

*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 Roberts.

REFERRED TO: ED&P COMMITTEE  
PUBLIC WORKS COMMITTEE

RESOLUTION NO 78-11      *ADOPT TIOGA COUNTY STORMWATER  
MANAGEMENT PROGRAM PLAN 2010 -  
2015*

WHEREAS: Per NYS DEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-08-002); Tioga County is required to prepare and implement a Stormwater Management Program Plan for a Traditional Non-Land Use Control municipality; and

WHEREAS: Tioga County has prepared this document and updated it according to the newest permit, NYS DEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002); and

WHEREAS: This document is on file with both the Planning and Public Works Departments and is also available on-line at the Tioga County ([www.tiogacountyny.com](http://www.tiogacountyny.com)) and the Broome-Tioga Stormwater Coalition ([www.broometiogastormwater.com](http://www.broometiogastormwater.com)) websites; therefore be it

RESOLVED: That the Tioga County Legislature hereby adopt the Tioga County Stormwater Management Program Plan 2010 – 2015.



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 31<sup>st</sup>, 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)
<b>Appointed Officials</b>							
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.