
Sheriff or designee	TERM OF OFFICE
Fire Coordinator or designee	TERM OF OFFICE
Public Health Director or designee	TERM OF OFFICE
Emergency Mgmt Officer or designee	TERM OF OFFICE
Commissioner of DSS or designee	TERM OF OFFICE
Soil & Water Conservation District Manager or designee	TERM OF OFFICE
GIS Manager or designee	TERM OFFICE

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 182-11 *ADOPT POLICY 57 TIOGA COUNTY
BUILDING CLOSING AND/OR SERVICES
SHUTDOWN PROCEDURE*

WHEREAS: A Building Closing Procedure Committee was set up to come up with a policy on building closing and/or services shutdown procedure policy; and

WHEREAS : Said Committee has met and formulated a policy on building closing and/or services shutdown procedure; therefore be it

RESOLVED: That Policy 57 Tioga County Building Closing and/or Services Shutdown Procedure be hereby adopted as follows:

POLICY 57

TIOGA COUNTY BUILDING CLOSING AND/OR SERVICES SHUTDOWN PROCEDURE

I. PURPOSE

- A. The following procedure is adopted to facilitate decision-making in the event a County road or building needs to be closed and/or County services reduced or suspended as a result of facility failures, weather emergencies, other emergency events or unanticipated situations that create unsafe conditions for employees and/or the public.
- B. Because this procedure will be utilized when an emergency has created an unsafe condition for employees and the public, it is important that the decision process move quickly. Due to the emergency various decision makers may not be available and delegation of authority is essential for timely decision making. This procedure outlines the chain of command in such instances.

II. CHAIN OF COMMAND

- A. The Chairman of the Legislature (The Chair) shall be responsible for making the decision to close County roads, buildings and/or reduce or suspend County services to the public. The Chair shall make these decisions based on the best information and advice available at the time from Department Heads or their designated Deputies. In the case of road closures, key advice shall be sought from the Sheriff. In the case of building closures, the Commissioner of Public Works shall be consulted, in conjunction with affected Department Heads.

- B. In the absence of the Chair, the Deputy Chair shall be responsible for the decision making.
- C. In the event that neither the Chair nor the Deputy Chair is available in a timely manner (1 hour), building closure and services reduction/suspension decisions shall be made by the first available Legislator, in consultation with affected Department Heads or their designated Deputies.

III. ESSENTIAL PERSONNEL LIST

- A. Each Department Head shall maintain an Essential Personnel List, containing current contact information (home, cell phone and email) for those on the list. Department Heads may direct all or some essential personnel, at the discretion of the Department Head, to come to work/remain at work to maintain essential services in an emergency. A copy of the Essential Personnel List shall be kept in the Legislative Clerk's Office and in each Department Head's office in paper form in order to be available in case of emergency, including power failures. Every Legislator shall maintain a current copy of the list in his/her home.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PERSONNEL COMMITTEE

RESOLUTION NO. 183-11

*AMEND COUNTY POLICY 3:
ORIENTATION, EXIT INTERVIEWS,
RECRUITMENT, RETIREMENT*

WHEREAS: In September 2010, the Tioga County Legislature adopted Resolution #178-10 which amended County Policy 3, adding Section IV.E which precluded employees hired or rehired on or after January 1, 2011, from continuing health insurance into retirement; and

WHEREAS: After further consideration, the Legislature has decided to rescind the new Section IV.E; therefore be it

RESOLVED: That County Policy 3 be amended by deleting Section IV.E effective retroactive to January 1, 2011, and be it further

RESOLVED: That the Personnel Department will contact each employee hired to date during 2011 to advise of the change; and be it further

RESOLVED: That the remainder of Policy 3 Orientation, Exit Interviews, Recruitment, Retirement shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 184-11 AMEND COUNTY POLICY 34:
FAMILY AND MEDICAL LEAVE

WHEREAS: Title II of the Genetic Information Nondiscrimination Act of 2008, (GINA), which took effect on November 21, 2009, requires, in part, that employers seeking medical certification in support of leave of absence requests, such as Family and Medical leaves, provide a new disclosure; and

WHEREAS: County Policy 34 includes the forms to be completed by an employee seeking Family or Medical leave but said forms do not currently contain the required disclosure language; therefore be it

RESOLVED: That the following paragraph be added to the Medical Release section of the Certification of Physician or Practitioner effective immediately:

“The Genetic Information Nondiscrimination Act of 2008, (GINA), prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law; we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic Information” as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

And be it further

RESOLVED: That the remainder of Policy 34 Family and Medical Leave shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE
RESOLUTION NO. 185-11	AMEND COUNTY POLICY 46: CONTRACTUAL HIRE PROCEDURE POLICY

WHEREAS: There has been some confusion as to the applicability of Policy 46 to various contractual arrangements; and

WHEREAS: A small committee of Department Heads has met to discuss the implications of Policy 46 and develop revisions to the Policy to clarify which contracts are subject to the procedure outlined in Policy 46; therefore be it

RESOLVED: That County Policy 46 be amended to read as follows:

POLICY 46

CONTRACTUAL HIRE PROCEDURE POLICY

APPLICATION:

A. This policy is intended to apply to all situations where Tioga County contracts for services to be provided to the general public by an individual, a business or New York State, where a specified person or number of people will provide the service.

B. This policy is not intended to apply where services are not being offered to the public (such as operational contracts), or where Tioga County acts as a "pass through" agency for state and federally funded programs and the County Department contracts with an agency to provide those program services (hereinafter "exempt contracts"). Examples of exempt contracts include, but are not limited to the following:

1. A New Hope Center with Mental Hygiene
2. Capabilities, Inc. with Mental Hygiene
3. Finger Lakes Parent Network with Mental Hygiene
4. Glove House with Mental Hygiene
5. Penn-York Opportunities with Mental Hygiene
6. Rehabilitation Support Services with Mental Hygiene
7. TCCASA with Mental Hygiene
8. Family and Children's Society, Inc. with Social Services
9. Sex Abuse Treatment Services with Social Services
10. Catholic Charities of Tompkins/Tioga, Inc. with Social Services
11. Youth Engagement Services (YES) with Social Services

On a semi annual basis, Department Heads will prepare a list of exempt contracts, indentifying the program and vendor that is the subject of the contract, and submit said list to the Personnel and Legislative Offices.

CONTRACTOR DESIGNATION:

A. Contracts with individuals, where one certain person must provide the services, shall name the individual as the contractor.

B. Contracts with businesses, where a business is responsible for providing a specified service without stipulation of what person(s) within that business shall perform the work, shall name the business as the contractor.

C. Contracts with New York State where New York State provides "shared staff" to work on Tioga County premises, shall name New York State as the contractor.

PROCEDURE:

For all nonexempt contracts, the following steps must be completed by the Department Head prior to the initiation of the contract:

1. Either:
 - A. Contract with an Individual – Conduct the 20-question IRS Test with the Personnel Department. If the results indicate the worker is contractual in nature, proceed to Step 2. If the results indicate the worker is employee-like in nature, either work with Personnel to change the structure of the contract or discuss with the Legislative Committee the possibility of creating a position(s). A copy of the test results shall be kept on file in the Personnel Department.
 - B. Contract with a Business – No IRS Test required. Proceed to Step 2.
 - C. Contract with New York State – No IRS Test required. Proceed to Step 2.
2. Meet with the Legislative Committee to review the need for the contract and present a resolution that authorizes the contract, which will go to the Personnel Committee as well.

****Contracts subject to this Procedure shall not be executed until the above steps have been completed****

PAYMENT:

For all nonexempt contracts, when payment is due to the contractor, a Purchase Order must be prepared by the Department initiating the contract and submitted to the Legislative Office. In addition to the invoice from the contractor, the resolution number that authorized the contract must be placed on the purchase order. Where installment payments are to be paid throughout the term of the contract, only the initial purchase order must show the resolution number. If a contract renews on a yearly or fiscal basis, then the resolution number must be placed on the first purchase order of each renewable year or fiscal year.

NOTE: All contracts, whether exempt or nonexempt, must be approved as to form by the County Attorney prior to execution.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 186-11 *AUTHORIZE HIRING DELAY WAIVER
PUBLIC HEALTH*

WHEREAS: Tioga County Health Department (TCHD) is certified to operate as a CHHA (Certified Home Health Agency); and

WHEREAS: The clients in this program are homebound with a daily plan of care for medical services to be provided on a routine basis; and

WHEREAS: NYSCRR Section 763.11(a)(2)II requires that the governing authority "ensure adequate personnel resources", providing care in the home, based on the needs of the patient served in the plan of care; and

WHEREAS: Vacant CHHA nursing positions jeopardize our ability to meet the requirements of both NYSCRR Section 763.11(a)(2)II and providing the medical services required of each patients plan of care; and

WHEREAS: CHHA nursing staff are revenue generating; and

WHEREAS: There is currently a vacant Registered Nurse position in the CHHA due to a resignation effective August 12, 2011; and

WHEREAS: TCHD desires to fill the vacant Registered Nurse position as soon as possible, requesting a waiver of the 90-day delay per Resolution # 269-10; therefore be it

RESOLVED: That TCHD is authorized to recruit and fill the existing vacant Registered Nurse Position effective September 14, 2011.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 187-11	<i>SUSPEND RESOLUTIONS #147-09 AND #269-10 HIRING DELAY</i>

WHEREAS: Resolution #147-09 established a 60-day Hiring Delay; and

WHEREAS: Resolution #269-10 amended Res #147-09, extending the delay from 60 to 90 days; and

WHEREAS: There have been various resolutions amending Res #147-09 and #269-10; and

WHEREAS: As a result of the recent flood it is expected that the need for most County services will be dramatically increased effective immediately; and

WHEREAS: County staff will be needed in order to meet the demand for services; therefore be it

RESOLVED: That effective immediately, Resolutions #147-09 and #269-10, as well as the various amendments, shall be suspended, eliminating the delay in filling vacancies; and be it further

RESOLVED: That the Hiring Freeze instituted via memo in April 2010 is also hereby suspended, allowing the backfill of vacancies with approval from the Chair of the Legislature.

Legislator McEwen made a motion to amend the resolution, seconded by Legislator Monell and to read as follows:

“RESOLVED: That effective immediately through October 31, 2011, Resolutions #147-09 and #269-10, as well as the various amendments, shall be suspended, eliminating the delay in filling vacancies; and be it further

“RESOLVED: That the Hiring Freeze instituted via memo in April 2010 is also hereby suspended, effective immediately through October 31, 2011, allowing the backfill of vacancies with approval from the Chair of the Legislature.”

ROLL CALL VOTE ON AMENDED RESOLUTION

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

AMENDMENT ADOPTED.

ROLL CALL VOTE ON RESOLUTION AS AMENDED

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, and Sauerbrey.

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 188-11 *REQUEST PRESIDENT OF THE
UNITED STATES TO DECLARE
TIOGA COUNTY A FEMA
DISASTER AREA*

WHEREAS: The County has suffered severe damage during the recent Tropical Storm Lee and resulting flooding; and

WHEREAS: Recovery from this disaster will be extremely costly and of a long duration; and

WHEREAS: The entire County was impacted by this event, three of our Towns and two of our Villages have suffered extreme losses; now therefore be it

WHEREAS: Tioga County and its residents are in immediate need of assistance; and

RESOLVED: That the Tioga County Legislature on behalf of the County and its residents requests that the President of the United States declare Tioga County as a FEMA disaster area.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, and Sauerbrey.

No - Legislator Quinlan.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 189-11 EMERGENCY CONTRACTS

WHEREAS: Tioga County has suffered severe damages during the recent water disaster of September 7 through September 10, 2011; and

WHEREAS: General Municipal Law Section 103 normally requires contracts for public works be let out for bid; and

WHEREAS: Subdivision 4 of General Municipal Law Section 103 provides that in the event of a "public emergency" the County may forego the bidding process; and

WHEREAS: The various departments have contracted with vendors for services including, among other things, testing, sealing of the basement, basement drying, basement demolition and environmental cleaning, and environmental consulting and testing; therefore be it

RESOLVED: That recent water disaster be deemed a "public emergency" arising out of an unforeseen occurrence affecting public buildings, public property or the life, health, safety or property of inhabitants of Tioga County as defined by the General Municipal Law Section 103(4), requiring immediate action; and be it further

RESOLVED: That the Chair is authorized to execute any and all contracts for the services and purchases required to address the emergency situation.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 190-11 *AUTHORIZE TO APPLY FOR
FEMA FUNDS FOR TIOGA COUNTY*

WHEREAS: The County has suffered severe damages during the recent Tropical Lee Storm water disaster, and

WHEREAS: Departments have suffered losses to buildings, infrastructure, records, equipment, vehicles, etc; and

WHEREAS: Departments may need to individually apply for FEMA funding for their losses; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes all Department Heads to make application for any available FEMA funding to assist in the recovery of their departments.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 191-11 *RESOLUTION AUTHORIZING DESTRUCTION
OF BUILDING AT 17 PARKER LANE IN THE
VILLAGE OF OWEGO*

WHEREAS: The structure owned by Tioga County located at 17 Parker Lane has suffered severe damage as a result of the flooding by Tropical Storm Lee; and

WHEREAS: The cost of remediation of the building and retrofitting to prevent future flooding would exceed its current value; now therefore is it hereby

RESOLVED: That the Tioga County Legislature does hereby authorize the Chair of the Tioga County Legislature to execute a contract with Peak Environmental, Inc. to demolish the structure at 17 Parker Lane in the Village of Owego at a cost not to exceed \$5,000.00 and such costs shall be taken out of Tropical Storm Lee Disaster Account H1624.20.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 192-11 TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: Due to change in required work for various road projects from the time the budget was created until the actual construction period changes were required; therefore be

RESOLVED: That the Tioga County Legislature approves the following transfers:

From H2011.06 (Waverly Hill Rd) to H2011.03 (E.River Rd.) \$18,000.00
H2011.06 (Waverly Hill Rd) to H2011.07 (Day Hollow Spur)\$ 7,000.00
H2011.04 (Harford Rd.)to H2011.02 (Coddington Rd.) \$15,000.00
H2011.01 (Stanton Hill Rd.)to H2011.02 (Coddington Rd.) \$60,000.00
H2011.01 (Stanton Hill Rd.)to H2011.03 (East River Rd.) \$58,000.00

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, and Sauerbrey.

No –None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:13 P.M.

Eighth Special Meeting
September 29, 2011

The Eighth Special Meeting of 2011 was called to order by the Chair at 1:01 P.M. Seven Legislative members were present, Legislators Quinlan and Roberts being absent.

Chair Weston asked Legislator Sullivan to have a moment of prayer. "Dear Lord we ask that you continue to watch over all the people in the County who are suffering through the disaster. Give us the strength, give them the strength, the patience and courage to move forward."

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

There were 5 people in attendance.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE
RESOLUTION NO. 193-11	<i>AWARD CONTRACT TO CASELLA WASTE SYSTEM FOR FLOOD DEBRIS DISPOSAL AT THE TOWN OF OWEGO HIGHWAY PIT</i>

WHEREAS: The flood of Tropical Storm Lee created emergency conditions requiring the temporary storage of flood debris material at the Town of Owego pit; and

WHEREAS: It has been agreed that Tioga County will provide for the ultimate disposal of the material; and

WHEREAS: The Solid Waste Manager requested quotes from Taylor Garbage, Casella Waste Systems and Riccelli for disposal of flood debris at the Town of Owego Highway Pit; and

WHEREAS: The quotes were as follows:

Taylor Garbage, Owego, NY: No Quote
Casella Waste Systems, Newfield, NY: \$62.50 per ton
Ricelli, Syracuse, NY: \$71.00 per ton

therefore be it

RESOLVED: That the Tioga County Legislature award the contract for the disposal of flood debris to Casella Waste Systems, Newfield, NY in the amount of \$62.50 per ton to be effective September 29, 2011 and all work is to be completed by November 10, 2011.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Sauerbrey.

No –None.

Absent – Legislators Quinlan and Roberts.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. -11

AUTHORIZE EMERGENCY
EXPENDITURES OF UP TO
\$500,000 TO CONSTRUCT
NEW BUILDING AT 17 PARKER LANE

WHEREAS: Due to the flooding event that took place on September 7, 2011 structural damage occurred to the building at 17 Parker Lane, which housed the Tioga County Records Management Office; and

WHEREAS: The Tioga County Real Property Office that was housed in the Tioga County Clerk's Office was severely flooded; and

WHEREAS: An Emergency building need has been created in order to house County Records and Offices displaced by the flood; therefore be it

RESOLVED: That pursuant to NYS General Municipal Law 103(4), the Tioga County Legislature finds that an emergency exists arising out of unforeseen circumstances affecting a public building requiring immediate action which cannot await competitive bidding; and be it further

RESOLVED: That the Tioga County Legislature authorizes emergency funding to construct a new building at 17 Parker Lane at an amount not to exceed \$500,000 to be paid out of the Tropical Storm Lee account H1621.40.

Legislator Sullivan made a motion to withdraw the above resolution, seconded by Legislator Hollenbeck.

ROLL CALL VOTE TO WITHDRAW THE RESOLUTION

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Sauerbrey.

No –None.

Absent – Legislators Quinlan and Roberts.

RESOLUTION WITHDRAWN

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 194-11

AUTHORIZE EMERGENCY CONTRACT WITH LABELLA ASSOCIATES NOT TO EXCEED \$42,000 FOR THE DESIGN OF THE TIOGA COUNTY COURT HOUSE FLOOD DAMAGE REPAIR

WHEREAS: Due to the flooding event that took place on September 7, 2011 severe damage occurred to the Tioga County Court House Basement; therefore be it

RESOLVED: That the Tioga County Legislature authorizes an emergency contract to be awarded to Labella Associates, Rochester, NY for the design of the Tioga County Court House Flood Damage Repair not to exceed \$42,000, to be paid out of Tropical Storm Lee Account H1621.40.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Sauerbrey.

No –None.

Absent – Legislators Quinlan and Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:06 P.M.

Tenth Regular Meeting
October 11, 2011

The Tenth Regular Meeting of 2011 was held on October 11, 2011 and was called to order by the Chair at 12:02 P.M. Eight Legislative members were present, Legislator McEwen being absent.

Chair Weston had a moment of prayer. “I would like to have a moment of silence for all our friends and relatives for the pain and suffering they have had to endure during this last flooding event.”

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

Chair Weston read the following recognition resolution to the residents, volunteers, and employees of Tioga County for their efforts due to Tropical Storm Lee.

There was a unanimous motion for the adoption of the following resolution, seconded unanimously.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 195-11 *RECOGNITION RESOLUTION TO THE
RESIDENTS, VOLUNTEERS, AND EMPLOYEES
OF TIOGA COUNTY FOR THEIR EFFORTS DUE
TO TROPICAL STORM LEE*

WHEREAS: Tioga County has suffered severe damages during the recent Tropical Storm Lee water disaster resulting in major flooding and causing unprecedented damage to many areas of Tioga County; and

WHEREAS: Many County residents, volunteers, and employees worked tirelessly around the clock to ensure the protection of County property and the well-being of the residents of Tioga County; and

WHEREAS: The Tioga County Legislature would like to publicly recognize all such residents, volunteers, and employees who spent numerous hours working during this time of natural disaster to maintain Tioga County functions and provide services to those residents in need; therefore be it

RESOLVED: That the Tioga County Legislature does publicly recognize, commend, and thank all Tioga County residents, volunteers, and employees for their efforts during the Tropical Storm Lee of September 2011.

ROLL CALL VOTE

Unanimously Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED UNANIMOUSLY.

Denis McCann presented Employee of the 3rd Quarter 2011.

"I am here on behalf of the Employee Recognition Committee as the Chairperson for this year. We would like to first thank the Legislature for continuing to support the efforts of the Employee Recognition Committee.

"The Tioga County Employee Recognition Committee has selected as the Employee of the 3rd Quarter of 2011 the following: All Tioga County employees involved with the recovery efforts of the flooding disaster here in Tioga County. Untold numbers of employees were instrumental in their efforts towards public safety, evacuations, working at shelters and clinics, demolition and removal of damaged property, and helping those in need with food, shelter, and transportation.

"The recognized efforts of Tioga County employees include those made, one during the line of duty and their employment, two is volunteers through the community organizations and churches, and three is volunteers assisting neighbors, local businesses, and others in the community.

"Efforts by Tioga County employees started before the flooding arrived and have and will continue. Numerous employees assisted in the work-related recovery efforts while their own homes and properties were damaged. The Tioga County Employee Recognition Committee wishes to recognize all of these employees that have, currently are, and/or will be involved with the recovery efforts of our communities and the County as a whole. Thank you very much."

Chair Weston indicated we have three Proclamations and Legislator Huttleston will present the first two.

Legislator Huttleston presented the following Proclamation on Food Day to Rebecca Lewis of the Tioga County Health Department.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: The health and well-being of our citizens is of primary concern for the County of Tioga, New York; and

WHEREAS: Reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens' overall health; and

WHEREAS: Supporting sustainable family farms and local agriculture benefits the local economy; and

WHEREAS: Obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer so that the food we produce and consume is safe and fair for all; and

WHEREAS: Expanding access to food and ending hunger is of critical importance to aid those who live in food deserts; and

WHEREAS: Curbing junk-food marketing aimed at children is vitally important in order to combat rising obesity rates and raise a generation of healthy children; and

WHEREAS: Protecting the environment and farm animals is necessary to sustain future generations, therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim Monday, October 24, 2011 as:

FOOD DAY

and encourages businesses, government agencies, national organizations, community-based organization and service groups to spread the food day message throughout their communities.

Rebecca Lewis spoke. "The Tioga County Food Day Committee would like to thank the Legislature for proclaiming October 24th food day. We do have an event. This is the first national food day that has ever been. The mission is to inspire the community to eat healthy affordable real food. Our event will be held at the Community Center on October 24th at 11:30. We are inviting the whole community to come and we will have a local low cost healthy meal."

Legislator Huttleston presented the following Proclamation on Breast Cancer Awareness Month to Susan Komen from the Cure Twin Tiers Region.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: A woman receives a diagnosis of breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers; and

WHEREAS: About 39,520 women and 450 men are expected to die from breast cancer in 2011; and

WHEREAS: Through research and advocacy, significant advances have been made in the fight against breast cancer, including an increase in five-year relative survival rates for localized breast cancer from 74 percent to 98 percent; and

WHEREAS: The 2.5 million breast cancer survivors living in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected; and

WHEREAS: Screening rates are declining and a recent study reveals that among the 1.5 million women studied over the age of 40 with health insurance, less than fifty percent received the recommended annual screening; and

WHEREAS: Various organizations are spreading breast cancer awareness to both women and men through outreach, education, and screening programs, and have empowered women with the life-saving message of early detection and the importance of having annual mammograms; and the County of Tioga would like to support and encourage these ongoing efforts on behalf of our citizens, and

WHEREAS: Throughout the month of October, women are encouraged to make a renewed commitment to following recommended screening guidelines and to make a mammogram appointment; and

WHEREAS: Throughout the month of October, organizations and health practitioners in Tioga County are encouraged to use this opportunity to promote awareness about breast cancer and proper breast health, and to encourage annual mammograms; and

WHEREAS: Public officials and citizens of Tioga County are urged to observe this month with appropriate activities and programs that encourage annual mammograms; and

WHEREAS: The County of Tioga recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of October 2011 as

BREAST CANCER AWARENESS MONTH

and urges all residents to take steps to get life-saving mammograms and educate themselves, their families, and the community about breast cancer.

Susan Komen spoke. “Thanks to the Legislature for helping bring this important issue to the forefront. I represent the Susan G. Komen for the Cure, the Twin Tiers Affiliate. We are an organization that serves nine counties, one of which is Tioga in New York. We serve six counties in New York and three in Pennsylvania.

“Our primary goal is to raise funds and we do it through our race for the Cure and the funds that we raise are given in grants to providers of breast health services within these nine counties, and although we have no grantees in Tioga County, the adjoining counties where most of these women would be receiving their care, gaining their services, would be Broome and Bradford, and in the last four years we have granted out \$120,000 to those two counties. We really do make a difference in the lives of these women that are struggling and getting early diagnosis, and again thank you very much.”

Chair Weston noted the following Proclamation on School Board Recognition Week.

PROCLAMATION

WHEREAS: Public Education provides the cornerstone of the American Educational System; and

WHEREAS: This effort depends heavily on the contributions of the dedicated and unpaid members of School Boards; and

WHEREAS: The Governor of the State of New York has proclaimed October 31-November 4, 2011 as School Board Recognition Week; and

WHEREAS: The Tioga County Legislature recognizes the efforts of all members of Boards of Education; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate October 31-November 4, 2011 as

SCHOOL BOARD RECOGNITION WEEK

in the County of Tioga, New York, and commend this observance to our citizens.

Leon Carey, Supervisor of the Town of Barton, spoke. "What I am here for is the Transfer Station and the western part of the Town of Barton including Waverly, Tioga, Nichols, even Spencer. I understand that there is not going to be anything done to the Transfer Station until next year, unacceptable. I feel you have got the tax money for the solid waste and the Transfer Station, it should be opened sooner than later. Number one, it should be cleaned up right now. The scales, how are you going to sell something if you have \$100,000 worth of scales and they are sitting in mud? Get it cleaned up. If you want to go to private enterprise to run it, I do not have a problem with it, but I expect within the next two or three weeks that if you have to put in private hands to get the job done, do it. Do it on an emergency basis, that can be done, but it is not acceptable to the taxpayers in the Town of Barton, Waverly, or anybody else on the western part of this County, there has got to be something done. Thank you."

Chris Bonner spoke. "There is no need to tell you that we have a problem here in Tioga County. We got too much water. Wish I could have shipped some of it out to Texas, but I do not have that power. This is all unnecessary. As I walked up the street here, about up to the bridge here this summer, I see people sitting out there in beach chairs, I see little children in the streams, that is Catatunk up there. I see stone and debris this high. I believe Lopke would like to get his hands on some of that stuff and I do not know why he can't. You tell me you got a problem with the DEC. Well I got a few statements here and I will show you.

"The Town of Middlefield, that is up in Otsego County. They are saying we are not going to frack in any of the lands in our County, in our Town. They are taking the DEC to Court. Why isn't Tioga County taking these people to Court? It is only an Agency. Their Agency can be abolished. You got Dryden here. Dryden says no fracking. Dryden might have a little problem because they took money off these oil companies.

Middlefield did not. When you take money ladies and gentlemen off anybody, I do not care who it is, you made a contract. I do not care if you go to your store, your supermarket and buy a newspaper. You pick up that newspaper you made a contract and you have to pay for it. You cannot walk out the store without paying for it. You take the money from these agencies, they got you. It is about time we took the DEC to Court.

“You got a woman here that says here Tioga County, Director of Planning on environmental conservation. I will give you her name, it is Elaine Jardine. She says the DEC owns the water. You cannot dredge it. I never heard of such a thing. If I put a boat in the ocean, do I own the water? Of course not. Ridiculous, they are giving us a story here. What are we going to do? We are going to wait for the next flood where these people throw out their furniture, their sheetrock, I see everything, I mean it is a shame. I saw riots in New York City a number of years ago and this is worse. They were rioting, they were robbing, and I am surprised here that there was not more looting. I appreciate the people for not looting because that is usually the time when they start to loot. I say it is up to you to stop this and you can stop it. You might have to go to Court to stop it. It is only an Agency. You say you cannot do this, well I say you can and you can stop it.”

Raymond Richards spoke. “I live in the Town of Barton and I want this Legislature to understand how extremely concerned that I am about the lack of action on the Barton Transfer Station. We worked long and hard to get that Station in there. It eliminated a lot of problems that we had in the County, not just in the Town of Barton, and I feel that if we do not get that thing back in operation we are going to experience illegal dumping like we have not in a long time. I live in a rural area and at one time it was a serious problem. Also, it is very much of an inconvenience for the small contractors because they have no place to take their material locally and I think that we are missing something here. I think that priorities are mixed up a little bit and I do think that this is something that needs attention now, not a year from now, not after January 1st. As I understand it, no mitigation has been happening down there at the Station. Nobody went in to clean it up. I understand there was an offer to fix the road and it was refused and that attitude really really concerns me.

“I think that there is going to be a lot more pressure if we do not take some move, the Legislature, take some move to get this thing back on the road again. I think that in my mind it looks like the Legislature has used this flooding as an excuse to close the Transfer Station and I will not

accept that, and I am sure there is a lot of other people that will not accept that. It is a service, it is a very viable service to the residents of the County. We will be contacting you Mr. Weston. I would like to see some numbers, I would like to see some estimates of damage down there, I would like to see some numbers on why the County wants to close it. If it is not breaking even, maybe there should be a study made to make a more efficient operation down there. I certainly know there is a lot of room for a change at that Transfer Station. If you have any questions Mr. Weston I am in the phonebook."

Bob Bell spoke. "The 1972 June Agnes flood was devastating. Some people died, livestock perished, and private property was lost. After that flood the New York State DEC seized control and was going to regulate the creeks and streams in this County. Army Corps of Engineers has control over the river. Since 1972 we have set six, I repeat six, high water marks along the Susquehanna River.

"The January flood of 1996 I personally experienced severe damage to agricultural farmland I owned at the time along the Susquehanna River in the Town of Nichols. I lost several acres of land and I spent \$27,000 out of my own pocket to try and repair that damage. After that event I started to attend Chesapeake Bay meetings, Upper Susquehanna Coalition meetings, DEC meetings, expressing the amount of gravel that is built in the river in this County and would they please dredge it out, and the answer I always received was a stern no. No one will touch the river.

"Now we Tiogans elect you Legislators to represent us and I think it is time all of us got a backbone and demanded some changes in the policies of this State and the Federal Government. Friday of the flood last month Governor Cuomo flew over Barton in a helicopter surveying the flood damage. I took my hat off and I waved to him. Next summer when it is dry I would like to see you nine Legislators get Governor Cuomo on the ground here in Tioga County and tell him we want two things done and we will not take no for an answer. Number one, physically show him the tens of thousands of tons of gravel lying in the river in this County due to 40 years of inept incompetent regulation at the New York State DEC. The Governor is a powerful man, I am sure he can get permission from the Army Corps of Engineers to dredge the gravel from the river.

“Number two, tell the Governor the DEC will no longer regulate the streams and creeks in this County. That job will be taken over by local government. Soil and Water in conjunction with the Town of Barton, the Town of Tioga, the Town of Nichols, and the Town of Owego will maintain these streams on a yearly basis to make sure that gravel does not get in the river. We live in a Government of we the people. I think it is time we find out if those words apply to the gravel problem in Tioga County and I mentioned that Mr. Carey just whispered in my ear they already have illegal dumping going on in the Town of Barton because the Transfer Station is not open. Thank you.”

Mary Gorman, Trustee with the Village of Waverly spoke. “Our Villages Offices and myself personally have been contacted many many times over the last several days about the continued availability of the Transfer Station. Besides the small contractors, many residents of the Village personally, myself included, personally take their trash out there because of the availability and the convenience. The cost is very reasonable. I think if the Transfer Station is discontinued, as others have said, there will be a tremendous amount of illegal dumping in the County and in the Village itself, which I represent. I also think it is going to lead to illegal trash burning, which can emit noxious gases into the air, offend neighbors, things like that. The other concern I have is that there are employees of the Transfer Station who if the Transfer Station is not reopened will lose their job and I myself and have heard many many other people say these people work at the dump. I have never come across more pleasant, more accommodating people in my life and it would be a darn shame if they were to lose their jobs.

“Trucking companies dump there and I realize that it is a convenience more than anything else, however I think the lack of this convenience will lead to greater and longer lasting problems as far as the community is concerned down the road. I also agree with others that perhaps the County Legislature has been looking for an opportunity to close the Transfer Station for some time and this is perhaps a heaven sent opportunity and I would really rather not see that happen. I believe there will be a huge cry from the community if it is closed and I drove past it on my way here, and I have to say it does not look any different now than it did the day after the flood except that it is a little dryer. Thank you very much for your time.”

Rod Scott with Patterson Structural Moving and Shoring, LLC spoke. "I am visiting from New Orleans at the request of my boss with Patterson Structural Moving and Shoring. We are the nation's largest structural elevation and relocation company currently with large operations in the Gulf Coast. He asked me to come up here after his visit through. Basically he tracked Irene and then Tropical Storm Lee and then went back to New Orleans and said pack your bags, you are going to spend eight weeks up in the Northeast. The goal is to educate communities and structure owners about hazard mitigation options. For 40 years we have pretty much exclusively as a nation bought out properties and demolished them. With the legacy of loss property taxes, decimation of neighborhoods, loss of school children and families in the flooded areas, and our technology now in our industry has gotten to where we can literally lift this building out of the flood plain and reuse it. We reduce solid waste streams by recycling buildings and reusing them, and keep the revenues in place for the communities.

"Also, when we come to town with these elevation grants, all hiring is by local subcontractors in town who come from the local community. We have estimated several tens of millions of dollars of potential elevations in this area. We think that would be a great benefit economically to the area as opposed to tearing down houses and losing what you have got, which is irreplaceable because you are such incredibly rich historic resources with historic buildings, an area that is unlike anything I have pretty much seen other than New Orleans where I am living right now. I am very glad to be here. I am doing a home stay with Mr. Millar. I hope to address the Village Counsel as well and I will be here for a couple of weeks and then on up the track of the disaster. Tonight there will be a presentation here in this room. I invite you to that to learn more about mitigation and alternatives to demolition as well as the financial incentives available for historic structures, which is not normally on the education curve after a disaster for people. Thank you very much for having me."

Barb Crannell, Trustee of the Town Board of Nichols, spoke. "I would also like to ask the Legislature to consider reopening the Barton Transfer Station. I think it is a vital part of keeping our communities vital and clean. There is an awful lot of dumping that still needs to be done as a result of the flood as well as normal everyday life. If we do not have any place to go to put it, it is going to end up in places where we really do not want it. I would like to see, even if we have to raise the cost to the public, a little bit of a cost raise there would much benefit us everywhere else, so I would

like to ask you to consider keeping the Barton Transfer Station open. Thank you.”

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		318.58
A1165	District Attorney		273.51
A1170	Public Defender		2,363.35
A1172	Assigned Counsel		23,299.61
A1185	Medical Examiners/Coroners		5,019.56
A1325	Treasurer		84.79
A1355	Assessments		255.02
A1410	County Clerk		31.34
A1420	Law		213.40
A1450	Elections	671.52	2,715.47
A1490	Public Works Administration		311.55
A1620	Buildings		27,810.46
A1621	Buildings		9,802.05
A1680	Information Technology		9,051.00
A2960	Education of Handicapped Children		48,839.42
A3020	Public Safety Comm E911 System	247.00	5,413.02
A3110	Sheriff	209.35	18,424.98
A3140	Probation		130.00
A3146	Sex Offender Program		8,766.67
A3150	Jail		55,553.70
A3315	Special Traffic Programs		1,255.00
A3410	Fire		4,348.58
A3640	Emergency Mgmt Office		533.24
A4010	Public Health Nursing		31,369.27
A4011	Public Health Administration		2,724.23
A4012	Public Health Education	402.77	204.00
A4042	Rabies		1,852.35
A4044	Early Intervention		37,262.11
A4053	Preventive/Primary Health Services		478.42
A4054	Preventive Dental Services		2,526.95
A4064	Managed Care-Dental Services		13,230.30
A4070	Disease Control		16,461.66
A4090	Environmental Health		1,445.34
A4210	Alcohol and Drug Services		1,598.40
A4309	Mental Hygiene Co Admin		7,823.05
A4310	Mental Health Clinic		7,411.59

A4320	Crisis Intervention Services	416.67
A4321	Intensive Case Management	1,568.37
A6010	Social Services Administration	142,682.86
A6422	Economic Development	255.33
A6510	Veterans' Service	175.00
A6610	Sealer Weights/Measures	234.34
A7310.41	Youth Programs, Refundable	8,779.57
SOLID WASTE FUND		80,781.80
COUNTY ROAD FUND		46,099.50
CONSOLIDATED HEALTH FUND		72,799.25
CAPITAL FUND		685,844.53
LIABILITY INSURANCE FUND		377.00
WORKERS' COMP		<u>50.00</u>
GRAND TOTAL		\$ 1,390,796.83

Legislator Roberts made a motion to approve the minutes of September 22 & 29, 2011, seconded by Legislator Sullivan, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 196-11 *TRANSFER OF FUNDS*
APPROPRIATION OF FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Health Department is mandated to provide a Rabies Control program for Tioga County residents; and

WHEREAS: There have been two incidents of positively tested rabid dogs in Tioga County in the past year which resulted in numerous post-exposure treatments to residents; and

WHEREAS: The costs of the mandated Rabies post-exposure medical services have exceeded the budgeted amount; and

WHEREAS: Additional funding is needed to meet the costs of the mandated medical services that were provided; and

WHEREAS: The additional costs of the program will result in additional state aid reimbursement, decreasing the amount needed from County contingency funds; and

WHEREAS: Appropriation of funds requires Legislative approval, and

WHEREAS: Transfer of funds requires Legislative approval; therefore be it

RESOLVED: That funds be appropriated and transferred as follows:

From:		
A3442.00	State Aid: Rabies Program	\$ 10,800
A1990.40-715	County Contingency Account	\$ 19,200
To:		
A4042.40-590	Rabies Control: Services Rendered	\$ 30,000

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
JOB TRAINING COMMITTEE

RESOLUTION NO. 197-11 AMEND TIOGA EMPLOYMENT
CENTER BUDGET

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

WHEREAS: The Tioga Employment Center receives funding each July and has been allocated Program Year 11 funding of \$242,993.18; and

WHEREAS: The funding is allocated in the following amounts:

- \$ 68,683.96 for Adult services;
- \$ 91,023.38 for Dislocated Worker services;
- \$ 31,662.13 for Youth services;
- \$ 51,623.81 for Administration; and

WHEREAS: Broome County will retain an additional allocation totaling \$63,328.80 for administration of 2 contracts on behalf of the Tioga Employment Center for youth services and staff support services; therefore be it

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

From: CD4791 – Federal Aid-Federal Employment Program	\$242,993.18
To: CD6293.10-10 – Federal Employment Program 1	\$ 144,100
CD6293.10-20 - Federal Employment Program 1	\$ 8,000
CD6293.20-90 - Computer	\$ 1,000
CD6293.30-100- Data Processing	\$ 1,000
CD6293.30-300- Legal	\$ 175
CD6293.30-551- MLR	\$ 14,500
CD6293.40-10 - Advertising	\$ 500
CD6293.40-130- Contracts	\$ 30,910
CD6293.40-190- Education Reimbursements	\$30,408.18
CD6293.40- 390- Mileage	\$ 700
CD6293.40-420- Office Supplies	\$ 4,000
CD6293.40-480- Postage	\$ 1,000
CD6293.40-487- Program Expense	\$ 1,000
CD6293.40-660- Telephone	\$ 1,500
CD6293.40-690- Client Tools	\$ 2,700
CD6293.40-733- Training/All Other	\$ 1,500

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 198–11

*APPROPRIATE FUNDS TROPICAL
STORM LEE WATER DAMAGE TO
COUNTY FACILITIES*

WHEREAS: The County has suffered severe damages during the recent Tropical Storm Lee water disaster, and

WHEREAS: The need exists to replace items lost and cover expenses related to cleanup, and

WHEREAS: There will be claims made to FEMA, SEMO and our insurance for reimbursement of related expenses, and

WHEREAS: There needs to be a system in place for the tracking and documentation of these expenses, and

WHEREAS: Resolution 180-11 had created a Tropical Storm Lee Disaster capital account for capital expenditures; and

WHEREAS: An account needs to be set up for expenditures; and

WHEREAS: Reimbursements of expenditures will take several months, therefore be it

RESOLVED: That the sum of \$500,000 be appropriated for transfer as follows:

General Fund

From:

A1990.40-715 Contingency Account \$500,000

To:

A9950.93 Transfer to Capital All Other \$500,000

And

Capital Fund

From:

H5031.30 Interfund Revenue All Other \$500,000

To:

H1625.20 Tropical Storm Lee Disaster-Expenditures \$500,000

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 199-11 *AUTHORIZE PURCHASE OF FLOOD
INSURANCE FOR COUNTY BUILDINGS
AND TRANSFER OF FUNDS*

WHEREAS: Many County buildings suffered damage or required substantial cleanup as a result of Tropical Storm Lee, and

WHEREAS: It appears necessary and prudent to purchase flood insurance through the National Flood Insurance Program (NFIP) for all county buildings that are in flood zones; and

WHEREAS: Funds will need to be transferred to pay for such flood insurance; therefore be it

RESOLVED: That the Tioga County Legislature approves the purchase of flood insurance for County Buildings in the flood zone through NFIP (Travelers Insurance) at a cost not to exceed \$44,901; and be it further

RESOLVED: That the following sums be transferred for payment of such flood insurance:

From:	A1990.40-715-Contingency Account	\$36,477
To:	A9901.91-715-Interfund Transfer	\$36,477
And		
From:	CI2222.00 - Assessment	\$36,477
To	CI1910.40.270 -Unallocated Insurance	\$36,477

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 200-11 TRANSFER FUNDS FROM THE RECYCLING REVENUE TO TIRE RECYCLING ACCOUNT

WHEREAS: Upstate Shredding donated \$10,000 for the clean up of tires in Tioga County for the year, 2011; and

WHEREAS: The said check was deposited into the Recycling revenue Account B1222; and

WHEREAS: The Solid Waste Manager requires the \$10,000 to be transferred to Solid Waste Account B8160.42 use code 680 in order to pay for the tire disposal costs; therefore be it

RESOLVED: That the sum of \$10,000 be transferred from Recycling Revenue Account B1222 into Solid Waste Account B8160.42 use code 680.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 201-11

*AUTHORIZE EMERGENCY CONTRACTS
WITH PEAK ENVIRONMENTAL LLC*

WHEREAS: The County has suffered severe damages during the recent Tropical Lee Storm water disaster, and

WHEREAS: The need existed, on an emergency basis, to contract for the evaluation, cleanup, and/or demolition of County buildings in order to prevent the spread of mold, thereby protecting the health of our citizens and employees, and to protect the buildings, therefore be it

RESOLVED: That retroactive to September 8, 2011, the Chair of the Tioga County Legislature is authorized and directed to execute contracts with Peak Environmental LLC for the evaluation, cleanup and/or demolition of the County Buildings located at 56 Main Street, 16-20 Court Street, Temple and Fox Street, 17 Parker Lane and the Courthouse all in the Village of Owego, the Barton Transfer Station, and the County Highway Buildings in Catatonk.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 202-11

*AUTHORIZE EMERGENCY SHARED
SERVICES AGREEMENT WITH
CHEMUNG COUNTY*

WHEREAS: The County has suffered severe damages during the recent Tropical Lee Storm water disaster, and

WHEREAS: The need existed, on an emergency basis, to enter into a shared services agreement with Chemung County to assist in the repair and recovery of the Tioga County infrastructure, and to assist in debris removal, therefore be it

RESOLVED: That retroactive to September 8, 2011, the Chair of the Tioga County Legislature is authorized and directed to execute a Shared Services Agreement with Chemung County to provide assistance to Tioga County as set forth in that agreement.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 203-11

APROVE 2012 STOP DWI PLAN

WHEREAS: The New York State Governor's Traffic Safety Committee (GTSC) requires Counties to submit an annual STOP DWI Plan for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2012 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2012 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$46,050
Prosecution Related	\$14,300
Probation	\$16,200
Rehabilitation	\$13,300
PI&E	\$19,000
Administration	<u>\$ 6,000</u>
	\$114,850

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 204-11 *EXTEND TRANSPORTATION CONTRACT
BETWEEN TIOGA COUNTY AND
TIOGA TRANSPORT, INC.*

WHEREAS: The existing contract between Tioga County and Tioga Transport, Inc. for the provision of Public Transportation and Non-Emergency Medicaid Transportation is in effect through December 31, 2011; and

WHEREAS: The aforementioned contract between Tioga County and Tioga Transport, Inc. allows for a first one-year extension of the contract that may be exercised by Tioga County; now therefore be it

RESOLVED: That Tioga County authorizes a one-year extension of the existing contract with Tioga Transport, Inc. from January 1, 2012 through and including December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 205-11 *URGING MULTI-YEAR STATE
TAKEOVER OF LOCAL SHARE OF
MEDICAID*

WHEREAS: County officials across the state are presently introducing their 2012 budgets; and

WHEREAS: These budget decisions are being made under the constraints of the State's new property tax cap; and

WHEREAS: When State lawmakers enacted a property tax cap, they pledged to provide mandate relief that would enable and empower local leaders to implement that tax cap locally; and

WHEREAS: That mandate relief has not materialized; and

WHEREAS: By far, at a local statewide cost of \$7.3 billion, Medicaid is the number one mandate facing counties; and

WHEREAS: State Legislation (S.5889-B) will require state policymakers to take full fiscal responsibility for New York's largest in the nation Medicaid program, by implementing an eight (8) year gradual State takeover of county Medicaid costs; and

WHEREAS: Removing county taxpayers from the financing of Medicaid is the single most important thing the State Legislature can do to lower property taxes for New Yorkers; and

WHEREAS: The State takeover of county Medicaid costs will lead to lower property taxes and enhance New York's economic competitiveness and improve economic opportunities for all New Yorkers; and

WHEREAS: State lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings and other spending controls, including, applying MRT (Medicaid Redesign Team) reform savings to mandate relief and pursuing a federal Medicaid waiver to leverage state cost containment initiatives that can be applied to property tax relief and applying future revenues to lowering property taxes and by allowing federal health care reforms to cover New Yorkers; now therefore be it

RESOLVED: That the Tioga County Legislature calls on State lawmakers to keep their promise, and sign on to legislation (S5889-B) designed to provide mandate relief for counties, in the form of an eight-year State takeover of county Medicaid costs.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 206-11 *ERRONEOUS ASSESSMENT*
TOWN OF CANDOR

WHEREAS: A Supreme Court Order has reduced the assessment for 2009/2010, 2010/2011, and future ongoing for property no. 1211 assessed to Owego LLC/Daniel Scherrer in the 2010 and 2011 tax rolls of the Town of Candor;

WHEREAS: The assessment for property no. 1211 has been reduced from \$16,100 to \$8,700 for 2010, and from \$16,100 to \$9,925 for 2011 and on by the Court; and

WHEREAS: The reduced assessments apply to both school and town and county, and the school taxes for 2009/10 and 2010/11 were not paid and were releived to the 2010 and 2011 town and county bills; the tax bills for property no. 1211 for 2010 and 2011 have been paid; be it therefore

RESOLVED: That a refund of \$6,911.30 (\$3,827.43 for 2009/2010, and \$3,083.87 for 2010/2011), be issued by the Tioga County Treasurer to Hinman, Howard & Kattell, LLP, as attorneys for Daniel Scherrer; and be it further

RESOLVED: That the erroneous town tax of \$1,012.34 be charged back to the Town of Candor, and the erroneous fire tax of \$297.00 be charged back to the Candor Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$65.66 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$3,706.18 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county tax of \$1,570.69 and school penalties of \$259.43 be charged to the proper accounts in the records of the County Treasurer

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 207-11

*APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: Jason Rieg, Town of Owego representative on the Tioga County Planning Board has resigned; and

WHEREAS: The Town of Owego Town Board has found John Current willing and able to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature appoint John Current to the Tioga County Planning Board, to replace and fulfill Jason Reig's unexpired term of 1/1/10 – 12/31/12.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 208-11 *AMEND POLICY 39
ASSIGNMENT & USE OF
COUNTY VEHICLES*

WHEREAS: Policy 39 has been being discussed through the Loss Control Committee for recommended changes; and

WHEREAS: Those changes have been finalized by the Loss Control Committee and Policy 39 needs to be amended; therefore

RESOLVED: That Policy 39 be hereby amended as follows:

Section numbering has been changed due to new sections being added.

Add new Section IV

IV. APPROVED DRIVER LIST

- A. Each Department Head shall develop and maintain a current "Approved Driver List" of employees, contractors or any other individual authorized by him/her to operate a County vehicle and/or personal vehicle used for County business. Such list shall be provided to the County Safety Officer, and updated as changes in personnel require. Individuals not on the list shall NOT be authorized to operate a County vehicle and/or personal vehicle on County business.

- B. The County Safety Officer shall monitor the driver's license status of each person on the Approved Driver List through the New York State Department of Motor Vehicle License Event Notification System (LENS). In the event the driving privilege of an individual on the list is suspended or revoked, the Safety Officer shall immediately notify the Department Head, and that individual shall be removed immediately from the Approved Driver List.
- C. If an individual on the Approved Driver List has his/her privilege to operate a vehicle suspended or revoked, such individual shall notify his/her Department Head immediately, and in NO EVENT shall said individual operate a County vehicle or personal vehicle on County business until privileges are restored and verified through the LENS system.

Section VI Restrictions on Use of Vehicles has added section "B"

- B. In no event shall permission be granted pursuant to NYS Vehicle and Traffic Law 1198(8) for anyone to operate a County owned or leased vehicle without an ignition interlock device when such person is under order to install and maintain such device in any motor vehicle he/she owns or operates in accordance with NYS Vehicle and Traffic Law Article 31.

Section VIII Maintenance has added section "H"

- H. In no event will permission be granted to install an ignition interlock device in any motor vehicle owned or leased by Tioga County.

Add new Section IX Accident Reporting

IX. ACCIDENT REPORTING

- A. All vehicle accidents are to be reported, whether they occur on public or private property. If there are injuries, call 911 immediately. If no injuries, call the police immediately and obtain the name of the investigating officer.
- B. If able to do so at the scene, obtain the name(s) and contact information for any other vehicle operator involved in the accident. Provide the other party with your name, address and telephone number, and insurance information.
- C. The Department Head shall be notified immediately, and an Incident Claim, which can be obtained on the Tioga County Intranet under County Attorney Forms, must be filed with the Tioga County Attorney's Office as soon as possible, but no later than the close of the next business day.

And be it further

RESOLVED: That the Remainder of Policy 39 Assignment & Use of County Vehicles shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 209-11 *CONTRACT WITH EBS-RMSCO, INC. TO
ADMINISTER FLEXIBLE SPENDING PROGRAM*

WHEREAS: Tioga County currently uses the services of EBS-RMSCO, Inc. to administer Tioga County's Flexible-Spending program for employees; and

WHEREAS: EBS-RMSCO, Inc. has submitted a new contract to continue administering said program and conduct all required compliance testing services; and

WHEREAS: The flex card administration will cost \$4.45 per participant per month, but offers participants a more convenient way to pay for their flexible spending account health care and dependent care expenses, thereby having a positive impact on enrollment; and

WHEREAS: The Flexible-Spending program is a negotiated benefit for all Tioga County unionized employees; and

WHEREAS: Both the employees and the County can save tax dollars on money channeled through this program for out of pocket medical expenses and/or dependent care expenses; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2012 through December 31, 2012; and be it further

RESOLVED: That Tioga County will continue with the flex card for the period of January 1, 2012 through December 31, 2012; and be it further

RESOLVED: That the maximum annual pledge for the medical flexible spending portion will remain at \$4,000 for the period of January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:	INFORMATION TECHNOLOGY COMMITTEE PERSONNEL COMMITTEE
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RESOLUTION NO. 210-11	<i>CREATE AND FILL TEMPORARY, FULL-TIME RECORDS MANAGEMENT OFFICER INFORMATION TECHNOLOGY</i>
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WHEREAS: Extensive damage has occurred to County property as the result of the September 8th flood; and

WHEREAS: There is a need to inspect, catalog, and dispose of a large amount of records salvaged from the County's storage areas which were flooded; and

WHEREAS: Additional staff is needed on a temporary basis to assist with this project; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of a full-time Records Management Officer position effective October 3, 2011 at an hourly rate of \$14.79, which will be filled on a temporary basis for a period not to exceed 30 days; and be it further

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEES

RESOLUTION NO. 211-11 RECLASSIFY VACANT HEAD SOCIAL
WELFARE EXAMINER
SOCIAL SERVICES

WHEREAS: Jill Hellenthal retired effective June 10, 2011, creating a Head Social Welfare Examiner vacancy; and

WHEREAS: The position has been vacant the required 90 days as of September 10, 2011; and

WHEREAS: The Department of Social Services has reviewed such vacancy and decided to decrease the level of responsibility of the position; and

WHEREAS: In order to appropriately represent these decreased responsibilities, the Department of Social Services is desirous of reclassifying the position of Head Social Welfare Examiner, salary grade XI (\$36,407) to Principal Social Welfare Examiner, salary grade X (\$34,918); and

WHEREAS: The incumbent's salary at retirement was \$52,287, the actual budget savings will be \$17,369 with an additional \$12,257 savings in fringe costs; and

WHEREAS: The Personnel/Civil Service Department has reviewed the job duties and determined the appropriate title shall be Principal Social Welfare Examiner; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of Head Social Welfare Examiner to Principal Social Welfare Examiner, and that the Department of Social Services be authorized to fill said position at CSEA salary grade X, \$34,918, effective October 12, 2011.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 212-11 CREATE & FILL TEMPORARY POSITION
EMERGENCY PREPAREDNESS OFFICE

WHEREAS: President Obama declared Tioga County a national disaster site, as a result of the September 7, 2011 flood; and

WHEREAS: There will be a great deal of paperwork and reporting required of the Emergency Preparedness Office, in order to secure FEMA funding for Tioga County's flood recovery efforts; and

WHEREAS: The Director of Emergency Preparedness needs additional staff to assist with the aforementioned paperwork and reporting; therefore be it

RESOLVED: That one part-time temporary position of Deputy Director of Emergency Preparedness shall be created for the period of October 12, 2011-December 31, 2011; and be it further

RESOLVED: That the position shall be part-time and pay a salary of \$500.00 per month; and be it further

RESOLVED: That the Director of Emergency Preparedness shall be authorized to fill said position effective October 12, 2011.

ROLL CALL VOTE

Yes – Legislators Weston, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –Legislator Quinlan.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 213-11 *TERMINATION OF RESOLUTION NO. 189-11
EMERGENCY CONTRACTS AUTHORIZATION*

WHEREAS: On September 22, 2011, the Tioga County Legislature adopted Resolution No. 189-11, authorizing the Chair of the Legislature, pursuant to General Municipal Law section 103(4) to execute contracts on an emergency basis to address the issues endangering public safety that arose as a result of the flooding caused by Tropical Storm Lee; and

WHEREAS: It now appears to be in the best interests of the public to terminate such authorization; therefore it is hereby

RESOLVED: That Resolution No. 189-11 is hereby terminated, and henceforth all County procurement policies are reinstated.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 214-11 TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: Funds were budgeted for the West Creek Road project H2009.01 and this project has come in under budget; and

WHEREAS: Funds were budgeted for the Coddington Rd. Project and is over budget; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the transfer of \$79,000 from H2009.01 West Creek Rd. Project to H2011.02 Coddington Rd. Project.

ROLL CALL VOTE

Yes – Legislators Weston, Quinlan, Roberts, Sauerbrey, Sullivan, Hollenbeck, Huttleston, and Monell.

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:46 P.M.

Ninth Special Meeting
November 3, 2011

The Ninth Special Meeting of 2011 was called to order by the Chair at 9:00 A.M. Seven Legislative members were present, Legislators Monell and Quinlan being absent.

Chair Weston asked Legislator Hollenbeck to have a moment of prayer. "God bless our brave men and women who keep us safe from harm."

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

There were 5 people in attendance.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 215-11	AUTHORIZE THE SUBMISSION OF MITIGATION GRANT APPLICATION EMERGENCY MANAGEMENT

WHEREAS: Tioga County currently has a Federal Emergency Management Agency (FEMA) approved mitigation plan which has expired; and

WHEREAS: The current plan was scheduled to be updated and rewritten in 2011; and

WHEREAS: The FEMA requirements have changed since the original plan was written; and

WHEREAS: FEMA has given the State Office of Emergency Management (SOEM) monies for local government to utilize these monies for the purpose of writing mitigation grants; and

WHEREAS: Tioga County is eligible for these monies in the form of a 75-25% grant; and

WHEREAS: Due to the complexity and change of requirements to the mitigation plan criteria and process, we have been advised by New York State and FEMA to increase the allotted prior grant from \$20,000 to \$100,000; and

WHEREAS: Due to the fact that the prior application was not approved by FEMA until October 2011, and our current plan expired October 2011, this has created an urgency to expedite the creation and approval of an updated plan by FEMA within a 12 month period; and

WHEREAS: This is necessary so the mitigation funding to County and local governments may be obtained through the FEMA 404 process; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be authorized to apply for a grant up to \$100,000 for the sole purpose of writing an all hazards mitigation plan; and be it further

RESOLVED: That the Tioga County Emergency Management Office be authorized to solicit quotes from contractors to write said plan.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislators Monell and Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
 RESOLUTION NO. 216-11 APPROPRIATE CARRYOVER CHIPS FUNDING
 PUBLIC WORKS

WHEREAS: NYS Department of Transportation has notified Tioga County that we have carryover CHIPS funding in the amount of \$151,590.20; and

WHEREAS: Tioga County's road reconstruction program will utilize these funds and such funds need to be appropriated; now therefore be it

RESOLVED: That the sum of \$151,590.20 be appropriated from Capital Fund Balance H909.00 to Coddington Road Capital Fund Account H2011.02.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislators Monell and Quinlan.

RESOLUTION ADOPTED.

Legislator Monell arrived at 9:03 A.M.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
 RESOLUTION NO. 217-11 TRANSFER OF FUNDS
 PUBLIC WORKS

WHEREAS: There exists road reconstruction funds in various accounts; and

WHEREAS: The 2011 road reconstruction program was changed to reflect the present conditions; therefore be it

RESOLVED: That the following sums be transferred as follows:

From:	Account H2008.02-Bodle Hill Road	\$ 4,280.02
	Account H2008.04-Montrose Turnpike	\$ 25,621.88
	Account 2009.01-West Creek Road	\$ 68,533.27
	Account 2010.01-West River Road	\$ 45,085.45
	Account 2010.02-Halsey Valley Road	\$ 15,943.74
	Account H2010.03-Hamilton Valley Road	\$ 10,485.50
	Account H2010.05-Crumtown Road	<u>\$ 35,076.21</u>
		\$205,026.07
To:	Account H2011.01-Stanton Hill Road	\$ 64,978.11
	Account H2011.02-Coddington Road	\$ 45,085.45
	Account H2011.03-E. River Road	<u>\$ 94,962.51</u>
		\$205,026.07

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

The meeting was adjourned at 9:04 A.M.

Eleventh Regular Meeting
November 15, 2011

The Eleventh Regular Meeting of 2011 was held on November 15, 2011 and was called to order by the Chair at 12:00 P.M. Eight Legislative members were present, Legislator Quinlan being absent.

Chair Weston asked Legislator Hollenbeck to have a moment of prayer. "I would like to have a moment of silence for all our friends and relatives for the pain and suffering they have had to endure during this last flooding event."

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

Chair Weston noted the following Proclamation on Adoption Awareness Month.

PROCLAMATION

This November marks the 21st annual National Adoption Month. November 19th is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized one adoption in 2011. Every child in America, every child in Tioga County deserves a permanent, loving family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on the behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim November as

ADOPTION AWARENESS MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize adoptive families in Tioga County.

Ron Keene had privilege of the floor. "Thank you Mr. Chairman and Legislators for letting me speak. I am here today with a purpose. I would like to ask you to please keep the transfer station open in Barton at least until the end of the year and maybe even longer. Please take this in consideration. On my way up here I observed cars out to the road waiting to get in to get rid of their bagged garbage. I would like to point out one thing that was mentioned at the Legislative Committee meeting last week wherein it was stated that none of our tax dollars went to the operation of solid waste disposal. I know this to be an incorrect statement. I have gone through your budgets all the way to 2005 and checked all revenues and figures.

"The Transfer Station was a losing proposition from day one when you took it over in 2005 and all the way up to current date. There has always been a big deficit all the way through, over 1 million each year appropriated and the real property taxes were charged the difference. They were only generating from \$596,000 on a good year in 2005 up to 2011 where it went down with the tipping fee of \$484,093 and the rest is being picked up by our tax dollars. Stating that none of our tax dollars was going into the operation of the Transfer Station is an incorrect statement. I wanted to make that clear and if I stand to be corrected feel free to tell me. I have researched this and checked it out. Thank you for your time."

Chris Bonner had privilege of the floor. He spoke about the Presidency, jobs going overseas, definition of the United States, and the growing of Hemp.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		1,046.61
A1165	District Attorney		2,714.76
A1172	Assigned Counsel		32,397.24
A1185	Medical Examiners/Coroners		152.02
A1325	Treasurer		21,312.43
A1345	Purchasing		13.04
A1355	Assessments		14,360.00
A1364	Expense of County Owned Property		40.84
A1410	County Clerk		482.71
A1411	Department of Motor Vehicles		496.00
A1420	Law		2,595.52
A1430	Personnel		1,182.50
A1450	Elections		8,199.82
A1460	Records Management		3,879.53
A1460.41	Records Management		6,463.75
A1490	Public Works Administration		40.00
A1620	Buildings	41.37	29,328.51
A1621	Buildings		13,322.47
A1680	Information Technology		9,642.17
A2490	Community College Tuition		525,551.17
A2960	Education Handicapped Children		187,177.64
A3020	Public Safety Comm E911 System		7,068.03
A3110	Sheriff		17,642.34
A3140	Probation		309.43
A3146	Sex Offender Program		8,766.67
A3150	Jail		41,643.18
A3410	Fire		6,194.93
A3640	Emergency Mgmt Office		555.91
A3641	Emergency Mgmt Grant Program	39.99	
A4010	Public Health Nursing		31,767.42
A4011	Public Health Administration		6,777.29
A4012	Public Health Education		6,727.74
A4042	Rabies Control		2,240.66
A4044	Early Intervention		29,288.98
A4053	Preventive/Primary Health Services		303.99
A4054	Preventive Dental Services		3,005.57
A4064	Managed Care-Dental Services		11,677.15
A4070	Disease Control		8,520.88
A4090	Environmental Health	274.36	1,927.70

A4210	Alcohol and Drug Services		788.11
A4211	Council on Alcoholism		26,247.32
A4309	Mental Hygiene Co Admin	903.92	23,665.09
A4310	Mental Health Clinic		7,365.56
A4311	Rehabilitation Support Services		3,706.44
A4315	Mental Retardation		6,168.48
A4320	Crisis Intervention Services		32,747.01
A4321	Intensive Case Management		2,991.27
A4333	Psycho Social Club		26,191.78
A5630	Bus Operations		5,000.00
A6010	Social Services Administration		146,002.28
A6422	Economic Development		238.06
A6510	Veterans' Service		1,410.88
A6610	Sealer Weights/Measures		319.77
A7310.41	Youth Programs, Refundable		9,342.17
A8020	Planning		15.12
A9060	Health Insurance		1,596.82
SOLID WASTE FUND			105,566.52
COUNTY ROAD FUND			43,353.82
SPECIAL GRANT FUND			749.86
CONSOLIDATED HEALTH FUND			104,792.95
CAPITAL FUND			1,037,748.44
WORKERS' COMP			<u>1,636.00</u>
GRAND TOTAL			\$ 2,633,719.99

Legislator Sauerbrey made a motion to approve the minutes of October 11, 2011, seconded by Legislator McEwen, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 218-11 SET PUBLIC HEARING
2012 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2012 be held at 6:00 P.M., Tuesday, November 22, 2011 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 219-11 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2012County taxes among the several Towns are hereby established as follows:

Town of Barton	100.00
Town of Berkshire	100.00
Town of Candor	7.35
Town of Newark Valley	66.50
Town of Nichols	28.00
Town of Owego	81.00
Town of Richford	100.00
Town of Spencer	100.00
Tioga of Tioga	7.50

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 220-11 *CONFINEMENT OF DOGS
FOR PROTECTION OF DEER*

WHEREAS: The Tioga County Board of Legislators hereby determine that there is a possibility that the deer population in said County could suffer severe depredation due to the possibility of dogs attacking, chasing or worrying deer. That pursuant to the provisions of §122 of the Ag & Markets Law; it is

RESOLVED: That it is hereby ordered that all dogs within the County of Tioga shall be securely contained at all times from November 19, 2011 until April 15, 2012.

NOTICE of this order shall be published one time in the Morning Times and the Tioga County Courier, and a certified copy of this order shall be filed in the Office of the County Clerk and all Town Clerks and all Village Clerks in the County of Tioga.

All provisions set forth in said Agriculture and Markets Law §122 as to the destruction and seizure of any dog by any Dog Control Officer or Peace Officer, and civil penalty on the owner of the dog and all other provisions of said §122 are hereby adopted in this order.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, and Sauerbrey.

No –Legislator Sullivan.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 221-11 SUPREME COURT ORDER
TOWN OF OWEGO

WHEREAS: The Supreme Court of the State of New York has rendered an Order for Index Nos. 032409, 033458, 037737, 039367, and no. 040790, and Stipulation of Settlement, indicating refund amounts as decided by the parties involved, and filed on September 6, 2011, in answer to the petition between OCG Limited Partnership (property no. 839), and Owego Housing Development Fund Corporation (property no. 1403), and the Town of Owego; and

WHEREAS: The Stipulation agrees that the assessment for property no. 839, OCG Limited Partnership remains unchanged at the \$815,800 assessment for the assessment years 2004-2010; and

WHEREAS: The Court stipulation reduces the assessment of property no. 1403, Owego Housing Development Fund Corp, from \$1,109,400 to \$336,100 for the assessment years 2008-2010, and orders that a total refund of \$132,500 be issued as reimbursement to the petitioner; and

WHEREAS: The County of Tioga portion of said refund has been set at the amount of \$26,891.50; be it therefore

RESOLVED: That a refund of \$26,891.50 be issued to Owego Housing Development Fund Corporation by the County Treasurer; and be it further

RESOLVED: That the county amount of \$26,891.50 be charged to the proper accounts in the records of the County Treasurer

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 222-11 *MORTGAGE TAX DISTRIBUTION*

RESOLVED: That the mortgage tax report for the period April 1, 2011 to September 30, 2011 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 29,191.32
Village of Waverly	7,409.76
Town of Berkshire	5,274.35
Town of Candor	16,530.81
Village of Candor	928.99
Town of Newark Valley	14,034.18
Village of Newark Valley	1,679.34
Town of Nichols	6,643.23
Village of Nichols	500.73
Town of Owego	85,627.42
Village of Owego	6,388.56
Town of Richford	4,748.77
Town of Spencer	9,996.12
Village of Spencer	1,201.38

Town of Tioga	<u>10,493.23</u> \$200,648.19
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ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 223-11 REAPPOINT MEMBER TO THE TIOGA COUNTY BOARD OF HEALTH

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: The appointed term for Joseph Picco, DDS, on the Board of Health expires 12/31/11; and

WHEREAS: Joseph Picco, DDS, has agreed to serve for another term; therefore be it

RESOLVED: That Joseph Picco, DDS, be re-appointed to the Board of Health for a term of 1/1/12-12/31/17.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 224-11 *APPOINT ALTERNATE MEMBER TO THE
TIOGA COUNTY PLANNING BOARD*

WHEREAS: Nichole Wayman, at-large, alternate member on the Tioga County Planning Board has resigned; and

WHEREAS: The Tioga County Planning Board has found Jason Bellis willing and able to serve this unexpired term; therefore be it

RESOLVED: That the Tioga County Legislature appoint Jason Bellis to the Tioga County Planning Board, to replace and fulfill Nichole Wayman's unexpired term of 1/1/10 – 12/31/12.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 225-11 *AUTHORIZE TRANSFER OF FUNDS FOR
PURCHASE OF EQUIPMENT FOR THE
COUNTY CLERK'S OFFICE*

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

WHEREAS: The current scanner image quality is not clear and is unable to image the volume of documents necessary to produce a clear digital image of the civil files. The IT Director has recommended replacement due to the age of the equipment; and

WHEREAS: The Tioga County Clerk expense account does not have existing funds in the account for the purchase of this equipment; and

WHEREAS: The Tioga County Information Technology Department has approved the purchase; be it therefore

RESOLVED: That the County Clerk be authorized to purchase said scanner and that the following sums be transferred:

From: County Clerk Account A1410.40-420	\$3,000.00
County Clerk Account A1410.40-520	\$1,000.00
County Clerk Account A1410.40-733	\$ 300.00
To: Transfer to Capital Account A9950.93	\$4,300.00
From: Interfund Transfer Account H5031.30	\$4,300.00
To: County Clerk Capital Account H1410.21	\$4,300.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 226-11 TRANSFER OF FUNDS
ASSIGNED COUNSEL

WHEREAS: The Assigned Counsel has had an increase in number of cases recently; and

WHEREAS : The Assigned Counsel budget will not be sufficient until the end of the year and needs to have funds transferred; therefore be it

RESOLVED: That the amount of \$25,000 be transferred from Contingency Account A1990.40-715 to Assigned Counsel Account A1172.40-30.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 227-11

APPROPRIATION OF FUNDS FOR LIABILITY INSURANCE FUND

WHEREAS: The Liability Insurance Fund has received an invoice from NYMIR for a \$50,000 deductible that the County is responsible for; NYMIR paid damages of \$400,000; and

WHEREAS: Sufficient funds do not exist in the insurance Claims and Judgments account to meet these obligations and money needs to be transferred from the Liability Fund Balance; therefore be it

RESOLVED: That the Judgments and Claims account be appropriated as follows:

From: Fund Balance	CI909.00	\$27,000
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To: Judgments and Claims	CI1930.40-270	\$27,000
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ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 228-11

*APPROPRIATION OF FUNDS FOR-
BUREAU OF FIRE 2010 NYS HAZ-MAT -
SHSP GRANT*

WHEREAS: The Bureau of Fire has been awarded a NYS Homeland Security SHSP Haz-Mat Grant in the amount of \$38,225; and

WHEREAS: This funding now needs to be appropriated in the Bureau of Fire Budget to be used on Hazardous Materials Equipment for the Tioga County Hazardous Materials Team; be it therefore

RESOLVED: That the Homeland Security Haz-Mat Grant (Project # HM10-1025-E00) be appropriated as follows:

From: State Aid-Fire SH08-HM09-1009-E00	A3307.00	\$38,225
To: Fire SH08-HM09-1009-E00	A3990.20-230	\$38,225

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 229-11 *ALLOW THE COUNTY FIRE
COORDINATOR TO APPLY FOR
GRANT FUNDING UNDER THE 2011
NYS HOMELAND SECURITY HAZ-
MAT GRANT PROGRAM*

WHEREAS: The New York State Office of Homeland Security is Offering a 2011 Haz-Mat Grant Program; and

WHEREAS: The expense of necessary equipment to be used by the Tioga County Haz-Mat Team during times of a large Hazardous Materials incident is beyond the means of the yearly Bureau of Fire operating budget; therefore be it

RESOLVED: That the Tioga County Fire Coordinator be able to apply for and accept, after approval of the County Attorney, Hazardous Materials Grant Funding as both Primary and Secondary applicants, along with other members of the Central New York Hazardous Materials Response Consortium, under the currently available New York State Office of Homeland Security 2011 Haz-Mat Grant Program. This grant is to provide needed equipment for the Tioga County Haz-Mat Team.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 230-11 *AUTHORIZE CONTRACT FOR INMATE
MEDICAL CARE*

WHEREAS: The Sheriff's Office contracts with Correctional Medical Care Inc. (CMC) to provide medical care to the inmates of the Tioga County Jail; and

WHEREAS: The Sheriff's Office is desirous to extend the current contract one additional year for an annual fee of \$282,039; and

WHEREAS: Funding for this contract will be appropriated in the 2012 budget and the Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties; be it therefore

RESOLVED: That the Tioga County Legislature authorize the Tioga County Sheriff's Office to enter into a contract with Correctional Medical Care, Inc.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 231-11 *AUTHORIZE CONTRACT FOR UNIFORM
DRY CLEANING AND LAUNDRY
SERVICES*

WHEREAS: The Sheriff's Office is required to provide uniform Dry Cleaning and Laundry services for uniformed officers; and

WHEREAS: Moreton Cleaners of Waverly, New York has contracted with the Sheriff's Office to provide this service; and

WHEREAS: The Sheriff's Office is desirous to extend the current contract one additional year for an annual fee of \$12,250; and

WHEREAS: Funding for this contract will be appropriated in the 2012 budget and the Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties; be it therefore

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Sheriff's Office to enter into a contract with Moreton Cleaners.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 232-11 *AUTHORIZE 2012 TAX MAP MAINTENANCE CONTRACT*

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized to enter into a Tioga County tax map maintenance contract with MRB Group, for the calendar year 2012 for an annual charge of \$26,520, payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and surveys, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 233-11 *AMEND COUNTY POLICY 1, SECTION VI
AND SECTION VII*

WHEREAS: When an employee requests a leave of absence for medical reasons, the first twelve weeks are authorized in accordance with the Family/Medical Leave Policy, if qualifying; and

WHEREAS: If the medical leave extends beyond 12 weeks, the Department Head may authorize an additional sixty (60) working days of leave, in accordance with county Policy 1, Section VII; and

WHEREAS: If the medical leave extends beyond the sixty (60) working days granted by the Department Head, the current language in Policy 1 requires a Resolution be presented to the Legislature for approval; and

WHEREAS: There is concern that publicizing the need for a leave due to medical reasons may be a violation of the employees HIPAA rights, or at least their privacy; and

WHEREAS: The possible duration of medical leaves resulting from work-related injuries are often mandated by law, and in such cases the County is simply rubber-stamping the approval; and

WHEREAS: The County sees it appropriate to change Section VII of County Policy 1 in consideration of the above; and

WHEREAS: Section VI, paragraph C provides for Personnel to request approval from the standing committee for leaves, the duration of which exceeds one week; and

WHEREAS: This procedure has not been followed due to pragmatic reasons; therefore be it

RESOLVED: That County Policy 1, Section VII: Leaves of Absence in excess of sixty (60) working days shall be revised by removing the reference to "resolution" in the sentence immediately following the heading; and be it further

RESOLVED: That the process outlined in Section VII, A-F shall remain in place; and be it further

RESOLVED: That Section VI, paragraph C be deleted and paragraph D shall become paragraph C; and be it further

RESOLVED: That these changes shall be effective retroactive to November 1, 2011; and be it further

RESOLVED: That the remainder of Policy 1 shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 234-11 *AUTHORIZE "BROKER OF RECORD" LETTER
(PERSONNEL)*

WHEREAS: The Anchor Group (dba EBA Services, LLC) has been providing health insurance consulting to the Tioga County Consolidated Municipal Health Insurance Plan for the past several years; and

WHEREAS: The Anchor Group has now requested that Tioga County officially notify Excellus BlueCross/BlueShield of their relationship with Tioga County in order to allow Excellus to release claims data to The Anchor Group; and

WHEREAS: The Personnel Officer and Benefits Manager have found the assistance received from The Anchor Group very beneficial and would like to continue the relationship with The Anchor Group; therefore be it

RESOLVED: That the Personnel Officer is authorized to send a letter to Excellus BlueCross/BlueShield designating EBA Services, LLC as Tioga County's "Broker of Record".

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 235-11 *CONTRACT WITH EXCELLUS BLUE
CROSS/BLUE SHIELD TO ADMINISTER HEALTH
INSURANCE BENEFITS*

WHEREAS: Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for Tioga County and members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to continue administering said programs for the period of January 1, 2012 through December 31, 2012; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Excellus Blue Cross Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County and other participants in the TCCMHIP for the period January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 236-11 *CONTRACT WITH EBS-RMSCO, INC. TO
ADMINISTER HEALTH REIMBURSEMENT
ACCOUNTS*

WHEREAS: Resolution 209-11 authorizes Tioga County to contract with EBS-RMSCO to administer the flexible spending program; and

WHEREAS: EBS-RMSCO, Inc. can also administer health reimbursement accounts which can be used for different insurance plans that Tioga County would like to implement; and

WHEREAS: The per participant per month fee will be \$4.45 for any employees enrolled in the health reimbursement account and/or the flexible spending program; and

WHEREAS: EBS-RMSCO, Inc can also perform all the necessary compliance testing at the following rates:

Annual Discrimination Testing	\$275.00
Plan Amendments/Restatements	\$300.00
Preparation of IRS Form 550	\$300.00

And

WHEREAS: Tioga County can save tax dollars on money channeled through a health savings account; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 237-11 *RENEW SPECIFIC EXCESS AND EMPLOYERS' LIABILITY INSURANCE FOR WORKERS' COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy through Safety National Casualty Corp expires December 31, 2011; and

WHEREAS: The Tioga County Self-Insurance Plan's employers' liability insurance policy through United States Liability Insurance Co. expires December 31, 2011; and

WHEREAS: The Tioga County Self-Insurance Plan by-laws allow the committee to purchase excess or catastrophic insurance; and

WHEREAS: The continuance of both excess and employers' liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; and

WHEREAS: Safety National Casualty Corp. and United States Liability Insurance Co. are both A rated insurance companies and both are licensed in New York State; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase specific excess insurance from Safety National for the period of January 1, 2012 through December 31, 2012 to be paid for out of the 2012 Tioga County Self-Insurance budget account \$1722.40; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase employers' liability insurance from US Liability Insurance for the period of January 1, 2012 through December 31, 2012 to be paid for out of the 2012 Tioga County Self-Insurance budget account \$1710.40-270.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 238-11 *APPOINT DEPUTY CLERK
TO THE LEGISLATURE AND
DEPUTY TIOGA COUNTY AUDITOR*

WHEREAS: The full-time position of Deputy Clerk to the Tioga County Legislature has been vacant since June 20, 2011; and

WHEREAS: The Clerk of the Legislature has identified a candidate for the position who is willing and eligible for appointment; and

WHEREAS: The Deputy Clerk will also serve as Deputy Tioga County Auditor; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Clerk of the Legislature to appoint Cathy Haskell as Deputy Clerk to the Legislature at an annual, non-union, salary of \$38,262 (\$2,000 of which is for Deputy County Auditor), effective December 5, 2011; and be it further

RESOLVED: That Cathy Haskell be and hereby is appointed Deputy Tioga County Auditor, to act in the absence of the County Auditor effective December 5, 2011, to fill an unexpired term ending December 31, 2011.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING
 COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 239-11 *AUTHORIZATION TO BACKFILL SECRETARY TO
ECONOMIC DEVELOPMENT & PLANNING
ECONOMIC DEVELOPMENT & PLANNING
DEPARTMENT*

WHEREAS: The current Secretary to Economic Development & Planning, Cathy Haskell, has accepted the position of Deputy Clerk to the Tioga County Legislature which has been vacant since 6/20/11;

WHEREAS: The Director of Economic Development & Planning received verbal authorization at the 10/6/11 Legislative work session to begin recruiting for his secretarial position in light of Ms. Haskell's movement within County departments which will be effective 12/5/11; and

WHEREAS: The Director of Economic Development & Planning has identified Linda Sampson as a willing and qualified candidate to fill said position; and

WHEREAS: Resolution 156-11 provides an exception to the 90-day hiring delay when an employee moves from one Tioga County Department to another Tioga County Department and into a position which has been vacant at least 90-days; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Director of Economic Development & Planning to backfill the position of Secretary to Economic Development & Planning with the appointment of Linda Sampson at an annual salary of \$31,000 effective 12/1/11.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 240-11 *AUTHORIZATION TO RECLASSIFY SOCIAL
WORK ASSISTANT II POSITION TO CLINICAL
SOCIAL WORKER
MENTAL HYGIENE*

WHEREAS: Legislative approval is required for positions to be reclassified;
and

WHEREAS: On 8/30/11, the Personnel Department received a position description questionnaire from the Mental Hygiene Department for a Social Work Assistant II position currently held by Cheryl DeRosa, LMSW;
and

WHEREAS: Upon review of the position questionnaire which has been completed by the incumbent, her immediate supervisor, and the Director of Community Services, it has been determined that the current title of Social Work Assistant II is not an adequate reflection of the duties currently being performed; and

WHEREAS: Due to Ms. DeRosa's recent licensure as a master social worker, she has been assigned to provide therapeutic counseling and to conduct clinical assessments for mental hygiene clients which allows the Mental Hygiene Department greater revenue collection potential; therefore be it

RESOLVED: That the Tioga County Legislature authorize Cheryl DeRosa's title of Social Work Assistant II (CSEA salary grade XI) be reclassified to the title of Clinical Social Worker (CSEA salary grade XVI) which is reflective of an annual increase of \$11,178.00; and be it further

RESOLVED: That said reclassification shall be retroactive to 8/30/11 and that Ms. DeRosa's civil service status shall be provisional pending the results of the upcoming civil service examination for Clinical Social Worker.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 241-11 *AWARD CONTRACT FOR DISASTER
RESPONSE AND RECOVERY
CONSULTANT*

WHEREAS: Tioga County has suffered damage to its buildings and infrastructure as a result of Tropical Storm Lee; and

WHEREAS: Tioga County solicited Requests for Proposals from consultants to assist Tioga County in its recovery efforts; and

WHEREAS: The Committee has reviewed the submissions made in response to the RFP and has made a recommendation to the Tioga County Legislature to select Camp Dresser McKee (CDM) as its consultant; now therefore be it

RESOLVED: That CDM is hereby selected as Tioga County's consultant for disaster recovery; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair of the Tioga County Legislature to enter into a contract with CDM in accordance with the terms of its proposal dated October 31, 2011.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Sauerbrey, and Sullivan.

No –Legislator Roberts.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 242-11

*AMEND RESOLUTION 215-11
AUTHORIZE THE SUBMISSION OF
MITIGATION GRANT APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: Resolution 215-11 requires amendment in a number of areas; and

WHEREAS: Tioga County currently has a Federal Emergency Management Agency (FEMA) approved mitigation plan which has expired; and

WHEREAS: The current plan was scheduled to be updated and rewritten in 2011; and

WHEREAS: The FEMA requirements have changed since the original plan was written; and

WHEREAS: FEMA has given the State Office of Emergency Management (SOEM) monies for local government to utilize these monies for the purpose of writing mitigation grants; and

WHEREAS: Tioga County is eligible for these monies in the form of a 75-25% grant; and

WHEREAS: Due to the complexity and change of requirements to the mitigation plan criteria and process, we have been advised by New York State and FEMA to increase the allotted prior grant from \$20,000 to \$70,000; and

WHEREAS: Due to the fact that the prior application was not approved by FEMA until October 2011, and our current plan expired October 2011, this has created an urgency to expedite the creation and approval of an updated plan by FEMA within a six month period; and

WHEREAS: This is necessary so the mitigation funding to County and local governments may be obtained through the FEMA 406 and 404 process; therefore be it

RESOLVED: That Resolution 215-11 is hereby amended as follows:

RESOLVED: That the Tioga County Emergency Management Office be authorized to apply for a grant up to \$70,000 for the sole purpose of writing an all hazards mitigation plan; and be it further

RESOLVED: That the Tioga County Emergency Management Office be authorized to solicit quotes by way of a Request for Proposals from contractors to write said plan; and be it further

RESOLVED: That the Chair of the Legislature be authorized to be the designated signee to execute any and all documentation necessary to move forward with the grant procedure in an expeditious fashion; and be it further

RESOLVED: That the Director of Emergency Management shall be the Point of Contact for the State Office of Emergency Management (SOEM) and FEMA; and be it further

RESOLVED: That Wendy Walsh of Tioga County Soil and Water Department shall be the Program Manager on behalf of Tioga County for development of the Hazard Mitigation Plan, and said agency shall be paid \$17,500.00 for such services.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Sauerbrey, and Sullivan.

No –Legislator Roberts.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:24 P.M.

Public Hearing
2012 Budget
November 22, 2011

The Public Hearing on the 2012 Budget was called to order by the Chair at 6:00 P.M. All Legislative members were present.

There were 10 people in attendance along with Treasurer James McFadden and Budget Officer Chuck Shager.

The Clerk read the legal notice as published in the official newspapers.

The Chair turned the meeting over to the Budget Officer, Chuck Shager.

Chuck Shager, Budget Officer, spoke. "To the residents of Tioga County and the Honorable County Legislature. I would like to present to you tonight the proposed county budget for 2012.

"As the difficult economic climate approaches a fourth year, many state and local governments nationwide have seen an erosion of their finances. As New York State remains in a recession and the county is still recovering from the flood of 2011; the demand for governmental services such as unemployment benefits, social services and Medicaid have increased. Federal stimulus funding has benefitted Tioga County slightly in 2011, while during this same period Sales Tax Revenue (25% of all County Revenue) has increased 5% through October. With this in mind, local officials have made prudent decisions formulating the 2012 county budget while still providing both valuable and mandated services for the citizens of Tioga County.

"General Fund expenses have increased from \$68,776,115 in 2011 to \$71,547,147 in the proposed spending plan. This represents an increase of 4.02% or \$2,771,032. Major appropriations include fringe benefits, social services and anticipated building and road repairs.

"The budget will see an increase in General Fund Revenues of \$1,319,972 or 3.02% from \$43,615,277 in 2011 to \$44,935,249 in the 2012 proposal. We are anticipating increased sales tax collections and Federal Aid, while a reduction in state aid is forecasted for next year.

"There have been significant appropriations in other areas of the budget, namely the Capital Fund. The County plans to meet our infrastructure schedule by replacing three bridges and 16 miles of roads next year. At a cost of 6.2 million dollars, Tioga will receive reimbursement of 2.3M in Federal Aid. The remaining 3.9M will be financed by Build America Bond proceeds.

"Subsequently, the total proposed spending plan of \$95,237,636 is an increase of \$2,274,896 or 2.44% over the current year. It is proposed that an increase of appropriated fund balance in the amount of \$1,115,000, be used to help offset the General Fund increase.

"This will bring the appropriated fund balance in the 2012 plan up to \$6,015,000. This appropriation will help meet the new 2% property tax cap implemented earlier this year through State legislation.

"The county tax levy will increase \$336,060 or 1.66% to \$20,596,898, although tax rates vary from town to town due to state established equalization rates. The composite tax rate for all taxing districts has decreased \$0.08 to \$13.47 per \$1000 due to a slight increase in net assessments.

"The other tax that appears on your bill is the recycling tax. The tax levy for recycling in the solid waste budget has increased from \$847,850 to \$931,408 an increase of \$83,558 or 9.86% for 2012. Appropriations have decreased \$158,092 or 11.82% from 2011. However, revenues have also decreased \$341,650 or 70.50%. The closing of the transfer station is the main reason for the revenue decreases; if the transfer station was to remain operational under County management then the increase would have been in excess of \$248,000. The proposed composite rate will drop slightly from \$0.57 to \$0.566 per \$1000 of assessed value.

"I would like to thank the County Legislature, department heads and all county employees for working very diligently at helping formulate this 2012 budget. A special thanks to Mary Hogan in the County's IT department for her patience and effort in assisting me in putting this budget together.

"I would like to point out the projected tax levy may not increase after tonight's hearing without an additional public hearing."

The Budget Officer presented slides on the proposed 2011 budget.

“If you have comments to present to the Legislature regarding the proposed budget, the floor is now open.”

Ellen Reynolds spoke. “Can you explain how the rates are determined? I know you said it is a complicated formula, but I think as citizens we have to understand why our taxes go up 8% ,then they go down 10%, then they are back up, and I think I am seeing increases in both the recycling and the other tax as well.”

James McFadden, County Treasurer, spoke. “Basically in New York, unlike other States where everyone is assessed at 100%, all counties usually are assessed at 100% in other States, simply because there are no towns and villages, it is usually just County Government, everyone is assessed at 100% the taxes go 1.5%, everybody’s taxes go up 1.5%. In New York State it is a lot more complicated because of all the townships. The State Board of Real Property up in Syracuse has to on a yearly basis, they have to look at the entire tax base of the County, then they take a look at particular townships, and they want to make sure that the assessors are staying on top of the market values in properties. As they rise up and perhaps during the recession as they go down, and it can vary between Apalachin, Richford, and Barton on a yearly basis.

“Then there are other things like Pilot agreements, properties that become tax exempt, whether the total value in the Town of Barton is going up or down may be due to a reval that Spencer just did for instance or whether the prices of real estate, houses that are on the market, whether they are sliding down in places like Apalachin or Crest View Heights. They digest that data, they study a lot of variables. They want to make sure that the assessors are staying on top of it and are following it, and it is very difficult to do. If they are, they will keep the assessment at 100%, which they recently did in Richford, Berkshire, Spencer, and Barton, which did a reval three years ago.

“There is also a problem with Towns like Tioga and Candor that have not done a reval in 60 years, and whether the peoples properties are fairly assessed or underassessed. I think it is safe to say that there is a lot of deviation there. The State people come in and they look at this, I believe twice a year, and they will come and they will set equalization rates to try to equal the value trying to follow what a \$100,000 house is worth in Barton and whether an equivalent house say in Apalachin has gone up or down in value. They make these changes every year and they set an equalization rate.

“One of the biggest variations that Chuck and I saw this year was that the Town of Owego, their equalization rate, was at 76 last year and they raised it to 81. I think what that means is that the value of properties are sliding down in the Town of Owego. There are probably houses that have been on the market for two or three years and they keep reducing their prices. At the same time the Town of Barton we understand raised their assessments by about 4% and their equalization rate stayed at 100%, and I could not tell you why, but that is what goes on.

“Richford got clobbered last year. Richford did a reval and I think their assessments went up to 20% and then their taxes went up another 10% this time last year if I recall. This is why you get these deviations. Chemung County has 23 townships and if it was up in Norwich you would have 27 townships. The rates are twice as big on this spreadsheet. One of the keys is to in our office we have kept track of this over the past 20 years and if you go back and take a look at these rates for Barton and Owego, Richford, Tioga over the past 20 years, another major variable invariably has been growth in your tax base, not just from the County point of view compared to Broome or Tompkins, but also in each of the townships. If you look at these rates over 20 years, you will see that on average Owego goes up, the rates go about 1.5% maybe 2% every year. In Nichols the last 10 years taxes go up about 2% because they landed the Casino and Best Buy. In the other seven townships taxes go up about 3.5% to 4% a year because there is no growth, there are no factories, there is nothing going on compared to Owego and the river corridor. That is part of the problem, is when there is no growth, if anything there are dormant farms and other maybe negative things.

“The State tries to stay on top of the 1400 townships in New York State and they try to equalize. The best way to picture it is if you have eight brothers and the nine of you build a \$100,000 house in our nine towns say 10 years ago, are they all still worth \$100,000, some have gone up, some have gone down. The State tries to equalize that by setting your equalization rates so you all pay your equal value of taxes. On a scale of 1 to 10 how did I explain that, I do not know, but the fact of the matter is no one goes to Syracuse University and gets a degree on equalization rates. It does not happen. It is a very difficult thing to understand. That is why we have gone after HUD grants to try to stimulate the economy in the northern part of the County and that is why we make sure we build bridges throughout the County to try to draw factories. We try to fix three or four bridges throughout the County just to try to draw factories. Then of course you are competing against Pennsylvania on tax rates.”

Ellen Reynolds spoke. "So it is really key for the assessors to on a regular basis to assess properties, correct?"

James McFadden, County Treasurer, spoke. "That is true. For some reason, back in 1967 two counties, Nassau and Tompkins County up in Ithaca, County Government took over the assessing and they have professional assessors, and they have laptops. They go out to Lansing and out to Trumansburg, and they try to stay on top of it. As the value of cottages go up on Cayuga Lake, as a farm goes dormant in Trumansburg, they try to stay on top of it. It is not a perfect system, but I think it is safe to say that they are within 5% to 10% of whether you are underassessed or overassessed. In the rest of the counties every town still has there same old assessor and it is part-time and they get paid part-time, and it is probably mediocre results. I think it really hurts like Tioga and Candor who have not revalued and are falling behind the eight ball with these other townships. They really should do a reval."

Ellen Reynolds spoke. "We really do not have any commercial endeavors or anything like that. Now does this hold true with the recycling tax as well?"

James McFadden, County Treasurer, spoke. "Yes, that was the second chart. The same numbers are used. It is the same equalization rates."

Ellen Reynolds spoke. "When I looked at those numbers, I said it seems like you are being penalized for recycling because your tax rates go up. Whether it is 10%, 8%, whatever it might be, and it just seems like recycling is really what you need to do, but then on the other hand as a homeowner you are being penalized to do that."

James McFadden, County Treasurer, spoke. "Actually it has been very successful. It has reduced the amount of garbage by almost 60% the last 20 years, but the recycle contract had not been bid out in nine years so when the guy who won the contract nine years ago gasoline was \$1.80 a gallon and minimum wage was \$4.00. His new contract is going up about \$300,000 just for gas and workers. It is a pretty successful program countywide."

George Penney spoke. "I have a question as to future liabilities. I thought that that was the recent requirement that they be stated, namely the retirement pensions. I do not see a reference to such thing in the budget. I thought it was required to be stated. I may be uninformed or misinformed.

"I have a question on page two, there is shown an expense or request in this year's budget for \$14,000 for Stop DWI, which shows nothing for the previous two years. I wonder what that expense or that anticipated expense would be."

Chuck Shager, Budget Officer, spoke. "I am not sure where you are looking at, but it was the way we were allocating the DWI a little differently this year than they did in the past, the program. I would have to look exactly where it is, but it is how we were allocating things in the past compared to how they wanted to allocate it this year."

There being no further comments, the Budget hearing was adjourned at 6:29 P.M.

Tenth Special Meeting
November 28, 2011

The Tenth Special Meeting of 2011 was called to order by the Chair at 12:01 P.M. All Legislative members were present.

Chair Weston asked Legislator Hollenbeck to have a moment of prayer. “God Bless our brave men and women who work and volunteer in public safety and risk their lives to keep us safe from harm.”

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

There were nine people in attendance.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 243-11

RESOLUTION TO SET PUBLIC HEARING
FOR APPLICATION OF 2011 NYS
OFFICE OF COMMUNITY RENEWAL
AGRICULTURE AND COMMUNITY
RELIEF GRANT PROGRAM - FARM
OPERATIONS GRANT

WHEREAS: Due to the expansive statewide damage caused by Tropical Storm Lee flooding in September, Governor Cuomo has created a \$15 million relief package to supplement gaps in federal assistance, called the Agriculture Commodity Relief Grant Program, the second component of which is this Farm Operations Grant; and

WHEREAS: NYS Office of Community Renewal (OCR) has been allocated funding for the Farm Operations Grant to make funding available to farmers for crop, seed, feed, produce and livestock loss due to flooding; and

WHEREAS: This is a non-competitive, imminent threat grant program in which farmers have already applied for the funds through NYS Department of Agriculture and Markets and the counties have been assigned as pass-through entities to disperse the funds to the farmers; and

WHEREAS: Farmers in Tioga County have requested a total of \$122,000 in replacement funds under this grant program and Tioga County is additionally eligible for up to 5% grant administration funds as well as 13% program delivery funds, and

WHEREAS: NYS Office of Community Renewal requires that counties hold one public hearing to solicit public input during the grant application process; therefore be it

RESOLVED: That the Tioga County Legislature does hereby set a public hearing for said grant application to be held on Thursday, December 8, 2011 at 1:00 PM in the Edward D. Hubbard Auditorium of the Tioga County Office Building located at 56 Main Street, Owego NY.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 244-11

RESOLUTION TO AUTHORIZE
APPLICATION SUBMITTAL AND
ACCEPTANCE OF 2011 NYS OFFICE
OF COMMUNITY RENEWAL
AGRICULTURE AND COMMUNITY
RELIEF GRANT PROGRAM - FARM
OPERATIONS GRANT

WHEREAS: Due to the expansive statewide damage caused by Tropical Storm Lee flooding in September, Governor Cuomo has created a \$15 million relief package to supplement gaps in federal assistance, called the Agriculture Commodity Relief Grant Program, the second component of which is this Farm Operations Grant; and

WHEREAS: NYS Office of Community Renewal (OCR) has been allocated funding for the Farm Operations Grant to make funding available to farmers for crop, seed, feed, produce and livestock loss due to flooding; and

WHEREAS: This is a non-competitive, imminent threat grant program in which farmers have already applied for the funds through NYS Department of Agriculture and Markets and the counties have been assigned as pass-through entities to disperse the funds to the farmers; and

WHEREAS: Farmers in Tioga County have requested a total of \$122,000 in replacement funds under this grant program and Tioga County is additionally eligible for up to 5% grant administration funds as well as 13% program delivery funds, and

WHEREAS: Tioga County Planning Department will be lead and handle all aspects of the grant program; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize said NYS OCR grant application and authorize Legislature Chair signature on all grant-associated paperwork upon County Attorney review and approval; and be it further.

RESOLVED: That the Tioga County Legislature does hereby accept said grant funds in the amount of \$122,000 plus grant administration and that the funds be appropriated to the following accounts:

From: CE4910.17 NYS OCR ACRF \$122,000

To: CE8688.40-487 NYS OCR ACRF Exp \$122,000

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – None.

RESOLUTION ADOPTED.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 245-11 TRANSFER OF FUNDS
TROPICAL STORM LEE CAPITAL ACCOUNT
TREASURER'S OFFICE

WHEREAS: Resolution No. 180-11 appropriated \$1,000,000 for flood related expenses to Account H1624.20 Tropical Storm Lee-Capital; and

WHEREAS: Resolution No. 198-11 appropriated \$500,000 for flood related expenses to Account H1625.20 Tropical Storm Lee-Expenditures; and

WHEREAS: The expenditures have exceeded the \$500,000 in the capital expenditure account H1625.20; therefore be it

RESOLVED: That the sum of \$500,000 be transferred from Tropical Storm Lee-Capital Account H1624.20 to Tropical Storm Lee-Expenditures Account H1625.20.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sauerbrey, and Sullivan.

No –None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:05 P.M.

Public Hearing
Application of 2011 NYS Office of Community
Renewal Agriculture and Community Relief Grant Program-
Farm Operations Grant
December 8, 2011

The Public Hearing on application of 2011 NYS Office of Community Renewal Agriculture and Community Relief Grant Program-Farm Operations Grant was called to order by the Chair at 1:01 P.M. Seven Legislative members were present, Legislators Quinlan and Roberts being absent.

There were 11 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

Elaine Jardine, Planning Director, spoke. "This grant through New York State Office of Community Renewal is for 50% of replacement costs for farm operation supplies such as seed, feed, produce, and even livestock. Our farmers were told of this program probably in October and already have applied for their costs through New York State Department of Ag and Markets, and the County is simply a pass through to disburse that money to them.

"The amount is already predetermined at \$122,000 and the recipients have already been predetermined. We are just passing the money through."

Legislator Sauerbrey inquired if this was flood related.

Elaine Jardine indicated that it was.

There being no further comments, the hearing was adjourned at 1:05 P.M.

Twelfth Regular Meeting
December 13, 2011

The Twelfth Regular Meeting of 2011 was held on December 13, 2011 and was called to order by the Chair at 6:00 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Huttleston to have a moment of prayer. "As I was driving here today for this special occasion and wonderful example of democracy, which many countries are unable to enjoy, I said to myself this is as good as it gets. I thought isn't it great to be an American and we are so lucky and blessed to be born in a great caring, loving and free country that gives us the freedom of religious choice and several other freedoms that other people in the world are unable to enjoy. Let us take the time to thank the many people from the past that have given and sacrificed so much to allow us to live free. Let us bless and thank our leaders and military forces who are making many sacrifices to ensure and protect our freedom. Let us pray that the entire world will someday be able to live in peace and all the people will be free of hate, anarchy, and terrorism. Thank you Lord for this great country and our freedom, and I ask you to guide and bless this Legislative body, our department heads, and employees."

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

Legislator Sauerbrey read and presented the following recognition resolution to Arlene Howe.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 246-11

*RESOLUTION RECOGNIZING
ARLENE HOWE'S YEARS
OF SERVICE TO TIOGA COUNTY*

WHEREAS: Arlene Howe was appointed to the position of Typist at the Department of Social Services on November 19, 1990 and then appointed Deputy Legislative Clerk of the Tioga County Legislature on May 24, 1993 and remained in this position for the remainder of her career; and

WHEREAS: Arlene Howe has been extremely dedicated in the performance of her duties and responsibilities over the years to the Legislative Office. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Mrs. Howe retired on December 31, 2009 and has worked part-time as Deputy Legislative Clerk for the past two years; 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 Arlene Howe for her years of dedicated service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Arlene Howe.

ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislative Clerk Maureen Dougherty spoke. "I want to thank Arlene for her years of service and dedication in helping me in the office and always being there, and she was pretty loyal about being there and not missing time or anything. She kept the accounts payable running and I do appreciate all the years and everything she has done. Thank you very much."

Arlene Howe spoke. "I would like to say thank you to the County for giving me the opportunity to have worked here. Now I will find out what full time retirement is and now it is going to be up to someone else to keep my candy dish filled. Thank you."

Legislator Huttleston read and presented the following recognition resolution to Peter Ward.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 247-11 *RECOGNITION OF
PETER L. WARD'S 16 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
HEALTH DEPARTMENT*

WHEREAS: Peter L. Ward was elected Tioga County Legislator from January 1, 1996 through December 31, 2004; and

WHEREAS: Peter L. Ward, was appointed to the part-time position of Director of Weights and Measures on January 3, 2005 in the Tioga County Health Department; the position he still holds; and

WHEREAS: Peter L. Ward has been extremely dedicated, loyal and professional in the performance of his duties and responsibilities during the past years to the County and to the Public Health Department. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Ward will retire on December 31, 2011; 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 Peter L. Ward for his total of over 16 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Peter L. Ward.

ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. “Pete Ward is a long-time farmer from Candor. I have known Peter and some of his family for a good many years. His Uncle used to sign all my plans, Howard Ward. I will say that Peter is a good Christian and he has always been a gentleman, and above all he has always been a good friend. Thank you Peter.”

Johannes Peeters, Public Health Director, spoke. “I just want to say these two gentlemen here are probably one of the original people that hired me to the job and I want to thank them both for doing that. It has been fun working for Tioga County. With Peter working for the Health Department, whenever I wanted to find out about how I ought to work with the Legislature, I would always rely on Peter to give me that information.

“It is especially sad to see Peter leaving and retiring. If you had seen how the weights and measures was run when I first came and where it is today, it is all based on what Peter did and I really appreciated that. He has done a good job for weights and measures. He has always been an inspiration to me and working with the County, and I know he has been a good advocate for all the residents of the County. Peter, thank you.”

Peter Ward spoke. “Hans and I have that little thing, I hired him, but he is my boss. I told him when I took the job that I could be a good Indian. I have had good support from everyone I have worked with. We hired a lot of good people besides Hans and I have appreciated Denis McCann, the Finance man for the Health Department and his help. The list goes on and on.

“There is one thing I have to say and I do not want to offend anybody, but the Lord Jesus Christ has made it possible for me to do this. I am going to give you a little history. My father died just before his 75th birthday. My oldest sister died just before her 75th birthday. My brother died just before his 75th birthday. I took this job just before my 75th birthday.”

Chair Weston stated that the following recognition resolution on Kandi Saxton will just be noted.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 248-11

*RESOLUTION RECOGNIZING
KANDI SAXTON'S YEARS
OF SERVICE TO TIOGA COUNTY*

WHEREAS: Kandi Saxton was appointed to the position of Social Work Assistant II at the Department of Mental Hygiene on October 22, 2001 and remained in this position for over 10 years; and

WHEREAS: Kandi Saxton has been extremely dedicated in the performance of her duties and responsibilities over the years to the Mental Hygiene Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Kandi has performed her duties as a Case Manager in a kind, caring and supportive manner; and

WHEREAS: Kandi has been a strong advocate for many of the severely and persistently mentally ill clients within the community and has assisted them in obtaining the services and attention that they need, and that they deserve; and

WHEREAS: Kandi has been a successful advocate for our clients with some of the larger and more impersonal systems of care; 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 Kandi Saxton for her years of dedicated service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Kandi Saxton.

ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Weston stated that due to unforeseen circumstances the Employee of the 4th Quarter 2011 will not be presented until the January 2012 meeting.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		127.26
A1165	District Attorney		1,578.37
A1170	Public Defender		3,916.06
A1172	Assigned Counsel		20,273.76
A1325	Treasurer		1,027.80
A1345	Purchasing		92.48
A1355	Assessments		4.69
A1364	Expense of County Owned Property		750.00
A1410	County Clerk		625.90
A1411	Department of Motor Vehicles		131.97
A1420	Law		1,366.45
A1430	Personnel		116.00
A1450	Elections		16,976.78
A1620	Buildings		51,359.69
A1621	Buildings		22,820.85
A1680	Information Technology		24,776.81

A2490	Community College Tuition	354,880.46
A2960	Education of Handicapped Children	51,571.44
A3020	Public Safety Comm E911 System	5,289.93
A3110	Sheriff	198.99 13,335.57
A3140	Probation	1,297.57
A3146	Sex Offender Program	8,766.67
A3150	Jail	50,480.59
A3315	Special Traffic Programs	600.00
A3410	Fire	10,496.40
A3640	Emergency Mgmt Office	1,015.95
A4010	Public Health Nursing	33,836.50
A4011	Public Health Administration	11,221.01
A4012	Public Health Education	83.71
A4042	Rabies Control	778.72
A4044	Early Intervention	28,051.75
A4053	Preventive/Primary Health Svcs	1,378.08
A4054	Preventive Dental Services	4,566.41
A4062	Lead Poisoning Program	273.00
A4064	Managed Care-Dental Services	11,881.78
A4070	Disease Control	4,018.00
A4090	Environmental Health	711.39
A4210	Alcohol and Drug Services	20,658.79
A4211	Council on Alcoholism	9,923.66
A4309	Mental Hygiene Co Admin	12,129.63
A4310	Mental Health Clinic	110,116.82
A4320	Crisis Intervention Services	21,177.33
A4321	Intensive Case Management	1,579.91
A5630	Bus Operations	23.28
A6010	Social Services Administration	68,257.24
A6141	Energy Crisis Assistance Programs	1,200.00
A6422	Economic Development	1,937.93
A6510	Veterans' Service	35.00
A6610	Sealer Weights & Measures	97.14
A7310.41	Youth Programs, Refundable	3,778.65
A8020	Planning	90.91
A9060	Health Insurance	1,596.82
SOLID WASTE FUND		54,025.33
COUNTY ROAD FUND		32,928.91
CONSOLIDATED HEALTH FUND		70,825.35
CAPITAL FUND		703,380.73
LIABILITY INSURANCE FUND		126.00
WORKERS' COMP		<u>1,300.00</u>

GRAND TOTAL \$ 1,855,868.22

Legislator McEwen made a motion to approve the minutes of November 3, 15, 22, and 28, 2011, seconded by Legislator Hollenbeck, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 249-11 *FIX TIME OF
ORGANIZATIONAL MEETING*

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 A.M., Tuesday, January 3, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 250-11 *ADOPT STATE EQUALIZATION REPORTS*

RESOLVED: That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 251-11 YEAR END TRANSFERS

RESOLVED: That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That the County Treasurer is hereby authorized and directed to effect this resolution.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Huttleston.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 252-11 *AUTHORIZE TREASURER TO
ENCUMBER FUNDS*

RESOLVED: That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

RESOLVED: That said funds be encumbered before December 31, 2011 to allow proper coding of bills for payment in January.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 253-11 *ADOPT COUNTY BUDGET FOR 2012,
APPROPRIATIONS AND SALARY
SCHEDULE*

RESOLVED: That the tentative budget for Tioga County for the year 2012 submitted by the Budget Officer on November 15, 2011 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2012; and be it further

RESOLVED: That the several amounts specified in such budget as to the total for the several objects as set forth in Schedule 1 therein be appropriated for such objects, effective January 1, 2012; and be it further

RESOLVED: That the full time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 254-11 TOWN TAX LEVY

WHEREAS: There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2012; be it

RESOLVED: That there shall be, and there is, assessed against and levied upon and collected from the taxable property situate in the following Towns outside the incorporated Villages or partially located therein, the amounts indicated for Town purposes as specified in the Budgets of the respective Towns as follows:

<u>Part Town</u>	<u>General Outside</u>	<u>Highway Outside</u>
Barton	-	-
Candor	\$53,369.00	217,380.00
Newark Valley	-	-
Nichols	3,560.00	44,570.00
Owego	-	1,656,694.00
Spencer	32,250.00	395,853.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

Town of Barton	
Halsey Valley Fire Protection	15,931.00
Lockwood Fire Protection	37,000.00
Waverly Joint Fire Protection	250,347.00
Town of Berkshire	
Berkshire Fire District	126,100.00
Town of Candor	
Candor Fire District	419,600.00
Town of Newark Valley	
Newark Valley Fire District	180,771.23
Town of Nichols	
Lounsberry Fire Protection	3,000.00
Nichols Joint Fire Protection	135,400.00
Town of Owego	
Apalachin Fire District	700,613.00
Owego Fire District	945,913.00
Newark Valley Fire District	26,288.77
Town of Richford	
Richford Fire District	76,705.00
Town of Spencer	
Spencer Fire Protection District	75,000.00
Town of Tioga	
Tioga Fire District	180,469.00

Further

RESOLVED: That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within certain sewer, water and lighting Districts in the Town of Owego and the amounts specified in their annual budgets as follows:

Water District No. 4/Ext. 13	11,573.00
Water District No. 4/Ext. 15	7,350.00
Water District No. 4/Ext. 17	20,600.00
Water District No. 4/Ext. 20	17,275.00
Sewer District No. 2/Ext. 14	13,073.00
Sewer District No. 2/Ext. 15	11,438.00
Lighting District No. 1	5,669.00
Lighting District No. 2	11,761.00
Lighting District No. 3	10,233.00
Lighting District No. 4A	602.00
Lighting District No. 4B	1,891.00
Lighting District No. 5	6,370.00
Lighting District No. 6	15,433.00
Lighting District No. 7	1,965.00
Lighting District No. 8	1,274.00
Lighting District No. 9	585.00
Lighting District No. 10	818.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$214,491.72; be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$8,544.73; be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Tioga returned sewer and water rents in the amount of \$27.56; be it further

RESOLVED: That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	197,880.00	450,228.00
Berkshire	85,395.00	323,550.00
Candor	367,187.00	792,470.00
Newark Valley	265,728.00	304,300.00
Nichols	98,239.00	238,350.00
Owego	813,412.00	-
Richford	138,237.00	410,275.00
Spencer	292,225.00	60,501.00
Tioga	221,406.00	518,276.00

Further

RESOLVED: That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 255-11 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. 253-11 dated December 13, 2011 adopted a Budget for the fiscal year 2012 and by Resolution No. 253-11 dated December 13, 2011 has made appropriations for the conduct of the County Government during said fiscal year and has by resolution No. 254-11 dated December 13, 2011 levied the taxes required for the support of the Government of the several Towns; therefore be it

RESOLVED: That this Legislature hereby levies the following for recycling purposes, upon the taxable real property liable therefore, in the County upon valuation as heretofore equalized by it.

Barton	127,547.10
Berkshire	23,129.06
Candor	97,078.75
Newark Valley	66,833.40
Nichols	45,738.44
Owego	405,121.80
Richford	23,000.09
Spencer	62,866.19
<u>Tioga</u>	<u>80,093.17</u>
 Total	 931,408.00

And be it further

RESOLVED: That pursuant to Section 360 of the County Law and Section 900 of the Real Property Tax Law, this Legislature hereby levied the following for County purposes, excluding Solid Waste set forth above, upon the taxable real property in the County upon valuation as heretofore equalized by it.

Upon all the taxable property liable for the support of County Government, the sum of \$20,596,898.00 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	413,081.53
For School Tax Returned	3,163,665.03
For Deficits from prior years' taxes	883.69
For Reimbursement of Erroneous taxes, etc.	10,732.06
All of the forgoing being subject to	
Credit for excess collection the prior year of	57.18

Further

RESOLVED: That the County Treasurer's Department be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. 254-11 on the rolls of the several Towns against each parcel of property set forth in said rolls, and that the Chair and the Clerk of the County Legislature be directed and empowered to execute under the seal of this Legislature the several Tax warrants for the collection of said taxes, and to cause the several tax rolls with said warrants annexed to be delivered to the Collectors of the several Tax Districts of the County on or before December 31, 2011; and be it further

RESOLVED: That the tax rates for each of the Towns, excluding Solid Waste, are as follows:

Barton	Out	8.629
	In	8.629
Berkshire		8.685
Candor	Out	116.983
	In	116.983
Newark Valley	Out	12.943
	In	12.943
Nichols	Out	30.666
	In	30.666
Owego	Out	10.605
	In	10.605
Richford		6.717
Spencer	Out	8.521
	In	8.521
Tioga		114.919

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 256-11 APPROPRIATION OF FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Health Department (TCHD) has received additional American Recovery and Reinvestment Act Immunization funding through the NYS Department of Health; and

WHEREAS: The funding is specifically earmarked for TCHD to purchase equipment and software items related to improved clinic services billing; and

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

RESOLVED: That funding be appropriated as follows:

From: A4401.00 Federal Funds	\$4,238
To: A4053.20-130 Preventive & Primary Health: Equipment	\$4,238

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 257-11 *APPROPRIATE FUNDS TROPICAL LEE
STORM WATER DAMAGE TO COUNTY
FACILITIES*

WHEREAS: The County has suffered severe damages during the September Tropical Lee Storm water disaster, and

WHEREAS: The County has already appropriated and spent \$1,500,000 to replace items lost and cover expenses related to cleanup, and

WHEREAS: There will be claims made to FEMA, SEMO and our insurance for reimbursement of related expenses, and

WHEREAS: There is a system in place for the tracking and documentation of these expenses, and

WHEREAS: Reimbursements of expenditures will take several months, therefore be it

RESOLVED: That the sum of \$1,500,000 be appropriated for transfer as follows:

General Fund

From:

A599 Appropriated Fund Balance	\$1,500,000
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To:

A9950.93 Transfer to Capital All Other	\$1,500,000
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And

Capital Fund

From:

H5031.30 Interfund Revenue All Other	\$1,500,000
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To:

H1625.20 Tropical Storm Lee Disaster	\$1,500,000
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ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 258-11 *TRANSFER OF FUNDS*
HAZARD MITIGATION

WHEREAS: The Emergency Management Office has received a grant in the amount \$70,000 to renew the County's Hazard Mitigation Plan; and

WHEREAS : The EMO budget will not be sufficient to handle the \$17,500 local share required in the grant and needs to have funds transferred; therefore be it

RESOLVED: That the amount of \$17,500 be transferred from Planning Personnel Account A8020.10-20 to Hazard Mitigation Plan Account A3957.40-590.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 259-11 *AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY
ASSOCIATES, PC, AND TIOGA COUNTY*

WHEREAS: Beginning January 1, 2012 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$800.00 to be paid to Pathologists, \$400.00 for morgue fees, and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/12 through 12/31/12.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 260-11 *PROVISION OF PRINTING SERVICES
CONTRACT*

WHEREAS: The Tioga County desires to enter into a contract for the provision of printing services; and

WHEREAS: Tioga County prepared and advertised Bid package Pur # 2012-01 for the provision of printing services; and

WHEREAS: Tioga County received one bid for the provision of printing services; and

WHEREAS: Smith-Ingalls-French of 75 Travis Avenue, PO. Box 1920, Binghamton, New York 13902 was the only responsive and responsible bidder; therefore be it

RESOLVED: That the Tioga County Legislature retain Smith-Ingalls-French of 75 Travis Avenue, PO, Box 1920, Binghamton, New York 13902 for the provision of printing services in accordance with all of the requirements of Bid package Pur # 2012-01 for the period January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 261-11 *AGREEMENT AMENDMENT
CASELLA WASTE MANAGEMENT
HAULING CONTRACT*

WHEREAS: Casella Waste Management of New York, Inc. d/b/a Superior Disposal was awarded Tioga County's hauling contract for a three year period which began February 1, 2011, said bid being \$34.20 per ton with a minimum of 20 tons per load; and

WHEREAS: Barton Transfer was flooded from Tropical Storm Lee and closed due to said flooding; and

WHEREAS: The Tioga County Legislature temporarily opened the Barton Transfer Station for bagged garbage only until December 31, 2011, which is being collected in roll offs; therefore be it

RESOLVED: That the Tioga County Legislature hereby amend the February 1, 2011 agreement with Casella to reflect the change in hauling of municipal solid waste.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 262-11 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for household hazardous waste programs; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:

LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 263-11

*AUTHORIZE BIDDING OUT OF BARTON
TRANSFER STATION, REAL PROPERTY
AND SOLID WASTE MANAGEMENT
PERMIT*

WHEREAS: The Barton Transfer Station has suffered extensive damage due to Tropical Storm Lee; and

WHEREAS: It appears that is no longer in the best interests of the taxpayers of Tioga County to operate the Barton Transfer Station inasmuch as the cost exceeds the projected revenue; and

WHEREAS: If the Barton Transfer Station is not fully reopened by Tioga County, it would appear that the Real Property upon which it is situated would no longer be necessary for public use; and

WHEREAS: The Tioga County Legislature wishes to seek purchasers for the Barton Transfer Station and its New York State DEC Solid Waste Management Permit together with the real property upon which it is situated; and

WHEREAS: NYS County Law Section 215(6) provides that the property may be sold only to the highest responsible bidder after public advertisement; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs that the a Bid Package be prepared and publicly advertised to offer for sale the Barton Transfer Station, its NYS DEC Solid Waste Management Permit, and the real property upon which it is situated; and be it further

RESOLVED: That the County Attorney be authorized to retain the services of Coughlin and Gerhart LLP, retroactive to November 17, 2011, to assist in all aspects of the bidding and sale of the Barton Transfer Station.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 264-11

*RESOLUTION TO APPROVE A
CONTRACT BETWEEN THE TIOGA
COUNTY PROBATION DEPT. AND
THE FAMILY AND CHILDREN'S
SOCIETY TO PROVIDE ADULT
SEXUAL OFFENDER TREATMENT
SERVICES*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult sex offender treatment in 2012; and

WHEREAS: The Family and Children's Society is continuing to offer a sexual offender treatment program for a maximum of 20 adult sex offenders at any point in time to Tioga County Probation for \$110,880 annually; now therefore be it

RESOLVED: That the Probation Director is approved to contract with The Family and Children's Society to provide adult sexual offender treatment services in the amount of up to \$110,880 annually.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: LEGAL/SAFETY COMMITTEE

RESOLUTION NO. 265-11 *RENEW CONTRACT
PARTNERS IN SAFETY, INC.
(CDL DRUG & ALCOHOL TESTING)*

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

WHEREAS: The Safety Department has coordinated with several of the Towns and Villages within Tioga County to have this testing done by an outside agency since 1995; and

WHEREAS: All the municipalities involved, including the County are in agreement that the contract should be renewed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, pending approval by the County Attorney, to renew the contract with Partners in Safety, Inc. for random drug and alcohol testing in accordance with Federal regulations at the following rates indicated:

Complete DOT Random Testing Program \$43.00 Per Employee Per Year

To Include:

- Random Selection of Employees (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- Blind Specimen Submissions
- MIS Reports
- Supervisor Training for Reasonable Cause
- Collection Site Management

ADDITIONAL CHARGES: For pre-employment, post-accident, reasonable cause or follow-up tests performed during business hours:

Drug Test (at lab or office of Partners in Safety): \$46.00 per test

Drug Test (at Walk-In Medical Facilities, Hospitals, etc.): \$76.00 per test
 Return to Duty/Follow-Up drug test including
 observed Specimen collection performed at:
 Offices of Partners in Safety: Approved walk-in
 Medical facility \$76.00
 Breath Alcohol Test: \$40.00 per test
 DOT/19A Physicals (at the office of Partners in Safety): \$50.00 per person

Emergency Service \$125 per hour
 Minimum 2 hours
 plus the cost of the test

Split Specimen Testing (re-test of positive specimen by other SAMHSA
 certified lab, including shipping and maintenance of chain of custody;
 only when requested by employee within 72 hours of MRO's notification):
 \$250.00

On-site 19A/DOT physicals available upon request (minimum volume
 required).

Additional services are billed monthly. Payment is due prior to the 30th of
 the month following the month in which services were provided.

and be it further

RESOLVED: That this contract shall be effective January 1, 2012 -
 December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey,
 Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 266-11 *AMEND RESOLUTION 215-11 AND
242-11 TO AUTHORIZE THE
SUBMISSION OF MITIGATION
GRANT APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: Resolution 242-11 requires amendment, which resolution was previously amended by Resolution 215-11; and

WHEREAS: Resolution 242-11 appointed the Director of Emergency Management the Point of Contact for the State Office of Emergency Management (SOEM) and FEMA and the Point of Contact should be the Director of Tioga County Soil and Water Conservation District; therefore be it

RESOLVED: That Resolution 242-11 be hereby amended to appoint Wendy Walsh, Director of Tioga County Soil and Water Conservation as the Point of Contact for the State Office of Emergency Management (SOEM) and FEMA; and be it further

RESOLVED: That the remainder of Resolutions 215-11 and 242-11 shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 267-11

*AUTHORIZE THE SUBMISSION OF
HOMELAND SECURITY GRANT
APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security has issued a grant of \$75,142 to the Tioga County Office of Emergency Management. The grant will be used for the purchase of equipment to strengthen the command and control function of the Emergency Operation Center and to hire a consultant to update the county's All Hazards Emergency Comprehensive Plan; and

WHEREAS: The Tioga County Emergency Management Office has to submit an application for this funding; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Emergency Management Office apply for this grant.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 268-11 *AUTHORIZE THE SUBMISSION OF
GRANT APPLICATION
SHERIFF'S OFFICE*

WHEREAS: The NYS Office of Homeland Security has announced the FY'11 State Law Enforcement Terrorism Prevention Program (SLETPP) for Tioga County Law Enforcement; and

WHEREAS: Applications for these monies must be received no later than December 31, 2011; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant applications are submitted; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 269-11 *APPROVE PUBLIC TRANSPORTATION
BUS ROUTE CHANGES
SOCIAL SERVICES*

WHEREAS: Tompkins Consolidated Area Transit, Inc. has decided to eliminate service in Tioga County via Route 38 to Newark Valley; and

WHEREAS: It has been determined that Ride Tioga can continue this service at no additional cost, by eliminating other service with low ridership or where other options are available to riders; and

WHEREAS: Adjustments to some fixed routes will enhance ridership and accommodate current riders; therefore be it

RESOLVED: That the Department of Social Services be authorized to make the following fixed route changes, effective January 15, 2012:

1. Eliminate Route #7 from Nichols to Waverly;
2. Eliminate Route #2 Owego to Spencer;
3. Add two AM and PM commuter runs from Owego to Ithaca via Route 38 and 79;
4. Adjust start time on Route 3 Owego to Ithaca.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 270-11

*INCREASE DELTA ENGINEERING
SERVICES FEE FOR DESIGN OF
GRIDLEYVILLE CROSSING RD. BRIDGE*

WHEREAS: Resolution 87-11 awarded the Design Services Contract to Delta Engineers, Endwell, NY for the Design Services of the Gridleyville Crossing Rd. Bridge (BIN: 3335090) in the amount of \$69,997 to be paid out of Gridleyville Crossing Rd. Bridge account H2011.10; and

WHEREAS: Detailed inspection has revealed the need for further work on the Gridleyville Crossing Rd. Bridge, which will change this project from a rehabilitation to a reconstruction; and

WHEREAS: The design effort for this project has increased as follows:

- Steel Framing Plan
- Girder Elevations and Details
- Diaphragm Details
- Moment/sheer tables/Design Load Tables
- Design of New Steel Beams
- Preparation of Dec/ACOE Permit including back-up drawings & Impact quantities (Now required for scour mitigation work at pier)

Therefore be it

RESOLVED: That the Tioga County Legislature authorizes the design fee to be increased for Delta Engineers, Endwell, NY in the amount of \$8,800 to be paid out of the Gridleyville Crossing Rd. Bridge Account H2011.10.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 271-11 *APPOINT MEMBER TO THE TIOGA COUNTY BOARD OF HEALTH*

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: Mark Corey, MD, resigned from the Board of Health 7/31/2011; and

WHEREAS: The appointed term for Mark Corey, MD, on the Board of Health expires 12/31/2014; and

WHEREAS: Vincent Leonti, MD, has agreed to fill the unexpired term of Mark Corey, MD; therefore be it

RESOLVED: That Vincent Leonti, MD, be appointed to the Board of Health to fill the unexpired term of Mark Corey, MD, for a term of 7/31/2011-12/31/2014.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 272-11

*REAPPOINT MEMBERS TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: Three members terms on the Tioga County Planning Board expire as of 12/31/11; and

WHEREAS: The Village of Owego has nominated Georgeanne Eckley to serve another term as their representative; and

WHEREAS: The Town of Candor has nominated Gary Henry, Jr. to serve another term as their representative; and

WHEREAS: The Town of Newark Valley has nominated Heidi Mann to serve another term as their representative, therefore be it

RESOLVED: That the Tioga County Legislature reappoint Georgeanne Eckley, Gary Henry, Jr. and Heidi Mann to the Tioga County Planning Board, all to serve 3-year terms of 1/1/12 – 12/31/14.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 273-11 *AMEND RESOLUTION 488-93,
AS AMENDED BY RESOLUTION
NO. 241-10, AS AMENDED
BY RESOLUTION 181-11
GIS ADVISORY BOARD*

WHEREAS: The Tioga County GIS Advisory Board, created per resolution 488-93, serves to provide oversight and guidance to GIS activities in Tioga County including issues such as personnel, hardware and software resources, alternative program funding, application development and GIS program prioritization; and

WHEREAS: Resolution No. 241-10 amended resolution No. 488-93 to add the GIS Manager to the GIS Advisory Board and appoint as Chair; and

WHEREAS: Resolution No. 181-11 amended resolution No. 488-93 to appoint the current 12 members of the GIS Advisory Board with designees as the members sometimes cannot be available to attend meetings and would like to have a designee appointed to attend in their place if unavailable; and

WHEREAS: The GIS Board would like to additionally appoint members from the Probation Department and Board of Elections or their designees to the GIS Advisory Board for terms of office; therefore be it

RESOLVED: That Resolution No. 181-11 be amended to appoint members from the Probation Department and Board of Elections or their designees to the GIS Advisory Board as follows:

Board of Election Directors or designees	TERM OF OFFICE
Probation Department Director or designee	TERM OF OFFICE

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen introduced Local Law Introductory No. F of 2011:

County of Tioga

Local Law No. of the Year 2011.

A Local Law Amending Local Law No. 1 of the year 1974 Creating the Office of Public Defender and Assistant Public Defender in Tioga County.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

That from the effective date hereinafter set forth the term of office for said Office of Public Defender is hereby fixed with Group One of the Tioga County Legislators pursuant to Local Law No. 2 of the year 2011.

SECTION 2:

That the remainder of Local Law No. 1 of the year 1974 remains in full force and effect.

SECTION 3:

This Local Law shall become effective upon filing with the Secretary of State.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 274 -11 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. F OF 2011*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. F of 2011 A Local Law amending Local Law No. 1 of the year 1974 Creating the Office of Public Defender and Assistant Public Defender in Tioga County in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, December 22, 2011 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 275 -11 *AUTHORIZE PURCHASE OF SPECIFIC AND
AGGREGATE STOP-LOSS FOR
CONSOLIDATED HEALTH INSURANCE
PROGRAM*

WHEREAS: The Tioga County Consolidated Municipal Health Insurance Program's (TCCMHIP) specific and aggregate stop-loss policies expire December 31, 2011; and

WHEREAS: TCCMHIP continues to experience rising health insurance costs and large claims incurred by individual members; and

WHEREAS: The continuance of both specific and aggregate stop-loss coverage help to limit exposure to the TCCMHIP; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase specific and aggregate stop-loss retroactive to December 5, 2011, subject to review by the County Attorney, from an A Rated or better Insurance Company who can provide the best coverage not to exceed a cost of \$425,000 dependent on enrollment, for the Tioga County Consolidated Municipal Health Insurance Program for the period of January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 276-11 *AUTHORIZE CONTRACT WITH CSEA
EMPLOYEE BENEFIT FUND*

WHEREAS: The current collective bargaining agreement between CSEA and the County allows for CSEA to select a Dental insurance plan for their membership; and

WHEREAS: The employees will pay 100% of the cost for said plan via payroll deductions; and

WHEREAS: THE CSEA requested an opportunity to select a Vision plan as well, with the same conditions applying, to which the County agreed; and

WHEREAS: The CSEA has selected the Solstice Dental and Solstice Vision plans available from the CSEA Employee Benefit Fund; and

WHEREAS: These same plans will be offered on a voluntary basis to eligible Non-Union employees; and

WHEREAS: CSEA Employee Benefit Fund requires the County sign a contract which addresses the financial aspects of the Solstice Dental and Solstice Vision plans; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a contract with CSEA Employee Benefit Fund for the purpose of facilitating the Solstice Dental and Solstice Vision plans, for the period of January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 277 -11 *AMEND RESOLUTION # 269-10
EXTEND HIRING DELAY THROUGH 2012*

WHEREAS: Resolution #269-10 amended Resolution #224-10, thereby establishing a 90-day delay in backfilling vacancies; and

WHEREAS: Tioga County has saved significant money by prohibiting vacancies from being filled immediately; and

WHEREAS: The County Legislature would like to continue this practice through 2012 as one step toward controlling the 2012 County Budget; therefore be it

RESOLVED: That Resolution #269-10 is hereby amended to be effective through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 278-11 *SUSPEND RESOLUTION #195-09, AMEND
RESOLUTION #412-01, PART-TIME,
SEASONAL, AND TEMPORARY HOURLY
RATES*

WHEREAS: Resolution #195-09 froze the hourly rates for part-time, seasonal and temporary positions at the 2009 rates; and

WHEREAS: Resolution #412-01 established that part-time, seasonal and temporary rates would be determined by pro-rating the full-time comparable title, then subtracting 3%; and

WHEREAS: The County Legislature believes that these employees are due an increase in 2012 after no increases for 3 years; and

WHEREAS: Instead of increasing the wages to 3% less than the pro-rated 2012 amount, the Legislature prefers to give an increase reflective of the change in Consumer Price Index (CPI); therefore be it

RESOLVED: That Resolution #195-09 is hereby suspended; and be it further

RESOLVED: That resolution # 412-01 be amended that effective January 1, 2012, all part-time, temporary and seasonal hourly rates shall be increased by 1.6%, in accordance with the 2010 change in CPI; and be it further

RESOLVED: That an additional adjustment of 2.8% shall be added effective January 1, 2012, in accordance with the year-to-date change in CPI for 2011.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Quinlan, Sauerbrey, Sullivan, and Hollenbeck.

No – Legislators McEwen and Roberts.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ADMINISTRATIVE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 279-11 AUTHORIZATION OF
TWO VOTING MACHINE TECHNICIANS
PART-TIME POSITIONS
BOARD OF ELECTIONS

WHEREAS: Legislative approval is required for positions within Tioga County; and

WHEREAS: The Federal Help America Vote Act, HAVA, and enacted changes in the New York State Election Laws, resulted in the mandated use of electronic voting machines; and

WHEREAS: The voting machines require quarterly testing, running of test ballots, monthly battery maintenance, and inspection assuring proper repair of voting machines in accordance with NYS Board of Elections regulations and manufacturer warranty requirements; and

WHEREAS: Resolution 125-09 created two part-time Voting Machine Technician positions (one Democratic and one Republican) to work on an as-needed basis through December 31, 2009 to provide the technical support required on the new voting machines and for ongoing training and work thereafter on an as-needed basis; and

WHEREAS: Resolution 308-09 authorized the extension through December 21, 2010 of the two part-time Voting Machine Technician positions with a review of the continued need and said use of such positions; and

WHEREAS: The Voting Machine Technician positions are mandated according to Election Law § 3-300 and § 3-302 which allows "every Board of Elections to fix their number, prescribe their duties, fix their titles and rank and establish their salaries within the amounts appropriated therefore by the local legislative body and shall secure in the appointment of the Board of Elections equal representation of the major political parties"; and

WHEREAS: Resolution 228-10 authorized to maintain the two part-time Voting Machine Technician positions to work on an as-needed basis through December 31, 2011 at a rate not to exceed the 2011 budgeted amount; and

WHEREAS: The Voting Machine Technicians worked over 300 hours each in 2009, the year the positions were created, worked over 430 hours each in 2010 and retired at the end of the year. New Voting Machine Technicians were hired in April 2011, attended training from Dominion Voting and continue to meet the increasing requirements necessary for fair, honest, and legal elections and have each worked 450 hours in 2011 through the General Election; and

WHEREAS: If the state Legislature fails to move its Senate and Assembly primary, there will be three Primary Elections in New York next year and a General Election, that will require the local Board of Elections to have voting machines ready for deployment in addition to mandated testing, programming and updates to the voting machines; therefore be it

RESOLVED: That the Board of Elections be authorized to maintain two part-time Voting Machine Technician positions to work on an as needed basis at a rate not to exceed the annual budgeted amount; and be it further

RESOLVED: That the hourly rate paid to the Voting Machine Technicians does not need to conform with the guidelines for other part-time hourly positions within Tioga County; and be it further

RESOLVED: That the authorized part-time head count for the Board of Elections be continued at 2.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE
 RESOLUTION NO. 280-11 STAFF CHANGES FOR 2012
 (VARIOUS DEPARTMENTS)

WHEREAS: The Tioga County Legislature reviewed requests from various departments regarding staff changes for 2012; and

WHEREAS: These requests were considered during the 2012 Budget preparation process; therefore be it

RESOLVED: That the following position changes are effective January 1, 2012 unless noted otherwise:

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
<u>COUNTY CLERK'S OFFICE</u>			
L. Bogart	Account Clerk Typist (Grade 4)	Recording Clerk (Grade 5)	+\$1,280
D. Stoughton	Account Clerk Typist (Grade 4)	Recording Clerk (Grade 5)	+\$1,280
S. Ulrich	Account Clerk Typist (Grade 4)	Recording Clerk (Grade 5)	+\$1,280
<u>LAW DEPARTMENT</u>			
VACANT	Stenographer (P.T.)	Abolish	-\$6,281
<u>LEGISLATIVE OFFICE</u>			
A. Howe	Deputy Clerk to the Legislature (P.T.) (Non-Union)	Abolish	-\$15,114
<u>MENTAL HYGIENE DEPARTMENT</u>			
D. Stubecki	Administrative Secretary (Grade 5)	Abolish	-\$29,658
K. Saxton	Social Work Assistant II (Grade 11)	Abolish	-\$40,001

PUBLIC WORKS DEPARTMENT

V. Herrmann	Account Clerk Typist, (P.T.)	Abolish	-10,147
S. Lantz	Account Clerk Typist, (P.T.)	Abolish	-10,147
P. Lattimer	Account Clerk Typist, (P.T.)	Abolish	-10,147
C. Rudy	Account Clerk Typist, (P.T.)	Abolish	-10,147
D. Berry	HEO II (Grade 4)	MEO I (Grade 8)	-5,076

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 281-11 *APPOINT SECRETARY TO COUNTY ATTORNEY*

WHEREAS: The full-time position of Secretary to County Attorney will be vacant on January 2, 2012; and

WHEREAS: Permission was given by the Finance/Legal Committee on November 15, 2011 to hire upon vacancy; and

WHEREAS: The County Attorney has identified a candidate for the position who is willing and eligible for appointment; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the County Attorney to appoint Diane Stephens as Secretary to County Attorney at an annual, non-union, salary of \$36,500, effective January 3, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 282-11 *AUTHORIZATION TO WAIVE 90-DAY
HIRING DELAY; BACKFILL PART TIME
REAL PROPERTY TAX SERVICE
TECHNICIAN*

WHEREAS: The Real Property Office has a need to backfill a vacant part-time Real Property Tax Service Technician position effective January 1, 2012; and

WHEREAS: The Tioga County Legislature established a 90-day delay in backfilling vacant positions for the purpose of cost savings; and

WHEREAS: Real Property is in need of backfilling the part-time Real Property Tax Service Technician position, which has been vacant since January 2010, in order to have adequate trained staff coverage within the office; therefore be it

RESOLVED: That the Real Property Director is hereby granted a waiver from the 90-day hiring delay in order to fill the part time Real Property Tax Service Technician position; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Real Property Director to fill the part time Real Property Tax Service position from the appropriate civil service list at an hourly rate of \$15.344, effective January 3, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 283-11

*AUTHORIZE CONTRACTS WITH SADD
SCHOOL ASSOCIATES*

WHEREAS: It is the desire of the STOP DWI Program to arrange six contracts with SADD School Associates which are defined as Independent contractors not entitled to County Employee benefits; and

WHEREAS: It is the desire to award the six SADD School Associate contracts for the calendar year 2012 to the following individuals; Matt Gelder to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Karen Curtis to serve the Spencer Van Etten School District; Janice Barto to serve the Tioga Central School District and Katie Carter-Benetiz to serve the Waverly School District; and

WHEREAS: Each SADD School Associate will be compensated \$100 each month for the ten months of the school year, but will not exceed \$1,000 for the year; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and outlines the compensation to be paid to the STOP DWI School Associates; therefore be it

RESOLVED: That said contracts for SADD School Associates be authorized for the 2012 calendar year.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 284-11 *ABOLISH VACANT HEO III POSITION
AND CREATE HEO I & HEO II
POSITIONS; AUTHORIZE TEMPORARY
INCREASE OF FULL-TIME HEADCOUNT*

WHEREAS: Due to a series of internal promotions within the Tioga County Highway Department, a Heavy Equipment Operator (HEO) III position has been vacant since 9/18/11; and

WHEREAS: The Commissioner of Public Works is unable to fill said vacancy due to a lack of experienced staff to promote from within his department; and

WHEREAS: There is a desire to reorganize the Highway Department to reflect the capabilities of the workers and departmental needs; therefore be it

RESOLVED: That, effective December 14, 2011, the Tioga County Legislature authorizes the Commissioner of Public Works to abolish one (1) vacant HEO III position at an hourly rate of \$15.550 (CSEA Grade 3) and create one (1) HEO II at an hourly rate of \$14.966 (CSEA Grade 4) and one (1) HEO I position at an hourly rate of \$14.359 (CSEA Grade 5); and be it further

RESOLVED: That the Commissioner of Public Works shall abolish one vacant position resulting from the promotions into the newly created HEO II and HEO I positions, once those promotions are determined; and be it further

RESOLVED: That the Public Works authorized full-time head count for 2011 shall increase from 42 to 43 for the time being until such time a resolution is presented to abolish the vacant position resulting from the promotions.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

The meeting was adjourned at 6:30 p.m.

Public Hearing
Local Law Introductory No. F of 2011
December 22, 2011

The Public Hearing on Local Law Introductory No. F of 2011 A Local Law Amending Local Law No. 1 of the year 1974 Creating the Office of Public Defender and Assistant Public Defender in Tioga County was called to order by the Chair at 10:04 A.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

There were 10 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no comments, the hearing was adjourned at 10:06 A.M.

Eleventh Special Meeting
December 22, 2011

The Eleventh Special Meeting of 2011 was called to order by the Chair at 10:06 A.M. Eight Legislative members were present, Legislator Sauerbrey being absent.

Chair Weston asked Legislator Huttleston to have a moment of prayer. Legislator Huttleston asked for a moment of silence.

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

There were 10 people in attendance.

Legislator Sullivan read and presented the following Recognition Resolution to Legislator Ronald McEwen.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED BY:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 285-11	<i>RESOLUTION RECOGNIZING RONALD MCEWEN'S YEARS OF DEDICATED SERVICE TO THE TIOGA COUNTY LEGISLATURE</i>

WHEREAS: Ronald McEwen was elected to the position of Tioga County Legislator on January 1, 2008; and

WHEREAS: Ronald McEwen has served as Chair on the Finance committee; and

WHEREAS: Ronald McEwen has served on the committees of Economic Development & Planning, Public Safety, and Information Technology; and

WHEREAS: Ronald McEwen served a term on the Soil & Water Board; and

WHEREAS: Ronald McEwen has been extremely dedicated and loyal in the performance of his duties and responsibilities over the past four years to the Tioga County Legislature. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Ronald McEwen will be leaving his position as Legislator on December 31, 2011; 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 Ronald McEwen for his four years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding Legislator, Ronald McEwen.

ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, McEwen, Monell Weston, Quinlan, Roberts, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen spoke. "When I left the County after my first one of these things, I knew I would be back, but this time I guarantee you, I will not be back. I am going to really enjoy retirement. I have enjoyed working all the years with all the employees. I have also enjoyed, believe it or not, the four years that I have put in with this Legislature. We do not always agree, did not always agree on things, but I think we have been able to come together over the four years that I have been on there and we have had some good times and some bad times, and overall done a good job for the residents of the County and I am going to miss working with all of you. Thank you."

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 286-11 *RATIFY CSEA 2012-2014 COLLECTIVE
BARGAINING AGREEMENT*

WHEREAS: The current Collective Bargaining Agreement between Tioga County and CSEA expires December 31, 2011; and

WHEREAS: Teams representing both parties have been negotiating a successor agreement since May 2011; and

WHEREAS: A Tentative agreement between the two parties was reached at the November 4, 2011, negotiation session; and

WHEREAS: The County Legislature supports the terms of the 3 year contract; therefore be it

RESOLVED: That the Tioga County Legislature hereby ratifies the tentative CSEA contract for the period January 1, 2012 through December 31, 2014; and be it further

RESOLVED: That the Chair of the Legislature, along with the Sheriff, is hereby authorized to sign the Agreement as a joint employer upon ratification by CSEA; and be it further

RESOLVED: That the Tioga County Legislature does hereby agree to implement the funds necessary to carry out the terms and provisions of said contract, upon ratification by CSEA.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 287-11 ADOPT LOCAL LAW NO. 6 OF 2011

WHEREAS: A public hearing was held on December 22, 2011, following due notice thereof to consider the adoption of Local Law Introductory No. F of the Year 2011 A Local Law Amending Local Law No. 1 of the Year 1974 Creating the Office of Public Defender and Assistant Public Defender in Tioga County; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 6 of 2011; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 6 of the Year 2011.

A Local Law Amending Local Law No. 1 of the year 1974 Creating the Office of Public Defender and Assistant Public Defender in Tioga County.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

That from the effective date hereinafter set forth the term of office for said Office of Public Defender is hereby fixed with Group One of the Tioga County Legislators pursuant to Local Law No. 2 of the year 2011.

SECTION 2:

That the remainder of Local Law No. 1 of the year 1974 remains in full force and effect.

SECTION 3:

This Local Law shall become effective upon filing with the Secretary of State.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Monell, Weston, Quinlan, Roberts, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

The meeting was adjourned at 10:10 A.M.

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CERTIFICATE OF CHAIR AND CLERK

STATE OF NEW YORK)

COUNTY OF TIOGA)

We, DALE N. WESTON, Chair and MAUREEN L. DOUGHERTY, Clerk of the Tioga County Legislature, do hereby certify that this pamphlet and volume of the Proceedings of said Legislature, at its monthly and special sessions held in said County during the year 2011, is correct and is printed by authority and direction of said Legislature and pursuant to Section 211 of the County Law.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the Seal of said Legislature at Owego, County of Tioga, State of New York.

DALE N. WESTON
Chair

MAUREEN L. DOUGHERTY
Clerk

Dated: December 27, 2011