

***First Special & Organizational Meeting***  
**January 2, 2009**

The First Special and Organizational Meeting of 2009 was called to order by the Clerk at 9:00 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**

**William Oberbeck**

**DISTRICT 4**

**Loretta A. Sullivan**

**Tracy Monell**

There were 27 people in attendance.

The Clerk asked Legislator Huttleston to have a moment of Prayer. “As I was driving here today for this special occasion, a 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, that we are 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 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 that are making many sacrifices to insure 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 our employees. Amen.”

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

County Clerk Robert Woodburn swore in Legislators Huttleston, Monell, Quinlan, Sauerbrey, and Sullivan. He also swore in the two Election Commissioners, Bernadette Toombs and Cinda Lou Goodrich.

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

County Clerk Robert Woodburn swore Legislator Weston in as Chair of the Tioga County Legislature for 2009.

Chair Weston spoke. "I would like to say welcome and congratulations to our newly elected and our reelected Legislators. I also extend my thanks to you for the nomination as Legislative Chair. My personal goal is to do my best to be worthy of your support. Together as a team we have the power to guide Tioga County in directions that will benefit its citizens, however in these troubled economic times we have many difficult decisions looming before us."

"I would challenge each and every member of the Legislature to consider the following guidelines when confronting this daunting task. Make decisions using the best knowledge available. Be mindful of our policies and procedures and use them as a structure in which we operate. Be open-minded and flexible when new ideas and strategies are presented. Base decisions on what is best for the citizens of the county and make judgments without interference from personal agendas or partisan politics. Only with a cooperative effort can we expect to confront the unique challenges facing us at this time. I welcome all who would seek to share ideas and concerns with me as Chairman to improve our county government for the benefit of all. Thank you."

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

County Clerk Robert Woodburn swore Legislator McEwen in as Deputy Chair of the Tioga County Legislature for 2009.

The Chair called for nominations for Clerk of the Tioga County Legislature. Legislator Huttleston nominated Maureen L. Dougherty, seconded by Legislator McEwen. Legislator Huttleston moved to close the nominations, seconded by Legislator Sauerbrey. On roll call vote all Legislators voted for Maureen L. Dougherty as Clerk of the Tioga County Legislature and the Chair cast one ballot and Maureen L. Dougherty was declared appointed Clerk of the Tioga County Legislature for a three year term from 1/2/09-12/31/11.

The Chair called for nominations for County Attorney. Legislator Huttleston nominated Mark A. Dixon, seconded by Legislator McEwen. Legislator Huttleston moved to close the nominations, seconded by Legislator Roberts. On roll call vote all Legislators voted for Mark A. Dixon as County Attorney, and the Chair cast one ballot and Mark A. Dixon was declared appointed County Attorney of Tioga County for a three year term of 1/2/09-12/31/11.

County Clerk Robert Woodburn swore in Maureen L. Dougherty as Clerk of the Tioga County Legislature and Mark A. Dixon as the County Attorney.

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

Legislator Huttleston read a personal disclosure. “I have my own real estate appraisal business and I do no appraisals for County owned properties or appraisals of properties for purchase or proposed purchase by Tioga County.”

Legislator McEwen stated. “I have no conflicts to report.”

Legislator Monell stated. “I have no conflicts.”

Legislator Oberbeck stated. “I have no conflicts.”

Legislator Weston stated. “I have no conflicts.”

Legislator Quinlan stated. "No conflicts."

Legislator Roberts stated. "I have no conflicts to report."

Legislator Sauerbrey stated. "I have no conflicts."

Legislator Sullivan stated. "I have no conflicts to report."

**REFERRED TO:                   LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 1-09                   TRIPS AUTHORIZED**

Adoption moved by Legislator Roberts,  
seconded by Legislator Huttleston.

**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.

**CARRIED**

**REFERRED TO:                   FINANCE COMMITTEE**

**RESOLUTION NO. 2-09                   DESIGNATION OF OFFICIAL  
DEPOSITORIES**

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**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

<b>HSBC Bank USA, N.A.</b>	<b>\$25,000,000</b>
<b>M&amp;T Bank</b>	<b>\$25,000,000</b>
<b>Tioga State Bank</b>	<b>\$25,000,000</b>
<b>National Bank and Trust Company, N.A.</b>	<b>\$25,000,000</b>

**Roll Call**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 3-09                    *DESIGNATE OFFICIAL NEWSPAPERS***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Sauerbrey.**

**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.

**On roll call vote on the above resolution, eight members voted Aye, Legislator Huttleston voting no, and the resolution was adopted.**

**REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 4-09                    *DESIGNATION OF NEWSPAPER FOR  
REPUBLICAN PARTY***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.**

**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.

**CARRIED**

**REFERRED TO:** LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 5-09** *DESIGNATION OF NEWSPAPER FOR  
DEMOCRATIC PARTY*

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**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. 1.

On roll call vote on the above resolution, eight members voted Aye, Legislator Huttleston voting no, and the resolution was adopted.

**REFERRED TO:** LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 6-09** *SET SALARY OF CHAIR*

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**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.

On roll call vote on the above resolution, eight members voted Aye, Legislator Weston abstaining, and the resolution was adopted.

**REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 7-09 *FIX DATES AND TIMES OF  
TIOGA COUNTY LEGISLATIVE  
MEETINGS***

**Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.**

**RESOLVED:** That the Tioga County Legislature during 2009 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 2009 Legislative meetings shall be held at 6:00 P.M.

**CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 8-09 *APPOINT PUBLIC DEFENDER***

**Adoption moved by Legislator Oberbeck,  
seconded by Legislator Roberts.**

**RESOLVED:** That George Awad be, and he hereby is, appointed Public Defender for Tioga County, for the year 2009.

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES**

**RESOLUTION NO. 9-09 *APPOINTMENT OF  
ADMINISTRATIVE CORONER***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.**

**WHEREAS:** The Tioga County Coroners have selected an Administrative Coroner for 2009; 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 Jeanne Hyde, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2009 and be given a stipend of \$3,000.00 as set forth in the County budget.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** LEGISLATIVE WORKSESSION

**RESOLUTION NO. 10-09** *APPOINT MEMBERS  
FISH & WILDLIFE  
MANAGEMENT BOARD*

Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.

**RESOLVED:** That Michael Roberts be appointed as the Legislative Representative to the Fish and Wildlife Management Board for a one-year term through December 31, 2009.

**CARRIED**

**REFERRED TO:** LEGISLATIVE WORKSESSION

**RESOLUTION NO. 11-09** *APPOINT MEMBERS  
REGION 7 FOREST  
PRACTICE BOARD*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

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

<u>Name</u>	<u>Term</u>
Michael Roberts-Legislative Representative	1/2/09-12/31/09

**CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 12-09      *APPOINT DIRECTORS  
SOIL & WATER CONSERVATION  
DISTRICT***

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.

**RESOLVED:** That Legislators Dale Weston and Ronald McEwen are hereby appointed Directors of the Tioga County Soil and Water Conservation District for a one year term of January 1, 2009 through December 31, 2009; and be it further

**RESOLVED:** That Ronald E. Dougherty be hereby reappointed Director at Large for a three year term of January 1, 2009 through December 31, 2011.

**CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 13-09      *APPOINT COUNTY AUDITOR***

Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.

**RESOLVED:** That Maureen L. Dougherty, be and she hereby is appointed Tioga County Auditor for a three (3) year term, commencing January 2, 2009 and ending December 31, 2011; and be it further

**RESOLVED:** That Arlene Howe be and she hereby is appointed Deputy Tioga County Auditor, to act in the absence of the County Auditor, said term to be the same as that of the County Auditor; and be it further

**RESOLVED:** That the County Auditor shall be paid an annual salary of two thousand nine hundred sixty dollars (\$2,960.00) and the Deputy County Auditor shall be paid an annual salary of five hundred dollars (\$500.00).

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**Legislator Huttleston made a motion to adjourn at 9:34 A.M., seconded by Legislator Oberbeck, and the motion to adjourn was carried.**

***First Regular Meeting***  
**January 13, 2009**

The First Regular Meeting of 2009 was called to order by the Chair at 1:30 P.M. All Legislative members were present.

Chair Weston asked Legislator Huttleston to have a moment of prayer. “This is a special occasion and a wonderful example of democracy and what this Country is all about, which many countries are unable to enjoy. 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 insure 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 approximately 45 people in attendance.

Elaine Lasater of the Employee Recognition Committee presented the Employee of the Year 2008 award to Elizabeth Jenkins of the Department of Social Services. “Each year the Tioga County Employee Recognition Committee selects one of the four employees of the quarter to be Employee of the Year. This is not an easy task because in 2008 Laurie Monk, Maria Genovese, Elizabeth Jenkins, and Drew Griffin were all honored as employees of the quarter based upon their strong work ethic, dedication to the County, to the people that they serve, and many other outstanding attributes. The Committee is, however, pleased to announce that Liz Jenkins has been selected as our Employee of the Year 2008.

“Liz Jenkins began her employment with the Tioga County Department of Social Services in February 2001 when she was hired as a Caseworker. In August 2003 she was promoted to a Senior Caseworker and just seven months later she was promoted again to a Grade B Case Supervisor, the title she currently holds.

**“In this position Liz is responsible for safeguarding the health and safety of thousands of children in the county, a great task which she is able to do in a professional and compassionate manner. As a Supervisor, Liz has excelled in many areas: curtailing staff turnover, addressing work timeliness, taking the lead in Connections, which is a Services-oriented computerized program, high-density file management, strength-based Casework Practice and much more.**

**“She sets high standards for her staff and works with them and mentors them to meet those expectations. She always goes above and beyond to do whatever it takes to get the job done. Frequently she is the Supervisor who is contacted by on-call Caseworkers when they have questions or difficult situations. Her work ethic is strong; she is hard-working and dependable; she maintains a positive attitude; she continuously seeks to learn new skills and remains up to date with new laws and legislation relating to child welfare. Liz maintains excellent working relationships with other agencies, including the State Office of Children’s and Family Services and Law Enforcement.**

**“Outside of Social Services Liz has very close ties with her family who live in the New England States. Please join me in congratulating Liz on being selected Employee of the Year 2008.”**

**Commissioner Shawn Yetter spoke. “Good afternoon and congratulations Liz. I am going to let Gail do most of the talking because she works directly with and supervises Liz on a daily basis, but I enjoy and appreciate the opportunity that the Legislature gives to have this Committee exist and for us to be able to recognize quality employees that we have within our ranks.**

**“Commissioners of Social Services traditionally either come up through the eligibility and income maintenance side of the world or the child welfare side of the world. I came up through the income maintenance side of the world, so I have to rely on the expertise of those around me to run and monitor and oversee with skill and grace the very complex world of child welfare, and I fortunately have individuals like Liz to do that. She is someone who allows me to have a high level of confidence in what is happening in our County from every nook and cranny from the outskirts of it into the Villages that our people reside in, that our children are safe. Liz does that with a great amount of skill. With a great amount of patience she teaches those who she supervises with that same level of skill and patience, and she is beyond that absolutely a true delight to always be with and work with, and she has a great sense of humor and a great ability to bring people together and work hard under hard circumstances and have very positive outcomes. On behalf of the Department I congratulate you and thank you Liz.”**

Deputy Commissioner Gail Barton spoke. “Good afternoon. I am probably going to repeat some of what Elaine has already said in describing Liz, but I want to talk a little bit about exactly what her job is. In her role as a Child Protective Supervisor and we have two Child Protective Supervisors and two Child Protective Units at Social Services, Liz is responsible for overseeing State Central Register intakes, that is the New York State Hotline, investigative assessments, case planning, and case management. Liz is also expected to assist on-call staff who may call her 24 hours a day, 7 days a week. Liz works closely with School Districts, Law Enforcement Agencies, and other Human Service providers.

“In 2008 CPS and Tioga County received 793 reports involving 1785 children, and while it may be able to be debated I think being a child protective supervisor has got to be one of the most stressful, if not the most stressful job in the County. The responsibility that comes with that position is unbelievable. Liz is a very effective supervisor for many reasons. Liz is very knowledgeable about CPS regulations and legal statutes. Liz is very knowledgeable about the CPS investigative process and CPS casework practice. She understands the steps that must be undertaken and the activities that must be completed to investigate allegations of child neglect and child abuse, and to keep kids safe.

“Liz knows that casework practice is only as good as the workers case documentation of their work on that case. Liz sets high standards for herself and her staff. She mentors staff and holds staff accountable for meeting her high standards. Liz is a very good listener and has excellent communication skills. She does not shy away from having the difficult conversations that are sometimes necessary. Liz is supportive of her staff, readily giving positive feedback and support. Liz is accessible to her staff and treats them fairly, and she always has a bag of chocolates on her desk for them. She is also accessible to on-call staff and willing assists when she is contacted nights and weekends.

“Liz is a team player and works well with many agencies and staff that CPS interacts with. Other supervisors and I rely on Liz’s experience and expertise in the area of child protective services. Liz is highly thought of by DSS staff here in Tioga County as well as staff at the New York State Office of Children and Family Services. Liz always conducts herself in a professional and respectful manner. Liz consistently displays a positive attitude and continues to show a real passion for the work she does, which is often something that is difficult to do when you have been in the field of child welfare and child protective for a number of years. Liz willing tries new things and accepts new challenges. She will be moving to supervise the Foster Care and Adoption Unit in the next couple of months and will be leaving Child Protective Services. I know she will be as effective and successful there as she has been in Child Protective Services. Liz is leaving some pretty big shoes to fill in CPS. Fortunately she will be available to help mentor the person that takes her

place. I thoroughly enjoy working with Liz and offer her my sincerest congratulations on this well deserved recognition.”

Legislator Huttleston presented a plaque and savings bond to Liz Jenkins. “It has been a good year for you. It has been a good year for us too to have you. Congratulations and we really appreciate it. It is people like you that make it so much easier for the Chairman of the Committee and also the Legislative body. We appreciate it.”

Liz Jenkins spoke. “I would like to thank the Employee Recognition Committee. I am sure the choices are never easy, especially for the whole year, so I appreciate that and the thought that goes into that. Thank you to the Legislature for supporting this. It means a lot. I want to thank my staff. You guys make coming to work everyday fun and that is what it is all about. We cannot do this work unless we have a good time and have some chocolate, and you know close the door and have our moments and tears and what not. It is the only way you can do this job. I thank the support of Administration for everything that you do and just thanks.”

Legislator Sauerbrey read and presented the following recognition resolution to Patricia Scott of the Sheriff’s Department.

**REFERRED TO:**

**PUBLIC SAFETY**

**RESOLUTION NO. 14-09**

***RESOLUTION RECOGNIZING  
PATRICIA M. SCOTT’S 24 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY***

**Adoption moved unanimously,  
seconded unanimously.**

**WHEREAS: Patricia M. Scott was appointed to part-time Jail Matron on January 2, 1985; appointed to full-time Deputy Sheriff Jailor on January 1, 1988; appointed to Corrections Sergeant on September 1, 1991; and**

**WHEREAS: Patricia M. Scott has been dedicated and loyal in the performance of her duties and responsibilities during the past 24 years to the Sheriff’s Office, thereby earning the respect of her colleagues and peers throughout Tioga County; and**

**WHEREAS: Patricia M. Scott will retire from the Tioga County Sheriff’s Office on January 31, 2009; 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 Patricia M. Scott for her 24 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, Patricia M. Scott.

**CARRIED UNANIMOUSLY**

Legislator Sauerbrey spoke. “I know I have very fond memories of my experiences working with you and I know all of the employees at the Sheriff’s Department hold you in very high esteem, and we are going to miss you and your enthusiasm, and I just want to say I worked with Pat a little bit last year and this year on the Corrections Unit dinner that they had for the families and children of Tioga County, and this is just an example of the kind of things that she does. She does not just do her job, she goes beyond the call of duty, and that is something rare and wonderful and I appreciate that.”

Sheriff Gary Howard spoke. “The first thing I would like to say I would like to recognize Tom Scott. I have known Tom for a long long time and I am sorry Tommy, we tried to prolong this retirement as long as we could, we cannot stop it, she is all yours.

“As the Sheriff I am going to miss Pat. I mean I have known Pat obviously for all the time that she has worked and before, actually before she started working for the Sheriff’s Office as a Matron. She loves that word Matron, so if you see her do not call her Sergeant Scott, you can call her Matron. She prefers Matron. The 24 years plus that I have known Pat one thing I can tell you is she is a dedicated employee, always to work. There have been times where we have had to send her home because she was sick, would come in and we would make her go home. I am going to miss her sense of humor. The inmates are not going to miss her. They are happy that she is leaving, in fact I think they are having a party this afternoon in her honor. I am sure you have a speech prepared, you can see how red she is already. On behalf of myself I know I am going to miss Pat. I enjoy seeing her every morning, always cheerful. The rest of the Department is also going to miss you Pat and it will be a big hole in our Department when you leave.”

Pat Scott spoke. “I just want to thank everybody. This is lovely and I have enjoyed the last 24 years, had a lot of fun, and a lot of hard work from that old place down in Owego with the bars and the dirt running down the walls too, to our new building up on 38. It has been a lot of fun and I enjoyed it, and thank you very very much.”

Legislator Huttleston read and presented the following recognition resolution to Mary Ellen Middleton.

**REFERRED TO:** HEALTH & HUMAN SERVICES

**RESOLUTION NO. 15-09**      *RECOGNITION OF  
MARY ELLEN MIDDLETON'S  
YEARS OF SERVICE  
SOCIAL SERVICES*

Adoption moved by unanimously,  
Seconded by unanimously.

**WHEREAS:** Mary Ellen Middleton began her career as a Social Welfare Examiner for the Department of Social Services on June 18, 1974 until October 31, 1978, when she resigned for a short period of time; she then returned to the Department on March 23, 1981 in a temporary capacity as a Clerk-Typist until June 1, 1981 at which time she accepted a temporary Social Welfare Examiner position and later became permanent on June 22, 1981; on May 26, 1986 she was promoted to Job Development Specialist which was later reclassified to Social Services Employment Supervisor and when the Employment Unit was realigned on April 4, 1994, Mary Ellen became a Principal Social Welfare Examiner – the title she holds today; and

**WHEREAS:** Ms. Middleton has seen many changes within the Social Services Department in her more than thirty years with them and has grown in these changes; and

**WHEREAS:** Ms. Middleton will retire on January 19, 2009; 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 Mary Ellen Middleton for her more than thirty 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, Mary Ellen Middleton.

**CARRIED UNANIMOUSLY**

Legislator Huttleston spoke. “From where she started she kept going up and I think Shawn encouraged her to retire before she took his job. Anyway congratulations and I hope you enjoy your retirement. It is people like Mary Ellen that makes it enjoyable and I was up today to the Social Services Department for the Employee of the Quarter, which is a wonderful occasion and I go up there and

they are all bubbly and smiling and everything else, and I come down to the Legislative body and they are not always smiling as much. It is a great group and we really appreciate people like you. I hope you enjoy your retirement and you know you have come and gone a few times, you know you can always come back.”

Commissioner Shawn Yetter spoke. “Thank you to the Legislature and to Dick for recognizing and taking the time to recognize yet another exemplary employee at our Department. I have had the privilege of knowing Mary Ellen since 1981. We worked together four years within Income Maintenance as examiners and seniors, and went up through the ranks together. Mary Ellen’s departure is truly a departure which is someone leaving the Department of Social Services who is an institutional icon. She is someone who when she walks out the door she takes with her years and decades of experience that can never be replaced.

“She has knowledge about our communities and the people that we serve that is hard for anyone to know without actually being there and doing it for the number of years that Mary Ellen has had. One word that definitely comes to mind when I think about Mary Ellen and her career with the Department is adaptability. She has seen so many changes and she has been a critical part of all of those changes, and whether it was my predecessor or myself, or Val or her predecessors, whatever was asked of Mary Ellen she was more than willing to do, and she stepped to the plate and she did it with a huge amount of enthusiasm. I only heard her grumble once or twice maybe over the years.

“The other word that comes to mind with Mary Ellen is one of respect. When I go to community meetings or work with other Departments that have had the privilege of working and interacting with Mary Ellen I always hear nothing but positive comments about Mary Ellen. I hear positive things about how she cares about what she does and how she cares about the people that we serve, and she before the last several years has been the keeper of what we call the front door which is individuals coming through the door and applying for assistance, many for the first time, and I have always had a huge level of confidence in what Mary Ellen was doing at that level. It is a difficult job where we have to balance the goodness of the services that we provide with the realities of the service that we provide, and Mary Ellen has always been able to maintain and do that. We as a Department will miss her. We will miss her knowledge. We will miss her sense of humor which sometimes can be very bizarre, but most of all from my personal perspective I will miss seeing her and I will always hope that the friendships will endure.”

Val Nitti, Director of Employment & Transitional Support, spoke. “I have the privilege of being Mary Ellen’s Administrator and I just wanted to talk a little bit about Mary Ellen. Mary Ellen began her career at Tioga County Department of Social Services as, you have already heard, in 1974 as an Examiner in the Food Stamp Unit, and in her years of service to Tioga County she has held many positions

including Clerk Typist, Examiner, Senior Examiner, Job Development Specialist, Employment Supervisor, and is now retiring as a Principle Social Welfare Examiner.

“Mary Ellen was awarded the Tioga County Department of Social Services Supervisor of the year in 1994. Mary Ellen has an extensive history with our Department and has been involved in many initiatives that have become mainstay operations for the County such as the creation of the One Stop Concept of the Employment Center as well as the centralization of the process for disabled customers to gain assistance in applying for SSI. Mary Ellen’s most recent assignment is that of the Supervisor of our Intake Department or as Shawn noted our front door. Our Intake Department takes and processes applications for all of the financial assistance program areas including emergencies, and although it is common place to find Mary Ellen involved in housing the homeless and feeding the hungry, there have been times of tragedy that Mary Ellen has stood out among us in service.

“Mary Ellen was instrumental in securing housing, food, and special needs to those affected by the flood of 2006. She served on the Tioga Area Resource Partnership or TARP Committee and chaired the unmet needs subcommittee of that group. Mary Ellen has also been very involved in assisting the victims of the tragic fire in the Village of Owego last year with transitional and permanent housing, furniture, and other services that assisted each family. Most recently Mary Ellen has been involved in the creation of the Tioga County Drug Court concept and has been our Department’s representative on that team from the onset. This is something that I know Mary Ellen is deeply proud of and has been one of her favorite assignments.

“During the course of her career whenever there has been innovation, development, or progress toward efficiency, Mary Ellen has been front and center, ready, willing, and able to make a positive contribution. Mary Ellen is what I fondly term a “seasoned employee”. She is very resourceful and knowledgeable in the work that we do at DSS. She is an asset to our Department and to Tioga County in the manner that she has served us and our citizens. I congratulate you Mary Ellen, not only on your recent accomplishments, but in your 30+ years of service to Tioga County and the consistent fine work that you have done, and my thoughts are with you this week as you celebrate this milestone.”

Mary Ellen Middleton spoke. “Okay I have something to say now. I need to retire after all that. I did not realize I did so much, but must be I did not realize it because I enjoyed it so much. It was just a feeling of wanting to help the community and it was so rewarding, and there is a lot I am going to miss severely, but I know it is time to go, especially after the little comment Dick made just now. He asked if that guy with the camera is my husband. It is my father. Thank you so much. This

is a wonderful honor and it is a special occasion in my life, and it is a little scary too, I mean there is an unknown road there for me right now. It is not a comfort zone right now leaving my office. You know it is a sense of power in my little office that I will miss. I will be in my kitchen now, there is no power there. I will enjoy retirement and I hope I can remain retired and not have to go to work, but it will be based on whether my taxes are increased or not. I hope they are not.”

Chair Weston spoke. “Thank you Mary Ellen. I have only known you for about 10 minutes and I am a pretty good judge of character and you are one.”

Joe Albrecht had privilege of the floor. “It is nice to know that employees of Tioga County have an unqualified concern of the health and wellbeing of the citizens of the County by maintaining a continuous source of antioxidants made available to coworkers, guests, clients, and so forth. At this point I would like to request a budget line for chocolates for the lady who was honored here previous to this.

“On a somewhat more serious note and it has been alluded to by a number of people here, my primary interest for the year 2009 deals with sovereignty and to make sure that we are all on the same line I took a couple of definitions out of the dictionary which indicates a group or body of persons, or a State possessing sovereign authority, sovereign authority being supreme as power or authority, so what do we have? My concern deals with how much sovereignty we have as a household, as a Village or a School District, a Town and County, a State or a Country. What do we have? How do we use it and how can we benefit, all of us? On that basis I am going to request from the Legislature at some point an inventory of funded and unfunded mandates from New York State and from the United States Government in addition to executive orders and court decisions that play a significant role in how we deal with our resources.

“New York State is proposing fees, taxes, and so forth to provide fiscal support for many many programs and the President Elect of the United States indicates that we are all going to have skin in this game, and when he says everyone is going to have skin in this game I think it goes in two directions. I would like to have an opportunity to identify departments and their expenditures, and this is everyone because if we are all going to have skin in this game it is going to hit across the board. There will be no exceptions, otherwise it is kind of a ludicrous suggestion that we all are going to be in this game.

**“To alleviate that problem I will go back to something I requested before and that is LLC status for every citizen of Tioga County. It may alleviate a whole lot of stress when it comes to redistribution of wealth. I was reasonably pleased that gasoline never got to the same price as the water purchased at the convenience store. A pint of water still gives you about \$8.00 to the gallon, so gasoline did not get to that point. That was a nice situation.**

**“I will reiterate the caution that I have expressed before to assessors relative to property assessments as may pertain to their value mineral rights. Again the leases are for a certain period of time and if you divide the payment for the leases by the number of years you come down to a number that is very close to the present valuation of the property. I do not mind myself paying the price, what have you, but it is not going on perpetuity and fiscal utilizing governmental entities should not in anyway shape or manner count on this as a resource line forever and ever when you identify programs, word of caution.**

**“Something that really aggravates me is the idea of climate change being solely a carbon dioxide issue. Those of you who can go back a few hundred years or a few hundred days or what have you, may have heard that water vapor is the primary greenhouse gas. There is no discussion of the effect of water vapor in cap and trade. There is no discussion of water vapor in global climate change and especially significant in Tioga County is the potential for methane gas to be utilized in automotive and other energy requiring situations. Methane gas is one atom of carbon, four atoms of hydrogen. If you combine with oxygen you get one molecule of carbon dioxide and two of water vapor. The carbon dioxide is a primary concern of the people who want to do cap and trade and Legislate carbon utilization. Unfortunately it is not the primary greenhouse gas and again as a Legislative entity you will be reacting to suggestions by outside organizations as to how you deal with it and my hope is that when we begin to deal with these situations legitimately, that we do so from an informed basis, and again a budget line for chocolates in the County budget would be a very acceptable expenditure. Thank you very much.”**

**George Penney had privilege of the floor. “I would like to urge the Legislature to defeat the resolution which supports the continuation of New York State Empire Zones. Contrary to the expressed resolution, the Empire Zones have failed to be an important financial instrument to retain business. The participants have, in fact, not employed the number of people that they had professed to employ. New businesses in the last many years have arrived here to exploit economic resources such as physical plant and market availability. I therefore urge you to not to support continuation of the Empire Zone. I 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		1,740.34
A1165	District Attorney	124.50	2,603.78
A1170	Public Defender		7,970.24
A1175	Assigned Counsel		29,737.84
A1185	Medical Examiners/Coroners		402.62
A1325	Treasurer		313.60
A1345	Purchasing		755.01
A1355	Assessments		9,606.22
A1362	Tax Advertising/Expense		7,851.38
A1410	County Clerk		1,729.17
A1411	Department of Motor Vehicles		3,607.97
A1420	Law		7,518.28
A1430	Personnel		3,037.11
A1450	Elections		47,063.74
A1460	Records Management		90.32
A1490	Public Works Administration		836.34
A1620	Buildings	1,261.20	99,613.46
A1680	Information Technology		25,548.99
A2960	Education Handicapped Children		190,448.11
A3020	Public Safety Comm E911 System	439.95	4,055.37
A3110	Sheriff	28.79	15,727.79
A3110.41	Sheriff-Court Attendants		2,013.88
A3140	Probation	35.21	1,943.82
A3241	Alternatives to Incarceration		1,854.00
A3150	Jail	1,427.00	37,184.22
A3315	Special Traffic Programs	5,000.00	1,789.00
A3410	Fire	610.55	7,476.32
A3640	Emergency Management Office		441.25
A3641	EMO Grant Program	421.99	
A4010	Public Health Nursing		54,332.36
A4011	Public Health Administration	169.00	5,266.89
A4012	Public Health Education		456.72
A4042	Rabies Control		2,810.89
A4044	Early Intervention		73,508.73
A4053	Preventive/Primary Health Services		181.97
A4054	Preventive Dental Services	269.99	4,498.54
A4064	Lead Poisoning Program		20,501.79
A4070	Disease Control		10,347.21
A4090	Environmental Health	1,833.99	9,347.97
A4210	Alcohol and Drug Services		13,504.91
A4211	Council on Alcoholism		3,418.00

A4309	Mental Hygiene Co Admin	8,679.73
A4310	Mental Health Clinic	78,155.20
A4311	Rehabilitation Support Services	52,911.25
A4315	Mental Retardation	24,018.99
A4320	Crisis Intervention Services	5,969.34
A4321	Intensive Case Management	2,836.65
A4333	Psycho Social Club	13,407.25
A5630	Bus Operations	81,476.35
A6010	Social Services Administration	150,662.95
A6422	Economic Development	3,163.88
A6510	Veterans' Service	169.25
A6610	Sealer Weights/Measures	204.08
A8020	Planning	503.10
A9060	Health Insurance	108.80
SOLID WASTE FUND		76,148.17
COUNTY ROAD FUND		136,932.82
SPECIAL GRANT FUND		11,395.25
CONSOLIDATED HEALTH FUND		749,279.86
CAPITAL FUND		593,977.87
WORKERS' COMP		<u>3,115.67</u>
GRANT TOTAL		\$ 2,715,874.78

Legislator Huttleston made a motion to approve the minutes of December 4, 9, and 18, 2008, seconded by Legislator McEwen, and carried.

Chair Weston made the following appointments:

Cornell Cooperative Extension Board  
Legislator William Oberbeck – 1/1/09-12/31/09

Council of Local Governments Board  
Legislator Loretta Sullivan – 1/13/09

Chair Weston announced the following Standing Committees for 2009:

**STANDING COMMITTEES OF THE COUNTY LEGISLATURE  
OF THE COUNTY OF TIOGA FOR 2009**

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

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

**Legislator McEwen made a motion to have the following 12 resolutions, all on erroneous assessments, passed as one, seconded by Legislator Huttleston and carried.**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 16-09**

***ERRONEOUS ASSESSMENT  
TOWN OF TIOGA***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.**

**WHEREAS:** The Supreme Court of the State of New York has rendered Consent Order Index nos. 36066 & 37664 filed on November 24<sup>th</sup>, 2008, between KEVIN T. HARRIS and the Town of Tioga lowering the assessment on the 2008 Tax Roll of the Town of Tioga for the parcels as indicated below:

Owner	Account #	From	To
Kevin T. Harris	1015	\$55,000	\$35,550
Royal Motors, Inc.	1016	\$91,600	\$49,770
Royal Motors, Inc.	45	\$10,000	\$ 5,530

**WHEREAS:** The 2008 taxes for the above mentioned properties in the Town of Tioga were paid on January 31<sup>st</sup> and February 28<sup>th</sup>, 2008; therefore be it

**RESOLVED:** That a refund of \$11,541.82 be issued KEVIN T. HARRIS/ROYAL MOTORS, INC. and mailed to Patrick J. Raymond as attorney for KEVIN T. HARRIS for overpayment of 2008 Town and County Taxes plus statutory interest at 9%; and be it further

**RESOLVED:** That the erroneous amount of \$2,946.99 plus interest of \$245.00 be charged back to the Town of Tioga and the erroneous fire tax of \$690.61 and interest of \$57.41 be charged back to the Tioga Fire District, said taxes to be levied and collected on the next tax roll and, when collected, paid to the County Treasurer in satisfaction thereof; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$293.50 plus interest of \$24.39 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$6,724.85 plus interest of \$559.07 be charged to the proper accounts in the records of the County Treasurer.

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 17-09** *ERRONEOUS ASSESSMENT  
TOWN OF CANDOR*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**WHEREAS:** The Supreme Court of the State of New York has rendered a Consent Order Index nos. 35971 & 37655 filed on November 19<sup>th</sup>, 2008, between SPECTRASITE COMMUNICATIONS, INC. and the Town of Candor lowering the assessment on the 2008 Tax Roll of the Town of Candor for parcel #1842 as indicated below:

<b>Owner</b>	<b>Account #</b>	<b>From</b>	<b>To</b>
Spectrasite Communications, Inc	1842	\$32,300	\$21,275

**WHEREAS:** The 2008 taxes for the above mentioned property in the Town of Candor were paid on February 1<sup>st</sup>, 2008; therefore be it

**RESOLVED:** That a refund of \$2,297.57 be issued SPECTRASITE COMMUNICATIONS, INC. and mailed to Patrick J. Raymond as attorney for SPECTRASITE COMMUNICATIONS, INC. for overpayment of 2008 Town and County Taxes plus statutory interest at 9%; and be it further

**RESOLVED:** That the erroneous amount of \$753.97 plus interest of \$64.51 be charged back to the Town of Candor and the erroneous fire tax of \$241.16 and interest of \$20.63 be charged back to the Candor Fire District, said taxes to be levied and collected on the next tax roll and, when collected, paid to the County Treasurer in satisfaction thereof; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$46.93 plus interest of \$4.02 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$1,074.42 plus interest of \$91.93 be charged to the proper accounts in the records of the County Treasurer.

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 18-09**

***ERRONEOUS ASSESSMENT  
 TOWN OF TIOGA***

**Adoption moved by Legislator McEwen,  
 Seconded by Legislator Oberbeck.**

**WHEREAS:** An application for corrected tax roll indicates that property #691 assessed to W Michael Brock on the 2009 tax roll of the Town of Tioga is erroneous in that the property should have had an ag building exemption applied, therefore reducing the taxable amount on property #691 from \$23,800 to \$13,800; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to W Michael Brock for property no. 691 by the Town of Tioga as follows:

**2009 Corrected Tax**

County	\$1,594.05
Recycle	66.94
Townwide	634.45
<u>Tioga Fire</u>	<u>153.42</u>
<b>TOTAL</b>	<b>\$2,448.86</b>

and be it further

**RESOLVED:** That the erroneous amount of \$459.75 be charged back to the Town of Tioga and the erroneous fire tax of \$111.17 be charged back to the Tioga Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$48.51 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$1,155.11 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 19-09**

***ERRONEOUS ASSESSMENT  
TOWN OF TIOGA***

Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.

**WHEREAS:** The Supreme Court of the State of New York has rendered Consent Order Index nos. 36066 & 37664 filed on November 24<sup>th</sup>, 2008, between KEVIN T. HARRIS and the Town of Tioga lowering the assessment on the 2009 Tax Roll of the Town of Tioga for the parcels as indicated below:

Owner	Account #	From	To
Kevin T. Harris	1015	\$55,000	\$36,360
Royal Motors, Inc.	1016	\$91,600	\$50,904
Royal Motors, Inc.	45	\$10,000	\$ 5,656

be it therefore

**RESOLVED:** That corrected 2009 tax bills be issued for the above mentioned properties by the Town of Tioga as indicated below:

**2009 Corrected Taxes**

	<u>Acct # 1015</u>	<u>Acct # 1016</u>	<u>Acct # 45</u>
County	\$4,199.98	\$5,879.97	\$ 653.33
Recycle	176.38	246.94	27.44
Townwide	1,671.65	2,340.31	260.03
Tioga Fire	<u>404.22</u>	<u>565.91</u>	<u>62.88</u>
	\$6,452.23	\$9,033.13	\$1,003.68

and be it further

**RESOLVED:** That the erroneous amount of \$2,927.68 be charged back to the Town of Tioga and the erroneous fire tax of \$707.95 be charged back to the Tioga Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$308.91 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of 7,355.75 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 20-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BARTON***

Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.

**WHEREAS:** An application for corrected tax roll indicates that property #11 assessed to Stuart J & Dawn M Etheridge on the 2009 tax roll of the Town of Barton is erroneous in that the assessed value of the property was found by the assessor to be excessive, therefore the taxable amount on property #11 was reduced from \$158,000 to \$48,700; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to Stuart J & Dawn M Etheridge for property no. 11 by the Town of Barton as follows:

**2009 Corrected Tax**

County	\$ 401.00
Recycle	16.85
Townwide	97.37
Returned Village	846.59
Returned School	797.50
<u>Barton Fire</u>	<u>28.69</u>
<b>TOTAL</b>	<b>\$ 2,188.00</b>

and be it further

**RESOLVED:** That the erroneous amount of \$218.52 be charged back to the Town of Barton and the erroneous fire tax of \$122.19 be charged back to the Barton Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$37.82 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous school tax and 3% penalty of \$1,867.50 be charged back to the Waverly School District; and be it further

**RESOLVED:** That the erroneous county tax and penalty amount of \$1,086.52 be charged to the proper account in the records of the County Treasurer.

Roll Call:  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 21-09**

***ERRONEOUS ASSESSMENT  
 TOWN OF BARTON***

Adoption moved by Legislator McEwen,  
 Seconded by Legislator Oberbeck.

**WHEREAS:** An application for corrected tax roll indicates that property #492 assessed to Stuart J & Dawn M Etheridge on the 2009 tax roll of the Town of Barton is erroneous in that a garage located on the property was duplicated therefore increasing the assessment, and the assessment should be reduced from \$91,600 to \$55,000; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to Stuart J & Dawn M Etheridge for property no. 492 by the Town of Barton as follows:

**2009 Corrected Tax**

County	\$ 452.87
Recycle	19.03
Townwide	109.96
Returned Village	2,126.94
Returned School	992.63
<u>Barton Fire</u>	<u>52.52</u>
<b>TOTAL</b>	<b>\$ 3,753.95</b>

and be it further

**RESOLVED:** That the erroneous amount of \$73.18 be charged back to the Town of Barton and the erroneous fire tax of \$34.95 be charged back to the Barton Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$12.66 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$301.36 be charged to the proper account in the records of the County Treasurer.

Roll Call:  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 22-09**

***ERRONEOUS ASSESSMENT  
 TOWN OF CANDOR***

Adoption moved by Legislator McEwen,  
 Seconded by Legislator Oberbeck.

**WHEREAS:** An application for corrected tax roll indicates that property #1842 assessed to Alberta Weisz and Deborah Parmalee on the 2009 tax roll of the Town of Candor is erroneous in that the assessment was lowered from \$46,860 to \$34,440; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to Alberta Weisz and Deborah Parmalee for property no. 1842 by the Town of Candor as follows:

**2009 Corrected Tax**

County	\$ 3,851.71
Recycle	161.73
Townwide	2,001.50
Part Town	440.55
<u>Candor Fire</u>	<u>669.14</u>
<b>TOTAL</b>	<b>\$ 7,124.63</b>

and be it further

**RESOLVED:** That the erroneous amount of \$892.17 be charged back to the Town of Candor and the erroneous fire tax of \$241.31 be charged back to the Candor Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$59.87 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$1,425.82 be charged to the proper account in the records of the County Treasurer.

Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 23-09**

***ERRONEOUS ASSESSMENT  
TOWN OF CANDOR***

Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.

**WHEREAS:** A Small Claims Court decision lowered the assessment of property #1740 assessed to Patrick Ballester on the 2009 tax roll of the Town of Candor from \$31,300 to \$26,100; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to Patrick Ballester for property no. 1740 by the Town of Candor as follows:

**2009 Corrected Tax**

County	\$ 3,001.60
Recycle	126.04
Townwide	1,537.98
Part Town	338.52
<u>Candor Fire</u>	<u>507.10</u>
<b>TOTAL</b>	<b>\$ 5,511.24</b>

and be it further

**RESOLVED:** That the erroneous amount of \$373.87 be charged back to the Town of Candor and the erroneous fire tax of \$101.03 be charged back to the Candor Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$25.11 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$598.03 be charged to the proper account in the records of the County Treasurer.

Roll Call:  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 24-09**

***ERRONEOUS ASSESSMENT  
 TOWN OF CANDOR***

Adoption moved by Legislator McEwen,  
 Seconded by Legislator Oberbeck.

**WHEREAS:** A Small Claims Court decision lowered the assessment of property #1381 assessed to Alfonso & Christine Capriglione on the 2009 tax roll of the Town of Candor from \$22,800 to \$17,200; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to Alfonso & Christine Capriglione for property no. 1381 by the Town of Candor as follows:

**2009 Corrected Tax**

County	\$ 1,978.07
Recycle	83.06
Townwide	1,013.54
Part Town	223.09
<u>Candor Fire</u>	<u>334.18</u>
<b>TOTAL</b>	<b>\$ 3,631.94</b>

and be it further

**RESOLVED:** That the erroneous amount of \$402.62 be charged back to the Town of Candor and the erroneous fire tax of \$108.80 be charged back to the Candor Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$27.04 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$644.02 be charged to the proper account in the records of the County Treasurer.



**WHEREAS:** An application for corrected tax roll indicates that incorrect information was submitted causing an unpaid Village of Newark Valley tax of \$658.06 to be relieved on the bill for property #217 assessed to Clifford & Frances Alexander on the 2009 tax rolls of the Town of Newark Valley; said Village tax should have been relieved on the bill for property #351 assessed to Lori Kunow & Robert Scarinzi on the 2009 tax rolls of the Town of Newark Valley; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to Clifford & Frances Alexander for property no. 217 by the Town of Newark Valley as follows:

**2009 Corrected Bill for #217 Alexander**

County	\$ 820.28
Recycle	34.48
Townwide	356.54
Newark Valley Fire	<u>84.86</u>
<b>TOTAL</b>	<b>\$ 1,296.16</b>

and be it further

**RESOLVED:** That a corrected 2009 tax bill be issued to Lori Kunow & Robert Scarinzi for property no. 351 by the Town of Newark Valley as follows:

**2009 Corrected Bill for #351 Kunow/Scarinzi**

County	\$ 672.36
Recycle	28.26
Townwide	292.25
Return Village	658.06
Return School	1,715.91
Newark Valley Fire	<u>69.56</u>
<b>TOTAL</b>	<b>\$ 3,436.40</b>

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 27-09

*ERRONEOUS ASSESSMENT  
TOWN OF NEWARK VALLEY*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that incorrect information was submitted causing an unpaid Village of Newark Valley tax of \$732.16 to be relieved on the bill for property #101 assessed to Kenneth Schneider on the 2009 tax rolls of the Town of Newark Valley; said Village tax should have been relieved on the bill for property #315 assessed to James Irvine, Sr. on the 2009 tax rolls of the Town of Newark Valley; be it therefore

RESOLVED: That a corrected 2009 tax bill be issued to Kenneth Schneider for property no. 101 by the Town of Newark Valley as follows:

2009 Corrected Bill for #101 Schneider

County	\$ 582.71
Recycle	24.49
Townwide	253.28
<u>Newark Valley Fire</u>	<u>60.29</u>
TOTAL	\$ 920.77

and be it further

RESOLVED: That a corrected 2009 tax bill be issued to James Irvine, Sr. for property no. 315 by the Town of Newark Valley as follows:

2009 Corrected Bill for #315 Irvine

County	\$ 851.66
Recycle	35.80
Townwide	370.18
Return Village	732.16
Return School	2,173.49
<u>Newark Valley Fire</u>	<u>88.11</u>
TOTAL	\$ 4,251.40

Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED

**REFERRED TO:                    INFORMATION TECHNOLOGY COMMITTEE  
   FINANCE COMMITTEE**

**RESOLUTION NO. 28-09    *CO-APPLICANT WITH SOUTHERN TIER EAST  
   REGIONAL PLANNING DEVELOPMENT BOARD  
   FOR GEOSPATIAL RESOURCE PROGRAM  
   SUBMISSION TO NEW YORK STATE'S SHARED  
   SERVICES/LOCAL GOVERNMENT EFFICIENCY  
   GRANT PROGRAM***

**Adoption moved by Legislator Sauerbrey,  
   seconded by Legislator McEwen.**

**WHEREAS: The Southern Tier East Regional Planning Development Board has invited its member counties to participate as Co-Applicants in an application titled the Southern Tier East Regional Geospatial Resource (RGR) Program to be submitted to the New York State Department of State's Shared Services/Local Government Efficiency Grant Program; and**

**WHEREAS: The Southern Tier East Geospatial Resource Program is intended to promote a service sharing arrangement to save County tax dollars by sharing functions such as training, identifying common impediments to Geographical Information System (GIS) programs, and researching a searchable mutually accessible & editable data application resulting in the implementation of the most efficient and effective practices for development and maintenance of spatial data and tools in GIS technology; and**

**WHEREAS: The funding request for this proposed project is for \$50,000, with a required Local Share of a ten percent cash match or \$5,000 to be provided solely by STERPDB; and**

**WHEREAS: The application shall not create any financial obligation on the part of the County; and**

**WHEREAS: It is the intent of the County of Tioga desires to participate in such regional program; therefore be it**

**RESOLVED: That in furtherance of its participation the County of Tioga hereby designates the Director of the Southern Tier East Regional Planning Development Board, Robert A. Augenstern, as Lead Applicant Contact Person to submit an application for the 2008-2009 program years and authorizes him to execute all financial and/or administrative processes relating to the grant program; and be it further**

**RESOLVED:** The funding request for this proposed project is for \$50,000, with a required Local Share of a ten percent cash match or \$5,000 to be provided solely by STERPDB; and be it further

**RESOLVED:** That as a Co-Applicant, the County agrees that its GIS personnel will: participate in the Regional GIS User Group; participate in STERPDB sponsored GIS training; contribute information, ideas, comments and critiques to the study/survey and plan to develop a shared searchable web data application.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
COUNTY CLERK’S COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 29–09**      *GRANT APPLICATION FOR BACK-FILING  
OF DOCUMENTS FOR THE COUNTY  
CLERK’S OFFICE*

Adoption moved by Legislator Sullivan,  
seconded by Legislator Huttleston.

**WHEREAS:** The County Clerk’s Department plans to submit a proposal thru the Local Government Records Management Improvement Fund Grant; and

**WHEREAS:** The \$75,000 grant will be used to hire a firm, to perform back-filing and indexing of documents for the County Clerk’s Office; and

**WHEREAS:** The Count Clerk will apply for this grant with no local matching funds for the 2009-2010 grant year; therefore be it

**RESOLVED:** That the back-filing proposal be hereby approved for submission to the New York State Archives for funding the service for the 2009-2010 grant year; and be it further

**RESOLVED:** That the amount of \$75,000 for Records Management be appropriated from State Aid-Records Management A3060.00 to Appropriation Account A1460.41-140 Records Management State Grant Program.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO: INFORMATION TECHNOLOGY  
FINANCE COMMITTEE**

**RESOLUTION NO. 30-09 *GRANT APPLICATION FOR AN E-MAIL  
FILING SYSTEM TO PRESERVE AND FILE  
E-MAIL ELECTRONICALLY***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Roberts.**

**WHEREAS: The Information Technology Department plans to submit a proposal thru the Local Government Records Management Improvement Fund Grant; and**

**WHEREAS: The \$75,000 grant will be used to purchase an e-mail system to perform preservation of e-mail and electronic documents for County departments; and**

**WHEREAS: Information Technology will apply for this grant with no local matching funds for the 2009-2010 grant year; therefore be it**

**RESOLVED: That the E-mail system proposal be hereby approved for submission to the New York State Archives for funding the service for the 2009-2010 grant year; and be it further**

**RESOLVED: That the amount of \$75,000 for Records Management be appropriated from State Aid-Records Management A3060.00 to Appropriation Account A1460.41-140 Records Management State Grant Program.**

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 31-09 *ENCUMBER FUNDS FROM SHERIFF’S GRANT –  
NYS DCJS OPERATION SAFE CHILD GRANT***

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Roberts.**

**WHEREAS: The Sheriff’s Office was awarded a DCJS Grant in 2008 for  
“Operation Safe Child” (SA-05058050) in the amount of \$15,000; and**

**WHEREAS: This funding was appropriated in 2008 and unspent funds remain and  
need to be re-appropriated in 2009; therefore be it**

**RESOLVED: That the remaining funds in DCJS Operation Safe Child Grant  
(SA-05058050) be re-appropriated in 2009 as follows:**

<b>From:</b>	<b>State Aid-Sheriff NYS DCJS Grant (SA-05058050)</b>	<b>A3389.00</b>	<b>\$1,070</b>
<b>To:</b>	<b>Sheriff DCJS Grant (SA-05058050) Equipment (Equipment Not Car)</b>	<b>A3997.20.130</b>	<b>\$1,070</b>

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 32-09 *ENCUMBER FUNDS FROM  
SHERIFF’S GRANT –NYS WMD  
GRANT LE07-1003-EOO***

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Roberts.**

**WHEREAS: The Sheriff’s Office was awarded a NYS WMD Grant in 2008 (LE07-  
1003-EOO) in the amount of \$54,000; and**

**WHEREAS:** This funding was appropriated in 2008 and unspent funds remain which need to be re-appropriated in 2009; therefore be it

**RESOLVED:** That the remaining funds in NYS WMD Grant (LE07-1003-EOO) re-appropriated in 2009 as follows:

<b>From: State Aid-Sheriff LE07-1003-EOO</b>	<b>A3397.00</b>	<b>\$32,186</b>
<b>To: Sheriff LE07-1003-EOO Grant-Personnel</b>	<b>A3117.10.30</b>	<b>\$12,096</b>
<b>Sheriff LE07-1003-EOO Grant-Equipment</b>	<b>A3117.20.130</b>	<b>\$20,090</b>

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 33-09** *FUND SHERIFF'S GRANT -NYS  
CHILD PASSENGER SAFETY  
GRANT*

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Roberts.**

**WHEREAS:** The Sheriff's Office has been awarded a Child Passenger Safety Program Grant (CS-5400191) from the NYS Governor's Traffic Safety Committee in the amount of \$1,922; and

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

**RESOLVED:** That the NYS Child Passenger Safety Grant (CS-5400191) be appropriated as follows:

<b>From: State Aid-Sheriff NYS CPSG(CS-5400191)</b>	<b>A3396.00</b>	<b>\$1,922</b>
<b>To: Sheriff CPSG(CS-5400191) Grant Equipment (Equipment Not Car)</b>	<b>A3116.20.130</b>	<b>\$1,922</b>

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 34-09** *FUND SHERIFF’S GRANT –  
STEP GRANT*

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Roberts.**

**WHEREAS: The Sheriff’s Office has been awarded a STEP (Selective Traffic Enforcement) Grant PT-5400171 from the Governor’s Traffic Safety Committee in the amount of \$24,120; 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 PT-5400171 \$24,120**

**To: A3111.10.30 STEP Grant-Personnel Services (O/T) \$24,120**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 35-09** *FUND SHERIFF’S GRANT –  
BUCKLE UP NEW YORK GRANT*

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Huttleston.**

**WHEREAS: The Sheriff’s Office has been awarded a BUNY (Buckle Up New York) Grant PT-5400151 from the Governor’s Traffic Safety Committee in the amount of \$3,600; 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 PT-5400151      \$3,600**

**To:    A3115.10.30 BUNY Grant-Personnel Services (O/T)      \$3,600**

**Roll Call:**

**Ayes    09**

**Noes    00**

**Absent 00**

**CARRIED**

**REFERRED TO:                    HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 36-09            *MODIFY FEE SCHEDULE*  
*PUBLIC HEALTH***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.**

**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; therefore be it**

**RESOLVED: That the fee schedule be modified as follows retroactive to January 1, 2009:**

<b>Physical Therapy</b>	<b>\$120.00 per visit</b>
<b>Speech Pathology</b>	<b>\$120.00 per visit</b>
<b>Occupational Therapy</b>	<b>\$120.00 per visit</b>
<b>Home Health Aide</b>	<b>\$ 47.00 per hour</b>

**Roll Call:**

**Ayes    09**

**Noes    00**

**Absent 00**

**CARRIED**

**REFERRED TO:**

**ED&P COMMITTEE**

**RESOLUTION NO. 37-09**

***SUPPORT OF CONTINUATION OF  
NEW YORK STATE EMPIRE ZONE  
PROGRAM***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Monell.**

**WHEREAS: The County of Tioga is desirous of a balanced economy including a broad range of business, industry and tourism; and**

**WHEREAS: The growth of business and jobs throughout Tioga County and the State of New York is a priority especially in our current economic climate; and**

**WHEREAS: In an effort to stimulate this growth, various economic development initiatives including the New York State Empire Zone are essential to compete in the global economy; and**

**WHEREAS: The availability of New York State Empire Zone program incentives in Tioga County since 1998 has been an important financial instrument to attract and retain business; and**

**WHEREAS: Partnering the Empire Zone with various loan & grant programs and tax incentives programs insures the competitive advantage of locating to our rural county; and**

**WHEREAS: The New York State Empire Zone program currently has a sunset date of June 30, 2011; therefore be it**

**RESOLVED: That the Tioga County Legislature hereby requests the State of New York to continue the existence and administrative grant support of the Empire Zone program to the sunset date of June 30, 2011; and be it further**

**RESOLVED: That the Tioga County Legislature concurs with other counties in the State of New York who also agree in the importance of maintaining the continued operation and incentives that the New York State Empire Zone program offers; and be it further**

**RESOLVED:** That the Tioga County Legislature forward this resolution supporting the continuation of the New York State Empire Zone Program to New York State Governor David A. Paterson, Senate Majority Leader, Assembly Speaker, Assembly Majority Leader, Senate Minority Leader, State Senator Thomas W. Libous, Assemblyman Gary D. Finch, Assemblywoman Donna Lupardo and Assemblyman Thomas O'Mara, to encourage and enlist their support.

On roll call vote on the above resolution, six members voted Aye, Legislators Oberbeck, Quinlan, and Roberts voting no, and the resolution was adopted.

**REFERRED TO:** HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 38-09**                    *RESOLUTION TO APPOINT VICKI  
COMSTOCK TO THE COMMUNITY  
SERVICES BOARD*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Roberts.

**WHEREAS:** The Tioga County Community Services Board has vacant positions available; and

**WHEREAS:** Vicki Comstock, residing at Owego, NY, has expressed interest in filling a vacant position; and

**WHEREAS:** The Community Services Board formally nominated Vicki Comstock for a position at its December 2008 meeting, and recommends to the Tioga County Legislature that she be appointed to the Community Services Board; now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Vicki Comstock to the Tioga County Community Services Board for the remainder of a vacant term ending December 31, 2009.

**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE

**RESOLUTION NO. 39-09**                    *APPOINT - FIRE ADVISORY BOARD*

Adoption moved by Legislator Sauerbrey.  
Seconded by Legislator Roberts.



Director of Aging Services  
 Representative Tioga County Tourism  
 Rider County Transit System  
 Rider County Transit System  
 Representative NYS DOT  
 Representative Broome Metropolitan Transit  
 Representative Non-Profit Human Services Agency  
 Representative Community at large

**CARRIED**

**REFERRED TO:                      LEGAL**

**RESOLUTION NO. 41-09              *TRANSFER PORTION OF OLD ROUTE 96 TO  
ADJACENT LANDOWNER***

Adoption moved by Legislator McEwen,  
 seconded by Legislator Roberts.

**WHEREAS:** Resolution 203-07 accepted Maintenance Jurisdiction from New York State Department of Transportation over a certain portion of Old Route 96, the custody and control of which was taken over by the State of New York; and

**WHEREAS:** The intent of the accepting of Maintenance Jurisdiction was and is to convey that portion of Old Route 96 to Robert W. and Joan M. Weiss, the adjacent landowners, as the property itself has no public purpose to the State in maintenance of the new Route 96; and

**WHEREAS:** On August 15, 2008, New York State officially discontinued maintenance and abandonment of that portion of Old Route 96, leaving the County with full ownership and control of that portion; and

**WHEREAS:** Surveys of that portion of Old Route 96 to be transferred have been completed; and

**WHEREAS:** The County Attorney has reviewed the surveys and prepared a deed from the County to Robert W. and Joan M. Weiss describing the Old Route 96 property to be conveyed; therefore be it

**RESOLVED:** That the Chair of the Tioga County Legislature is authorized to execute a Quit Claim deed and any related documents to effectuate the transfer to Robert W. and Joan M. Weiss.

**Roll Call:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**Legislator Sullivan introduced Local Law Introductory No. A of 2009.**

**County of Tioga**

**Local Law No. of the Year 2009.**

**A Local Law authorizing the adjustment of exemptions for veterans under Real Property Tax Law Section 458(5), which law shall be known as the Veterans' Eligible Funds Adjustment Law.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

***SECTION I: LEGISLATIVE INTENT***

**It is the purpose and intent of this local law to authorize adjustment in the amount of exemption under Real Property Tax Law Section 458(5) if the total assessed value of the real property for which such exemption has been granted increases or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in title two of article twelve of the Real Property Tax Law, is certified for the assessment roll pursuant to the rules of the state board.**

***SECTION II: LEGISLATIVE AUTHORITY***

**This local law is enacted pursuant to the provisions of Real Property Tax Law Section 458 (5).**

***SECTION III: SHORT TITLE***

**This local law shall be known as the Veterans' Eligible Funds Adjustment Law.**

***SECTION IV: CHANGE IN EXEMPTION***

If in any village or town the total assessed value of the real property for which such the eligible funds veterans' exemption has been granted increases or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in title two of article twelve of the Real Property Tax Law, is certified for the assessment roll pursuant to the rules of the state board, the village or town assessor, as applicable, shall increase or decrease the amount of eligible funds veterans' exemption applicable to any County levied tax by multiplying the amount of the exemption by the change in the level of assessment for the County, as determined by and certified by the New York State Office of Real Property Services pursuant to the rules of that Office.

***SECTION V: OWNER APPLICATION; RECOMPUTING OF EXEMPTIONS***

1. At any time within one year after an assessment change which falls under Real Property Tax Law Section 458(5), any owner of property who previously received an exemption pursuant to Section 458 of the Real Property Tax Law but opted instead, as a result of a revaluation or update, to receive exemption pursuant to Section 458-a of the Real Property Tax Law may apply to the local assessor to again receive exemption under Section 458.
2. The local assessor shall recompute all exemptions granted under Section 458 in the manner set forth in Section 458(5)(b) of the Real Property Tax Law.

***SECTION VI: EFFECTIVE DATE***

This local law shall take effect upon its filing with the Secretary of State in and for the State of New York.

**REFERRING TO: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 42-09                    SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. A OF 2009**

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Sullivan.**



**RESOLVED:** That the Legislative Clerk will invoice Rural Economic Area Partnership for six equal payments of \$204.00 per month for the total amount of \$1,224.00 for said secretarial and other administrative services and monies received shall be forwarded to Tioga County Treasurer's Office for deposit in Other General Government Income Revenue Account 1289.10.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**HEALTH & HUMAN SERVICES  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 44-09**

***AUTHORIZE CONTRACT WITH  
LIBERTY RESOURCES, INC.  
SOCIAL SERVICES***

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.**

**WHEREAS:** Legislative approval is required according to County Policy 46 prior to entering into any new contractual agreements for Tioga County; and

**WHEREAS:** The steps outlined in County Policy 46 have been completed and approval to proceed has been received; and

**WHEREAS:** Tioga County's 2009 Flexible Funding for Family Services Plan includes 100% State funding for the provision of multi-systemic therapy (MST), a family-focused and community-based preventive treatment program; and

**WHEREAS:** These State allocations are time-limited and do not warrant the hiring of a permanent County employee; and

**WHEREAS:** The Department has found Liberty Resources, Inc. willing and able to provide the resources necessary to move forward with this program; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Commissioner of Social Services to sign a contract with Liberty Resources, Inc. for the provision of multi-systemic therapy.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

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

**RESOLUTION NO. 45-09** ***AUTHORIZE CONTRACT WITH TIOGA  
OPPORTUNITIES, INC.  
SOCIAL SERVICES***

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.**

**WHEREAS:** Legislative approval is required according to County Policy 46 prior to entering into any new contractual agreements for Tioga County; and

**WHEREAS:** The steps outlined in County Policy 46 have been completed and approval to proceed has been received; and

**WHEREAS:** Tioga County’s 2009 Flexible Funding for Family Services Plan includes 100% State funding for the provision of Intensive Case Management Services for the Disabled Population remaining on Public Assistance and a Work Experience Crew Coordinator; and

**WHEREAS:** These state allocations are time-limited and do not warrant the hiring of a permanent County Employee; and

**WHEREAS:** Tioga Opportunities, Inc. has agreed to provide the services and is well-equipped within the community to provide said services; therefore be it

**RESOLVED:** That Tioga County DSS utilize FFFS funding to contract with Tioga Opportunities, Inc. for the provision of Intensive Case Management Services for the Disabled Population remaining on Public Assistance and a Work Experience Crew Coordinator.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 46-09** APPOINT STOP DWI  
SCHOOL ASSOCIATES

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Sullivan.

**WHEREAS:** It is the desire of the STOP DWI Program to appoint STOP DWI School Associates in the following School Districts: Candor, Newark Valley, Owego Apalachin, Spencer VanEtten, Tioga, and Waverly; and

**WHEREAS:** It is the desire of the following persons to fill the STOP DWI School Associate positions for the calendar year 2009 with the exception of the months of July and August: 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; Michelle McNamara to serve the Spencer VanEtten School District; Janice Barto to serve the Tioga Central School District and Debra Lauper to serve the Waverly School District; and

**WHEREAS:** The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and that outlines the compensation to be paid to the STOP DWI School Associates. The Contract further defines the STOP DWI School Associates as Independent Contractors not entitled to County employee benefits; be it therefore

**RESOLVED:** That Matt Gelder be appointed STOP DWI School Associate to serve the Candor School District for the calendar year 2009; Mathew Cicchetti be appointed STOP DWI School Associate to serve the Newark Valley School District for the calendar year 2009; Joan Beck be appointed STOP DWI School Associate to serve the Owego Apalachin School District for calendar year 2009; Michelle McNamara be appointed the STOP DWI School Associate to serve the Spencer VanEtten School District for the calendar year 2009; Janice Barto be appointed the STOP DWI School Associate to serve as the Tioga Central School District for calendar year 2009; and Debra Lauper be appointed STOP DWI School Associate to serve the Waverly School District for the calendar year 2009 in accordance with the signed and approved STOP DWI School Associate Agreement for 2009.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

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

Legislator McEwen made a motion to have the following 17 resolutions, all on erroneous assessments, passed as one, seconded by Legislator Oberbeck and carried.

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 47-09 ERRONEOUS ASSESSMENT  
TOWN OF OWEGO**

Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 56, assessed to Maray Adams on the 2009 tax roll for the Town of Owego is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Maray Adams for property no. 56 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 120.76
Recycle	5.07
<u>Townwide</u>	<u>9.83</u>
<b>TOTAL</b>	<b>\$ 135.66</b>

and be it further

**RESOLVED:** That the erroneous school tax and interest of \$292.13 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$20.45 be charged to the proper account in the records of the County Treasurer

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 48-09** *ERRONEOUS ASSESSMENT  
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 77, assessed to Lori Willchock on the 2009 tax roll for the Town of Owego is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Lori Willchock for property no. 77 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 748.72
Recycle	31.44
<u>Townwide</u>	<u>60.95</u>
<b>TOTAL</b>	<b>\$ 841.11</b>

and be it further

**RESOLVED:** That the erroneous school tax and interest of \$1,147.15 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$80.30 be charged to the proper account in the records of the County Treasurer

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 49-09** *ERRONEOUS ASSESSMENT  
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.



**RESOLVED:** That a corrected tax bill be issued to Kenneth Brown for property no. 570 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 630.06
Recycle	26.46
<u>Townwide</u>	<u>51.29</u>
<b>TOTAL</b>	<b>\$ 707.81</b>

and be it further

**RESOLVED:** That the erroneous school tax and interest of \$1,524.12 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$106.69 be charged to the proper account in the records of the County Treasurer

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 51-09**

***ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 932, assessed to Russell Fuller on the 2009 tax roll for the Town of Owego is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Russell Fuller for property no. 932 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 381.19
Recycle	16.01
<u>Townwide</u>	<u>31.03</u>
TOTAL	\$ 428.23

and be it further

**RESOLVED:** That the erroneous school tax and interest of \$922.09 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$64.55 be charged to the proper account in the records of the County Treasurer

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 52-09                      *ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 1595, assessed to Darea A Marye on the 2009 tax roll for the Town of Owego is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Darea A Marye for property no. 1595 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 363.33
Recycle	15.26
<u>Townwide</u>	<u>29.58</u>
TOTAL	\$ 408.17

and be it further

**RESOLVED:** That the erroneous school tax and interest of \$214.90 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$15.04 be charged to the proper account in the records of the County Treasurer

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 53-09**

***ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 4214, assessed to Cindy L Powell on the 2009 tax roll for the Town of Owego is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Cindy L Powell for property no. 4214 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 678.36
Recycle	28.49
Townwide	55.22
Part Town	131.30
<u>Apalachin Fire</u>	<u>123.86</u>
<b>TOTAL</b>	<b>\$ 1,017.23</b>

and be it further

**RESOLVED:** That the erroneous school tax and interest of \$976.97 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$68.39 be charged to the proper account in the records of the County Treasurer



**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 55-09** *ERRONEOUS ASSESSMENT  
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 10095, assessed to Richard C. Barto on the 2009 tax roll for the Town of Owego is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Richard C. Barto for property no. 10095 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 702.52
Recycle	29.50
Townwide	57.19
Part Town	135.98
<u>Owego Fire</u>	<u>105.12</u>
<b>TOTAL</b>	<b>\$ 1,030.31</b>

and be it further

**RESOLVED:** That the erroneous school tax and interest of \$1,699.40 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$118.96 be charged to the proper account in the records of the County Treasurer

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 56-09                      *ERRONEOUS ASSESSMENT*  
*TOWN OF OWEGO***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.**

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 12759, assessed to Gregory R. Woolever on the 2009 tax roll for the Town of Owego is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Gregory R. Woolever for property no. 12759 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 1,063.75
Recycle	44.67
Townwide	86.60
Part Town	205.90
Owego Fire	<u>159.17</u>
<b>TOTAL</b>	<b>\$ 1,560.09</b>

**and be it further**

**RESOLVED:** That the erroneous school tax and interest of \$1,909.22 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$133.65 be charged to the proper account in the records of the County Treasurer

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 57-09**

***ERRONEOUS ASSESSMENT  
TOWN OF TIOGA***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.**

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 1346, assessed to Richard Barto on the 2009 tax roll for the Town of Tioga is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Richard Barto for property no. 1346 by the Town of Tioga as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 970.29
Recycle	40.75
Townwide	386.19
<u>Tioga Fire</u>	<u>93.39</u>
<b>TOTAL</b>	<b>\$ 1,490.62</b>

**and be it further**

**RESOLVED:** That the erroneous school tax and interest of \$1,658.51 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$116.10 be charged to the proper account in the records of the County Treasurer

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**



**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 59-09**

***ERRONEOUS ASSESSMENT  
TOWN OF TIOGA***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.**

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 2191, assessed to Frances & Kendall Leek on the 2009 tax roll for the Town of Tioga is erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That a corrected tax bill be issued to Frances & Kendall Leek for property no. 2191 by the Town of Tioga as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 623.76
Recycle	26.20
Townwide	248.26
<u>Tioga Fire</u>	<u>60.03</u>
<b>TOTAL</b>	<b>\$ 958.25</b>

**and be it further**

**RESOLVED:** That the erroneous school tax and interest of \$823.69 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$57.66 be charged to the proper account in the records of the County Treasurer

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 60-09

*ERRONEOUS ASSESSMENT  
TOWN OF TIOGA*

Adoption moved by Legislator McEwen,  
seconded by Legislator Roberts.

**WHEREAS:** The school tax collector for the Owego Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property nos. 1260, 859, and 1083, assessed to Russell D. Shoultes on the 2009 tax roll for the Town of Tioga are erroneous in that the school taxes were paid to the school tax collector; be it therefore

**RESOLVED:** That corrected tax bills be issued to Russell D. Shoultes for property nos. 1260, 859, and 1083 by the Town of Tioga as follows:

<u>#1260</u>	<u>#859</u>	<u>#1083</u>
<u>2009 Corrected Tax Bill</u>	<u>2009 Corrected Tax Bill</u>	<u>2009 Corrected Tax Bill</u>
County           \$ 161.72	County           \$ 173.27	County           \$ 800.49
Recycle           6.79	Recycle           7.28	Recycle           33.62
Townwide         64.36	Townwide         68.96	Townwide         318.61
Tioga Fire         15.56	Tioga Fire         16.68	Tioga Fire         87.83
<b>TOTAL           \$ 248.43</b>	<b>TOTAL           \$ 266.19</b>	<b>TOTAL           \$ 1,240.55</b>

and be it further

**RESOLVED:** That the erroneous school tax and interest of \$1,719.73 be charged back to the Owego Apalachin School District; and be it further

**RESOLVED:** That the erroneous county penalty of \$120.38 be charged to the proper account in the records of the County Treasurer

Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 61-09

*ERRONEOUS ASSESSMENT  
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Roberts.

**WHEREAS:** An application for corrected tax roll indicates that a utilities charge of \$1,008.70 added to property no. 10279 assessed to the Butterworth Family in the 2009 tax roll of the Town of Owego was erroneous in that it should have been added to property no. 12313 assessed to Christopher J Kelly; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to the Butterworth Family for property no. 10279 by the Town of Owego as follows:

**2009 Corrected Bill for #10279 Butterworth**

County	\$ 941.94
Recycle	39.56
Townwide	67.77
Part Town	161.13
<u>Owego Fire</u>	<u>166.08</u>
<b>TOTAL</b>	<b>\$ 1,376.48</b>

and be it further

**RESOLVED:** That a corrected 2009 tax bill be issued to Christopher J Kelly for property no. 12313 by the Town of Owego as follows:

**2009 Corrected Bill for #12313 Kelly**

County	\$ 1,233.87
Recycle	51.82
Townwide	100.44
Part Town	238.82
Owego Fire	184.62
<u>Utilities</u>	<u>1,008.70</u>
<b>TOTAL</b>	<b>\$ 2,818.27</b>

Roll Call:

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 62-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BARTON***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Roberts.**

**WHEREAS: A Small Claims Court decision lowered the assessment of property #1934 assessed to Julie L Kipling on the 2009 tax roll of the Town of Barton from \$225,000 to \$190,000; be it therefore**

**RESOLVED: That a corrected 2009 tax bill be issued to Julie L Kipling for property no. 1934 by the Town of Barton as follows:**

**2009 Corrected Tax**

County	\$ 1,564.46
Recycle	65.74
Townwide	379.87
<u>Lockwood Fire</u>	<u>193.37</u>
<b>TOTAL</b>	<b>\$ 2,203.44</b>

**and be it further**

**RESOLVED: That the erroneous amount of \$69.97 be charged back to the Town of Barton and the erroneous fire tax of \$35.62 be charged back to the Lockwood Fire District; and be it further**

**RESOLVED: That the erroneous solid waste tax of \$12.11 be charged back to the Solid Waste Fund; and be it further**

**RESOLVED: That the erroneous county tax of \$288.19 be charged to the proper account in the records of the County Treasurer.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 63-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BARTON***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Roberts.**

**WHEREAS:** An application for corrected tax roll indicates that property #12132 assessed to Hagen Pet Foods on the 2009 tax roll of the Town of Barton is erroneous in that the property is in an Empire Zone with a 485E exemption, therefore the parcel should have been exempt from taxes with \$0 taxable value; be it therefore

**RESOLVED:** That the erroneous amount of \$2,811.02 be charged back to the Town of Barton and the erroneous fire tax of \$1,342.66 be charged back to the Barton Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$486.48 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$11,577 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**Legislator Monell made a motion to adjourn at 2:34 P.M., seconded by Legislator Oberbeck, and the motion to adjourn was carried.**

***Public Hearing  
Local Law Introductory A of 2009  
February 5, 2009***

**The Public Hearing on Local Law Introductory A of 2009 A Local Law authorizing the adjustment of exemptions for veterans under Real Property Tax Law Section 458(5), which law shall be known as the Veterans’ Eligible Funds Adjustment Law was called to order by the Chair at 1:35 P.M. All Legislative members were present.**

**There were 11 people in attendance.**

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

**Elizabeth Hawken, Real Property Tax Director, spoke. “The Town of Berkshire is currently under a revaluation program and their current equalization rate and level of assessment is 3.5%. They are brining the level of assessment and the equalization up to 100%. This local law is being presented to enable the currently 10 veterans that are taking advantage of eligible funds exemptions. The eligible exemption levels will be recalculated due to the change in levels from 3.5% to 100%. Currently there is a maximum amount of \$5,000. Other exemptions are calculated at 15% or 25%, so the law allows any eligible funds exemptions to be recalculated.”**

**There being no further comments, the hearing was adjourned at 1:37 P.M.**

***Second Regular Meeting***  
**February 10, 2009**

The Second Regular Meeting of 2009 was called to order by the Chair at 1:30 P.M. Seven Legislative members were present, Legislators Sauerbrey and Sullivan being absent.

Chair Weston asked Legislator McEwen to have a moment of prayer. “Heavenly Father we ask your blessing in these difficult times for all residents of this area and all areas of the Country. We have some tough decisions that we face and we certainly need guidance beyond our own. We ask that in your precious name Lord, Amen.”

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

There were 7 people in attendance.

The following recognition resolution recognizing Virginia A. Bronson’s 11 years of dedicated service to Tioga County was duly noted.

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 64-09 RESOLUTION RECOGNIZING VIRGINIA  
 A. BRONSON’S 11 YEARS OF DEDICATED  
 SERVICE TO TIOGA COUNTY**

Adoption moved unanimously,  
 Seconded unanimously.

**WHEREAS:** Virginia A. Bronson was provisionally appointed to the position of Senior Clinical Social Worker on November 17, 1997; on July 6, 1998 she was permanently appointed to said position; and

**WHEREAS:** Virginia A. Bronson has been an asset to the Tioga County Department of Mental Hygiene and has been an outstanding agency representative. She has strived for quality in all aspects of her job; and,

**WHEREAS:** Virginia A. Bronson has been dedicated and loyal in the performance of her duties and responsibilities during the past 11 years. She is respected by consumers, co-workers, and her colleagues throughout Tioga County; and, she has used her knowledge effectively to collaborate with community agencies to advocate for her clients; and

**WHEREAS:** Virginia A. Bronson retired on January 8, 2009; 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 Virginia A. Bronson for her 11 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, Virginia A. Bronson.

**CARRIED UNANIMOUSLY**

Don Patterson from The Partners Insurance Company spoke. "I do have a check for the County and I would like to read the letter that accompanies it.

"To the Legislature. Your insurance provider, the New York Municipal Insurance Reciprocal (NYMIR) was created in 1993 under the partnership of the three municipal associations – the Conference of Mayors, the Association of Towns, and the Association of Counties. Its mission was to provide a stable, not-for-profit insurance and risk management program solely for NYS Municipalities.

"The County joined this program as a subscriber five years ago and like all of the other subscribers (almost 600 strong), the County paid a capitalization fee into NYMIR's surplus fund, in addition to its annual premiums. You paid \$97,284.24 of capitalization in five annual installments.

"NYMIR has been very successful in its 16 years of insurance operations. It has delivered on its promise to provide the best in municipal insurance coverage and risk management; to settle all claims fairly, but fight the frivolous and fraudulent ones; to charge actuarially sound and reasonable premiums; and to do all of this in a fiscally responsible way.

"NYMIR's Board of Governors is pleased to announce that due to the success of the program, NYMIR is now able to return a substantial portion of your capitalization fee. Beginning with this first of three installments of \$24,321.06, NYMIR will return 75% of your fee. The remaining payments will be made in 2010 and 2011 as you continue to renew with NYMIR.

"NYMIR wishes to recognize and thank the County for its long term, continued commitment to their unique and specialized municipal insurance program. Again thank you very much for your business. I am very pleased to advise you and consult with you on your insurance and risk management program, and I would like to present this check to Dale."

George Penney had privilege of the floor. “First let me applaud this body for your decision to examine the county expenses in detail. As I look at the appropriate documents I find that the county has six full time attorneys and three part time. I have looked at the job descriptions of some of these and to me they seem rather general, so I would recommend that as you look at the county expenses, you also require detailed job descriptions of each of the county positions. I think you will then have a better ability to judge whether those expenses are justified. I 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		1,028.51
A1165	District Attorney		2,161.39
A1170	Public Defender		733.28
A1172	Assigned Counsel		11,929.31
A1325	Treasurer		1,043.76
A1345	Purchasing		363.73
A1355	Assessments		1,069.17
A1410	County Clerk		2,234.46
A 1411	Department of Motor Vehicles		7,467.13
A1420	Law		1,733.07
A1430	Personnel		4,324.74
A1450	Elections	1,379.63	14,811.01
A1460	Records Management		340.42
A1490	Public Works Administration		340.50
A1620	Buildings	74.96	111,130.88
A1680	Information Technology	2,901.00	20,354.64
A1920	Municipal Association Dues		5,706.00
A2960	Education of Handicapped Children		273,437.82
A3020	Public Safety Communication E 911 System		4,870.70
A3110	Sheriff		20,994.91
A3110.41	Sheriff-Court Attendants		2,006.45
A3140	Probation		2,034.36
A3142	Alternatives to Incarceration		926.00
A3150	Jail		47,328.20
A3315	Special Traffic Programs		9,572.52
A3410	Fire	395.99	4,579.41
A3640	Emergency Management Office		394.36
A3641	Emergency Management Grant	1,501.97	
A3653	Emergency Management Grant Education	945.82	
A3997	Sheriff DCJS Grant	1,448.10	
A4010	Public Health Nursing	1,947.26	49,046.59
A4011	Public Health Administration		5,705.15

A4012	Public Health Education		239.36
A4042	Rabies Control		1,198.27
A4044	Early Intervention	1,630.00	65,849.03
A4053	Preventive and Primary Health		113.00
A4054	Preventive Dental Services		2,651.10
A4064	Managed Care Dental	118.00	15,074.09
A4070	Disease Control		2,572.85
A4090	Environmental Health		6,308.00
A4210	Alcohol and Drug Services		11,028.86
A4211	Council on Alcoholism		9,923.66
A4309	Mental Hygiene	288.00	9,792.20
A4310	Mental Health		56,731.23
A4311	Rehabilitation Services		1,279.87
A4315	Mental Retardation		29,659.00
A4320	Crisis Intervention Services		16,782.89
A4321	Intensive Case Management		4,239.31
A4333	Psycho Social Club		30,905.25
A5630	Bus Operations		1,870.50
A6010	Social Services	3,108.00	93,025.33
A6422	Economic Development		587.83
A6510	Veterans' Service		360.00
A6610	Sealer of Weights and Measures		234.63
A7310	Youth Programs		9,050.21
A7989	Tourism		124,694.29
A8020	Planning		959.06
A9060	Health Insurance		520.94
SOLID WASTE FUND			78,888.44
COUNTY ROAD FUND			119,939.85
SPECIAL GRANT FUND			2,563.25
CONSOLIDATE HEALTH FUND			778,076.84
CAPITAL FUND			229,246.40
LIABILITY INSURANCE FUND			750.50
WORKERS' COMP			<u>111,351.34</u>
<b>GRAND TOTAL</b>			<b>\$2,439,874.58</b>

Legislator Huttleston made a motion to approve the minutes of January 2 and 13, 2009, 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.

**REFERRED TO:** **ED&P COMMITTEE**  
**FINANCE COMMITTEE**

**RESOLUTION NO. 65-09** ***APPROPRIATION OF ADDITIONAL  
REVENUE FOR THE SNOWMOBILE  
GRANT PROGRAM - ECONOMIC  
DEVELOPMENT & PLANNING***

**Adoption moved by Legislator Oberbeck,  
seconded by Legislator McEwen.**

**WHEREAS:** The Snowmobile Grant Program received an unanticipated additional funding of \$18,545 for the 2009 calendar year; therefore be it

**RESOLVED:** That the additional \$18,545 be appropriated from A3989 State Aid Snowmobile Grant Program to Snowmobile Grant Account A7180.40-590.

**Roll Call:**  
**Ayes 07**  
**Noes 00**  
**Absent 02**  
**CARRIED**

**REFERRED TO:** **PUBLIC WORKS COMMITTEE**

**RESOLUTION NO. 66-09** ***RE-ESTABLISH PRIOR YEAR  
HIGHWAY PROJECTS***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Huttleston.**

**WHEREAS:** Prior year highway projects need to be re-established for the remaining balance as of year end 2008 for completion in 2009; therefore be it

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

<u>Tobacco Bridge Projects</u>	<u>BIN#</u>	<u>AMT to Establish</u>
H2006.03 Halsey Valley Rd. Bridge	3335010	\$ 152,343.29
H2007.05 West Creek Rd. Bridge	3335230	\$ 245,843.20
H2007.06 East River Rd. Bridges	335420&3335430	\$ 328,058.98
H2008.08 Southside Dr. Bridge	3335530	\$ 295,184.67
<b>Total Re-Established</b>		<b>\$1,021,430.14</b>

**CHIPS PROGRAM**

H2008.02	Bodle Hill RD.	\$ 63,251.43
H2008.03	Goodrich Rd.	<u>\$ 25,000.00</u>
		\$ 88,251.43

**Capital Construction**

H1620.20-921	Stone Bldg. Roof	\$ 3,012.37
H1620.20-923	Standby Generator	\$ 94,500.00
H1620.20-924	Court House Façade	\$ 92,431.00
H1620.20-925	56 Main St Façade	\$ 30,000.00
H2007.17	56 Main St. Addition	<u>\$ 24,673.55</u>
		\$ 244,616.92

**Federal Bridge Program**

		<u>BIN#</u>	
H2007.14	Tappan Rd. Bridge	3335280	\$ 201,167.14
H2008.07	Glen Mary Dr. Bridge	3335530	<u>\$ 418,124.00</u>
			\$ 619,291.14

The Federal Portion of the Glen Mary Project needs to be re-appropriated for 2009

From:

H4502 Federal Aid Bridge Projects \$ 488,000.00

To:

H2008.07 Glen Mary Dr. Bridge \$ 488,000.00

And be it further

**RESOLVED:** That the corresponding revenue sources shall also be re-established in the 2009 modified budget.

**Roll Call:**

Ayes 07

Noes 00

Absent 02

**CARRIED**

**REFERRED TO:**

**HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 67-09**

***APPROPRIATION OF FUNDS  
MENTAL HYGIENE***

Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.

**WHEREAS: Additional funding has been awarded to Tioga County Mental Hygiene from New York State Office of Mental Retardation and Developmental Disabilities (OMRDD); and**

**WHEREAS: The funding is specifically earmarked for providers of OMRDD services; and**

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

**RESOLVED: That funding be appropriated as follows:**

<b>From: A3498.00 State Aid- OMRDD</b>	<b>\$ 8,285</b>
<b>To: A4315.40-670 OMRDD Therapeutic Services</b>	<b>\$ 8,285</b>

**Roll Call:**  
**Ayes 07**  
**Noes 00**  
**Absent 02**  
**CARRIED**

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

**RESOLUTION NO. 68-09      *APPROPRIATION OF FUNDS*  
*MENTAL HYGIENE***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.**

**WHEREAS: Additional funding has been awarded to Tioga County Mental Hygiene from New York State Office of Mental Health (OMH); and**

**WHEREAS: The funding is specifically earmarked for Penn York Opportunities and Rehabilitation Support Services; and**

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

**RESOLVED: That funding be appropriated as follows:**

<b>From: A3490.30 State Aid</b>	<b>\$ 5,544</b>
<b>To: A4311.40-590 Services Rendered</b>	<b>\$ 5,544</b>



**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 70-09** *APPROVE ALTERNATIVES TO INCARCERATION 2009 CONSOLIDATED SERVICE PLAN*

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**WHEREAS:** The Alternatives To Incarceration Service Plan for 2009 has been presented to and approved by members of the Alternatives To Incarceration Committee on January 15, 2009; now therefore be it

**RESOLVED:** That the Tioga County Legislature approve the Alternatives To Incarceration Service Plan for the time period of 1/01/09 to 12/31/09 and submit same to the NYS Division of Probation and Correctional Alternatives in order to continue state funding for Pre-Trial Release, Community Service, and Specialized & Drug/Alcohol Programs.

**Roll Call:**  
Ayes 07  
Noes 00  
Absent 02  
**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 71-09** *APPOINT MEMBERS ALTERNATIVES TO INCARCERATION ADVISORY BOARD*

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

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

	<b>TERM</b>
Ex-Offender	4/1/09-3/31/10
Crime Victim	4/1/09-3/31/10
Rep for Private Organization Operating within County	4/1/09-3/31/10
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/09-3/31/10

**CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 72-09**      *RESOLUTION TO APPOINT JENNIFER  
BERRYMAN TO THE COMMUNITY  
SERVICES BOARD*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.

**WHEREAS:** The Tioga County Community Services Board has vacant positions available; and

**WHEREAS:** Jennifer Berryman, residing at Apalachin, NY, has expressed interest in filling a vacant position; and

**WHEREAS:** The Community Services Board formally nominated Jennifer Berryman for a position at its January 2009 meeting, and recommends to the Tioga County Legislature that she be appointed to the Community Services Board; now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Jennifer Berryman to the Tioga County Community Services Board for the remainder of a vacant term ending March 31, 2012.

**CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 73-09**      *APPOINT MEMBERS TO THE  
TIOGA COUNTY BOARD OF HEALTH*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.

**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 terms for Richard Huttleston and Mark Corey, MD on the Board of Health expired 12/31/08; and

**WHEREAS:** Richard Huttleston and Mark Corey, MD have agreed to serve for another term; therefore be it

**RESOLVED:** That the following members be reappointed to the Tioga County Board of Health for terms as follows:

<b>Name</b>	<b>Term</b>
<b>Richard Huttleston</b>	<b>1/1/09-12/31/11</b>
<b>Mark Corey, MD</b>	<b>1/1/09-12/31/14</b>

**CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 74-09**      ***MODIFY COMMITTEE MEMBERS  
CERTIFIED HOME HEALTH AGENCY /  
LONG TERM HOME HEALTH CARE  
PROGRAM 2009***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.**

**WHEREAS:** Resolution No. 281-06 made appointments to the Tioga County Health Department Professional Advisory/Utilization Review Committee for CHHA/LTHHCP; and

**WHEREAS:** Members continually leave and are replaced by name, and it is desirable to more effectively specify standard roles required for the committees rather than replace appointments by name as they leave; therefore be it

**RESOLVED:** That the following roles be specified and appointed to the Professional Advisory/Utilization Review Committee for CHHA/LTHHCP with 4 year terms as follows:

- Appointee Role: Term of Appointment/4 Years: Certified Home Health Agency**  
**Tioga Opportunities Director**  
**Consumer**  
**Medical Social Worker/Master of Social Work**  
**Physical Therapist/Occupational Therapist**  
**Medical Director/Consultant**  
**Nurse #1**  
**Nurse #2**  
**Nurse #3**  
**Director of Patient Services**  
**Public Health Director**

Dental Advisor  
 Dental Program Manager/RDH  
 Nurse (CHHA/LTHHCP)  
 Primary Care Provider

**Appointee Role: Term of Appointment/4 Years: Long Term Home Health Care**

Tioga Opportunities Director  
 Consumer  
 Medical Social Worker/Master of Social Work  
 Physical Therapist/Occupational Therapist  
 Medical Director/Consultant  
 Nurse #1  
 Nurse #2  
 Nurse #3  
 Director of Patient Services  
 Public Health Director  
 Dental Advisor  
 Dental Program Manager/RDH  
 Nurse (CHHA/LTHHCP)  
 Primary Care Provider

**CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 75-09 RABIES DONATION COMMITTEE**

Adoption moved by Legislator Huttleston,  
 seconded by Legislator McEwen.

**WHEREAS: Terms of office for the members of the Rabies Donation Committee have expired; and**

**WHEREAS: The Public Health Director, Chair of Health and Human Services Committee and Treasurer or his/her designee, have agreed to serve for another three year term; therefore be it**

**RESOLVED: That the Public Health Director, Chair of Health and Human Services Committee and Treasurer or his/her designee, be re-appointed to the Rabies Donation Committee for the term January 1, 2009 through December 31, 2011.**

**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 76-09 ADOPT LOCAL LAW NO. 1 OF 2009**

**Adoption moved by Legislator Oberbeck,  
seconded by Legislator McEwen.**

**WHEREAS: A public hearing was held on February 5, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. 1 of the Year 2009 A Local Law authorizing the adjustment of exemptions for veterans under Real Property Tax Law Section 458(5), which law shall be known as the Veterans' Eligible Funds Adjustment Law; 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 2009; therefore be it**

**RESOLVED: That the following Local Law be and hereby is adopted;**

**County of Tioga**

**Local Law No. 1 of the Year 2009.**

**A Local Law authorizing the adjustment of exemptions for veterans under Real Property Tax Law Section 458(5), which law shall be known as the Veterans' Eligible Funds Adjustment Law.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

***SECTION I: LEGISLATIVE INTENT***

**It is the purpose and intent of this local law to authorize adjustment in the amount of exemption under Real Property Tax Law Section 458(5) if the total assessed value of the real property for which such exemption has been granted increases or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in title two of article twelve of the Real Property Tax Law, is certified for the assessment roll pursuant to the rules of the state board.**

***SECTION II: LEGISLATIVE AUTHORITY***

**This local law is enacted pursuant to the provisions of Real Property Tax Law Section 458 (5).**

***SECTION III: SHORT TITLE***

This local law shall be known as the Veterans' Eligible Funds Adjustment Law.

***SECTION IV: CHANGE IN EXEMPTION***

If in any village or town the total assessed value of the real property for which such the eligible funds veterans' exemption has been granted increases or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in title two of article twelve of the Real Property Tax Law, is certified for the assessment roll pursuant to the rules of the state board, the village or town assessor, as applicable, shall increase or decrease the amount of eligible funds veterans' exemption applicable to any County levied tax by multiplying the amount of the exemption by the change in the level of assessment for the County, as determined by and certified by the New York State Office of Real Property Services pursuant to the rules of that Office.

***SECTION V: OWNER APPLICATION; RECOMPUTING OF EXEMPTIONS***

1. At any time within one year after an assessment change which falls under Real Property Tax Law Section 458(5), any owner of property who previously received an exemption pursuant to Section 458 of the Real Property Tax Law but opted instead, as a result of a revaluation or update, to receive exemption pursuant to

Section 458-a of the Real Property Tax Law may apply to the local assessor to again receive exemption under Section 458.

2. The local assessor shall recompute all exemptions granted under Section 458 in the manner set forth in Section 458(5)(b) of the Real Property Tax Law.

***SECTION VI: EFFECTIVE DATE***

This local law shall take effect upon its filing with the Secretary of State in and for the State of New York.

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:**

**Ayes 07**

**Noes 00**

**Absent 02**

**CARRIED**

**Legislator McEwen introduced Local Law Introductory No. B of 2009.**

**County of Tioga**

**Local Law No. of the Year 2009.**

**A LOCAL LAW AUTHORIZING THE COUNTY OF TIOGA AND THE DISTRICT ATTORNEY TO APPOINT NON-TIOGA RESIDENTS TO THE POSITIONS OF ASSISTANT DISTRICT ATTORNEY**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1. PURPOSE.**

The District Attorney and the Assistant District Attorney[s] are public officers under the Public Officers Law, Section 3, which section requires that such public officers be residents of the County of Tioga in order to hold such office. The purpose of this local law is to authorize non-residents of the County of Tioga to be Assistant County Attorneys due to the limited number of qualified attorneys residing within the County.

**SECTION 2. AUTHORITY.**

Under the Municipal Home Rule Law, Section 10, the County of Tioga has the authority to authorize a non-resident to hold the position of Assistant District Attorney.

**SECTION 3. DEFINITIONS:**

**District Attorney – The person holding such office as appointed under Section 700 of the County Law.**

**Assistant District Attorney – The person or persons appointed by the District Attorney under Section 702 of the County Law.**

**SECTION 4. AUTHORIZATION.**

The District Attorney is hereby authorized to appoint non-residents of the County of Tioga to the position of Assistant District Attorney.

**SECTION 5: EFFECTIVE DATE.**

This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

**REFERRING TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 77-09**                    *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. B OF 2009*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Huttleston.

**RESOLVED:** That a public hearing shall be scheduled on Introductory Local Law No. B of 2009 A Local Law authorizing the County of Tioga and the District Attorney to appoint non-Tioga residents to the positions of Assistant District Attorney in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, March 5, 2009 at 1:30 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

**REFERRED TO: ED&P COMMITTEE  
AG COMMITTEE**

**RESOLUTION NO. 78-09**                    *SET PUBLIC HEARING FOR 2009  
ANNUAL AGRICULTURAL DISTRICT  
INCLUSIONS*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator McEwen.

**WHEREAS:** The Tioga County Legislature, as per resolution 296-03 designated January 2<sup>nd</sup> through January 31<sup>st</sup> as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

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

**RESOLVED:** That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within in the designated time period in 2009 on February 19, 2009 at 10:00 AM in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, NY.

**CARRIED**

**REFERRED TO:** AG LEGISLATIVE COMMITTEE  
ED&P LEGISLATIVE COMMITTEE

**RESOLUTION NO. 79-09** *SET PUBLIC HEARING FOR THE NORTH TIOGA EIGHT-YEAR AGRICULTURAL DISTRICT REVIEW*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Monell.

**WHEREAS:** The Tioga County Legislature is reviewing a proposed plan for revision of the North-Tioga Agricultural District; and

**WHEREAS:** This review is being conducted pursuant to Article 25-AA of the New York State Agricultural & Markets Law; and

**WHEREAS:** The proposed plan and map, as recommended by the Tioga County Agriculture & Farmland Protection Board is available for public inspection at the Clerk of the Legislature's Office at 56 Main St. in Owego and the Town Hall in Newark Valley; now therefore be it

**RESOLVED:** That a public hearing will be held on Thursday, February 26, 2009 at the Newark Valley Town Hall, 109 Whig Street, at 1:00 p.m. All interested parties will be heard by the Tioga County Legislature at this hearing.

**CARRIED**

Legislator McEwen made a motion to have the following 13 resolutions, all on erroneous assessments, passed as one, seconded by Legislator Huttleston and carried.

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 80-09**

***AMEND RESOLUTION 63-09  
TOWN OF BARTON***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.**

**WHEREAS:** An application for corrected tax roll indicates that property #12132 assessed to Hagen Pet Foods on the 2009 tax roll of the Town of Barton is erroneous in that the property is in an Empire Zone with a 485E exemption, which provides an exemption from all taxes except fire tax; be it therefore

**RESOLVED:** That a new bill be issued to Hagen Pet Foods for property no. 12132 by the Town of Barton for fire tax only in the amount of \$1,342.66; and be it further

**RESOLVED:** That the erroneous amount of \$2,811.02 be charged back to the Town of Barton; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$486.48 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$11,577 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**

**Ayes 07**

**Noes 00**

**Absent 02**

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 81-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BERKSHIRE***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.**

**WHEREAS:** An application for corrected tax roll indicates that property no. 741 assessed to Wesley & Linda Tanner on the 2006 and 2007 tax rolls of the Town of Berkshire is erroneous in that the property should have had a veterans exemption applied, therefore reducing the 2006 town taxable amount on property no. 741 from \$3,200 to \$2,400, and the county taxable amount from \$3,200 to \$2,667; and reducing the 2007 town taxable amount from \$3,200 to \$2,700 and the county taxable amount from \$3,200 to \$2,400; and

**WHEREAS:** The 2006 and 2007 taxes on property no. 741 assessed to Wesley & Linda Tanner were paid to the Town of Berkshire; be it therefore

**RESOLVED:** That a refund of \$442.99 be issued to Wesley and Linda Tanner; and be it further

**RESOLVED:** That the erroneous amount of \$193.76 be charged back to the Town of Berkshire; and be it further

**RESOLVED:** That the erroneous county tax of \$249.23 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**  
Ayes 07  
Noes 00  
Absent 02  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 82-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BERKSHIRE***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.**

**WHEREAS:** An application for corrected tax roll indicates that property no. 51 assessed to Karl & Lois Beldon on the 2006, 2007 and 2008 tax rolls of the Town of Berkshire is erroneous in that the property should have had an Ag exemption applied, therefore reducing the 2006 taxable amount on property no. 51 from \$720 to \$171; the 2007 taxable amount from \$720 to \$166; and reducing the 2008 taxable amount from \$720 to \$160; and

**WHEREAS:** The taxes for parcel no. 51 assessed to Karl & Lois Beldon, including relieved school amounts have been paid; therefore be it

**RESOLVED:** That a refund of \$1,565.19 be issued to Karl & Lois Beldon for overpayment of the 2006, 2007, and 2008 taxes for property no. 51; and be it further

**RESOLVED:** That the erroneous town tax of \$257.53 be charged back to the Town of Berkshire and the erroneous fire tax of \$55.42 be charged back to the Berkshire Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$12.25 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous school tax and interest of \$853.44 be charged back to the Newark Valley School District; and be it further

**RESOLVED:** That the erroneous county tax and school penalty of \$386.55 be charged to the proper account in the records of the County Treasurer

**Roll Call:**

Ayes 07

Noes 00

Absent 02

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 83-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BERKSHIRE***

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** An application for corrected tax roll indicates that property no. 50 assessed to Karl & Lois Beldon on the 2007 and 2008 tax rolls of the Town of Berkshire is erroneous in that the property should have had an Ag exemption applied, therefore reducing the 2007 taxable amount on property no. 50 from \$4,814 to \$3,409; and \$1,894 for Newark Valley School tax relevy; the 2008 taxable value from \$4,814 to \$3,437; \$2,044 for Newark Valley School; and

**WHEREAS:** The taxes for parcel no. 50 assessed to Karl & Lois Beldon, including releived school amounts have been paid; therefore be it

**RESOLVED:** That a refund of \$2,701.96 be issued to Karl & Lois Beldon for overpayment of the 2007 and 2008 taxes for property no. 50; and be it further

**RESOLVED:** That the erroneous town tax of \$449.33 be charged back to the Town of Berkshire and the erroneous fire tax of \$101.15 be charged back to the Berkshire Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$23.61 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous school tax and interest of \$1,469.30 be charged back to the Newark Valley School District; and be it further

**RESOLVED:** That the erroneous county tax and school penalty of \$658.57 be charged to the proper account in the records of the County Treasurer

**Roll Call:**  
Ayes 07  
Noes 00  
Absent 02  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 84-09**

***ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** An application for corrected tax roll indicates that property #1682 assessed to David E Curtin on the 2009 tax roll of the Town of Owego is erroneous in that the village taxes were paid to the Village of Owego; therefore be it

**RESOLVED:** That the Town of Owego create and issue a new tax bill to David E Curtin for property no. 1682 as indicated below:

	<u><b>Acct # 1682</b></u>
County	<b>\$1,212.87</b>
Recycle	<b>50.94</b>
Townwide	<u><b>98.73</b></u>
	<b>\$1,362.54</b>

**and be it further**

**RESOLVED:** That the erroneous village tax and 6% interest of \$2,092.33 be charged back to the Village of Owego; and be it further

**RESOLVED:** That the erroneous county penalty of \$146.46 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**

Ayes 07

Noes 00

Absent 02

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 85-09**

***ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** An application for corrected tax roll indicates that the unpaid village taxes for property no. 1554 assessed to Robert Skope & Elizabeth Keir on the 2009 tax roll of the Town of Owego were re-levied in error to property no. 1544 assessed to David W Barth; therefore be it

**RESOLVED:** That the Town of Owego create and issue new tax bills to Robert Skope for property no. 1554, and to David W Barth for property no. 1544 as indicated below:

**Acct # 1554 Skope**

County	\$ 429.49
Recycle	18.04
Townwide	34.96
Return School	1,111.67
Return Village	<u>792.78</u>
Total	\$ 2,386.94

**Acct # 1544 Barth**

County	\$ 1,541.55
Recycle	64.74
Townwide	<u>125.49</u>
	\$ 1,731.78

**Roll Call:**  
**Ayes 07**  
**Noes 00**  
**Absent 02**  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 86-09**

***ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

**Adoption moved by Legislator McEwen,  
 Seconded by Legislator Monell.**

**WHEREAS:** An application for corrected tax roll indicates that the unpaid village taxes for property no. 985 assessed to Jeffrey L York on the 2009 tax roll of the Town of Owego were re-levied in error to property no. 984 assessed to Edward & Lynne Mieczkowski; therefore be it

**RESOLVED:** That the Town of Owego create and issue new tax bills to Jeffery L York for property no. 985, and to Edward & Lynne Mieczkowski for property no. 984 as indicated below:

**Acct # 985 York**

County	\$ 390.64
Recycle	16.41
Townwide	31.80
Return School	300.62
Return Village	<u>966.78</u>
Total	\$ 1,706.25

**Acct # 984 Mieczkowski**

County	\$ 491.81
Recycle	20.65
Townwide	<u>40.04</u>
Total	\$ 552.50

**Roll Call:**  
**Ayes 07**  
**Noes 00**  
**Absent 02**  
**CARRIED**

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 87-09

*ERRONEOUS ASSESSMENT  
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** An application for corrected tax roll indicates that the unpaid village taxes for property no. 400 assessed to Cheryl L Porcari on the 2009 tax roll of the Town of Owego were re-levied in error to property no. 1109 assessed to William R Hall; therefore be it

**RESOLVED:** That the Town of Owego create and issue new tax bills to Cheryl L Porcari for property no. 400, and to William R Hall for property no. 1109 as indicated below:

Acct # 400 Porcari

County	\$ 580.71
Recycle	24.39
Townwide	47.27
Return School	792.57
Return Village	<u>1,056.40</u>
Total	\$ 2,501.34

Acct # 1109 Hall

County	\$ 1,464.89
Recycle	61.52
Townwide	<u>119.25</u>
	\$ 1,645.66

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 88-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BARTON***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.**

**WHEREAS: An application for corrected tax roll indicates that property #10863 assessed to Phyllis & George Baggerly on the 2009 tax roll of the Town of Barton is erroneous in that the property should have had a senior exemption applied, therefore reducing the town taxable amount on property #10863 from \$102,000 to \$96,900, and the county taxable amount from \$102,000 to \$61,200; therefore be it**

**RESOLVED: That the Town of Barton issue a new tax bill to Phyllis & George Baggerly as indicated below:**

**Acct # 10863**

County	\$ 503.92
Recycle	35.29
Townwide	193.73
Barton Fire	<u>97.41</u>
	\$ 830.35

**and be it further**

**RESOLVED: That the erroneous amount of \$10.20 be charged back to the Town of Barton; and be it further**

**RESOLVED: That the erroneous county tax of \$335.95 be charged to the proper account in the records of the County Treasurer.**

**Roll Call:  
Ayes 07  
Noes 00  
Absent 02  
CARRIED**

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 89-09

*ERRONEOUS ASSESSMENT  
TOWN OF BARTON*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** An application for corrected tax roll indicates that property no. 11432 and no. 10588 assessed to Brian & Mary Charlton on the 2009 tax roll of the Town of Barton is erroneous in that an Ag exemption should have applied, therefore reducing the taxable value on property no. 11432 from \$82,500 to \$56,072, and reducing the taxable value on property no. 10588 from \$54,300 to \$44,737; therefore be it

**RESOLVED:** That the Town of Barton create and issue new tax bills for the above mentioned properties as indicated below:

	<u>Acct # 11432</u>	<u>Acct # 10588</u>
County	\$461.70	\$368.36
Recycle	19.40	15.48
Townwide	112.11	89.44
Lockwood Fire	<u>57.07</u>	<u>45.53</u>
	\$650.28	\$518.81

and be it further

**RESOLVED:** That the erroneous amount of \$71.95 be charged back to the Town of Barton and the erroneous fire tax of \$36.62 be charged back to the Lockwood Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$12.46 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$296.36 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**

Ayes 07

Noes 00

Absent 02

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 90-09**

***ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.**

**WHEREAS: The Supreme Court of the State of New York has rendered a Stipulation of Settlement agreement between Pietrafesa & Bahouth, LLC and the Town of Owego lowering the assessment on the 2009 Tax Roll of the Town of Owego for property no. 11791 from \$3,013,200 to \$2,100,000; and**

**WHEREAS: The 2009 taxes for the above mentioned property in the Town of Owego were paid on January 23<sup>rd</sup>, 2009; therefore be it**

**RESOLVED: That a refund of \$14,063.87 be issued to THE PENN TRAFFIC COMPANY and mailed to The Law Office of Bruce S Zeftel, as attorney for Pietrafesa & Bahouth, LLC for overpayment of 2009 Town and County Taxes; and be it further**

**RESOLVED: That the erroneous amount of \$2,636.76 be charged back to the Town of Owego and the erroneous fire tax of \$1,434.88 be charged back to the Owego Fire District; and be it further**

**RESOLVED: That the erroneous solid waste tax of \$402.72 be charged back to the Solid Waste Fund; and be it further**

**RESOLVED: That the erroneous county tax of \$9,589.51 be charged to the proper accounts in the records of the County Treasurer.**

**Roll Call:  
Ayes 07  
Noes 00  
Absent 02  
CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 91-09**

***ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.**

**WHEREAS:** An application for corrected tax roll indicates that property no. 4369 assessed to Randy A & Terri J Floyd on the 2009 tax roll of the Town of Owego is erroneous in that a clerical error omitted an Ag exemption which lowered the taxable value on property no. 4369 from \$35,300 to \$8,670; therefore be it

**RESOLVED:** That a corrected tax bill be issued to Randy A & Terri J Floyd for property no. 4369 by the Town of Owego as follows:

<u>2009 Corrected Tax Bill</u>	
County	\$ 91.04
Recycle	3.82
Townwide	7.41
Part Town	17.62
Return School	235.66
<u>Owego Fire</u>	<u>13.62</u>
<b>TOTAL</b>	<b>\$ 369.17</b>

and be it further

**RESOLVED:** That the erroneous town tax of \$76.90 be charged back to the Town of Owego and the erroneous fire tax of \$41.85 be charged back to the Owego Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$11.75 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous school tax and interest of \$676.45 be charged back to the Owego-Apalachin School District; and be it further

**RESOLVED:** That the erroneous county tax and school penalty of \$327.00 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**

Ayes 07

Noes 00

Absent 02

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 92-09**

***ERRONEOUS ASSESSMENT  
TOWN OF RICHFORD***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.**

**WHEREAS:** An application for corrected tax roll indicates that property #399 assessed to Ricky L & Pam Canfield on the 2009 tax roll of the Town of Richford is erroneous in that the assessment was lowered from \$28,800 to \$20,000 by the B.A.R.; be it therefore

**RESOLVED:** That a corrected 2009 tax bill be issued to Ricky L & Pam Canfield for property no. 399 by the Town of Richford as follows:

**2009 Corrected Tax**

County	\$ 115.92
Recycle	6.84
Townwide	179.52
Returned School	420.38
<u>Richford Fire</u>	<u>29.95</u>
<b>TOTAL</b>	<b>\$ 752.61</b>

**and be it further**

**RESOLVED:** That the erroneous amount of \$78.99 be charged back to the Town of Richford and the erroneous fire tax of \$13.18 be charged back to the Richford Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$3.01 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous school tax and 2% penalty of \$172.87 be charged back to the Newark Valley School District; and be it further

**RESOLVED:** That the erroneous county tax and penalty amount of \$63.10 be charged to the proper account in the records of the County Treasurer

**Roll Call:**

**Ayes 07**

**Noes 00**

**Absent 02**

**CARRIED**

**REFERRED TO:**

**PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 93-09**

***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***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.**

**WHEREAS: The Legislature approved a contract between Tioga County Department of Mental Hygiene and The Family and Children's Society for the provision of adult sex offender treatment for the Probation Department in 2008; and**

**WHEREAS: The Legislature directed that the responsibility for the budget for the above contract change in 2009 from the Department of Mental Hygiene to the Probation Department; 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 \$105,200 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 \$105,200 annually.**

**Roll Call:**

**Ayes 07**

**Noes 00**

**Absent 02**

**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE  
INFORMATION TECHNOLOGY  
PERSONNEL COMMITTEE

**RESOLUTION NO. 94-09** *AUTHORIZE CONTRACT FOR HIRE OF  
STAFKINGS TO PERFORM WORK FOR  
COUNTY CLERK*

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator Monell.**

**WHEREAS:** The County Clerks office is responsible for the recording, filing and maintaining of public records for Tioga County; and

**WHEREAS:** The Tioga County Clerk was awarded a grant from New York State Archives Local Government Records Management to scan and index several various miscellaneous records into our Electronic Document Management System (EDMS) to preserve these records for the public use; and

**WHEREAS:** The Tioga County Clerks office was awarded \$30,555.00 in purchase services of which \$3,300.00 was allocated for support staff salaries to perform this duty; and

**WHEREAS:** The Tioga County Clerk has received authorization from New York State Archives Local Government Records Management to use the balance of purchase services for additional support staff salaries; and

**WHEREAS:** Kimberly Nemchick was hired as an independent contractor to perform this duty and was paid \$189.00 to perform this service for the Tioga County Clerks office, said contract to be funded entirely by the New York State Archives Local Government Records Management Grant; and

**WHEREAS:** Kimberly Nemchick has taken a position with another agency and is no longer available to complete this work and has terminated her contract with the County on January 6, 2009; and

**WHEREAS:** The Tioga County Clerk has contacted Stafkings agency to enter into a contract to hire temporary workers to complete this grant project; and

**WHEREAS:** Said contract would provide for compensation at the hourly rate of \$12.63 per hour with the total payment of said services not to exceed \$30,366.00; be it therefore

**RESOLVED:** That the Tioga County Legislature authorize the Tioga County Clerk to enter into a contract with Stafkings at an hourly rate of \$12.63 per hour, total payment of said services not to exceed \$30,366.00 effective February 11 to May 31, 2009.

**Roll Call:**  
Ayes 07  
Noes 00  
Absent 02  
**CARRIED**

**REFERRED TO:** FINANCE/LEGAL COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 95-09** *AUTHORIZATION TO BACKFILL THE 3rd ASSISTANT DISTRICT ATTORNEY POSITION DISTRICT ATTORNEY'S OFFICE*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.

**WHEREAS:** Legislative approval is required for any Non-Union backfills within Tioga County; and

**WHEREAS:** There is a need to backfill the part-time position of 3<sup>rd</sup> Assistant District Attorney in the Tioga County District Attorney's Office due to the resignation of Eric Gartenman on December 31, 2008; and

**WHEREAS:** The District Attorney has identified Robin Engler as an attorney that is willing and eligible to accept appointment to said position at the annual salary of \$30,908.00; therefore be it

**RESOLVED:** That the District Attorney be authorized to backfill the 3rd Assistant District Attorney vacancy with the appointment of Robin Engler at the annual salary of \$30,908.00 to be paid from the 1165.10-20 Tioga County District Attorney budget effective February 11, 2009.

**Roll Call:**  
Ayes 07  
Noes 00  
Absent 02  
**CARRIED**

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

**RESOLUTION NO. 96-09 AMEND RESOLUTION 265-08 APPROVE  
LEAVE OF ABSENCE MENTAL HYGIENE**

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.**

**WHEREAS: In accordance with Tioga County Policy 1, Section VII, Resolution 265-08 approved a leave of absence for Linda Haacker through January 1, 2009; and**

**WHEREAS: Linda submitted an updated medical note dated January 22, 2009 indicating she is unable to return for 4 months; and**

**WHEREAS: The Director of Community Services recommends that Ms. Haacker's leave be approved; therefore be it**

**RESOLVED: That the Tioga County Legislature hereby approves Linda Haacker's leave through May 22, 2009.**

**Roll Call:  
Ayes 07  
Noes 00  
Absent 02  
CARRIED**

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

**RESOLUTION NO. 97-09 APPROVE LEAVE OF ABSENCE PUBLIC  
HEALTH**

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.**

**WHEREAS: In accordance with Tioga County Policy 1, Section VII, Legislative approval is required for a leave of absence in excess of sixty (60) working days; and**

**WHEREAS:** Linda Kostek, Community Health Nurse, has been out on medical leave since December 1, 2008; and

**WHEREAS:** Ms. Kostek does not meet the eligibility requirements for Family Medical Leave in 2009; and

**WHEREAS:** Based on updated medical information Ms. Kostek will not be able to return to work until approximately May 4, 2009; and

**WHEREAS:** The Public Health Director recommends that Ms. Kostek's leave be approved through May 3, 2009; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby approves Linda Kostek's leave through May 3, 2009; and be further

**RESOLVED:** That in the event Linda Kostek is released to full duty prior to May 3, 2009 she be allowed to return to work at that time.

**Roll Call:**  
Ayes 07  
Noes 00  
Absent 02  
**CARRIED**

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

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 98-09** *ERRONEOUS ASSESSMENT  
TOWN OF BARTON*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.

**WHEREAS:** An application for corrected tax roll indicates that property #11231 assessed to John & Denise Spaulding on the 2009 tax roll of the Town of Barton is erroneous in that Small Claims Court lowered the taxable value on property #11231 from \$198,000 to \$162,000; and

**WHEREAS:** The Waverly School District tax collector issued a corrected Waverly School Tax bill for the property owners based on the reduced amount, which was then returned as unpaid; be it therefore

**RESOLVED: That the Town of Barton issue a new tax bill to John & Denise Spaulding including the returned school tax as indicated below:**

**Acct # 11231**

County	\$ 1,084.40
Recycle	45.57
Townwide	263.30
Return School	1,720.28
Lockwood Fire	<u>134.03</u>
	\$ 3,247.58

**and be it further**

**RESOLVED: That the erroneous amount of \$71.98 be charged back to the Town of Barton and the erroneous fire tax of \$36.64 be charged back to the Lockwood Fire District; and be it further**

**RESOLVED: That the erroneous solid waste tax of \$12.45 be charged back to the Solid Waste Fund; and be it further**

**RESOLVED: That the erroneous county tax of \$296.43 be charged to the proper account in the records of the County Treasurer.**

**Roll Call:**

**Ayes 07**

**Noes 00**

**Absent 02**

**CARRIED**

**Legislator McEwen made a motion to adjourn at 1:49 P.M. and the motion to adjourn was carried.**

*Public Hearing*  
*Annual Agricultural District Inclusion*  
**February 19, 2009**

The Public Hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2009 was called to order by the Chair at 10:01 A.M. Six Legislative members were present, Legislators Oberbeck, Huttleston, and Sauerbrey being absent.

There were 6 people in attendance.

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

Josh Brown from the Planning Department spoke. "The agricultural district inclusion is a yearly process that Tioga County began in 2004. January is the designated month for the enrollment process. During the enrollment process in the month of January we received applications and phone calls for interested property owners in the county and over the past two years we have actually began to receive emails as far as requesting applications and to address inquiries from the public. During the Annual Inclusion process land may be added to the agricultural district but not removed.

"For 2009 we had three applications for landowners enrolling in the Ag district. They are in the Town of Barton, Candor, and Owego totaling 5 parcels of land for those three applicants and a total of 306.23 acres. Overall this year we received four phone calls and two emails. Each application was verified using assessment property class codes, GIS mapping data which includes aerial photography and also staff will conduct sight inspections when needed. All three applications meet requirements for the annual enrollment for the Tioga County Ag District this year under Article 25 AA of Agricultural and Markets Law. This data was also presented to the Tioga County Agricultural Farmland Protection Board and the Legislative Agricultural Committee at their February 3<sup>rd</sup> meeting and they have also provided recommendations to include their applications.

"The packet that I handed out, the first page is the location map showing where the properties to be included are in the 2009 Agricultural District. The second page is a breakdown of the municipality landowner, the address, tax ID acreage, and the principal farm enterprise. The final page is a line graph showing from 2004-2009 the number of acres that have been enrolled in the County. Altogether since this Annual Inclusion process began we have enrolled over 2100 acres in Tioga County."

There being no further comments, the hearing was adjourned at 10:06 A.M.

*Public Hearing*  
*North-Tioga Agricultural District*  
February 26, 2009

The Public Hearing on review of a proposed plan for revision of the North-Tioga Agricultural District was called to order by the Chair at 1:01 P.M. Three Legislative members were present, Legislators Huttleston, Monell, Oberbeck, Quinlan, Roberts, and Sauerbrey being absent.

There were 11 people in attendance.

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

Josh Brown, Associate Planner, spoke. "The North Tioga Agricultural district is comprised of the Towns of Richford, Berkshire, Newark Valley, and the Village of Newark Valley. During the eight-year review the plan can be continued, reviewed, or modified and this year the plan is up for a proposed modification. During this eight year period land may be added or removed from the district. To go over a couple of statistics from the agricultural process this year, the number of acres in the district being proposed is 23,776 acres. In 2001 when we had done the eight-year review we had a total of 18,860 acres. This time around we are increasing a net of 4,916 acres to the district over the four municipalities. The number of acres in farms is a total of 22,742 with the estimated number of acres cropped of 8,411. The number of acres owned by farmers are 22,173 and the number of acres rented by farmers is 569 acres. Since the last review the number of acres specifically in farms has increased 8,882 acres.

"I am going to go into a little bit of the process and the timeframe that we need to keep for the agricultural district review. September 4, 2008 marked the beginning of a 300 day review process. Public notices were issued to newspapers and town clerks of the affected municipalities and a 30 day comment period was held from October 1<sup>st</sup> to October 31<sup>st</sup>.

"On the data collection process for the district our methodology for petitioner recruitment included direct mailings, farm reviews, crops referencing to previously reported agricultural lands and telephone interviews for the purpose of accurate data collection. February 3, 2009 the data was presented to the Ag and Farmland Protection Board and the Legislative Agricultural Committee and there was the recommendation to approve the modification to the North Tioga Agricultural district.

“Today we are here to receive public comments since this is a formal public hearing. After the public hearing staff will review all public comments and begin work on any revisions to the plan and finalize a parcel listing and map to be submitted to the Legislature. Once the Legislature makes their final determination on the modified North Tioga Agricultural District the final plan will be submitted to New York State Department of Agriculture and Markets for a review and approval. The North Tioga Agricultural districts anniversary date is July 1, 2009.”

Pete Bateman spoke. “What is wrong with the district the way it is? Why change it?”

Josh Brown spoke. “The agricultural district is a voluntary program so this year we have actually had landowners enrolling additional acreage into the agricultural district so that is where the modification is going to be. It is actually increasing the amount of land enrolled in the district.”

Elaine Jardine spoke. “We had one small deleted parcel that was converted to fully residential, a small two acre parcel. The rest was additions on a voluntary basis by farmers or landowners that rent to farmers.”

Pete Bateman spoke. “Suppose you do not rent it and you put it into the soil banks, and you have to mow the hay on it and you have to let the hay lay on it because you cannot sell anything off from it. Is that going to stay the same?”

Elaine Jardine spoke. “I am not familiar with that program. That is not the same program as this.”

Josh Brown spoke. “That would not have anything to do with the agricultural district program. That is a separate program.”

Bill Corson spoke. “Otherwise the only modification is that you are adding more land and deleting a piece of property, right?”

Josh Brown spoke. “Nothing in the law has changed as far as any protections supported to you as far as being enrolled in the district. It is just up for an eight-year review. If you were to take your land out you are eligible to do that at this time or if you wanted to enroll you are eligible to do that as well.”

Bill Corson spoke. “The soil lease that is going on is changing. Is there anything that is going to mess up our qualifications for being in there right now?”

Josh Brown spoke. “Not as far as the agricultural district goes.”

**Elaine Jardine spoke. “There is a link though with the agricultural district. If a gas company proposes to drill on property or underneath property that the farmers are participating in, they then have to do a full environmental assessment form instead of just going through the regular permit process.”**

**Bill Corson spoke. “Who does that?”**

**Elaine Jardine spoke. “The gas driller, the drilling company. That is the only link between you.”**

**Bill Corson spoke. “In Pennsylvania some of the farmers have leased and they have taken their clean and green away from them.”**

**Josh Brown spoke. “That deals with more the ag assessment. The ag district and ag assessment they are different.”**

**Elaine Jardine spoke. “I am not even sure what the equivalent of clean and green is in New York State. Ag assessment is not clean and green either.”**

**Bill Corson spoke. “It is similar.”**

**There being no further comments, the hearing was adjourned at 1:09 P.M.**

***Public Hearing  
Local Law Introductory B of 2009  
March 5, 2009***

**The Public Hearing on Local Law Introductory B of 2009 A Local Law authorizing the County of Tioga and the District Attorney to appoint non-Tioga residents to the positions of Assistant District Attorney was called to order by the Chair at 1:33 P.M. All Legislative members were present.**

**There were four people in attendance.**

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

**District Attorney Gerald Keene spoke. I am pleased that the Legislature is considering this Law. I do think that it is necessary to have this Law in Tioga County because of the limited number of Attorneys that we have in the County. I have not counted them recently, but I believe it is somewhere between 30 and 35 Attorneys that we have in the County and half of them do not do criminal work, so when trying to find someone who is a resident of the County to work in the District Attorney's Office is difficult. I think it is more important to have a qualified person regardless of whether they are residents of the County or not. I do plan to continue to try to select people from within the County whenever that is possible because that is a better practice and works better to use within the County, but sometimes it is just not possible. I am supporting this Local Law and asking the Legislature to give it favorable consideration."**

**There being no further comments, the hearing was adjourned at 1:36 P.M.**

*Third Regular Meeting*  
March 10, 2009

The Third Regular Meeting of 2009 was called to order by the Chair at 6:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Monell to have a moment of prayer. “Lord, we thank you for granting us the opportunity to serve. We thank you for the direction that you give to each of us. We pray that you would please continue to give us guidance as we endeavor to make the necessary decisions for the good of Tioga County. We pray that your hand will be with us each step of the way as we go forward in these unsettling times and may the good of the people of Tioga County be uppermost in our thoughts as we transition through the economic climate that is upon us. We ask for your continued leading hand as we face the tasks of leadership. We ask all these things in the name of our Lord and Savior.”

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

There were approximately 47 people in attendance.

Denis McCann of the Employee Recognition Committee presented the Employee of the 1<sup>st</sup> Quarter 2009 to Cathy Haskell of the Economic Development & Planning Department.

“First I would like to thank the Legislature for supporting the Employee Recognition Committee and all the efforts. It is appreciated. I would also like to thank the Employee Recognition Committee members, past, present, and future. As I mentioned Cathy Haskell is the Employee of the First Quarter 2009. Cathy started her career with Tioga County in August of 1993 when she was hired as an Account Clerk Typist in Mental Hygiene. In February of 2000 she was promoted to Senior Account Clerk Typist. In June of 2001 she was promoted to Payroll Clerk where she served until August of 2004 when she was promoted to Administrative Assistant. In June of 2005 Cathy left Mental Hygiene and moved to her current position of Secretary to Economic Development & Planning.

“In her current position Cathy is responsible to five people in the two Departments. She must be familiar with the many programs that are administered through these Departments as well as the activities of the Tioga County Local Development Corporation and the Tioga County Industrial Development Agency. Along with her normal secretarial duties she maintains a small business assistance website, assists in the maintenance of data for our Empire Zone Program, payroll, department billing and record keeping, and tracks employee information for preparation of State vouchers for reimbursement. Cathy is the main contact for

small business workshops sponsored by Economic Development. In all of these areas Cathy demonstrates a high level of initiative and creativity, deals with a variety of people, and in all cases interacts effectively and professionally.

“Outside of work Cathy is active with her Church. She and her husband Gary live in Tioga County with their children, Tim, Lindsay, and Sarah. I want to point out a personal note, in June of 2005 when Cathy left working for me to go work for Doug, actually I also was meeting with Ron and he was who I reported to and Doug came in and poked his head into a meeting with the courtesy that he was interviewing Cathy and let us know, and we both said you are going to love her and have fun with her because we knew you were going to offer and give her a promotion. I said at that time you are going to be very happy with that decision and I know that you are.”

Doug Barton, Director of Economic Development & Planning, spoke. “When you are employee of the quarter you do get one wish. Cathy’s was that I keep my remarks short. My remarks will be short, but be sure that we are long in appreciation in our Department for Cathy’s efforts. I would like to thank the Legislature first because they have supported this program and I think it is a very important program to support. Of course I want to thank the Recognition Committee for their hard work and selection process. I know that each quarter there are a number of deserving candidates and I am sure that the decision can be a difficult one to make.

“Managing people is much easier when you have professional, dedicated staff and I have been blessed to have that in Economic Development & Planning. I have a smart committed group who works well as a team. In my management training years I have learned a number of skills. Motivation, they teach team building. They teach problem solving, decision making, stress management, time management, performance measurement, and many others. Very little time is spent on how to determine the best fit for a position that you are hoping to fill with just the right person. Because if you hire the right person the required management skills, like motivation, team building, stress management, and all the others that I mentioned, are really much easier.

“Four years ago we hired the right person. Yes they were people who on paper had the necessary skills to perform the job duties and there were probably people who may have even had the personality to fit into our small department, but Cathy brought so much more than that to our Department. Words like reliable, respectful, resourceful, results oriented, responsive, and responsible, only begin to describe her approach to work. Daily she contributes to the success of our Department. I am regularly pleased and even sometimes surprised at her ability to not only take on assigned tasks, but to anticipate what needs to be done to improve our daily workload, and she consistently exceeds performance expectations. She

effectively handles concurrent assignments from all of the Department and at all times has represented our Department with the business world in a professional manner. We are all fortunate to have Cathy as part of our team. Cathy, thank you and this is a well deserved honor.”

Cathy Haskell spoke. “I would just like to say this is a great honor and I truly appreciate it. I find it a privilege to work for Tioga County and for the Economic Development & Planning Department. I just appreciate you all. Thank you.”

Chair Weston asked for unanimous passage of two recognition resolutions recognizing Daniel Eiklor and Paul LeBlanc.

Legislator Sauerbrey read and presented a recognition resolution and plaque to Daniel Eiklor of the Sheriff’s Department.

**REFERRED TO: PUBLIC SAFETY  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 99-09 RESOLUTION RECOGNIZING  
DANIEL G. EIKLOR’S 33 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY**

**Adoption moved unanimously,  
seconded unanimously.**

**WHEREAS: Daniel G. Eiklor was appointed Building Maintenance Mechanic on 1/13/76; appointed Deputy Sheriff-Jailer on 6/6/77; appointed to Deputy Sheriff on 1/1/81; appointed to Investigator on 3/24/90; and appointed to Senior Investigator on 1/1/04; and**

**WHEREAS: Daniel G. Eiklor has been dedicated and loyal in the performance of his duties and responsibilities during the past 33 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and**

**WHEREAS: Daniel G. Eiklor will retire from the Tioga County Sheriff’s Office on March 16, 2009; 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 G. Eiklor for his more than 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, Daniel G. Eiklor.

**CARRIED UNANIMOUSLY**

Sheriff Howard spoke. "I am not going to keep you long. I did some workup. First thing I want to say is, Marte, I am losing everyone. In December I lost Lenny Jackson and in January Pat Scott, and now Dan Eiklor, and I think there is more to come. I think they are telling me something.

"I went through Dan's records today and just to give you an idea of what he has done for us. He has worked for the Sheriff's Office for 11,298 days. To put that into perspective a little bit, he has worked in the Criminal Division 6,932 days, which equates to 18 years or so. Now along with that, Investigators are on call and I figured out today that Dan Eiklor was on call for four straight years. After 10:00 o'clock when they go home, at 10:00 o'clock when that phone rings, as it was in my house, I was the only one that answered because it was for no one else but the Investigator on call. Think of yourself of being on call for four straight years, that is what Dan has dedicated to the Sheriff's Office and the people of the county. I am going to miss Dan. It has been 30 years or so that we have worked together. Surveillances together, some good cases, some bad cases, and the Sheriff's Office and everyone involved in the county are going to miss you."

Dan Eiklor spoke. "Sincere thanks to the members of the Tioga County Legislature for the honor and privilege of being here tonight. A special thank you to Sheriff Howard, Undersheriff Jackson for being able to work with them and for them, all the other fellow employees, payback time is tonight. My wife, Rose, daughter, Amy and son, Eric for the times that they have supported me. Thank you and I am sincerely going to miss everybody."

Legislator Huttleston read and presented a recognition resolution to Paul LeBlanc. "I have to congratulate the Community Services Board, when they hired you it was a happy day when they hired you and it is a sad day now. I hope they do as good a job at picking the next Director as they did picking you. The next Director will have a tough pair of shoes to fill. I thank you for all your service and I am quite sure that people with disabilities in this county are certainly a lot better off because of you. I appreciate it. It made my job a lot easier."

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 100-09      *RESOLUTION RECOGNIZING  
PAUL J. LEBLANC’S 10 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY***

**Adoption moved Unanimously,  
seconded Unanimously.**

**WHEREAS: Paul J. LeBlanc was appointed Director of Community Services on 4/5/99; and**

**WHEREAS: Paul J. LeBlanc has been devoted and faithful in his oversight of the mental health services provided to the citizens of Tioga County during the last 10 years, and a steadfast, spirited advocate for the delivery of high quality services to those in need; and**

**WHEREAS: Paul J. LeBlanc will retire from the Tioga County Department of Mental Hygiene on March 31, 2009; 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 Paul J. LeBlanc for his 10 years of devoted and faithful 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, Paul J. LeBlanc.**

**CARRIED UNANIMOUSLY**

**Legislator Huttleston spoke. “To his wife, he is all yours now and I hope you have a lot of projects lined up for him. I am quite sure you do. We appreciate you and Paul being a part of our community and a part of our Mental Health program. Thank you.”**

**Paul LeBlanc spoke. “Be careful what you ask for dear. I want to thank the Tioga County Legislature and the Community Services Board for giving me the honor and the privilege of holding this position for the last 10 years. It has been my pleasure to do so. A couple people that I want to thank, I want to thank Dale for listening, being pragmatic, and giving me some support and advice at times. I really want to thank Dick. Dick has always been there behind the scenes. Dick really understands Mental Hygiene and has been a strong advocate, strong supporter and**

has been very helpful to me. Actually Dick is the only one here now from the beginning.

“My fellow department heads, especially Shawn and Hans who have helped me stay on this wild rollercoaster that we have and help me from falling off from time to time. There are so many staff that really have done such a great job. You have a lot of work to do ahead of you. I have great respect for the Legislature from the first time that I was involved with the Legislature. I was impressed by the fact that you do your business as a group in worksessions in public and I know that you have a very difficult job ahead of you and I wish you the best of luck. I think you have got opportunities as well for great success for all that is going on right now. Thank you so much for this and best wishes.”

Paula Guiles spoke. “I am current Chair of the Community Services Board and Paul is our Director. Basically he keeps us in line and we provide a system of checks and balances for each other. I was going back over some of my records and I decided that what I wanted to do was to highlight some of Paul’s recent accomplishments. I am sure you all remember the flood of 2006 and Paul was instrumental in obtaining FEMA grants so that we could provide some counseling services to residents of Tioga County during that time. We had a program set up that actually served approximately 350 county residents. It was a grant that was held for a whole year. Paul managed to get a grant for a whole year.

“He was instrumental and he partnered with the Health Director and DSS Commissioner to develop a healthy families program in Tioga County which is to talk about the specific needs and the specific intricacies of newborn babies and families. There were some things that were instrumental to the department too. One is that actually from time to time we have suffered really high no show rates as far as our clinical program goes. Paul and many people in the department, but Paul was instrumental in doing this, we put into place a system of call backs to remind people of their appointments and significantly reduced the no show rate. Also our department now has a continuous quality improvement plan which Paul was instrumental in putting together and that was part of what was the software system for instituting the call backs for no shows.

“I do not know how many of you are aware, but in today’s day and age actually there is a system that comes down to us called evidence base best practices. It has been around for a number of years, but now it is becoming more and more prevalent in the Mental Health community, and what it does is devise a system of standardized instruments to measure what works and what does not work and how well it works. Paul also has been instrumental in getting that plan off the ground. Also this last fall we were privileged to have our first integrated planning effort. What that is, is a plan that goes to the State and what Paul did this last year was bring our OMRDD subcommittee, our Alcohol and Drug sub-committee, and the

Mental Health committee together to devise a plan that we would send into the State. It is a first.

“Recently Paul advocated and was able to get the funding through the Legislature for a Medicaid Compliance person and basically last year or a couple years ago the Office of Mental Health came up with a Medicaid Inspector General. Basically their job is to recoup Medicaid funds due to improper billing and improper record keeping and all that kind of stuff. We now are fortunate to have a person on board who can keep us on a straight and narrow with that, thereby saving a great deal of money because their plan is to get back millions of dollars over the next several years and increasing amounts every single year. So this is a really important piece of that.

“We also got telepsychiatry thanks to Paul. We have a system from Columbia University and basically we have access to their chief psychiatrist there who can help us in difficult situations with children. It has been used a couple times now. The turn around time for opinions and feedback has been very good. It also has been a great connection for one of the children who that was used for. He has always been a really broad thinker. He always brings to us this global picture of how the State affects us all the way across the board, but then there are a couple of funny things too, like Paul always brings chocolate to meetings. Without his chocolate some of those meetings we would not have survived and, in fact, we have not figured out yet how we are absolutely going to have enough chocolate to keep these things going. Recently Paul and I have shared some personal conversations and he has shared with me that in his upcoming retirement he wants to get on his tractor and plow a garden. So I just thought that you all should know about that. I will miss him greatly. Thank you Paul.”

Ruth Roberts spoke. “For those of you who know Paul you know he thinks big. No idea is little coming from Paul LeBlanc. All I can say is we have benefited from that in our department in terms of our program development and the spirit and the energy that surrounds our operations and also the creativity, but most importantly I think that was demonstrated in his real commitment to meeting the needs of Tioga County residents who are struggling with a disability. I suspect that he will take that spirit and 110% into retirement so he is all yours Nancy.”

Shawn Yetter, Commissioner of Social Services, spoke. “Hans and I have agreed that I am speaking on behalf of both of us, which is always dangerous Hans. This will be new for me, I have been back as a Department Head for six years and Hans and Paul and I have been a team for those six years, and I think that is what I would want to focus on in wishing him well is that this County is very fortunate that our three departments and this was strengthened by the building of the Health & Human Services building. We are very fortunate about the team work that does happen between departments and it would not happen without the dedication of

department heads and Paul is always at the forefront of being a team player with the other departments.

“Hans and I are very appreciative of that. We meet every other week on Friday mornings for breakfast. Paul has only stood me up once I think over the course of time, but that is a very informal opportunity for us to strengthen the relationship that we have had over the years because it is quite often that our departments are at opposing forces in regards to the services that we are delivering and we have to be very careful of how we are working with each other to make sure our relationships are strong, and bottom line being that our services are being delivered. Paul we will miss you as part of the team and we wish you nothing but the best.”

George Penney had privilege of the floor. “First let me commend the Legislature on their desire to reduce expenses by reducing even a small amount of paper, however I would suggest that this new format maybe could stand some improvement in that it does reduce the ease with which the public can participate.

“As to resolution no. 32 which is to authorize contracts with Owego Apalachin Central School District and Central New York Services for school-based social worker and appropriations of funds, I would suggest that you might reconsider this resolution because as of now it will be applied to only one School that I am aware of. Are you expecting this to apply to other Schools as well throughout the County? If so there might be considerably more expense than you might have considered.

“As to resolution no. 25 to authorize disbursement of HUD CDBG revolving loan funds to Tioga County Industrial Development Agency, I would remind you that a few years ago the State Comptroller publicly criticized the Legislature for failure to oversee the expenditures of these very funds. Now it is proposed to turn those funds over to the IDA. The Legislature has, if any, less control over the IDA than it did over the other situation. What I would suggest is that you give very serious consideration to both of these resolutions. 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		1,334.18
A1165	District Attorney		2,889.77
A1170	Public Defender		2,710.70
A1172	Assigned Counsel		18,506.87
A1185	Medical Examiners/Coroners		5,519.29
A1325	Treasurer		11,833.90
A1355	Assessments		2,250.00

A1362	Tax Advertising and Expense		2,607.94
A1410	County Clerk		2,002.95
A1411	Department of Motor Vehicles		4,433.03
A1420	Law	80.00	2,928.60
A1430	Personnel		2,992.69
A1450	Elections		1,867.67
A1460	Records Management		353.11
A1640.41	Records Management Grant		3,000.00
A1490	Public Works Administration		400.14
A1620	Buildings		83,269.58
A1680	Information Technology		2,810.96
A2960	Education of Handicapped Children		217,368.94
A3020	Public Safety Comm E911 System		4,509.46
A3110	Sheriff		20,668.47
A3110.41	Sheriff-Court Attendants		2,536.50
A3116	Sheriff CPSG		1,811.85
A3140	Probation		1,199.30
A3142	Alternatives to Incarceration		775.45
A3146	Sex Offender Program		8,766.67
A3150	Jail	670.99	46,368.67
A3315	Special Traffic Programs		1,066.43
A3410	Fire	990.82	7,809.54
A3640	Emergency Mgmt Office		322.52
A4010	Public Health Nursing		38,237.62
A4011	Public Health Administration		13,096.96
A4012	Public Health Education		213.58
A4042	Rabies Control		306.89
A4044	Early Intervention	406.00	47,058.20
A4053	Preventive/Primary Health Services		110.55
A4054	Preventive Dental Services		2,613.99
A4062	Pre-Natal Care and Assistance		19.00
A4064	Managed Care-Dental Services		14,281.64
A4070	Disease Control		2,314.42
A4090	Environmental Health		6,145.05
A4210	Alcohol & Drug Services		22,110.38
A4211	Council on Alcoholism		19,847.32
A4309	Mental Hygiene Co Admin	169.00	10,272.64
A4310	Mental Health Clinic		73,129.52
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		27,324.92
A4321	Intensive Case Management		2,084.00
A6010	Social Services Administration		96,553.66
A6422	Economic Development		3,667.06
A6510	Veterans' Service		136.00

A6610	Sealer Weights & Measures	179.64
A7180	Snowmobile Grant Program	48,545.00
A7310.41	Youth Programs, Refundable	14,201.97
A7510	Historian	357.32
A7989	Tourism	9,690.00
A8020	Planning	298.38
A8025	Regional Planning 7-County Board	11,137.00
A9060	Health Insurance	1,407.64
SOLID WASTE FUND		68,617.94
COUNTY ROAD FUND		96,738.05
SPECIAL GRANT FUND		12,859.28
CONSOLIDATED HEALTH FUND		876,157.37
CAPITAL FUND		539,315.80
LIABILITY INSURANCE FUND		828.60
WORKERS' COMP		<u>5,409.00</u>
GRAND TOTAL		\$ 2,533.119.62

Legislator Roberts made a motion to approve the minutes of February 5, 10, 19, and 26, 2009, seconded by Legislator Oberbeck, and carried.

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

Chari Weston read the 2008 Highlights for the State of the County Address.

Areas of note within Tioga County in 2008 and 2009 goals.

- I. On the Economic Development front:
  - Moved ahead with work on E=MT<sup>3</sup>
  - Preparation for the 2010 Census resulted in the recovery of over 1,000 new addresses.
  - Successfully assisted in the "Connect Tioga" initiative.
- II. County Government organization:
  - County Clerk in conjunction with DMV generated over 1.7 million.
  - People v. Calvin Harris murder trial. Jury selection was supposed to commence on February 17, 2009, but a request was made for a nonjury trial, then Judge Smith recused himself, and a new Judge was appointed. Trial is to take place sometime this summer in Tioga County.
  - CSEA negotiations – despite considerable efforts to resolve, negotiations carried over into 2008 and were completed in September, resulting in a 4 year contract.
  - Child Support Enforcement Unit collections reached a record level for the fifth year in a row, with collections totaling over 5.7 million.
  - May 2008 Transportation survey by Social Services nets route changes to better serve riders

- Transportation contract expired in 2008 and a new contract was awarded to Tioga Transport, Inc.
- School-based dental visits provided to children increased by 16% from 2007
- In August 2008 the Health Department conducted a drill to assess its response to pandemic flu by setting up a Point of Distribution (POD) for mass distribution of the anti-viral Relenza (an inhalant), Tioga County being the first county to use Relenza.
- October 2008 the Health Department CHHA and LTHHCP nurses go live on laptop computers, utilizing the Progressa software, for entering patient documentation and physical orders at the point-of-care.
- Mental Hygiene consumer satisfaction survey yields average score of 90 compared with score of 88 for 2007.
- Mental Hygiene for the second year in a row paid portion of department fringe costs which happens in only four departments in the County.
- Mental Hygiene worked collaboratively with the Departments of Health and Social Services on continuous implantation of the \$400,000 Healthy Families program for Tioga County.
- Fixed Assets moved from the Records Management to Information Technology.
- Information Technology/Purchasing Coordinator assumed responsibility for county-wide assets and began working on a county-wide asset inventory, which is still in progress.
- Renovations of basement at 56 Main Street for BCC classes to be held once again were completed.

**III. Overall good news for the County:**

- Sheriff generated \$601,395 in revenue, 3% increase.
- Community College tuition billings were \$2.3 million.
- Less than 2% budget increase second year in a row.
- 2008 was the second year for allowing Pennsylvania residents to use the Barton Transfer station facility as long as they purchased a permit at a \$25.00 annual fee this generated a \$7,060.00 in revenue. This is a 23.9% increase.
- Completed move of Information Technology's new computer room with a backup generator system.

**IV. 2009 Goals**

- Moving the Department of Motor Vehicles back to County owned property
- Evaluate bridges for closure
- Legislative meetings regarding cost saving initiatives have started
- Properly manage and take full advantage of the stimulus money on behalf of Tioga County
- Pursuing broadband
- Review land auction bidding process

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 101-09 SUPPORT FITNESS CHALLENGE**

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.**

**WHEREAS: The nation, as a whole, has seen an increase in obesity; and**

**WHEREAS: One of the causes of this obesity is the lack of fitness; and**

**WHEREAS: To improve the health of our community, it is important that our residents get involved in some fitness activities; and**

**WHEREAS: The local fitness programs are challenging the community to participate in a "Tioga County Fitness Challenge"; and**

**WHEREAS: The program is designed to allow anyone (no matter their level of fitness ability) to participate by providing different levels of participation; therefore be it**

**RESOLVED: That the Tioga County Legislature supports the Tioga County Fitness Challenge program in an effort to provide a healthier community to the people of Tioga County.**

**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 102-09 APPORTION DOG FUND MONIES**

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**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, 2008; 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	\$1,860.87
Town of Berkshire	\$ 139.51
Town of Candor	\$1,490.14

Town of Newark Valley	\$ 527.05
Town of Nichols	\$ 507.64
Town of Owego	\$2,072.09
Town of Richford	\$ 104.14
Town of Spencer	\$ 677.24
Town of Tioga	<u>\$1,081.59</u>
<b>TOTAL</b>	<b>\$8,460.27</b>

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 103-09                      *ERRONEOUS ASSESSMENT  
 TOWN OF OWEGO***

**Adoption moved by Legislator McEwen,  
 seconded by Legislator Monell.**

**WHEREAS: The Village of Owego has notified the Treasurer’s office that the unpaid village taxes for property #546 assessed to Kurt Franzenburg on the 2009 tax rolls of the Town of Owego were releived in error to property #455 assessed to Denis & Heather McCann on the 2009 tax roll of the Town of Owego; and**

**WHEREAS: The 2009 tax bill for property #455 was paid to the Town of Owego on 1/15/09, and the 2009 tax bill for property #546 was paid to the Town of Owego on 1/23/09; be it therefore**

**RESOLVED: That a refund of \$707.51 be issued by the Town of Owego Tax Collector to Denis & Heather McCann for overpayment of the 2009 taxes on property #455; and be it further**

**RESOLVED: That the payment of \$430.59 for property #546 received on 1/23/09 be returned to the Estate of Kurt Franzenburg, and the receipt rendered null & void; and a corrected bill adding the village relevy be issued for property #546 by the Town of Owego as follows:**



**RESOLVED:** That the erroneous town amount of \$50.90 be charged back to the Town of Spencer; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$8.74 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous school tax of \$797.41 and the 3% interest of \$23.92 be charged back to the Spencer-VanEtten School District; and be it further

**RESOLVED:** That the erroneous county tax and penalty amount of \$265.79 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 105-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BERKSHIRE***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.**

**WHEREAS:** An application for corrected tax roll indicates that property no. 449 assessed to George & April Swaney on the 2008 tax roll of the Town of Berkshire is erroneous in that a portion of the property was sold but the assessment was never changed, therefore reducing the taxable value from \$8,300 to \$5,402 for town and county purposes, and \$2,632 for 2007-08 school taxes; and

**WHEREAS:** The taxes for parcel no. 449 assessed to George & April Swaney, including the relieved school amount were paid 4/20/08; be it therefore

**RESOLVED:** That a refund of \$2,923.19 be issued to George & April Swaney for overpayment of the 2008 taxes for property no. 449; and be it further

**RESOLVED:** That the erroneous town tax of \$507.14 be charged back to the Town of Berkshire and the erroneous fire tax of \$121.69 be charged back to the Berkshire Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$25.91 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous school tax and interest of \$1,565.24 be charged back to the Newark Valley School District; and be it further

**RESOLVED:** That the erroneous county tax and school penalty of \$703.21 be charged to the proper account in the records of the County Treasurer

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 106-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BERKSHIRE***

Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.

**WHEREAS:** An application for corrected tax roll indicates that property no. 449 assessed to George & April Swaney on the 2009 tax roll of the Town of Berkshire is erroneous in that a portion of the property was sold but the assessment was not changed reducing the taxable value from \$8,300 to \$5,402; and

**WHEREAS:** The 2009 taxes on property no. 449 have not been paid to the Town of Berkshire; be it therefore

**RESOLVED:** That the Town of Berkshire tax collector issue a corrected 2009 tax bill to George & April Swaney for property no. 449 as indicated below:

**Acct # 449**

County	\$ 1,278.21
Recycle	53.67
Townwide	1,042.11
<u>Berkshire Fire</u>	<u>232.36</u>
	\$ 2,606.35

and be it further

**RESOLVED:** That the erroneous town amount of \$559.06 be charged back to the Town of Berkshire and the erroneous fire tax of \$124.66 be charged back to the Berkshire Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$28.80 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$685.72 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 107-09** *AUTHORIZE DECREASE IN  
ADMINISTERING MORTGAGE TAX BY  
THE TIOGA COUNTY CLERK AS APPROVED  
BY NEW YORK STATE DEPARTMENT OF  
TAXATION AND FINANCE*

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Sauerbrey.

**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 are 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 \$70,977.00 per year; and

**WHEREAS:** The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to decrease the mortgage expense to be \$70,977.00 for the period of April 2009 – April 2010; be it therefore

**RESOLVED:** That the County Clerk be authorized to collect or withhold from its disbursements in twelve (12) equal monthly installments of \$5,914.75 at a total annum amount of \$70,977.00.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 108-09 ADOPT LOCAL LAW NO. 2 OF 2009**

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**WHEREAS:** A public hearing was held on March 5, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2009 A Local Law authorizing the County of Tioga and the District Attorney to appoint non-Tioga residents to the positions of Assistant District Attorney; 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 2009; therefore be it

**RESOLVED:** That the following Local Law be and hereby is adopted;

**County of Tioga**

**Local Law No. 2 of the Year 2009.**

**A LOCAL LAW AUTHORIZING THE COUNTY OF TIOGA AND THE DISTRICT ATTORNEY TO APPOINT NON-TIOGA RESIDENTS TO THE POSITIONS OF ASSISTANT DISTRICT ATTORNEY**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1. PURPOSE.**

The District Attorney and the Assistant District Attorney[s] are public officers under the Public Officers Law, Section 3, which section requires that such public officers be residents of the County of Tioga in order to hold such office. The purpose of this local law is to authorize non-residents of the County of Tioga to be Assistant County Attorneys due to the limited number of qualified attorneys residing within the County.

**SECTION 2. AUTHORITY.**

Under the Municipal Home Rule Law, Section 10, the County of Tioga has the authority to authorize a non-resident to hold the position of Assistant District Attorney.

**SECTION 3. DEFINITIONS:**

District Attorney – The person holding such office as appointed under Section 700 of the County Law.

Assistant District Attorney – The person or persons appointed by the District Attorney under Section 702 of the County Law.

**SECTION 4. AUTHORIZATION.**

The District Attorney is hereby authorized to appoint non-residents of the County of Tioga to the position of Assistant District Attorney.

**SECTION 5: EFFECTIVE DATE.**

This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

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:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:** LEGISLATIVE WORKSESSION

**RESOLUTION NO. 109-09** *AMEND POLICY 29  
RULES OF PROCEDURE OF THE  
TIOGA COUNTY LEGISLATURE*

Adoption moved by Legislator Oberbeck,  
Seconded by Legislator Monell.

**RESOLVED:** That Policy 29 Rules of Procedure of the Tioga County Legislature is hereby amended as follows:

Section 4 – Appointments (3)  
Remove Criminal Justice Advisory Council

Add Alternatives to Incarceration Board

And be it further

**RESOLVED:** That the remainder of Policy 29 shall remain in full force and effect.

**CARRIED**

**REFERRED TO:** ED&P COMMITTEE

**RESOLUTION NO. 110-09** *APPOINT MEMBERS TO THE TIOGA  
COUNTY LOCAL DEVELOPMENT  
CORPORATION*

Adoption moved by Legislator Monell,  
seconded by Legislator Sauerbrey.

**WHEREAS:** The terms of three Tioga County Local Development Corporation members; Eva Mae Musgrave, William J. Woods, Jr. and Samuel F. Thomas expire as of March 31, 2009; and

**WHEREAS:** Eva Mae Musgrave has expressed a desire for re-appointment and William J. Woods, Jr. and Samuel F. Thomas have declined to serve another term causing two vacancies; and

**WHEREAS:** The Tioga County Local Development Corporation and the Tioga County Legislature wish to recognize the commitment of William J. Woods, Jr. and Samuel F. Thomas to the Tioga County LDC over the past years; and

**WHEREAS:** The Tioga County Local Development Corporation Board of Directors has found Scott MacDonald and Laura Costello willing and able to fill these vacancies; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby re-appoints Eva Mae Musgrave for another three-year term of 4/1/09 – 3/31/12 and appoints Scott MacDonald and Laura Costello to fill said vacancies for the three-year term of 4/1/09 – 3/31/12.

**CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 111-09      *RESOLUTION REAPPOINTING  
MEMBERS TO COMMUNITY  
SERVICES BOARD***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.**

**WHEREAS:** The Denise Brown’s and David McNamara’s appointments to the Community Services Board will expire on March 31, 2009; and

**WHEREAS:** The Community Services Board has recommended reappointment of these individuals; 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 Denise Brown and David McNamara be reappointed to the Community Services Board, each for a term starting April 1, 2009 and ending March 31, 2013.

**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 112-09      *ACCEPTANCE OF APPLICATION FOR  
CARL LAPOSKY TO JOIN THE  
TIOGA COUNTY HAZ-MAT TEAM***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.**

**WHEREAS:** The Bureau of Fire provides high quality Hazardous Materials Team support to the Fire Service in Tioga County and adjacent Counties through the NYS Fire Mutual Aid Plan, and

**WHEREAS:** This service is provided by local, highly trained volunteers, and

**WHEREAS:** Anthony Quaranta has left the County Haz-Mat Team; and

**WHEREAS:** Carl Laposky has applied for membership and is willing to serve on the County Haz-Mat Team, and

**WHEREAS:** Carl Laposky is currently trained to the New York State Office of Fire Prevention and Control Hazardous Materials Operations level and is currently a New York State certified Advanced Emergency Medical Technician, and

**WHEREAS:** Carl Laposky will be available for both Haz-Mat and Emergency Medical support with the Haz-Mat Team and this appointment will be at no additional increase to the Bureau of Fire budget due to the return and availability of personal protective equipment recently returned from inactive team members, and be it

**RESOLVED:** That Carl Laposky be added to the Tioga County Haz-Mat Team roster.

**CARRIED**

**REFERRED TO:** ED&P COMMITTEE  
AGRICULTURE COMMITTEE

**RESOLUTION NO. 113-09** *AUTHORIZE 2009 REQUESTS FOR  
INCLUSION OF LANDS IN AGRICULTURAL  
DISTRICT*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sullivan.

**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 all three of Tioga County's 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 2009 requests for inclusion of land listed in said report into the Spencer and Owego Nichols 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.

**CARRIED**

**REFERRED TO: ED&P & AGRICULTURE COMMITTEES**

**RESOLUTION NO. 114-09**      *RESOLUTION TO ADOPT A SEQR NEGATIVE DECLARATION AND TO APPROVE THE NORTH TIOGA AGRICULTURAL DISTRICT (#3) AS REVISED AND SUBMIT SAME TO THE NEW YORK DEPARTMENT OF AGRICULTURE AND MARKETS FOR APPROVAL*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** Pursuant to the New York State Agriculture and Markets Law Article 25AA and upon 300-day notice by the Department of Agriculture and Markets, the Tioga County Legislature has initiated a review of the existing North Tioga Agricultural District (#3) to determine if it should be modified or terminated; and

**WHEREAS:** The Agricultural and Farmland Protection Board has been requested by the Legislature to review the District and make a recommendation for revision or termination; and

**WHEREAS:** By unanimous resolution the Agriculture and Farmland Protection Board did adopt a proposed plan for modification of the North Tioga Agricultural District; and

**WHEREAS:** The Tioga County Planning Department has conducted this review and has created a corresponding plan based on public comments, surveys and extensive consultation with area farmers; and

**WHEREAS:** A public hearing was held on February 26<sup>th</sup>, 2009 and the District map and findings along with the proposed revisions were presented to the public; and

**WHEREAS:** The proposed district review report is comprised of the map and findings filed with the Clerk of the County Legislature for the public comment period and copies showing proposed revisions were presented at the public hearing; and

**WHEREAS:** The County Legislature has indicated its desire to be designated lead agency for SEQR (State Environmental Quality Review) requirements; and

**WHEREAS:** This plan has been found to have “ little likelihood of significant adverse environmental impact...” consistent with the programmatic review of environmental effects of agricultural districting by the New York State Department of Agriculture & Markets; and

**WHEREAS:** Pursuant to the State environmental review processes, certain findings and determinations with respect to potential environmental effects of the proposed action must be made; therefore be it

**RESOLVED:** That based upon review of the above as outlined on the New York State Department of Agriculture & Markets “Environmental Assessment Form” provided by them for this purpose, the County of Tioga has determined that the proposed modifications of the North Tioga Agricultural District would not have a significant impact on the environment; and be it further

**RESOLVED:** That the Planning Department shall submit to the NYS Department of Agriculture & Markets along with the proposed plan for District modification the “State Environmental Quality Review, Negative Declaration Notice of Non-Significance” appropriately completed to reflect this determination; and be it further

**RESOLVED:** That the Tioga County Legislature does hereby approve the proposed plan as revised to date, and directs the Planning Department to prepare a submission package as required by the NYS Department of Agriculture and Markets describing this proposal, and to submit same on behalf of the Legislature to that agency for review as described in Article 25AA; and be it further

**RESOLVED:** That it is intent of this body, upon approval by the Commissioner of NYS Department of Agriculture & Markets, to make this revised North Tioga District effective immediately.

**CARRIED**

**REFERRED TO:** **ED&P COMMITTEE**  
**JOB TRAINING COMMITTEE**

**RESOLUTION NO. 115-09** ***AMEND TIOGA EMPLOYMENT***  
***CENTER BUDGET***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.**

**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 New York State Department of Labor, in conjunction with the Governor and the State Workforce Investment Board, will be issuing state level funds to the local areas in order for them to provide gas cards to participants who are in need of them, particularly for those LWIAs who lack a comprehensive mass transit system and/or have significant rural based populations. Tioga County is designated as an eligible area to receive funds, and the funds were requested; and

**WHEREAS:** The Tioga Employment Center has been approved to receive \$6,250 (six-thousand-two hundred and fifty dollars) in gas card allotment; and

**WHEREAS:** A new budget line needs to be created on the Tioga Employment Center budget; therefore be it

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

<b>From: CD4791 – Federal Aid-Federal Employment Program</b>	<b>\$6,250.00</b>
<b>To: CD6293.40-487 – Federal Employment Program</b>	<b>\$6,250.00</b>

On roll call vote on the above resolution six members voted Aye, Legislators Oberbeck, Roberts and McEwen voting no, and the resolution was adopted.

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

**RESOLUTION NO. 116-09**      *APPROPRIATION OF FUNDS*  
*PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.

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

**WHEREAS:** The funding is specifically designated for the purchase of grant 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	\$ 7,500
To: A4012.20-131 Health Education: Equipment	\$ 6,000
To: A4012.40-640 Health Education: Non-Office Supplies	\$ 1,500

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** ED&P COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 117-09**      *AUTHORIZE SUBRECIPIENT*  
*AGREEMENT BETWEEN*  
*COUNTY OF TIOGA AND TIOGA*  
*COUNTY INDUSTRIAL*  
*DEVELOPMENT AGENCY*

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**WHEREAS: Tioga County executed a subrecipient agreement with the Tioga County Local Development Corporation (TCLDC) on March 16, 2006 to administer an economic development revolving loan fund (RLF) with grant money acquired under the Small Cities Community Development Block Grant (CDBG) from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, distributed by the U.S. Department of Housing and Urban Development (herein referred to as HUD); and**

**WHEREAS: Tioga County executed a subrecipient agreement with the TCLDC per Tioga County Resolution 77-95, dated February 16, 1995, for the management of revolving loan funds established from U.S. HUD CDBG grant numbers B-95-DH-36-0262, B-96-DH-36-0271, and B-97-DH-36-0084 (Howland Brothers Co., Inc.); and**

**WHEREAS: Tioga County approved the RLF Policies and Procedures adopted by the TCLDC per Tioga County Resolution 236-08, dated August 12, 2008, to guide the administration of the funds; and**

**WHEREAS: The subrecipient agreement between Tioga County and the TCLDC expires on March 16, 2009; and**

**WHEREAS: All loan programs currently administered by the TCLDC are being prepared for transfer to the Tioga County Industrial Development Agency (TCIDA); and**

**WHEREAS: The HUD CDBG RLF is a program that could be administered by the TCIDA; therefore be it**

**RESOLVED: That the Tioga County Legislature shall execute an agreement with the Tioga County Industrial Development Agency for the management of the HUD CDBG RLF and authorizes the Chair or appointee of the Tioga County Legislature to execute the necessary documents per County Attorney approval; and be it further**

**RESOLVED: That the resolution attached hereto as Exhibit A shall be the resolution utilized to transfer the RLF to the TCIDA for loan disbursement.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**“EXHIBIT A”****REFERRED TO:****ED&P COMMITTEE  
FINANCE COMMITTEE****RESOLUTION NO. –08****AUTHORIZE DISBURSEMENT OF  
HUD CDBG REVOLVING LOAN  
FUNDS TO TIOGA COUNTY  
INDUSTRIAL DEVELOPMENT  
AGENCY (TCIDA) FOR**

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**Adoption moved by Legislator  
seconded by Legislator**

**WHEREAS: Tioga County and the Tioga County Industrial Development Agency (TCIDA) entered into a Small Cities Community Development Block Grant Program Subrecipient Agreement for a revolving loan program funded by the settlement proceeds with Howland Brothers Co., Inc. and others; and**

**WHEREAS: The Legislature needs to authorize the Treasurer to disburse funds from the settlement account to the TCIDA prior to each and every disbursing of loan proceeds; and**

**WHEREAS: The TCIDA has certified to Tioga County that the loan applicant has satisfied all of the requirements which are conditions precedent to the execution of loan documents and the disbursement of loan proceeds in the sum of \$\_\_\_\_\_;**  
**and**

**WHEREAS: The Department of Economic Development and Planning has reviewed and approved the certification and the required checklist of conditions precedent to execution of loan documents and disbursement of funds in the sum of \$\_\_\_\_\_;** therefore be it

**RESOLVED: The Legislature authorizes the Treasurer to disburse the sum of \$\_\_\_\_\_ from the HUD CDBG account number CE8668.40 to the TCIDA to be loaned and utilized according to the Small Cities Community Development Block Grant Program Subrecipient Agreement.**

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 118-09      *APPOINT FREEDOM OF  
INFORMATION OFFICER***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.**

**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: It is the desire to have a Freedom of Information Officer appointed to handle the significant amount of Freedom of Information requests that are received by the Tioga County Sheriff’s Office; therefore be it**

**RESOLVED: That Lieutenant Jeff Anderson 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.**

**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 119-09      *REAPPOINTMENT OF COUNTY HISTORIAN***

**Adoption moved by Legislator Sullivan,  
Seconded by Legislator McEwen.**

**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, 2009 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, 2009 until March 31, 2011.

**CARRIED**

**REFERRED TO: PUBLIC WORKS  
PERSONNEL**

**RESOLUTION NO. 120-09 *CREATE TEMPORARY SUMMER LABORERS  
PUBLIC WORKS***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.**

**WHEREAS:** There will be a need for the Highway Department to employ six temporary laborers for the summer 2009; and

**WHEREAS:** There will be a need for the Buildings & Grounds Department to employ one temporary laborer for the summer 2009; and

**WHEREAS:** The Commissioner of Public Works has budgeted money to cover expenditures of such employment; therefore be it

**RESOLVED:** That the Tioga County Legislature authorize the Commissioner of Public Works to create and fill a total of seven temporary laborers at an hourly rate of \$10.315/hr. effective 3/31/09 for a temporary duration not to exceed 11/30/09.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PUBLIC WORKS  
PERSONNEL**

**RESOLUTION NO. 121-09 RECLASSIFY CLEANER POSITION TO TITLE  
OF MAINTENANCE MECHANIC I IN THE  
DEPARTMENT OF PUBLIC WORKS**

**Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.**

**WHEREAS: Legislative approval is required for positions to be reclassified that would have budgetary impact; and**

**WHEREAS: The Personnel Office has received a request for reclassification from the Department of Public Works for a Cleaner position currently held by Thomas Murray; and**

**WHEREAS: Upon review of the position questionnaire which has been completed by the incumbent and his immediate supervisor, it has been determined that the current title of Cleaner is not an adequate reflection of the duties being assigned to and performed by Mr. Murray; and**

**WHEREAS: The Personnel Department has determined that the Maintenance Mechanic I job description more accurately reflects the work performed by Mr. Murray and is in agreement that the position be reclassified to said title; and**

**WHEREAS: The Commissioner of Public Works has budgeted appropriately in 2009 for the position’s reclassification; therefore be it**

**RESOLVED: That the Tioga County Legislature authorize Thomas Murray’s position of Cleaner (CSEA salary grade 9) be reclassified to a Maintenance Mechanic I position (CSEA salary grade 5) at an annual salary increase of \$5,761.16 effective March 11, 2009.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

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

**RESOLUTION NO. 122-09**                      *AUTHORIZE CONTRACT AND  
TRANSFER FUNDS  
PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.

**WHEREAS:** Kim Kavulich, Public Health Educator, is out on an extended leave of absence beginning on February 4<sup>th</sup> 2009; and

**WHEREAS:** The New York State Tobacco Control Grant requires adequate levels of staffing to implement the strategies and outcomes to meet grant objectives; and

**WHEREAS:** The Health Department has a need to have the work performed during the leave of absence to meet the grant requirements; and

**WHEREAS:** Deborah C. Lysczek is available to perform the work for the period of time defined; and

**WHEREAS:** The Health Department would like to contract with Deborah C. Lysczek to meet our current grant needs and outcomes; and

**WHEREAS:** Funding for the contract is available due to the leave of absence, yet requires transfer to the appropriate line item; therefore be it

**RESOLVED:** That the Public Health Director is hereby authorized to enter into a contract with Deborah C. Lysczek to provide Public Health Education services at a bi-weekly rate of \$900.00, for the period starting March 10, 2009 and ending on or before September 11, 2009; therefore be it further

**RESOLVED:** That funds be transferred as follows:

From: A4012.10-10 Health Education: Personal Services            \$ 7,200

To:    A4012.40-130 Health Education: Contract Services        \$ 7,200

Roll Call:

Ayes 09

Noes 00

Absent 00

**CARRIED**

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

**RESOLUTION NO. 123–09 ABOLISH ONE PRINCIPAL ACCOUNT CLERK  
AND CREATE ONE SENIOR ACCOUNT  
CLERK TYPIST  
SOCIAL SERVICES**

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.**

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

**WHEREAS: The Department of Social Services has submitted a New Position Duties Statement to the Personnel Department which identifies how certain efficiencies can be met within the Accounting Department by restructuring positions; and**

**WHEREAS: Based upon this statement, the Personnel Officer has determined that the position sought is reflective of a Senior Account Clerk-Typist; and**

**WHEREAS: A salary decrease of \$5,111 would be realized by abolishing one Principal Account Clerk (grade VII), currently filled provisionally, and creating one Senior Account Clerk Typist (grade V); therefore be it**

**RESOLVED: That the Tioga County Legislature authorize the Commissioner of Social Services to abolish one Principal Account Clerk and create one Senior Account Clerk Typist at a total annual salary decrease of \$5,111, effective March 11, 2009; and be it further**

**RESOLVED: That the previous provisional incumbent would be eligible for permanent appointment to Senior Account Clerk Typist from an appropriate eligible list for said title; and be it further**

**RESOLVED: That the above position modifications will not change the 2009 authorized headcount for the Department of Social Services.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

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

**RESOLUTION NO. 124-09           *AUTHORIZE CONTRACTS WITH  
   OWEGO-APALACHIN CENTRAL SCHOOL  
   DISTRICT AND CENTRAL NEW YORK  
   SERVICES FOR SCHOOL-BASED SOCIAL  
   WORKER, AND APPROPRIATION OF FUNDS***

**Adoption moved by Legislator Huttleston,  
   seconded by Legislator Sauerbrey.**

**WHEREAS: The mission of Tioga County Mental Hygiene is to insure that the mental health needs of the children of Tioga County are addressed; and**

**WHEREAS: Providing mental health services in community settings such as schools is a well-established method of overcoming the barriers of transportation and stigma associated with going to a mental health clinic site; and**

**WHEREAS: Tioga County Mental Hygiene has a long and successful history of providing mental health services in schools in Tioga County; and**

**WHEREAS: Owego-Apalachin Central School District has identified students with significant mental health problems that impact their ability to succeed in school and at home and may impact other students or the learning environment at the school; and**

**WHEREAS: The Owego-Apalachin School District is requesting one (1) school-based Social Worker be provided by the Tioga County Department of Mental Hygiene to provide mental health services on site to its students; and**

**WHEREAS: The Owego-Apalachin School Board has approved funding for the addition of one (1) school-based Social Worker; and**

**WHEREAS: The Department of Mental Hygiene is able to bill Medicaid and third-party payers for services to generate revenue which pays for 60% of the cost of the school-based Social Worker and Owego-Apalachin School District is willing to pay for 40% of the cost of the school-based Social Worker, the total cost of this position is funded with non-County funds with no cost to the County; and**

**WHEREAS: Central New York Services is willing to contract to provide the school-based Social Worker for this purpose; and**

**WHEREAS:** The Mental Hygiene department seeks authorization to enter into contracts on an annual basis (to end December 31 each year) with Central New York Services and Owego-Apalachin Central School District to provide a school-based social worker; and

**WHEREAS:** Information on this position will be presented to the Legislature on a quarterly basis or as requested; and

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

**RESOLVED:** That the Department of Mental Hygiene is authorized to contract with Owego-Apalachin Central School District and Central New York Services for the provision of a school-based Social Worker to the Owego-Apalachin School District; and be it further

**RESOLVED:** That funding be appropriated as follows:

<b>From: A1620.00 Mental Health: Clinic Fees</b>	<b>\$ 14,400</b>
<b>A1620.10 Mental Health: School Recovery Fee</b>	<b>\$ 9,600</b>
<b>To: A4310.40-120 Mental Health Clinic</b>	<b>\$ 24,000</b>

On roll call vote on the above resolution six members voted Aye, Legislators Oberbeck, Roberts and McEwen voting no, and the resolution was adopted.

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 125– 09** *AUTHORIZATION TO CREATE AND FILL  
TWO VOTING MACHINE TECHNICIAN  
POSITIONS  
BOARD OF ELECTIONS*

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Monell.

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

**WHEREAS:** In order to comply with the Federal Help America Vote Act, HAVA, and recently enacted changes in the New York State Election Laws, the Board of Elections has budgeted for and now needs to create and fill two part-time positions (one Democrat and one Republican) to provide technical assistance to insure accuracy, reliability and security of new voting machines in accordance with New York State Election Law §3-300 and §3-302; and

**WHEREAS:** The Board of Election Commissioners have submitted a new position duties statement to the Personnel Office, which has been reviewed and determined to be classified as Voting Machine Technician; therefore be it

**RESOLVED:** That the Board of Election Commissioners be authorized to create and fill two part-time Voting Machine Technicians at a rate of \$11.00 per hour retroactive to March 5, 2009 in order for mandatory training to be obtained and work thereafter on an as-needed basis; and be it further

**RESOLVED:** That Voting Machine Technician positions will be reviewed prior to 12/31/09 in order for the Legislature to evaluate the continued need and use of said positions; and be it further

**RESOLVED:** That the 2009 authorized part-time headcount for the Board of Elections be increased from 0 to 2.

On roll call vote on the above resolution five members voted Aye, Legislators Oberbeck, Quinlan, Roberts and McEwen voting no, and the resolution was adopted.

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

**REFERRED TO:** PUBLIC WORKS COMMITTEE

**RESOLUTION NO. 126-09** *INTER-MUNICIPAL AGREEMENT  
HAZARDOUS WASTE*

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**WHEREAS:** Tioga County has had a contract and inter-municipal agreement for the disposal of hazardous waste with Broome County over the last eight years; and

**WHEREAS:** Broome County has developed a proposal plus an inter-municipal agreement allowing Tioga County to utilize Broome County's Hazardous Waste Facility for the year 2009; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes and directs the Chair or their designee to renew the contract and inter-municipal agreement for the disposal of hazardous waste with Broome County for the year 2009.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 127-09**      *RESCIND ACCEPTANCE OF SALE  
FOR JOHN MARTYAK REAL PROPERTY  
ACQUIRED FOR NON-PAYMENT OF TAXES  
AND AUTHORIZE REFUND OF BID TO  
RICHARD MULE*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** Property acquired by Tioga County for nonpayment of taxes in the Town of Newark Valley, Tax Map# 43.00-1-31, was approved by the Legislature for sale at Public Auction, which was conducted on August 7, 2008; and

**WHEREAS:** At said Auction conducted on August 7, 2008, Richard Mule made a bid of \$665,000.00, which was accepted; and

**WHEREAS:** At that time, Richard Mule made a deposit on the property for \$69,200.00; and

**WHEREAS:** John Martyak filed Bankruptcy, which bankruptcy is in litigation at this time; and

**WHEREAS:** Richard Mule has requested the deposit in the amount of \$69,200.00 be returned to him and his bid of \$665,000.00 rendered null and void; and

**WHEREAS:** This body is agreeable to rescinding its acceptance for sale in the amount of \$665,000.00 and refund of deposit in the amount of \$69,200.00, made at Public Auction, as requested by bidder Richard Mule, provided Richard Mule executes and delivers to the County a release of the agreement to purchase and of any and all claims thereunder, as Bankruptcy filed against the property by the previous owner John Martyak renders the property unavailable for sale by the County at this time; be it therefore

**RESOLVED:** That the acceptance for Sale at Public Auction is rescinded and Refund of Bid in the amount of \$69,200.00 be hereby approved to Richard Mule, provided Richard Mule executes and delivers to the County a release of the agreement to purchase any and all claims thereunder, for the property hereinafter identified effective immediately:

Town of Newark Valley  
Tax Map #43.00-1-31  
Assessed Owner: John Martyak  
Resolution Number C30-09

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

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

**RESOLUTION NO. 128-09**      *APPROPRIATION OF FUNDS*  
*PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.

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

**WHEREAS:** The funding is specifically designated for the purchase of grant 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 \$32,000**

**To: A4012.20-130 Health Education: Equipment \$ 6,000**

**To: A4012.40-640 Health Education: Non-Office Supplies \$26,000**

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**The meeting was adjourned at 6:46 p.m.**

***Second Special Meeting  
March 19, 2009***

The Second Special Meeting of 2009 was called to order by the Chair at 10:07 A.M. All Legislative members were present.

The Chair asked Legislator Monell to have a moment of prayer. “Lord, we thank you for the opportunity to serve the County. We pray Lord that you would continue to direct us as we make decisions regarding the people we represent, that you would keep us cognizance of the duties that we have before us. Bless all that we do.”

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

There were 6 people in attendance.

**REFERRED TO: PUBLIC WORKS  
FINANCE**

**RESOLUTION NO. 129-09 ECONOMIC RECOVERY PROJECT  
MUNICIPAL/SPONSOR RESOLUTION  
PUBLIC WORKS**

**Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.**

**WHEREAS: The Economic Recovery Project (hereafter “the Project”) Southside Drive Bridge over Pumpelly Creek in the Town of Owego, in Tioga County, NY (hereafter “the Municipality/Sponsor”) is eligible for funding under Title 23 U.S. Code as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal Funds; and**

**WHEREAS: Tioga County is responsible for initiating the funding for this project and will be reimbursed through the Federal Stimulus Program; and**

**WHEREAS: Tioga County Department of Public Works has established account H2008.08 for the Southside Drive Bridge over Pumpelly Creek; and**

**WHEREAS: Funds need to be transferred from H4502 – Federal Aid Bridge Projects in the amount of \$1,500,000 to H2008.08 Southside Drive Bridge over Pumpelly Creek (BIN 3335530); therefore be it**

**RESOLVED: That the Tioga County Legislature hereby approves the Project; and be it further**

**RESOLVED:** That the Tioga County Legislature agrees to advance the Project through Tioga County resources and agrees that the Tioga County Legislature hereby authorizes the Tioga County Commissioner of Public Works to pay in the first instance the full federal costs of any kind and all phases(s) or portions thereof and hereby appropriates \$1,500,000 from H4502-Federal Aid Bridge Projects to H2008.08-Southside Drive Bridge over Pumpelly Creek (BIN 3335530) the funds necessary to complete the Project including all phases or portions thereof; and be it further

**RESOLVED:** That the Tioga County Legislature makes a 100% commitment of the costs of the non-federal share (if any) of the costs of or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation(hereinafter "NYSDOT") pursuant to the State/Local Agreement and be it further

**RESOLVED:** That upon completion of construction of the Project or a fully usable portion thereof, the Tioga County Legislature agrees to maintain the Project or fully usable portion thereof at their sole cost and expense; and be it further

**RESOLVED:** That in the event the full federal share of the Project exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately; and be it further

**RESOLVED:** That the Chairman of the Tioga County Legislature is hereby authorized to execute all necessary Agreements or certifications on behalf of Tioga County(subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

**RESOLVED:** That a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

**RESOLVED:** That this Resolution shall take effect immediately.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**The meeting was adjourned at 10:09 A.M.**

***Fourth Regular Meeting  
April 14, 2009***

The Fourth Regular Meeting of 2009 was called to order by the Chair at 1:32 P.M. Eight Legislative members were present, Legislator Oberbeck being absent.

Chair Weston asked Legislator Quinlan to have a moment of prayer. “This is a prayer that I just come about, impromptu they call it, but it is a prayer and it is a sincere prayer from my heart that I am praying for all the people that got killed up in Binghamton a couple of weeks ago. I think it shows how fragile life really is and just to see what we are living in, what kind of world we are living in. We are living in a crazy crazy world, but hopefully with God’s help we can change it, and we can change it because we have got good people. On the Legislature the Legislative Chair, Dale Weston, and Mark Dixson will lead the way and show us what we need to know about people in general. Amen.”

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

There were approximately 21 people in attendance.

Chair Weston asked for unanimous passage of the following two recognition resolutions recognizing Captain Paul Rhodes and Civil Manager Donna Burrell from the Tioga County Sheriff’s Office.

**REFERRED TO:**

**PUBLIC SAFETY**

**RESOLUTION NO. 130-09**

***RESOLUTION RECOGNIZING  
PAUL O. RHODES’ 38 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY***

**Adoption moved unanimously,  
seconded unanimously.**

**WHEREAS:** Paul O. Rhodes was appointed Deputy Sheriff on 2/15/71; Sergeant on 11/1/75; Lieutenant on 6/19/78; and Captain on 9/1/91; and

**WHEREAS:** Paul O. Rhodes has been dedicated and loyal in the performance of his duties and responsibilities during the past 38 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

**WHEREAS:** Paul O. Rhodes will retire from the Tioga County Sheriff’s Office on April 30, 2009; 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 Paul O. Rhodes for his more than 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, Paul O. Rhodes.

**CARRIED UNANIMOUSLY**

**REFERRED TO:**

**PUBLIC SAFETY**

**RESOLUTION NO. 131-09**

***RESOLUTION RECOGNIZING  
DONNA M. BURRELL'S 27 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY***

Adoption moved unanimously,  
seconded unanimously.

**WHEREAS:** Donna M. Burrell was appointed Account Clerk-Typist on 3/4/82; appointed Civil Manager on 1/1/89; and

**WHEREAS:** Donna M. Burrell has been dedicated and loyal in the performance of her duties and responsibilities during the past 27 years to Tioga County, thereby earning the respect of her colleagues and peers throughout Tioga County; and

**WHEREAS:** Donna M. Burrell will retire from the Tioga County Sheriff's Office on April 30, 2009; 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 Donna M. Burrell for her 27 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, Donna M. Burrell.

**CARRIED UNANIMOUSLY**

Sheriff Gary Howard spoke. "I just want to be real quick here. It seems like I have been appearing before you more and more here in the last few months and now I have just lost about 67 years of experience out of my office or I will at the end of the month. Neither one could be here today and I told them I would come down and accept these for them. Paul Rhodes, I was a Corrections Officer, he was a

Sergeant when I started, of course helped everybody along in their careers. I cannot say enough about him or Donna Burrell who has run the Civil Department, which is a mandated Division of the Sheriff's Office. I cannot say enough and I wish they both could be here and say goodbye, but neither one of them could make it so I will give them their acceptance and thank you."

Legislator Huttleston read and presented the following Proclamation on National Nursing Week to Sandra Hoose of the Tioga County Health Department.

*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 6 through 12, 2009 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 6 – 12, 2009 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.

Sandra Hoose spoke. "Thank you very much for your appreciation for this."

Legislator Huttleston read and presented the following Proclamation on Infant Immunization Awareness Week to Marilyn Reynolds of the Tioga County Health Department.

County of Tioga County

**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 25 –May 2, 2009 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 25 –May 2, 2009 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.

Marilyn Reynolds spoke. “I would just like to say thank you so much for your support in helping us immunize the County and I have a handout just for your information on how diseases have been reduced over the century.”

Legislator Huttleston read and presented the following Proclamation on Child Abuse Prevention Month to Maureen Hawley of the Youth Bureau and Judy Wolf from Cornell Cooperative Extension.

### **Child Abuse Prevention Month Proclamation**

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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: Cornell Cooperative Extension of Tioga County is sponsoring Promises For Parents- a pledge campaign that solicits promises asking individuals to do something tangible to support parents in our community. When we take care of parents, parents are better able to take care of their children. Pledge cards are available from Cornell Cooperative Extension and throughout the community during the month of April; 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, sponsored a Family Fun Night on April 4<sup>th</sup>, 2009 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 2009 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.

Maureen Hawley spoke. “Part of prevention is providing support to our families and children in our community. One of our partners in that is Cooperative Extension and Judy Wolf is here on behalf of Cooperative Extension.”

Judy Wolf spoke. “On the desk in front of your there are two pieces of paper. One is your pledge brochure, “Promises for Parents”, because we do know when people in the community help reach out to families then families have the resources better to take care of their children. The other one is a Family Resource Center brochure. Our Family Resource Centers in Waverly and Owego are two, it is a little over 20, 21 or 22, family resource centers across the State in a network that is funded by the New York State Children and Families Trust Fund, and so we are very fortunate that we can serve over 350 families a year here because those funds come to us for these programs. Thank you.”

Joe Albrecht had privilege of the floor. “Thank you very much for the opportunity. One of the concerns that I have expressed in the past is the concern about unfunded mandates from State and Federal sources, and I would like to know if it is possible to get some idea of the pressure that these mandates put on the concept of taxes, of fees, of royalties, sales of county property, and other fiscal sources that may be available. I think this will become a far greater issue as time goes by.

“The idea of the effect of reductions on services that are made available to residents leads me to go back to a comment made by the President of the United States when he said “everyone has skin in the game” and unfortunately as it may seem there are those people who receive far more services than they contribute to or for, or have in a lifetime and it may be a crass thing for me to say or a crass concept, but it is a fact that the allocation of resources will become extremely critical at this particular time and in the fairly near future when you decide whether you buy someone’s heating oil or pave your roads to provide services, or support law enforcement as opposed to providing you know meals for people who are unwilling, unable, or so forth. It is not an easy situation, but it is an issue that will have to be addressed in one way or another by those of us in this room and who live in the County, the State, and the United States.

“It goes with something else that I am very interested in and that is the degree of sovereignty that we possess as individuals or as local governments. Is there a way to determine if we have the privilege of sovereignty that can generate alternatives to the mandates that we see? In the days of my experience it seemed that local rules had to at least be as stringent as State and Federal rules and I do not know if there is some way this can be facilitated.

“My second suggestion I have made in the past is the LLC status for all County residents because that would alleviate tax burden. I do not know if that is legal or not, but it is kind of an interesting concept.

“Thirdly, we have a resource beneath the grounds of Tioga County that really needs significant management and significant planning relative to its management, and that is the gas resource that we have. In considering this particular resource, from an individual basis my guess is that the individual is most concerned about environmental issues, economic issues, opportunities that are presented and the services that are afforded by governmental entities. The property owner probably is most concerned relative to the tax base and the issues that surround the tax revenue. Landowners who are approached about leasing have concerns relative to the leases, the contents thereof, the sources that may be provided by the DEC, and this one again on a personal basis, this one I will put up, but I do not have the factual basis for it, therefore it falls in an opinion and we all know what opinions are like, but it seems that with budgetary constraints that are now in effect, DEC has very very limited resources to carry out their function of environmental control. It may be something that the individual has to address in leasing their property.

“Relative to the utilization of any mineral resources in public properties which may include county parks, property that comes up for tax sale, and other properties that the county may own, I will go back to days on the planning board when something was introduced. It was called a planned unit development and I think that was more of a residential issue at that particular time, but at this particular time I think a planned unit development could include industrial, residential, retail, and service structures and processes. In other words if we have the energy here why pipe it somewhere else when we could utilize it here in industry, residences, and so forth. I think it is something that deserves some attention.

“The last item of concern is the supply of antioxidants to the Director of Child Welfare. When I left in January I was hoping that the County could provide economic resources to ensure the availability of antioxidants for the Director of Child Welfare. They are spelled dark chocolates. Thanks very much.”

George Penney had privilege of the floor. “I would like to call your attention to resolution number 26 which has to do with the practice of so-called backfilling of salaries. This resolution states significant monies to be saved by ending this practice, but it does not state any reason for making exceptions. I would suggest that without reason given for exemptions that this resolution ought to be defeated. Thank you.”

Chris Bonner had privilege of the floor. “The man here that has left was talking about mandates. I am going to tell you something, there is no such thing as a mandate to a government to another government. The Federal Government cannot mandate you do anything. The States are 50 sovereign States, but they take the money. They ship it to you. They take the money from the States. They bring it up there and divide it on their little pet projects, and they ship it back to you with strings attached. When have you ever got anything where it says use it where you need it. How do they know in Washington DC what you need? They do not. If you

take that money you are making a contract. If I go into one of these grocery stores and I go in there and I fill my basket up with goods, I agree to pay the price on those goods and if I do not the Sheriff is going to come after me and arrest me.

“Now lets talk about the economy. The economy today, these bureaucrats in Washington DC, you know we call them con men and women because that is what they are, 99% of them are cons. Bernie Madoff should be in jail with most of the people up there in Washington DC sharing the same table and sharing the same food. They are the ones that got you into this here predicament that this country is in today. Now, the number one is your banking industry. Do you know when Al Capone started that stuff they put him in jail, but your banks are all legitimate and they put it out there, and they are charging you interest. These credit cards, I would not have one. Do you ever read them? Does anybody know how to read a legal document because if you do not buddy you are going to be in trouble.

“Now I am going to give you some solutions to the problems that we have today that will get us out of this thing. One thing reinstate the Glass Steel Act. For those of you who do not know what it is, it regulated your banks. Your banks cannot go into another State. They cannot go into insurances, they cannot go in bonds and this other stuff, and this is what they are doing today. The banks are running the Country. We are not running it. We are under the impression that we are electing these guys and they are representing us. Hey, they are not representing us. They representing the people there you know, grease the palm. I need some contribution. If I went out there and bribed somebody I would go to jail, but these guys do not. They call it contributions. It is all in the wording of the game.

“The next thing you do is you put a tariff. If you think that you can go out here with the American wages and benefits and compete with somebody in India, I am going to tell you buddy you need to have your head examined.”

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		667.74
A1165	District Attorney		1,509.22
A1170	Public Defender		2,076.80
A1172	Assigned Council		15,691.19
A1185	Coroner		181.00
A1325	Treasurer		232.50
A1355	Assessments		2,250.00
A1362	Tax Advertising and Expense		6,506.14
A1410	County Clerk		406.50
A1411	Department of Motor Vehicles		3,221.72
A1420	Law		600.66
A1430	Personnel		1,141.59
A1450	Elections		8,924.35

<b>A1460</b>	<b>Records Management</b>		<b>4,696.65</b>
<b>A1490</b>	<b>Public Works</b>		<b>186.43</b>
<b>A1620</b>	<b>Buildings</b>		<b>69,904.10</b>
<b>A1680</b>	<b>Information Technology</b>		<b>5,464.20</b>
<b>A2960</b>	<b>Education of Handicapped Children</b>		<b>210,583.04</b>
<b>A3020</b>	<b>Public Safety Communication E911</b>		<b>5,618.80</b>
<b>A3110</b>	<b>Sheriff</b>	<b>147.90</b>	<b>10,843.42</b>
<b>A3110.41</b>	<b>Sheriff-Court Attendants</b>		<b>1,604.24</b>
<b>A3140</b>	<b>Probation</b>		<b>5,982.10</b>
<b>A3146</b>	<b>Sex Offender Program</b>		<b>8,766.67</b>
<b>A3150</b>	<b>Jail</b>		<b>62,775.17</b>
<b>A3315</b>	<b>Special Traffic Program</b>	<b>309.00</b>	<b>1,558.54</b>
<b>A3410</b>	<b>Fire</b>		<b>3,960.78</b>
<b>A3640</b>	<b>Emergency Management Office</b>		<b>451.39</b>
<b>A4010</b>	<b>Public Health</b>		<b>39,884.52</b>
<b>A4011</b>	<b>Health Administration</b>	<b>1,477.95</b>	<b>5,366.97</b>
<b>A4012</b>	<b>Health Education</b>		<b>1,461.91</b>
<b>A4042</b>	<b>Rabies</b>		<b>886.14</b>
<b>A4044</b>	<b>Early Intervention</b>	<b>425.00</b>	<b>40,138.01</b>
<b>A4047</b>	<b>Handicapped Education Administration</b>		<b>65.42</b>
<b>A4054</b>	<b>Preventative and Primary Health Services</b>		<b>3,978.91</b>
<b>A4064</b>	<b>Dental Services</b>	<b>50.28</b>	<b>16,723.46</b>
<b>A4070</b>	<b>Disease Control</b>		<b>6,677.30</b>
<b>A4090</b>	<b>Environmental Health</b>		<b>10,402.99</b>
<b>A4210</b>	<b>Alcohol and Drug Services</b>		<b>2,798.25</b>
<b>A4211</b>	<b>Council of Alcoholism</b>		<b>9,923.66</b>
<b>A4309</b>	<b>Mental Hygiene</b>		<b>4,795.13</b>
<b>A4310</b>	<b>Mental Health</b>		<b>29,357.14</b>
<b>A4315</b>	<b>Mental Retardation</b>		<b>31,448.00</b>
<b>A4320</b>	<b>Crisis Intervention Services</b>		<b>2,759.17</b>
<b>A4321</b>	<b>Intensive Case Management</b>		<b>2,083.94</b>
<b>A4333</b>	<b>Psycho Social Club</b>		<b>31,666.25</b>
<b>A5630</b>	<b>Bus Operations</b>		<b>22,872.13</b>
<b>A6010</b>	<b>Social Services</b>		<b>72,837.00</b>
<b>A6141</b>	<b>Energy Crisis Assistance</b>		<b>50,186.01</b>
<b>A6410</b>	<b>Publicity Fingerlakes Association</b>		<b>11,500.00</b>
<b>A6422</b>	<b>Economic Development and Planning</b>		<b>457.90</b>
<b>A6610</b>	<b>Sealer of Weights and Measures</b>		<b>202.12</b>
<b>A8020</b>	<b>Planning</b>		<b>140.14</b>
<b>A9060.80</b>	<b>Health Insurance</b>		<b>703.82</b>
	<b>SOLID WASTE FUND</b>		<b>73,829.95</b>
	<b>COUNTY ROAD FUND</b>		<b>66,269.48</b>
	<b>SPECIAL GRANT FUND</b>		<b>4,248.25</b>
	<b>CONSOLIDATED HEALTH FUND</b>		<b>686,975.40</b>
	<b>CAPITAL FUND</b>		<b>288,176.53</b>
	<b>LIABILITY INSURANCE FUND</b>		

WORKERS' COMP	<u>6,227.44</u>
GRAND TOTAL	\$ 1,963,258.41

Legislator Roberts made a motion to approve the minutes of March 5, 10, and 19, 2009, 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.

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 132-09	<i>ERRONEOUS ASSESSMENT TOWN OF OWEGO</i>

Adoption moved by Legislator McEwen,  
seconded by Legislator Sullivan.

**WHEREAS:** An application for corrected tax roll indicates that property #11276 assessed to Peter J & Eugenia Mango on the 2007 and 2008 tax rolls of the Town of Owego, is erroneous in that a swimming pool was removed from the property in 1998, therefore reducing the taxable value from \$148,700 to \$144,000; and

**WHEREAS:** The property taxes for 2007 and 2008 have been paid on property no. 11276; be it therefore

**RESOLVED:** That a refund of \$133.95 for overpayment of 2007 and 2008 property taxes on property no. 11276 be issued to Peter J and Eugenia Mango; and be it further

**RESOLVED:** That the erroneous town amount of \$25.43 be charged back to the Town of Owego and the erroneous fire tax of \$12.27 be charged back to the Owego Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$3.92 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$92.33 be charged to the proper account in the records of the County Treasurer

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 133-09                      *ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.**

**WHEREAS: An application for corrected tax roll indicates that property #11276 assessed to Peter J & Eugenia Mango on the 2009 tax roll of the Town of Owego, is erroneous in that a swimming pool was removed from the property in 1998, therefore reducing the taxable value from \$148,700 to \$144,000; and**

**WHEREAS: The property taxes for 2009 on property no. 11276 were paid to the Town of Owego on 1/30/09; be it therefore**

**RESOLVED: That a refund of \$72.39 for overpayment of 2009 property taxes on property no. 11276 be issued to Peter J and Eugenia Mango by the Town of Owego; and be it further**

**RESOLVED: That the erroneous town amount of \$13.56 be charged back to the Town of Owego and the erroneous fire tax of \$7.39 be charged back to the Owego Fire District; and be it further**

**RESOLVED: That the erroneous solid waste tax of \$2.08 be charged back to the Solid Waste Fund; and be it further**

**RESOLVED: That the erroneous county tax of \$49.36 be charged to the proper account in the records of the County Treasurer**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 134-09                      *APPOINT MEMBER  
FISH & WILDLIFE  
MANAGEMENT BOARD***

**Adoption moved by Legislator Roberts,  
Seconded by Legislator Monell.**

**RESOLVED:** That James Legursky of Owego, New York be appointed as the Landowner Representative to the Fish and Wildlife Management Board for a term of April 1, 2009 through March 31, 2011.

**CARRIED**

**REFERRED TO:** FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 135-09** *HOME RULE REQUEST IN SUPPORT OF S02803/  
A06877: EXTENDING THE CURRENT AND  
IMPOSING ADDITIONAL SALES AND  
COMPENSATING USE TAXES BY THE COUNTY  
OF TIOGA*

Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.

**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 S02803 and Assembly bill number A06877 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:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** HEALTH & HUMAN SERVICES

**RESOLUTION NO. 136-09** *APPLICATION FOR CAPITAL ASSISTANCE  
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Monell.

**WHEREAS: Tioga County is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) for the purchase of two (2) heavy-duty commuter buses; and**

**WHEREAS: Tioga County and the State of New York will enter into an Agreement which authorizes the undertaking of the Project, and reimbursement to the municipality of 100% of the project cost through the American Recovery and Reinvestment Act of 2009 at a cost of up to \$900,000; therefore be it**

**RESOLVED: That the Chairman of the Tioga County Legislature is authorized to sign the following:**

- 1) The application for funding;**
- 2) Any and all Agreements between Tioga County and the State of New York for the above named Project;**
- 3) Any and all Agreements between Tioga County and any third party subcontractors necessary to complete the Project; and**
- 4) Any and all Municipality/Vendor Contracts for the purchase and/or installation of vehicles and/or equipment pursuant to the application and agreement.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**Legislator McEwen introduced Local Law Introductory No. C of 2009.**

**County of Tioga**

**Local Law No. of the Year 2009.**

**A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2010 and continuing through and including December 31, 2013.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**



**RESOLVED:** That a public hearing shall be held on Local Law Introductory No. C of 2009 A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2010 and continuing through and including December 31, 2013 in the Legislative Conference Room of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, May 7, 2009 at 1:30 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

**REFERRED TO:** ED&P COMMITTEE  
PUBLIC WORKS COMMITTEE

**RESOLUTION NO. 138-09** *HOLD PUBLIC HEARING FOR 2008 MS4  
STORMWATER ANNUAL REPORT*

Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.

**WHEREAS:** The Tioga County Legislature, as per resolution 115-03, submitted a Notice of Intent (NOI) to NYS DEC pursuant to NYS Environmental Conservation Law Article 17, Titles 7 and 8 and Article 70 for and is now automatically authorized under Municipal Separate Stormwater Sewer Systems (MS4) SPDES General Permit No. GP-08-002 as SPDES ID No. NYR20A047; and

**WHEREAS:** The MS4 permit requires that an annual report be prepared detailing stormwater activities and accomplishments conducted during the year that go toward implementing the county’s stormwater management plan; and

**WHEREAS:** Said report will be prepared and presented at an open meeting to solicit comments from the public and will as well be available for public review and comment on the homepage of Tioga County’s website [www.tiogacountyny.com](http://www.tiogacountyny.com) from May 1<sup>st</sup> to May 15<sup>th</sup>, 2009; therefore be it

**RESOLVED:** That the Tioga County Legislature will hold a public hearing to receive comments on Tioga County’s 2008 MS4 Stormwater Annual Report on Thursday, May 7<sup>th</sup> at 1:45 PM in the Legislative Conference Room of the Tioga County Office Building, 56 Main Street, Owego, NY.

**CARRIED**

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

**RESOLUTION NO. 139-09** TRANSFER OF FUNDS  
PUBLIC HEALTH

Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.

**WHEREAS:** The funds budgeted for the Public Health Department's Medical Consultant require a transfer into the appropriate line items;

**WHEREAS:** Transfer of funds requires Legislative approval, therefore be it

**RESOLVED:** That funds be transferred as follows:

From: A4011.10-20 Public Health Admin Personnel PT  
\$19,000

To: A4011.40-120 Public Health Admin Consulting Fees  
\$19,000

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 140-09** MORTGAGE TAX DISTRIBUTION

Adoption moved by Legislator McEwen,  
seconded by Legislator Sullivan.

**RESOLVED:** That the mortgage tax report for the period October 1, 2008 to March 31, 2009 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	\$ 23,052.28
Village of Waverly	6,284.07
Town of Berkshire	4,510.55
Town of Candor	16,138.46
Village of Candor	911.70
Town of Newark Valley	12,130.36
Village of Newark Valley	1,507.13
Town of Nichols	9,955.96
Village of Nichols	798.96
Town of Owego	126,140.39
Village of Owego	9,617.22
Town of Richford	3,177.37
Town of Spencer	15,003.28
Village of Spencer	1,952.40
Town of Tioga	<u>18,079.45</u>
	<b>\$249,259.58</b>

**Roll Call:**  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE; LEGAL

**RESOLUTION NO. 141-09** *AUTHORIZE MODIFICATION OF TOWER SITE AGREEMENT*

Adoption moved by Legislator Sauerbrey,  
 seconded by Legislator Monell.

**WHEREAS:** The County and Radigan Broadcasting Services, LLC entered into an agreement fully executed on October 22, 2008 to allow the installation of two antennae on the Carmichael Road Tower; and

**WHEREAS:** Radigan Broadcasting Group, LLC is in need of wireless internet service antenna on the tower and has requested permission to install such an antenna, which installation will not affect the use of the Tower by the County and will not involve any structural modification thereto; and

**WHEREAS:** The County is agreeable to allow such installation; therefore be it

**RESOLVED:** That upon approval by the County Attorney as to form, the Chair of the Tioga County Legislature is authorized to execute a Modification Agreement authorizing the installation of a wireless internet service antenna on the Carmichael Road Tower.

**Roll Call:**  
**Ayes 08**  
**Noes 00**  
**Absent 01**  
**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 142-09**      *AMEND COUNTY POLICY*  
*#3 ORIENTATION, EXIT INTERVIEWS,*  
*RECRUITMENT*

Adoption moved by Legislator Roberts,  
 seconded by Legislator Sullivan.

**WHEREAS:** Tioga County Policy #3 Section IV outlines retirement health insurance eligibility for Tioga County employees; and

**WHEREAS:** Resolution 157-06 amended Policy #3 Section IV with the addition of Part D offering an Excellus Blue Cross Blue Shield (BC/BS) Medicare Blue PPO on a voluntary basis; and

**WHEREAS:** Part D outlined the BC/BS criteria and Tioga County criteria for the Medicare Blue PPO; and

**WHEREAS:** Tioga County recently learned that an Excellus underwriting guideline stipulates that subscribers are only allowed to switch back to an active Tioga County plan if they move outside of the Medicare Blue PPO “service area”; therefore be it

**RESOLVED:** That Section IV Part D be amended as follows:

**D.** Tioga County will offer to all Medicare eligible retirees and spouses of deceased employees/retirees the BC/BS Medicare Blue PPO on a voluntary basis. The following BC/BS criteria will apply:

1. The Medicare eligible retiree or spouse of deceased employee/retiree must have Medicare Part A and Part B.
2. The Medicare eligible retiree or spouse of deceased employee/retiree must live in the “service area” of Broome, Chemung, Chenango, Schuyler, Steuben, or Tioga County six months or more out of the year.
3. The policy can only be purchased as an individual policy, so a Medicare eligible retiree and his/her Medicare eligible spouse will be required to purchase two individual policies.
4. The Medicare Blue PPO cannot be selected retroactively. Applications must be completed and submitted to BC/BS prior to the effective date of the coverage.
5. Once the Medicare Blue PPO coverage is selected the subscriber will only be allowed to switch to another plan for which they are eligible if they move outside of the Medicare Blue PPO “service area”.

The following Tioga County criteria will apply:

1. A Medicare eligible retiree’s eligibility for payment of a percentage of the premium is based on the retiree’s eligibility under Section IV Part A, B, and C of this same Tioga County Policy #3.
2. A Medicare eligible spouse of a deceased employee/retiree may select this coverage upon the employee/retiree passing or at the time the spouse is required to pay 100% of the premium.
3. This Medicare Blue PPO coverage is not available to individuals who have had a lapse of any duration in Tioga County health insurance coverage.

And be it further

**RESOLVED:** That the remainder of Policy 3 is hereby in full force and effect.

**Roll Call:**  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 143-09      *AUTHORIZE CONTRACT WITH EBS-RMSCO, INC – MEDICARE PART D DRUG COVERAGE***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Sullivan.**

**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 2010 Plan Year, January 1, 2010 through December 31, 2010; and

**WHEREAS:** Creditable coverage notices must be provided to all Part D eligible participants no later than November 15, 2009 and the deadline to file for the 2010 Plan Year subsidy is October 3, 2009, and

**WHEREAS:** EBS-RMSCO, Inc. this actuarial attestation in 2005 for the 2006 Plan Year, in 2006 for the 2007 Plan Year, in 2007 for the 2008 Plan Year, and in 2008 for the 2009 Plan Year and EBS is available to perform the actuarial attestation and necessary testing again in 2009 for the 2010 Plan Year; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer 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 2010 Plan Year at a cost of \$4,000 to be paid for out of the TCCMHIP Fund.

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO:**

**PERSONNEL COMMITTEE**

**RESOLUTION NO. 144-09**

***AUTHORIZE CONTRACT  
WITH KIMBERTON  
HEALTHCARE CONSULTING,  
INC.***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Sullivan.**

**WHEREAS: Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP); and**

**WHEREAS: In an effort to limit exposure to large claims incurred by individual members the TCCMHIP purchased specific stop-loss coverage effective January 1, 2009; and**

**WHEREAS: The stop-loss carrier monitors TCCMHIP claims and is aware of high costs for treatment of End Stage Renal Disease; and**

**WHEREAS: Kimberton Healthcare Consulting, Inc., doing business as Dialysis PPO (DPPO), is in the business of providing renal dialysis benefits consulting and related management services to health plans; and**

**WHEREAS: DPPO has submitted a contract to assist TCCMHIP in reducing medical claims for renal dialysis services of participants and beneficiaries with End Stage Renal Disease; and**

**WHEREAS: DPPO will receive 25% of any claim savings realized by TCCMHIP; and**

**WHEREAS: If DPPO is not successful in reducing claim costs they will not receive any compensation; therefore be it**

**RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with DPPO, subject to review by the County Attorney, in an effort to reduce TCCMHIP medical claims for renal dialysis services of participants and beneficiaries with End Stage Renal Disease for a period of twenty-four (24) months from the effective date of the contract.**

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 145-09**      *AUTHORIZE CONTRACT WITH  
THE GUARDIAN FOR SHORT-TERM  
DISABILITY*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Sullivan.

**WHEREAS:** Tioga County currently provides a short-term disability policy to the CSEA and full-time Non-Union employees, except elected officials; and

**WHEREAS:** Tioga County currently carries this short-term disability coverage through Zurich North American; and

**WHEREAS:** The 2008-2011 CSEA contract allows for the County to change short-term disability carriers provided that the level of coverage does not change; and

**WHEREAS:** Tioga County has received a quote for a lower rate from The Guardian; and

**WHEREAS:** Tioga County will save \$8,900 for the remainder of 2009 by changing the short-term disability to The Guardian while maintaining the same level of coverage; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer to sign a contract with The Guardian, subject to review by the County Attorney, to provide short-term disability for those covered employees effective May 1, 2009.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

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

**RESOLUTION NO. 146-09**      *CREATE AND FILL SIX  
SEASONAL CLERK POSITIONS  
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Sauerbrey.

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

**WHEREAS:** For many years, Tioga County has supported the creation of several temporary positions in various departments each summer; and

**WHEREAS:** The intent of the County is to offer these positions, when possible, to Tioga County students pursuing a two or four year college education in order to provide those individuals with some earning potential; and

**WHEREAS:** The hiring of up to six (6) Seasonal Clerks will offer substantial and cost-effective staffing relief and will aid in workload coverage during the summer and facilitate a State-mandated imaging project; therefore be it

**RESOLVED:** That the Department of Social Services be hereby authorized to create and fill up to six (6) Seasonal Clerk positions at the rate of \$8.15 per hour (minimum wage, plus \$1) effective April 15, 2009 through August 31, 2009; and be it further

**RESOLVED:** That students who have worked for Tioga County as Seasonal Clerks during previous summer months and are returning will be compensated at \$8.15 per hour, plus 20 cents per hour for each year of employment previously served with Tioga County.

On roll call vote on the above resolution, seven members voted Aye, Legislator Roberts voting no, Legislative Oberbeck being absent, and the resolution was adopted.

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 147-09** *COMMENCE BACKFILL DELAYS  
ALL COUNTY DEPARTMENTS*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Monell.

**WHEREAS:** Tioga County, along with many employers, is facing economic hardships; and

**WHEREAS:** All aspects of County operations are being reviewed for means of cutting costs; and

**WHEREAS:** One means of reducing payroll expenses is to postpone the filling of vacancies; and

**WHEREAS:** Based on 2008 salaries and turnover, an estimated \$250,000 per year may be saved by instituting a 60-day delay in backfilling vacancies; therefore be it

**RESOLVED:** That any position that becomes vacant on or after April 14, 2009, with the exception of elected officials, Department Heads, and Corrections, shall not be backfilled for at least 60 calendar days following the vacancy; and be it further

**RESOLVED:** That when vacancies result from a line of promotions, only the entry-level position must be left vacant for at least 60 days; and be it further

**RESOLVED:** That any exception other than those indicated above shall require a resolution approved by the full Legislature.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

Legislator Huttleston spoke. "I have some concern about that when you say all backfills and I think in some cases I hope you are going to realize it is going to be necessary to backfill in some cases in critical areas and also if they are revenue producing areas, and I hope we are not going to bypassing this resolution, you automatically are going to handcuff your department heads from filling necessary positions that are either revenue producing or else they are critical. In other words if at the Sheriff's Department if all six road patrol deputies left all at once and you are not going to backfill for 60 days you have a problem. As I understand by passing this resolution those items are going to be looked at. I want to go on record as I will support this providing that you give the department heads a chance to address this before the hatchet comes down. In other words I think it is important that your department heads that run your departments get some input on that."

**REFERRED TO**

**PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 148-09**

***BACKFILL FULL-TIME  
CAPTAIN OF OPERATIONS  
SHERIFF'S OFFICE***

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator McEwen.

**WHEREAS:** The Sheriff's Office will have a vacant full-time Captain of Operations position (non-union) due to Paul O. Rhodes' retirement on 4/30/09; and

**WHEREAS:** The Sheriff's Office has found Timothy Jewell willing and eligible to accept such appointment; and

**WHEREAS:** The Sheriff has received approval from the Personnel Officer to appoint Mr. Jewell provisionally, pending the outcome of a civil service exam, at an annual salary of \$60,000 per year; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby authorizes the Sheriff to appoint Timothy Jewell provisionally to the full-time Captain of Operations position at an annual salary of \$60,000 per year, effective May 1, 2009.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO** PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 149-09** *BACKFILL FULL-TIME  
CIVIL MANAGER  
SHERIFF'S OFFICE*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Monell.

**WHEREAS:** The Sheriff's Office will have a vacant full-time Civil Manager position (non-union) due to Donna Burrell's retirement on 4/30/09; and

**WHEREAS:** The Sheriff's Office has found Kimberly Ward willing and eligible to accept such appointment; and

**WHEREAS:** The Sheriff has received approval from the Personnel Officer to appoint Ms. Ward provisionally, pending the outcome of a civil service exam, at an annual salary of \$39,000 per year; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby authorizes the Sheriff to appoint Kimberly Ward provisionally to the full-time Civil Manager position at an annual salary of \$39,000 per year, effective May 1, 2009.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 150-09** *AUTHORIZE BACKFILL OF  
CIVIL LAW CLERK  
(SHERIFF'S OFFICE)*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Monell.

**WHEREAS:** The position of Civil Law Clerk will become vacant as of May 1, 2009 due to promotion of the current incumbent; and

**WHEREAS:** An anticipated policy will require positions be left vacant for no less than 60 calendar days; and

**WHEREAS:** Said policy will allow for exceptions contingent upon approval by the Legislature; and

**WHEREAS:** The Civil Division is only a two-person office and leaving one of those two positions vacant for 60 days will cause a delay in processing of civil matters, which could lead to violation of regulations; therefore be it

**RESOLVED:** That the Sheriff is authorized to backfill the position of Civil Law Clerk as of May 4, 2009.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

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

**RESOLUTION NO. 151-09 APPROVE LEAVE OF ABSENCE  
PUBLIC HEALTH**

**Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.**

**WHEREAS: In accordance with Tioga County Policy 1, Section VII, Legislative approval is required for a leave of absence in excess of sixty (60) working days; and**

**WHEREAS: Kimberly Kavulich, Public Health Educator, is on an approved medical leave through May 8, 2009; and**

**WHEREAS: Ms. Kavulich requested to extend her leave time beyond May 8, 2009 in accordance with Article 5 Section E of the CSEA contract; and**

**WHEREAS: Ms. Kavulich agrees to return to work July 13, 2009 in either a half-time capacity or full-time, as she is able, making a permanent full-time transition no later than September 14, 2009, concurrent with the expiration of Deborah Lyszczek's contract on September 11, 2009; and**

**WHEREAS: The Public Health Director recommends that Ms. Kavulich's leave be approved through July 13, 2009 with the above conditions; therefore be it**

**RESOLVED: That the Tioga County Legislature hereby approves Kimberly Kavulich's leave through July 13, 2009; and be it further**

**RESOLVED: That Ms. Kavulich agrees to return to work in a full-time capacity no later than September 14, 2009.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

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

**RESOLUTION NO. 152-09** *AMEND RESOLUTION 97-09  
APPROVE LEAVE OF ABSENCE  
PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Sauerbrey.

**WHEREAS:** In accordance with Tioga County Policy 1, Section VII, Resolution 97-09 approved a leave of absence for Linda Kostek through May 3, 2009; and

**WHEREAS:** Linda has not been medically released to return to work and will not be reevaluated by a doctor until the middle of May 2009; and

**WHEREAS:** The Public Health Director recommends that Ms. Kostek's leave be approved through June 12, 2009; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby approves Linda Kostek's leave through June 12, 2009; and be further

**RESOLVED:** That in the event Linda Kostek is released to full duty prior to June 12, 2009 she be allowed to return to work at that time.

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 153-09** *REASSIGN DUTIES/AUTHORIZE STIPEND/  
ABOLISH POSITION  
STOP DWI*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Roberts.

**WHEREAS: Part-time STOP DWI Coordinator Ed VanDeMark will be retiring as of April 18, 2009; and**

**WHEREAS: The Tioga County Legislature is taking the opportunity to reassign the duties of the STOP DWI Coordinator position to existing staff thereby eliminating the need for the position; and**

**WHEREAS: Additional monies in the form of a stipend will be offered to one existing staff member in recognition of acquiring additional responsibilities; therefore be it**

**RESOLVED: That the Chair of the Legislature has designated the duties of STOP DWI Coordinator to the Undersheriff, including serving as the County's representative on the Traffic Safety Board; and be it further**

**RESOLVED: That the Undersheriff shall receive a stipend of \$5,000 annually effective as of April 20, 2009; and be it further**

**RESOLVED: That the coordination of the Blood Drives shall be assigned to the Public Health Educators in the Public Health Department without additional compensation effective April 20, 2009; and be it further**

**RESOLVED: That the part-time position of STOP DWI Coordinator shall be abolished as of April 20, 2009 for an annual savings of \$14,380.**

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**The meeting was adjourned at 2:10 P.M.**

***Public Hearing***  
***Local Law Introductory C of 2009***  
**May 7, 2009**

**The Public Hearing on Local Law Introductory C of 2009 A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2010 and continuing through and including December 31, 2013 was called to order by the Chair at 1:35 P.M. All Legislative members were present.**

**There were five people in attendance.**

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

**There being no comments, the hearing was adjourned at 1:37 P.M.**

***Public Hearing  
Stormwater Annual Report  
May 7, 2009***

**The Public Hearing on the Stormwater Annual Report was called to order by the Chair at 1:45 P.M. All Legislative Members were present.**

**There were seven people in attendance.**

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

**Josh Brown of the Planning Department spoke. “A small portion of Tioga County, which includes only a three-mile stretch of Pennsylvania Avenue, begins on Route 434 and it goes down to Rhodes Road over in Apalachin, has been designated as an MS4 under NYS DEC’s Phase II Stormwater regulations. As such, Tioga County must comply with the following six minimum measures that make up the County’s Stormwater Management Plan and it is covered under the new SPDES Permit GP 0-08-002 which was effective May 1, 2008.**

**“The minimum measures are public education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site runoff control, post construction runoff control, and municipal good housekeeping.**

**“Because we are in an MS4 the County is required to file to the NYS DEC an annual report by June 1<sup>st</sup> to report the progress of the Stormwater Management Plan including an annual municipal compliance certification. The main difference this year from the previous years is that we only had to report on Tioga County’s activities. This year DEC changed the form and we are going to be submitting for on behalf of 15 municipalities or MS4 jurisdictions, so that is the difference this year.**

**“I just want to briefly go over some of the highlights specific to Tioga County, which is way we are having this hearing. The Tioga County Soil & Water in conjunction with NYS DEC held a training on contractor erosion and sediment control for 100 millennium contractors. Additionally the Tioga County Soil & Water Conservation District did the same training to local contractors and engineers which had 59 attendees.**

**“Soil & Water Conservation District conducted three phase II Stormwater Program Overview trainings this past year. The Broome-Tioga Stormwater Coalition which we are a part of is maintaining the website and this past year we had 740 website hits.**

**“In 2008 Soil & Water Conservation District Manager, Wendy Walsh, she had reviewed three Stormwater pollution prevention plans and conducted 12 site inspections based on DEC and municipal requests. In 2008 a stream cleanup event was held for 63 participants. There was 1.5 tons of trash cleaned.**

**“Tioga County’s 2008 Household Hazardous Waste Program collected 7.1 tons of household hazardous waste, nearly 5.9 tons of electronics in addition to 11.1 tons of used motor oil and 123.1 tons of used tires.**

**“The Tioga County Highway personnel routinely and visually inspects all catchment basins and no contaminants were detected during the reporting year. Tioga County’s Public Health Engineer is continuing to update the County Sanitary Code and will be incorporating the State recommended illicit discharge detection and elimination regulations.**

**“The Tioga County Soil & Water Conservation District purchased a watershed model and with that model we have reached out to the Owego School District where 80 school students participated and learned about the effects of stormwater, and it was also taken to the Farm Days at the Mall where 500 visitors participated in the event.**

**“The Water for Life education materials, we had a total of 800 placemats distributed to two restaurants in the MS4 area, one was for example the Blue Dolphin, and teacher education packets were also delivered. Finally, Tioga County Solid Waste completed year one of the used tire and scrap metal collection program. Four municipalities signed the contract to participate in that program and the result was the collection of 13,000 tires and an estimated 3 tons of scrap metal. That program will continue this year, which will be year two for that program.”**

**There being no further comments, the hearing was adjourned at 1:51 P.M.**

***Fifth Regular Meeting***  
**May 12, 2009**

The Fifth Regular Meeting of 2009 was called to order by the Chair at 1:35 P.M. All Legislative members were present.

Chair Weston asked Legislator Oberbeck to have a moment of prayer. “I would like to ask for a moment of silence to remember our Veterans’ and our Law Enforcement Officials that have been injured or killed in the line of duty.”

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

There were approximately 43 people in attendance.

Chair Weston read and presented 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, 30 or 35 years since last year’s ceremonies:

<u>Name</u>	<u>Department</u>	<u>Years</u>
Robert Manzer	Public Works	35
Richard Lecount	Emergency Preparedness	35
Norma Slocum	Personnel	30
William Ackley	Public Works	30
Margaret Shuler	Public Health	25
Carol Roadcap	DSS	25
Michele Robins	DSS	25
Judith Quigley	Law	25

**NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE, does hereby proclaim and designate the week of May 11-15, 2009 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.**

**Sheriff Gary Howard presented on Sheriff Corrections Accreditation. “Good afternoon. Today I am pleased to tell you that the Tioga County Jail will be receiving a presentation from the New York State Sheriff’s Association for reaccreditation. This presentation is the result of the hard work of the men and women of the Tioga County Sheriff’s Corrections Facility. The accreditation program consists of over 166 standards of excellence that must be met by the Correction Facility. The period of accreditation lasts for five years and will run from May 13, 2009 to May 12, 2014. This does not mean that the men and women can sit back and wait for the next time we get accredited. This is an ongoing process and we will continue to strive towards that excellence.**

**“On May 17<sup>th</sup> a Team consisting of three veteran officers lead by Major James Rose, Jail Superintendent of Livingston County assessed the jail over a three day period. I would like to read the letter he wrote to the New York State Sheriff’s Association.**

**“This correspondence is dispatched to you to report on the Tioga County Jail Reaccreditation Assessment conducted on March 17, 2009. The assessment team consisted of Major Christopher Lynn, Lieutenant Lisa Heaton, and myself. The assessment began with a briefing with Sheriff Gary Howard and appropriate management staff to include Lieutenant Dave Monell, Jail Superintendent. A facility walk around was conducted and a complete check of the files was conducted. The assessment was completed in total success. The facility looked great. The staff demeanor was magnificent and the files found to be in order and in compliance. There are no issues noted.**

**“Please find the enclosed compliance sheets for this assessment. Your assessment team wholeheartedly recommends Tioga County Jail be awarded continual accreditation status. I would like to acknowledge Corrections Officer Terry Sinsabaugh who was assigned the task of keeping all the records and making sure all the standards were kept to date. As I stated before this is an ongoing job. Everyday records and files must be maintained to keep our accreditation. I commend Terry Sinsabaugh for his work that he has done on this. Coming all the way from Albany and taking time from a very busy schedule is the Executive Director and Counsel of the New York State Sheriff’s Association, Peter Kehoe and I would like to give him the opportunity to say some words and make a presentation.”**

**“Peter Kehoe spoke. “Thank you Sheriff. Members of the Tioga County Legislature and guests it is my pleasure to be here today on behalf of all the Sheriffs of New York State to honor and recognize Sheriff Gary Howard and the Tioga County Sheriff’s Office for another outstanding achievement, reaccreditation of the Sheriff’s Corrections Division. Only 19 other counties in the State have been able to achieve an accreditation of their Corrections Division, so that should indicate that it is not an easy achievement, but the Tioga County Sheriff’s Office has not limited its pursuit of excellence to the field of Corrections. Your Sheriff’s Office was also one of the early agencies in New York State to receive accreditation of its Law Enforcement Division and it continues in the select company of policy agencies maintaining accreditation from the New York State Law Enforcement Accreditation Counsel, and it has also received and maintains accreditation of its Communications Division. I understand that they are working on the last accreditation that would be available to them and I will let the Sheriff speak about that at the appropriate time.**

**“These are very significant achievements unmatched by most other counties in the State. I am here to remind you of something I am sure you already know, that is that you have an outstanding Sheriff and an outstanding Sheriff’s Office. It is well respected throughout the State. You have a professional Sheriff and a professional Sheriff’s Office which sets the pace for others to follow. One might ask why bother with accreditation? Well I can assure you it is not just for bragging rights, my County is better than your County kind of thing, although that is a nice position to be in. It has many positive effects. It does improve the operations and performance in the agency. It does increase morale. The employees in the agency know that by an objective standard they are doing a good job and that someone actually recognizes them for that. It reduces the incidents of liability and often reduces insurance costs, and it produces savings for self-insured counties with fewer claims and fewer successful claims, and most important I think of all is it increases the public’s confidence in their public institutions.**

**“I would also like to say just a few words about corrections accreditation specifically. It is not something that is available just for the asking. The Sheriff indicated some of the processes that this agency had to go through in order to gain this accreditation. It requires that a Sheriff’s Corrections Division meets a very stringent set of standards developed by experts in the field of Corrections. These standards have 166 individual components and to gain accreditation an agency must submit itself to scrutiny by an outside Board of Assessors which reviews the agency’s operations in detail to ascertain whether or not the agency meets those many demanding standards and as Sheriff Howard indicated and as the letter he read indicates the Board of Assessors which reviewed the operations here in Tioga County Corrections Division has found that it meets or exceeds everyone of those standards.**

“Congratulations are in order for Sheriff Gary Howard and the men and women of the Tioga County Sherriff’s Corrections Division and all the men and women of the Tioga County Sheriff’s Office for this accomplishment. I think congratulations are also in order for the Tioga County Legislature and Chairman Weston, Public Safety Committee Chairwoman Sauerbrey for without your financial support and your moral support this achievement and the outstanding service provided by the Sherriff’s Office to all the citizens of Tioga County in all the areas of the Sheriff’s responsibility would not be possible. I also want to say that congratulations are in order for the citizens of Tioga County because without your support for the Sheriff’s Office its many achievements and its statewide reputation as one of the best would not be possible. At this time I would like to present to Sheriff Howard this plaque commemorating this reaccreditation.

“Of course accreditation does not just happen and the Sheriff has also indicated that one gentleman here did a great deal of work organizing the administrative and the operational details which are necessary in order to demonstrate to the Assessors that this county’s Corrections Division is deserving of this accreditation. I would like to present this certificate of recognition to Corrections Officer Terry Sinsabaugh. Again, congratulations to all of you, all of the participants, and all of the players in this great achievement for Tioga County, and I want to thank you Chairman for this opportunity to address you.”

Legislator Huttleston read and presented the following Proclamation on Children’s Mental Health Week to Ruth Roberts, Interim Community Services Director:

#### 2009 PROCLAMATION

##### *Mental Health Awareness Month & Children’s Mental Health Week*

**WHEREAS:** The citizens of Tioga County value the health and well-being of their families and fellow citizens of Tioga County, and therefore they are proud to support observances of Mental Health Awareness Month and Children’s Mental Health Week; and

**WHEREAS:** There is great hope for resiliency and recovery for both children and adults who experience mental health challenges; and

**WHEREAS:** Many adults who are managing a serious mental health condition are able to fully participate in their community through employment, education, faith-based groups, civic groups or other community organizations; and

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

**WHEREAS:** The citizens of Tioga County want each young person to be fully prepared for adulthood with support from their family and community, through access to high quality physical and mental health care, and access to educational opportunities that promote successful transition into adulthood; and

**WHEREAS:** It is important that children and adolescents, along with their families and communities, learn about the warning signs of mental health challenges and where to obtain necessary assistance and treatment; and

**WHEREAS:** Almost 21 percent of children and adolescents aged 9 – 17 in the United States have a mental health challenge; nearly 11 percent suffer from a major mental challenge that results in significantly impaired behavior at home, at school, among peers and in the community; 5 percent have extreme functional impairment with their illness; and suicide is the third leading cause of death for individuals aged 15 – 24; and

**WHEREAS:** Early detection, identification and treatment for children and adolescents can prevent mental health conditions from becoming more serious or long-lasting; and

**WHEREAS:** All mental health disorders are very real and treatable conditions for adults and children; and

**WHEREAS:** Individuals experiencing a mental health challenge who choose to work toward recovery demonstrate great strength and courage, and are an inspiration to others; therefore be it

**RESOLVED:** That the Tioga County Legislature does hereby ask all residents of our county to join in declaring May 2009 as *Mental Health Awareness Month* and May 3 – 9, 2009 as *Children’s Mental Health Week* in Tioga County.

Ruth Roberts, Interim Community Services Director, spoke. “I just want to take an opportunity to thank the Legislature for this proclamation and raising awareness among Tioga County regarding mental health, mental health issues, those who suffer with more serious conditions, and the importance of prevention, early intervention, and treatment. Thank you very much.”

Legislator Huttleston read and presented the following Proclamation on Elder Abuse Prevention Month to Christie Walker, Adult/Adolescent Supervisor, Department of Social Services:

**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 2009 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.

Christie Walker, Adult/Adolescent Supervisor, Department of Social Services, spoke. "The health and safety of people who are elderly or have disabilities should be one of our highest priorities and concerns. Adult Services at Tioga County DSS are available to offer information, assistance, and services in order to allow these individuals to be able to remain safely in the community. These services can include various programs and referrals such as Adult Protective or Preventive Services, Family Type Homes for Adults, Long Term Care Homecare Services, assistance in accessing benefits, and referrals to other community programs such as Department of Health, Mental Health, and Area Agency on Aging.

**“Caseworkers for Adult Protective Services are in the difficult position of providing services to an individual to eliminate abusive or neglectful situations, yet to also advocate for the clients right to self-determination. I thank the Legislature, my Administration, my Staff, and all the other supportive agencies and individuals who are involved in providing services to the elderly and disabled. The elderly and disabled people deserve our utmost attention and respect. We all must work together to protect their health, safety, and rights, and treat them the way we would hope to be treated ourselves. Thank you.”**

**Legislator Huttleston read and presented the following Proclamation on Foster Care Recognition Month to Liz Jenkins of the Department of Social Services:**

**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 40 children in foster care in Tioga County, 25 of these children are in foster homes, and 1 child is in a Glove House Therapeutic foster home; and**

**WHEREAS: We have 21 certified foster homes, and 14 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 2009 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.**

Liz Jenkins from the Department of Social Services spoke. "I wanted to thank the Legislature for this proclamation. As many of you know I have been up here before as a recipient of awards and I come from a CPS background, Child Protective Services. I have since moved to Foster Care and I can clearly say this is a harder job, clearly. People think of Child Protective as being very emotional as is the Foster Care side of it. I do want to recognize two people we have in the audience today, Donna Corbin from Glove House. She heads up the 14 therapeutic homes and we have a foster parent, Kim Tuttle, who is present here today as well, and I want to publicly thank them for all of the work that they do. It is not easy to get a phone call at noon and say can you be ready for a 12-year-old in an hour. It is not easy to get that phone call at 2:00 in the morning and say we just removed a baby can you take that child. I commend them. I do not know how they do it, but it is great that we have these people and any support that we can provide them is well justified. Thank you."

Chair Weston read and presented the following Proclamations on Older Americans' Month and Senior Citizens' Day, and also on Senior Citizen of the Year to Mary Ellen Gage of Tioga Opportunities:

### 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 2009 as

***OLDER AMERICANS’ MONTH***

And May 20, 2009 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:** Mary Edsall is a warm and caring person with an infectious smile and a heart of gold who helps all that come in her path; and

**WHEREAS:** Mary Edsall was born and raised in Park Ridge, New Jersey, after the death of her first husband she remarried in 1956 and moved to Newark Valley, New York in 1957 where she and her husband bought a small farm and raised animals for their children and for food and began a long tradition of making maple syrup; and

**WHEREAS:** Mary Edsall is very patient, but maybe that’s because she drove school bus for the Newark Valley School District for twenty years and raised three sons and one daughter; and

**WHEREAS:** Mary Edsall was a 4 H Club Leader whose club, the “Fairfield 4 H ers”, was the top club in Tioga County for 8 years; and

**WHEREAS:** Mary Edsall has belonged to the Fairfield Methodist Church for 52 years where she taught Sunday school and still serves on many committees; and

**WHEREAS:** Mary Edsall is a member of the P.E.O. Sisterhood, Chapter B Newark Valley and the Red Hat Society that recently held a tea party for the Riverview Manor residents; and

**WHEREAS:** Mary Edsall makes many cinnamon rolls, 40 dozen annually for the church alone and now they are best known as “Mary Rolls”; and

**WHEREAS:** Mary Edsall has nine grandchildren and fifteen “greats” who she has baby sat over the years and still does, and in her spare time enjoys reading, crocheting and traveling; and

**WHEREAS:** Mary Edsall now lives at Long Meadow Senior Apartments where she looks out for and is always willing to help her neighbors; and

**WHEREAS:** Mary Edsall has been selected as the 2009 Senior Citizen of the Year in Tioga County; now therefore

**THE TIOGA COUNTY LEGISLATURE** does hereby proclaim and designate May 20, 2009

*MARY EDSALL DAY*

In the County of Tioga, New York, and commend this observance to our citizens.

Mary Ellen Gage from Tioga Opportunities spoke. “Thank you. I do not have very much to say except on behalf of the more than 9000 citizens in Tioga County I want to thank the Legislature for your continued support of our programs with your financial and verbal support. Thank you.”

Chris Bonner had privilege of the floor. “Can the Federal Government order the States or the County to do its bidding for them or to do what they want? The answer to that question is vote yes and vote no. It all depends on if you contract with them. It is called money which everybody is out to get. A Supreme Court Decision “Wickett versus Philberg” states “What the Federal Government finances the Federal Government controls.” If you want to give your County away watch what you are voting for with your yeas and your nays because like the little spider gets the fly in the web, they get you in there with this bread, money, your goose is cooked. I am going to tell you that right now and that is what is wrong with this Country today.

“Now I am going to give you how they do it. It is called an adhesion contract which can be looked up in any legal dictionary and it is defined as follows: “A contract so heavily restricted of one party while none restricted to others. The doubts arise as its representation as a voluntary and uncoerced agreement. Implies and graves irregularity of bargaining powers.” The concert often arises in the context of standard form printed contracts.” In other words you go to the legal store you can get any contract you want. It is all wrote out for lawyers and it is going to favor you unless you put an addendum in it. Prepared by one body and submitted to the other on a take it or leave it basis. Now I am going to close this with a bible quote. It is Hosea 4:6. “My people are destroyed for lack of knowledge.”

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		414.56
A1165	District Attorney		3,356.68
A1170	Public Defender		1,529.56
A1172	Assigned Counsel		14,727.79
A1185	Medical Examiners/Coroners		3,951.94
A1325	Treasurer		673.08
A1355	Assessments		2,250.00
A1362	Tax Advertising and Expense		173.04
A1410	County Clerk		9,796.77
A1411	Department of Motor Vehicles		3,184.04
A1420	Law		31.78
A1430	Personnel		1,453.07
A1450	Elections		295.43
A1460	Records Management		218.80
A1460.41	Records Management		11,123.91
A1490	Public Works Administration		556.00
A1620	Buildings		60,956.72
A1680	Information Technology		38,447.56
A2960	Education of Handicapped Children		215,784.62
A3020	Public Safety Comm E911		677.57
A3110	Sheriff	5,020.27	13,785.62
A3110.41	Sheriff-Court Attendants		2,358.36
A3140	Probation	240.00	287.75
A3142	Alternatives to Incarceration		1,421.00
A3146	Sex Offender Program		8,766.67
A3150	Jail		46,086.76
A3315	Special Traffic Programs	8,400.00	1,310.00
A3410	Fire	44.09	7,233.24
A3552	EMO Grant	1,158.72	
A3640	Emergency Mgmt Office		216.36
A3650	EMO WMD Grant C837960	1,016.28	
A3653	EMO Grant Education	2,522.00	
A4010	Public Health Nursing	530.00	43,489.30
A4011	Public Health Administration	32.90	18,166.41
A4012	Public Health Education	148.50	3,654.50
A4042	Rabies Control		503.30
A4044	Early Intervention	186.00	57,532.45
A4053	Preventive/Primary Health Services		994.81
A4054	Preventive Dental Services		2,708.80
A4062	Lead Poisoning Program		1,225.58
A4064	Managed Care-Dental Services		16,976.18

A4070	Disease Control		2,395.99
A4090	Environmental Health		7,436.54
A4210	Alcohol and Drug Services		21,913.73
A4211	Council on Alcoholism		9,923.66
A4309	Mental Hygiene Co Admin		8,945.24
A4310	Mental Health Clinic		68,181.14
A4315	Mental Retardation		20,621.24
A4320	Crisis Intervention Services		30,144.42
A4321	Intensive Case Management		1,622.10
A5630	Bus Operations		15,707.44
A6010	Social Services Administration	350.00	63,417.26
A6422	Economic Development		776.41
A6510	Veterans' Service		63.00
A6610	Sealer Weights/Measures		175.90
A7510	Historian		480.00
A9060	Health Insurance		703.82
SOLID WASTE FUND			77,775.91
COUNTY ROAD FUND			32,587.93
SPECIAL GRANT FUND			10,110.02
CONSOLIDATED HEALTH FUND			730,547.26
CAPITAL FUND			113,797.80
LIABILITY INSURANCE FUND			289.50
WORKERS' COMP			<u>37,610.28</u>
GRAND TOTAL			\$ 1,871,195.36

Legislator Oberbeck made a motion to approve the minutes of April 14, 2009, 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.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 154-09

*ERRONEOUS ASSESSMENT  
TOWN OF RICHFORD*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Huttleston.

WHEREAS: An application for corrected tax roll indicates that property #113 assessed to Edward R Evenson on the 2008 tax roll of the Town of Richford is erroneous in that a house on the property burned in May of 2006 and the assessment was never lowered to reflect the \$20,500 reduction; and

**WHEREAS:** The 2008 property taxes for property no. 113 in the Town of Richford were paid on 1/29/08; be it therefore

**RESOLVED:** That taxable value on property no. 113 in the Town of Richford be lowered from \$51,000 to \$30,500 and a refund of \$348.65 be issued to Edward R Evenson for overpayment of the 2008 taxes; and be it further

**RESOLVED:** That the erroneous amount of \$191.92 be charged back to the Town of Richford and the erroneous fire tax of \$26.74 be charged back to the Richford Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$7.16 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax and penalty amount of \$122.83 be charged to the proper account in the records of the County Treasurer

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 155-09**

***ERRONEOUS ASSESSMENT  
TOWN OF RICHFORD***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Huttleston.**

**WHEREAS:** An application for corrected tax roll indicates that property #113 assessed to Edward R Evenson on the 2009 tax roll of the Town of Richford is erroneous in that a house on the property burned in May of 2006 and the assessment was never lowered to reflect the \$20,500 reduction; and

**WHEREAS:** The 2009 property taxes for property no. 113 in the Town of Richford were paid to the Town of Richford tax collector on 1/15/09; be it therefore

**RESOLVED:** That taxable value on property no. 113 in the Town of Richford be lowered from \$51,000 to \$30,500 and a refund of \$340.55 be issued by the Town of Richford to Edward R Evenson for overpayment of the 2009 taxes; and be it further

**RESOLVED:** That the erroneous amount of \$184.02 be charged back to the Town of Richford and the erroneous fire tax of \$30.70 be charged back to the Richford Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$7.01 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax and penalty amount of \$118.82 be charged to the proper account in the records of the County Treasurer

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:**

**ED&P COMMITTEE**

**RESOLUTION NO. 156-09**

***APPOINT MEMBER TO THE  
TIOGA COUNTY PLANNING  
BOARD***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.**

**WHEREAS:** The Board representative from the Town of Newark Valley, Betty Thompson, has resigned; and

**WHEREAS:** The Town of Newark Valley Board has found and recommends Heidi Mann who is willing to serve in this position; therefore be it

**RESOLVED:** That the Tioga County Legislature appoints Heidi Mann to serve the remainder of Betty Thompson's unexpired term on the Tioga County Planning Board from 5/12/09 to 12/31/11.

**On roll call vote on the above resolution, seven members voted Aye, Legislators Oberbeck and Roberts voting no, and the resolution was adopted.**

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 157-09**                      *APPOINT MEMBER TO THE  
TIOGA COUNTY PLANNING  
BOARD*

Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.

**WHEREAS:** The Board representative from the Town of Owego, Wendy Walsh,  
has resigned; and

**WHEREAS:** The Town of Owego Board has found and recommends Jason Rieg  
who is willing to serve in this position; therefore be it

**RESOLVED:** That the Tioga County Legislature appoints Jason Rieg to serve the  
remainder of Wendy Walsh’s unexpired term on the Tioga County Planning Board  
from 5/12/09 to 12/31/09.

**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 158 -09**                      *APPOINT MEMBERS TO  
TRAFFIC SAFETY BOARD  
STOP DWI DEPARTMENT*

Adoption moved by Legislator Sullivan,  
seconded by Legislator Roberts.

**RESOLVED:** That the following members be reappointed to the Traffic Safety  
Board for a term as follows:

<b>TITLE</b>	<b>TERM</b>
Tioga County Sheriff or designee	4/1/09-3/31/10
Gerald Hyatt-County Rep	4/1/09-3/31/10
Tioga County Emergency Management Director	4/1/09-3/31/10

**CARRIED**

**REFERRED TO:** ED&P COMMITTEE  
PUBLIC WORKS COMMITTEE

**RESOLUTION NO. 159-09** *APPROVAL OF 2008 - 2009 MS4  
STORMWATER ANNUAL REPORT*

Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.

**WHEREAS:** The Tioga County Legislature, as per resolution 115-03, submitted a Notice of Intent (NOI) to NYS DEC pursuant to NYS Environmental Conservation Law Article 17, Titles 7 and 8 and Article 70 for and is now covered under Municipal Separate Stormwater Sewer Systems (MS4) SPDES Permit No. GP-08-002 as SPDES ID No. NYR20A047; and

**WHEREAS:** The MS4 permit requires that an annual report be prepared detailing stormwater activities conducted during the year and recommends that said report be presented at an open meeting to solicit comments from the public and then submitted to NYS DEC by June 1 of each year; and

**WHEREAS:** Tioga County, through the Broome-Tioga Stormwater Coalition, has prepared such report detailing accomplishments during the 2008 – 2009 reporting year and the Tioga County Legislature held a public hearing on May 7<sup>th</sup>, 2009 at which the annual report was presented, public comment was solicited and those comments have been incorporated into the annual report; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby approves the Tioga County 2008 - 2009 MS4 Stormwater Annual Report and authorizes the Chair of the Legislature to sign said report and submit it to NYS DEC.

**CARRIED**

**REFERRED TO:** INFORMATION TECHNOLOGY/LAW

**RESOLUTION NO. 160-09** *AUTHORIZE TOWER SITE AGREEMENT*

Adoption moved by Legislator Monell,  
seconded by Legislator McEwen.

**WHEREAS:** The County and Plexicomm, LLC have entered into an agreement to allow the installation of a wireless internet antenna on the Spaulding Hill Tower; and

**WHEREAS:** Plexicomm, LLC has requested permission to install such an antenna, which installation will not affect the use of the Tower by the County and will not involve any structural modification thereto; and

**WHEREAS:** The County is agreeable to allow such installation at a cost of \$450.00 every three months; therefore be it

**RESOLVED:** That upon approval by the County Attorney as to form, the Chair of the Tioga County Legislature is authorized to execute an Agreement authorizing the installation of a wireless internet service antenna on the Spaulding Hill Tower to Plexicomm, LLC at a cost of \$450.00 every three months.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** ED&P COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 161–09** *AUTHORIZE DISBURSEMENT OF HUD CDBG REVOLVING LOAN FUNDS TO TIOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (TCIDA) FOR DOUBLE AUGHT LUMBER*

Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan.

**WHEREAS:** Tioga County and the Tioga County Industrial Development Agency (TCIDA) entered into a Small Cities Community Development Block Grant Program Subrecipient Agreement for a revolving loan program funded by the settlement proceeds with Howland Brothers Co., Inc. and others; and

**WHEREAS:** The Legislature needs to authorize the Treasurer to disburse funds from the settlement account to the TCIDA prior to each and every disbursing of loan proceeds; and

**WHEREAS:** The TCIDA has certified to Tioga County that the loan applicant, Double Aught Lumber, has satisfied all of the requirements which are conditions precedent to the execution of loan documents and the disbursement of loan proceeds in the sum of \$200,000; and



**Roll Call:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 163-09 AMEND RESOLUTION 153-09  
STOP DWI**

**Adoption moved by Legislator Sullivan,  
seconded by Legislator McEwen.**

**WHEREAS: Resolution 153-09 abolished the position of STOP DWI Coordinator and reassigned certain duties associated with this position to the Undersheriff with an annual stipend of \$5,000 effective April 20, 2009; and**

**WHEREAS: A transfer of funds from the STOP DWI account to the Sheriff's Office account is necessary to reflect the payment of the Undersheriff for said stipend; therefore be it**

**RESOLVED: That Resolution 153-09 is hereby amended to reflect authorization of \$3,525 from Stop DWI account A3315.10.20 to Sheriff account 3110.10.10, effective April 20, 2009 in order to compensate the Undersheriff for duties associated with STOP DWI during the remainder of 2009.**

**Roll Call:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**REFERRED TO: PUBLIC WORKS**

**RESOLUTION NO. 164-09 AWARD DESIGN OF EAST RIVER RD.  
BRIDGE OVER WAPPASSENING  
CREEK TO LABELLA ASSOCIATES**

**Adoption moved by Legislator Roberts,  
seconded by Legislator Huttleston.**

**WHEREAS:** The Commissioner of Public Works requested proposals for design services for the East River Rd. Bridge over Wappassening Creek BIN:#3335410; and

**WHEREAS:** The proposals were as follows:

Labella Associates	Rochester, NY	\$ 80,000
McFarland & Johnson	Binghamton, NY	\$ 89,433
Delta Engineers	Binghamton, NY	\$137,835
C & S Companies	Syracuse, NY	\$207,000

And

**WHEREAS:** The Commissioner of Public Works put funds in the 2009 budget for this project; therefore be it

**RESOLVED:** That the Tioga County Legislature award the design services to Labella Associates, Rochester, NY in the amount of \$80,000 to be paid out of East River Road Bridge account H2009.02

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**PUBLIC WORKS  
FINANCE**

**RESOLUTION NO. 165-09**

***ESTABLISH CAPITAL PROJECT  
AND TRANSFER FUNDS***

**Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.**

**WHEREAS:** Capital Project H2009.02 was budgeted at \$200,000; and

**WHEREAS:** The actual design costs is going to be \$80,000; and

**WHEREAS:** The Main St. Bridge over Cayuta Creek in Lockwood, NY is the next bridge on our work program; and

**WHEREAS:** There may be funding available next year for construction if the design work is complete; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Commissioner of Public Works to establish project H2009.05 Main St. Bridge over Cayuta Creek, Lockwood, NY BIN#3334800; and be it further

**RESOLVED:** That the Tioga County Legislature authorizes the transfer of \$120,000 from East River Road Bridge Account H2009.02 to Main Street Bridge over Cayuta Creek H2009.05.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** PUBLIC WORKS  
FINANCE

**RESOLUTION NO. 166-09** *ASSIGN ADDITIONAL CHIPS  
REVENUE AND TRANSFER FUNDS  
FOR 56 MAIN STREET  
RENOVATIONS*

Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.

**WHEREAS:** The Commissioner of Public Works received notification from NYS Assemblyman Gary Finch that Tioga County will receive an increase of \$106,000 in the CHIPS funding for 2009; and

**WHEREAS:** The Department of Public Works has completed renovations at 56 Main St, the County Office Building; and

**WHEREAS:** There are not approved sufficient funds to make final payments for the renovations; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes that the \$106,000 in CHIPS funding for 2009 be disbursed as follows:

<b>From:</b>	H3501-State Aid-Consolidated Highway (CHIPS)	<b>\$86,000</b>
	D3501-State Aid-Consolidated Highway (CHIPS)	<b>\$20,000</b>
<b>To:</b>	D5110.40-240-Maintenance, Roads & Bridges	<b>\$20,000</b>
	H2009.03-Culvert Replacement	<b>\$60,000</b>
	H2009.01-West Creek Road Recon	<b>\$26,000</b>

And be it further

**RESOLVED:** That the Tioga County Legislature authorizes transfer of funds in the amount of \$26,000 from West Creek Road Reconstruction account H2009.01 to 56 Main St. Addition account H2007.17.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PUBLIC WORKS COMMITTEE  
LEGAL COMMITTEE**

**RESOLUTION NO. 167-09 AUTHORITY ACCESS AGREEMENT**

**Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.**

**WHEREAS:** Columbia Gas Transmission, LLC [Columbia] in constructing the Millennium Pipeline ruptured a pipe on the easterly side of Route 96 across from the Public Works facility; and

**WHEREAS:** Under its agreement with DEC, Columbia must do certain testing of neighboring properties, including the Public Works facility property on Route 96; and

**WHEREAS:** Columbia has provided an access agreement to allow for such testing with a payment for such access of \$1,000; and

**WHEREAS:** The Commissioner of Public Works and the County Attorney have reviewed and approved the agreement; therefore be it

**RESOLVED:** That the Chair of the Legislature is authorized to execute the Access Agreement provided by Columbia.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**



**REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 169-09 *RESOLUTION AUTHORIZING COUNTY FIRE  
COORDINATOR TO ENTER INTO CONTRACTS***

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Roberts.**

**WHEREAS: The County Legislature appropriates certain sums of money in the annual county budget for services within the County Bureau of Fire; and**

**WHEREAS: The County Fire Coordinator has determined that in order to efficiently and effectively manage his department in a timely and cost effective manner, it is necessary to allow maximum flexibility for the retention of such services within the appropriations authorized by the County Legislature in the annual budget; and**

**WHEREAS: County Law permits the Legislative Body to delegate the authority to deliver and execute such agreements to the County Fire Coordinator upon such terms and conditions it deems appropriate within the authorized annual appropriations; therefore be it**

**RESOLVED: That within the amounts annually appropriated by the Legislature in the Annual County Budget, the County Fire Coordinator is authorized and empowered to negotiate and enter into contracts for services not to exceed a total of 100 instructors, subject to County Attorney approval, as follows:**

- A. Emergency Medical Training Program – Victim Helper**
- B. Emergency Medical Training Program – Skills Instructor**
- C. Emergency Medical Training Program CLI – Certified Lab Instructor**
- D. Emergency Medical Training Program SR/RN – Specialty Resource/Registered Nurse**
- E. Emergency Medical Training Program CIC – Certified Instructor Coordinator**

**And be it further**

**RESOLVED: That consistent with the annual budget, the cost for all Emergency Medical Training Program Services is determined by the number of students enrolled in each individual training programs; and be it further**

**RESOLVED:** That the authority granted herein shall only be applicable to contracts that are within the annual appropriation set forth in the budget and not in excess of twenty-five percent above the previous fiscal year’s contractual amount for any such service.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

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

**RESOLUTION NO. 170–09***RESOLUTION AUTHORIZING DIRECTOR OF  
COMMUNITY SERVICES TO ENTER INTO  
CONTRACTS*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.

**WHEREAS:** The County Legislature appropriates certain sums of money in the annual county budget for professional services within the County Mental Hygiene Department; and

**WHEREAS:** The Director of Community Services (DCS) has determined that in order to efficiently and effectively manage said department in a timely and cost effective manner, it is necessary to allow maximum flexibility for the retention of such professional services within the appropriations authorized by the County Legislature in the annual budget; and

**WHEREAS:** County Law permits this Legislative Body to delegate the authority to deliver and execute such agreements to the DCS upon such terms and conditions it deems appropriate within the authorized annual appropriations; therefore be it

**RESOLVED:** That within the amounts annually appropriated by this Legislature in the Annual County Budget, the DCS is authorized and empowered to negotiate and enter into contracts for professional services, subject to the approval of the County Attorney and Personnel (regarding the 20 Question IRS test) as follows:

- A. **Medical Services**  
(Psychiatrist or Nurse Practitioner Services for Clinic)
- B. **Parent Advocate Services**  
(Provision of Parent Advocate services for clients in the County)

and be it further

**RESOLVED:** That consistent with the annual budget, the cost for Medical Services and Parent Advocate Services is determined by the need for the service between the provider and the Mental Hygiene department; and be it further

**RESOLVED:** That the authority granted herein shall only be applicable to contracts that are within the annual appropriation set forth in the budget and not in excess of twenty-five percent above the previous fiscal year's contractual amount for any such service.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** FINANCE/LEGAL COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 171-09** *ADOPT LOCAL LAW NO. 3 OF 2009*

Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.

**WHEREAS:** A public hearing was held on May 7, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2009 A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2010 and continuing through and including December 31, 2013; 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 2009; therefore be it

**RESOLVED:** That the following Local Law be and hereby is adopted;

County of Tioga

**Local Law No. 3 of the Year 2009.**

**A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2010 and continuing through and including December 31, 2013.**

**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 office of County Treasurer 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 Office of County Treasurer for the four-year term of office commencing January 1, 2010 and continuing through and including December 31, 2013.**

**SECTION 2: ANNUAL SALARY**

**A) The annual salary for the Office of County Treasurer for the term of office beginning January 1, 2010 and continuing through and including December 31, 2013 is hereby established as follows:**

<b>1. County Treasurer</b>	<b>\$57,500.00</b>
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**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, 2010.**

**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.

On roll call vote on the above resolution, seven members voted Aye, Legislators Quinlan and Huttleston voting no, and the resolution was adopted.

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

**RESOLUTION NO. 172-09   *RESOLUTION AUTHORIZING TEMPORARY  
   APPOINTMENT AND SALARY ADJUSTMENT  
   FOR RUTH ROBERTS***

Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.

**WHEREAS:** Article 41.05 of the New York State Mental Hygiene Law states that to be eligible for state aid, each local government shall have a Director who shall be its chief executive officer; and

**WHEREAS:** Under Article 41.09 of New York State Mental Hygiene Law, Tioga County is required to have either an Acting or Permanent Director of Community Services (DCS) appointed by the Tioga County Community Services Board (CSB); and

**WHEREAS:** The Inter-Office Coordinating Council (IOCC) is mandated by Mental Hygiene law section 5.05(b) to coordinate the work and functions of the three NYS state agencies: the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, and the Office of Mental Retardation and Developmental Disabilities; and

**WHEREAS:** The IOCC must be informed of resignations and appointments of both Acting and Permanent county Directors of Community Services to insure appropriate management of and maintain communication with the Local Government Unit; and

**WHEREAS:** On January 22, 2009, the permanent DCS informed the CSB of his intent to retire on March 31, 2009; and

**WHEREAS:** In a letter dated March 9, 2009, the Tioga County CSB notified the IOCC of the permanent DCS' intent to retire and submitted the required documentation regarding the appointment of Ruth Roberts as Acting DCS effective March 31, 2009; and

**WHEREAS:** On March 18, 2009, the IOCC acknowledged that it received that required documentation; and

**WHEREAS:** The permanently-appointed DCS retired effective March 31, 2009; and

**WHEREAS:** Since March 31, 2009 Ruth Roberts has carried out the full powers and responsibilities of the Acting DCS; and

**WHEREAS:** Ruth Roberts has also continued to carry out the responsibilities of Clinical Program Director and Deputy Director of Community Services; and

**WHEREAS:** The stipend attached to the deputy position is for coverage during short periods of time in the absence of the permanent DCS but the Deputy does not have full power and responsibilities of the Director during those times; and

**WHEREAS:** The CSB has an undetermined length of time to appoint a permanent DCS, and therefore it is not possible to determine the length of time that Ruth Roberts will fulfill the role of Acting DCS in addition to her responsibilities as Clinical Program Director and Deputy DCS; therefore be it

**RESOLVED:** That Ruth Roberts be temporarily appointed to the position of Director of Community Services and receive an annual salary increase of \$9,573 as Temporary Director of Community Services retroactive to March 31, 2009; and be it further

**RESOLVED:** That said salary increase be inclusive of the \$3,800 stipend previously associated with the Deputy Director designation; and be it further

**RESOLVED:** That if Ruth Roberts does not receive permanent appointment to the Director of Community Services, her salary shall be reduced by \$9,573 and the \$3,800 Deputy Director stipend shall be restored.

On roll call vote on the above resolution, seven members voted Aye, Legislators Roberts and Sullivan voting no, and the resolution was adopted.

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

**RESOLUTION NO. 173-09                    *RESOLUTION AUTHORIZING OUT-OF -  
TITLE PAY FOR LORI MONK***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.**

**WHEREAS: Individuals that suffer from both mental illness and addictions are at higher risk to generate significant medical and other community costs if their conditions are untreated; and**

**WHEREAS: Individuals that suffer from mental illness and addiction present a significantly more complicated and demanding treatment challenge beyond that available in traditional mental health clinic and addictions clinic programs; and**

**WHEREAS: Tioga County Department of Mental Hygiene, as part of its mission and requirements of its operating license, has responsibility to provide appropriate and effective services to seriously mentally ill individuals; and**

**WHEREAS: Tioga County Department of Mental Hygiene has identified these dually diagnosed individuals as a priority population for service intervention; and**

**WHEREAS: Tioga County Department of Mental Hygiene has developed a dual diagnosis service that is comprised of clinical staff with the expertise to address the diverse and complicated issues faced by these individuals; and**

**WHEREAS: The numbers of dually-diagnosed individuals needing such services has increased significantly, requiring the assignment of 4 staff currently to this work; and**

**WHEREAS: Lori Monk, Senior Clinical Social Worker, has been required by the Director to provide these services and supervise the other clinical staff providing these services; and**

**WHEREAS: These duties are the same as those performed by a Supervising Clinical Social Worker; and**

**WHEREAS: Lori Monk has managed the dual diagnosis service and supervised the clinical staff providing the services; and**

**WHEREAS:** Lori Monk submitted the necessary documents for a desk audit of her job responsibilities to the Tioga County Personnel Department on November 25, 2008; and

**WHEREAS:** The Personnel Officer has postponed action on this request until May or June 2009 due to the retirement of the Director of Community Services on March 31, 2009; and

**WHEREAS:** Lori Monk is entitled to out-of-title pay according to Article 4, Section E of the current CSEA contract; therefore be it

**RESOLVED:** That Lori Monk receive out-of-title pay as a Supervising Clinical Social Worker retroactive to November 25, 2008.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

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

**RESOLUTION NO. 174-09** *RECLASSIFY ADMINISTRATIVE ASSISTANT TO TITLE OF CONFIDENTIAL ASSISTANT IN THE PUBLIC HEALTH DEPARTMENT*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.

**WHEREAS:** Legislative approval is required for positions to be reclassified that would have budgetary impact; and

**WHEREAS:** In February 2009, the Personnel Department received a request for reclassification from the Public Health Department for an Administrative Assistant position currently held by Barbara McCormick; and

**WHEREAS:** Upon review of the position questionnaire which has been completed by the incumbent, her immediate supervisor, and the Public Health Director, it has been determined that the current title of Administrative Assistant is not an adequate reflection of the confidential administrative duties being assigned to and performed by Ms. McCormick; and

**WHEREAS:** Due to the nature of the confidential information handled by this position, justification exists to qualify her function for “confidential” status in accordance with civil service law requirements; and

**WHEREAS:** The Personnel Office has created a Confidential Assistant job description which more accurately reflects the work performed by Ms. McCormick and has recommended her position be reclassified to said title; therefore it be

**RESOLVED:** That the Tioga County Legislature authorize Barbara McCormick’s title of Administrative Assistant (CSEA salary grade VII) reclassified to the title of Confidential Assistant (Non-union salary grade) reflective of an annual increase of \$2,000.00; and be further

**RESOLVED:** That Ms. McCormick be provisionally appointed to the title of Confidential Assistant at an annual salary of \$35,000.00 retroactive to February 6, 2009.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

Legislator Sauerbrey made a motion to bring the following late-filed resolution forward, seconded by Legislator McEwen and carried.

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO 175-09**      *RESOLUTION CANCELLING THE ENFORCEMENT OF THE COLLECTION OF DELINQUENT TAXES AND FUTURE TAXES OF CERTAIN PROPERTIES PURSUANT TO ARTICLE ELEVEN OF THE REAL PROPERTY TAX LAW*

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.**

**WHEREAS:** The Treasurer of the County of Tioga has recommended that the properties listed below be removed from the collection of past delinquent taxes and future real property taxes due to environmental contamination on the properties; and

**WHEREAS:** The Legislature has reviewed the properties and has concurred with this recommendation; now therefore be it

**RESOLVED:** That the Tioga County Legislature has and does hereby determine that there is no practical method to enforce any future tax liens against said parcels and directs the enforcing officer to issue a certificate of prospective cancellation and file a copy of the certificate with the assessors of the assessing units in which the parcels are located and with the County Director of Real Property Tax Services; and be it further

**RESOLVED:** That the Treasurer charge back any portion of the canceled tax which has been guaranteed to the appropriate Town, Village, and School District of the following properties:

<u>ASSESSED OWNER</u> <u>AMOUNT OWED</u>	<u>TOWN/VILLAGE</u>	<u>TAX MAP #</u>	<u>ACCOUNT #</u>	<u>YEARS OWED</u>
Loco Holding, LLC \$4,416.58	Barton/Waverly	166.19-2-73	70	2006-2008
Cedar Associates, Inc. \$13,108.60	Owego/Owego	128.08-7-68	968	2007-2008
Mariani, Anne \$5,828.98	Owego	143.13-3-40	11420	2005-2008
Mariani, Anne & Angelo \$66,558.20	Owego	143.13-3-43	11421	2001-2008

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**The meeting was adjourned at 2:14 P.M.**

***Third Special Meeting  
June 4, 2009***

The Third Special Meeting of 2009 was called to order by the Chair at 1:04 P.M. All Legislative members were present.

The Chair asked Legislator Roberts to have a moment of prayer.

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

There were 11 people in attendance.

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 176-09**      ***RESOLUTION APPROVING SENATE  
BILL S5679 AND ASSEMBLY BILL  
A8666 AUTHORIZING AN INCREASE  
OF THE HOTEL/MOTEL TAX IN  
TIOGA COUNTY FROM 3% TO 4%***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Huttleston.**

**WHEREAS:** Both the Senate and the Assembly have introduced bills to increase the Hotel/Motel tax in Tioga County from 3% to 4%; now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby requests both the Assembly and the Senate to approve said bills and the Governor then sign the same; and be it further

**RESOLVED:** That copies be sent to Senator Thomas Libous and Assemblyman Gary Finch.

On roll call vote on the above resolution, eight members voted Aye, Legislator Quinlan voting no, and the resolution was adopted.

The meeting was adjourned at 1:05 P.M.

*Sixth Regular Meeting*  
**June 9, 2009**

The Sixth Regular Meeting of 2009 was called to order by the Chair at 6:04 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Roberts to have a moment of prayer. “Our Father who art Lord of Heaven and of all earth, thou knowest the difficulties these men and women have to face and the grave decisions they must make. Have mercy upon them.”

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

There were nine 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		641.70
A1165	District Attorney		1,192.18
A1170	Public Defender		2,902.45
A1172	Assigned Counsel		23,639.51
A1325	Treasurer		1,912.50
A1355	Assessments		622.41
A1410	County Clerk		306.01
A1411	Department of Motor Vehicles		354.63
A1420	Law		1,661.96
A1430	Personnel		7,527.59
A1450	Elections	16.00	844.78
A1460	Records		28.36
A1460.41	Records Management		13,938.18
A1490	Public Works Administration	120.00	348.92
A1620	Buildings	85.00	53,401.98
A1680	Information Technology		7,855.32
A2960	Education of Handicapped Children		203,805.05
A3020	Public Safety Communication	51.00	4,228.81
A3110	Sheriff		13,963.06
A3110.41	Sheriff-Court Attendants		2,148.11
A3140	Probation		487.05
A3142	Alternatives to Incarceration		1,621.25
A3146	Sex Offender Program		8,766.67
A3150	Jail		43,344.51
A3315	Special Traffic Programs		1,468.00

A3410	Fire		5,405.29
A3640	Emergency Management		369.74
A3653	EMO Grant Education	630.42	
A3997	Sheriff DCJS Grant	347.97	
A4010	Public Health Nursing		35,526.48
A4011	Public Health Administration		8,455.01
A4012	Public Health Education	2,746.50	9,170.92
A4042	Rabies Control		655.62
A4044	Early Intervention	328.55	49,217.29
A4053	Preventive and Primary Health Services		102.51
A4054	Preventive Dental Services		2,704.19
A4064	Managed Care-Dental Services		14,374.94
A4070	Disease Control		2,993.56
A4090	Environmental Health		9,611.86
A4210	Alcohol and Drug Services		2,708.88
A4211	Council on Alcoholism		32,321.66
A4309	Mental Hygiene County Administration		4,395.10
A4310	Mental Health Clinic		31,364.81
A4315	Mental Retardation		14,646.24
A4320	Crisis Intervention		13,524.34
A4321	Intensive Case Management		1,551.02
A6010	Social Services Administration		78,878.27
A6422	Economic Development		297.08
A6510	Veterans'		140.00
A6610	Sealer of Weights and Measures		254.00
A8020	Planning		244.72
SOLID WASTE FUND			\$ 98,437.74
COUNTY ROAD FUND			44,367.54
SPECIAL GRANT FUND			11,344.01
CONSOLIDATED HEALTH FUND			924,481.05
CAPITAL FUND			85,878.59
LIABILITY INSURANCE FUND			655.56
WORKERS' COMP			37,954.67
<b>GRAND TOTAL</b>			<b>\$1,923,369.12</b>

Legislator Roberts made a motion to approve the minutes of May 7 and 12, 2009, 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.

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 177-09                      *ERRONEOUS ASSESSMENT  
TOWN OF SPENCER***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**WHEREAS: An application for corrected tax roll indicates that property no. 25 assessed to Amanda Becken (now assessed to Evan Rudnick) on the 2009 tax roll in the Town of Spencer is erroneous in that the assessor for the Town of Spencer stipulates that the property has been vacant land since 10/07, when all buildings, the well, and the septic were removed, and the assessment was never lowered to reflect the change; and**

**WHEREAS: The 2009 taxes for property no. 25 in the Town of Spencer were paid on 2/2/09; be it therefore**

**RESOLVED: That the taxable value on property no. 25 in the Town of Spencer be lowered from \$10,000 to \$1,000, and a refund of \$358.41 be issued to Amanda Becken (assessed owner on 2009 tax bill) for overpayment of the 2009 taxes; and be it further**

**RESOLVED: That the erroneous solid waste tax of \$14.44 be charged back to the Solid Waste Fund; and be it further**

**RESOLVED: That the erroneous county tax of \$343.97 be charged to the proper account in the records of the County Treasurer**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 178-09                      *DESIGNATION OF TIOGA COUNTY  
TOURISM OFFICE AS AUTHORIZED  
TOURISM PROMOTION AGENT  
FOR 2010***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan.**

**WHEREAS:** The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

**WHEREAS:** The State has appropriated funds for this purpose in the 2010 Commerce Department budget; and

**WHEREAS:** The guidelines for this local assistance program encourage counties to appoint a Tourism Promotion Agency; and

**WHEREAS:** The Tioga County Tourism Office has been, and currently is, engaged in tourism promotional activities and coordinates with the state in its tourism grants program, 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 2010 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:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 179-09 *URGING THE NEW YORK STATE LEGISLATURE AND THE NEW YORK STATE BOARD OF ELECTIONS TO ENACT LAWS, RULES AND REGULATIONS THAT SPECIFICALLY AUTHORIZE THE CONTINUED USE OF LEVER-STYLE VOTING MACHINES***

**Adoption moved by Legislator Sullivan,  
seconded by Legislator Roberts.**

**WHEREAS:** For many decades Tioga County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous to continue to do so, and

**WHEREAS:** New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future election in New York State, and

**WHEREAS: New York State Legislation relating to voting machines far exceeds the federal requirements of the Help America Vote Act; and**

**WHEREAS: Tioga County has been the recipient of federal funds to implement HAVA, but the state’s additional requirements and method of allocating funds has created undue financial hardships with mandated expenses far exceeding formula based revenues, and**

**WHEREAS: HAVA funding formula is not equitable to the smaller counties in that after purchasing the necessary voting machines there are no funds available for the necessary future operation of machines and the future hiring of personnel to program machines or to do the necessary quarterly testing, ballot definition, etc. as there is for larger counties, and**

**WHEREAS: These requirements place a severe burden on counties that have a smaller population and tax base with less ability to raise the funds necessary to maintain the demands of the optical scan voting machines, and**

**WHEREAS: Both in the terms of efficacy and the cost efficiency, Tioga County believes that the continued use of the lever-style machines is in the best interest of the Tioga County taxpayers, and in these difficult continuing unstable economic times, the cost to implement elections with these new machines will not be paid for by New York State and is a perpetual unfunded mandate; and**

**WHEREAS: The State’s statutorily required elimination of lever-style voting machines is unnecessary, inappropriate, and costly to Tioga County taxpayers; now therefore be it**

**RESOLVED: That the Tioga County Legislature hereby urges the New York State Assembly, Senate, Governor and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize the continued use of the lever-style voting machines with the ballot marking device as a solution to the unwarranted expense to citizens of Tioga County relative to HAVA and ensuring New York State continued maintenance of a transparent, secure, accurate and reliable electoral system using lever-style voting machines, and be it further**

**RESOLVED: That the Clerk of the Tioga County Legislature shall forward copies of this resolution to Governor David Paterson, New York State Comptroller’s Office, Senate Majority Leader Dean O. Skelos, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Senator George H. Winner, Jr., Senator Thomas W. Libous, Assemblyman Gary D. Finch, Assemblyman Thomas F. O’Mara, the New York State Association of Counties (NYSAC), and Inter-County Association of Western New York.**

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE

**RESOLUTION NO. 180-09** *RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO DESIGNATE STATE ROUTE 38 AS THE NEW YORK STATE VIETNAM VETERANS' MEMORIAL HIGHWAY*

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Sauerbrey.

**WHEREAS:** Over eight million men and women bravely served our country during the Vietnam War era, over 400,000 of these coming from New York State; and

**WHEREAS:** New York State Route 38 bisects the state, beginning in Sterling, New York, running through the Finger Lakes South to the Village of Owego, New York; and

**WHEREAS:** State Route 38 passes the final resting place of Congressional Medal of Honor recipient Specialist Robert F. Stryker; now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby requests that the State of New York designate State Route 38 as the New York State Vietnam Veterans' Memorial Highway; and be it further

**RESOLVED:** That a certified copy of this resolution be delivered to New York State Senator Thomas Libous; and New York State Assemblyman Gary Finch.

On roll call vote on the above resolution, seven members voted Aye, Legislator Huttleston voting no, Legislator Monell being absent, and the resolution was adopted.

Legislator Sauerbrey introduced Local Law No. D of 2009

County of Tioga

Local Law No. of the Year 2009.

**A Local Law to prohibit text messaging while driving.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1: Legislative Intent**

**This Legislature understands that according to CTIA, an international organization representing all sectors of wireless communications, including cellular, personal communication services, and enhanced specialization mobile radio, United States subscribers sent close to 65 billion text messages through the first half of 2006.**

**The Legislature further believes that drivers sending text messages while driving are creating great risk to themselves and to others.**

**This Legislature also determines that text messaging while driving inevitably decreases safety on the road, affecting driver reaction time and attention to the surrounding environment.**

**Therefore the purpose of this law is to prohibit text messaging while driving.**

**SECTION 2: Definitions**

**As used in this law, the following terms shall have the meanings indicated:**

**TEXT MESSAGE – also referred to as Short Messaging Service (SMS), which allows users to send or receive short text messages on wireless handsets. For the purpose of this law, an e-mail shall be considered a “text message”.**

**USE – activating, deactivating or initiating functions or keys on a wireless handset.**

**VOICE RECOGNITION – the capability by which wireless handsets can be activated and controlled by voice commands.**

**WIRELESS HANDSET – a portable computing device, including cellular telephones and personal digital assistants (PDA’s), capable of transmitting data in the form of e-mail and/or text message..**

**SECTION 3: Prohibitions**

- A.) Pursuant to Article 9, Section 2(c)(10) of the New York Constitution, and in order to protect the health, safety, and well-being of persons within the County, no person shall use a wireless handset to compose or send text messages while operating a motor vehicle on any public street or public highway within the County of Tioga, while the motor vehicle is in motion on such public street or public highway.
- B.) The prohibition contained in paragraph A above shall not apply to text messages composed via any voice recognition technology.

#### **SECTION 4: Penalties**

- A.) Any violation of any provision of Section 3 of this law shall constitute an offense and be punishable by a fine not to exceed \$150.00 for each violation. Each such violation shall constitute a separate and distinct offense.
- B.) This law shall be enforced by the Tioga County Sheriff's Department and sworn officers of an authorized Police Department or force of a town or village within the geographic boundaries of Tioga County.
- C.) This law shall be enforced by the Tioga County Sheriff's Department and sworn officers of an authorized Police Department or force of a town or village within the geographic boundaries of Tioga County. This law may be enforced anywhere within the geographic boundaries of the County of Tioga by a police officer as defined in Section 1-20(34) of the New York Criminal Procedure Law.

#### **SECTION 5: Applicability**

This law shall apply to all actions occurring on or after the effective date of this law.

#### **SECTION 6: Reverse Pre-emption.**

This law shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administration agency issues and promulgates regulations preempting such action by the County of Tioga. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation, or pertinent preempting State or Federal regulations have been enacted for the purposes of triggering the provisions of this section.

**SECTION 7: Severability**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**SECTION 8: Effective Date**

This law shall take effect ninety (90) days after its filing in the Office of the Secretary of State.

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 181-09**      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. D OF 2009*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Roberts.

**RESOLVED:** That a public hearing shall be held on Local Law Introductory No. D of 2009 A Local Law to prohibit text messaging while driving in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 9, 2009 at 1:30 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

Legislator McEwen introduced Local Law Introductory No. E of 2009.

County of Tioga

Local Law No. of the Year 2009.

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, 2009, and ending November 30, 2011 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, 2011, 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, 2011, 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, 2011, 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, 2011, 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, 2011.

(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, 2009, and ending November 30, 2011, 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, 2009, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2009, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2009. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2009, 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, 2009, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, in respect to the use of property used by the purchaser in this County prior to December 1, 2009.

**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, 2009, through November 30, 2011, 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, 2009.

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 182-09                      *SCHEDULE PUBLIC HEARING*  
*LOCAL LAW INTRODUCTORY*  
*NO. E OF 2009***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**RESOLVED:** That a public hearing shall be held on Local Law Introductory No. E of 2009 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 9, 2009 at 1:45 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

**County of Tioga**

**Local Law No. of the Year 2009.**

**A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1: TITLE**

**This Local Law shall be known as Amendment No. 8 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.**

**SECTION 2: TERMINATION**

**Local Law No. 4 of 1989, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007, is hereby amended to read as follows:**

**Section 10 is amended to read:**

**SECTION 10: EFFECTIVE DATE This Local Law originally effective January 1, 1990 shall remain in effect until November 30, 2011.**

**SECTION 3: SEVERABILITY**

**If any provision of this Local Law or the application thereof to any person or circumstances 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.**

**SECTION 5: EFFECTIVE DATE**

**This Local Law shall take effect on December 1, 2009.**

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 183–09**      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. F OF 2009*

**Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.**

**RESOLVED:** That a public hearing shall be held on Local Law Introductory No. F of 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007 in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 9, 2009 at 2:00 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

**County of Tioga**

**Local Law No. of the Year 2009.**

**A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the Hotel/Motel Tax from 3% to 4%.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1: TITLE**

**This Local Law shall be known as Amendment No. 9 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.**

**SECTION 2: AMENDMENTS**

Local Law No. 4 of 1989, as amended by Local Law No. 3 of 1994, is hereby amended to read as follows:

Section 4(A) of Local Law 4 of 1989, as amended by Local Law No. 3 of 1994, is hereby amended to increase the tax rate from three percent (3%) of the per diem rental rate for each room occupied to four percent (4%).

**SECTION 3: SEVERABILITY**

If any provision of this Local Law or the application thereof to any person or circumstances 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.

**SECTION 5: EFFECTIVE DATE**

This Local Law shall take effect on December 1, 2009.

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 184-09**      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. G OF 2009*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**RESOLVED:** That a public hearing shall be held on Local Law Introductory No. G of 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the Hotel/Motel Tax from 3% to 4% in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, July 9, 2009 at 2:05 P.M. All persons desiring to present written or oral comments may do so at said time.

**CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 185-09**      *APPROVE FUNDING  
2009 YOUTH BUREAU PROGRAMS*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.

**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: The Tioga County Youth Board has reviewed 2009 applications for funding which are consistent with guidelines previously presented to the Legislative Committee; now therefore be it**

**RESOLVED: That the following programs recommended by the Tioga County Youth Board for program year 2009 be approved by the Tioga County Legislature in the amounts indicated:**

**Youth Development and Delinquency Prevention Programs**

Cooperative Extension Family Resource Centers	\$15,355
Tioga County Council on Alcohol & Substance Abuse	\$ 7,026
Cooperative Extension Waverly Youth Café	\$ 4,892
Spencer Van Etten After School Connections	\$ 3,346
Camp Ahwaga	\$ 3,460
Newark Valley Historical Society Youth Programs	\$ 1,446

**Special Delinquency Prevention Programs**

Big Brothers Big Sisters of Bradford County, Inc.	\$10,440
A New Hope Center	\$ 9,621
Cooperative Extension Family Resource Centers	\$ 2,771
<b>TOTAL</b>	<b>\$58,357</b>

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO: ED&P COMMITTEE  
JOB TRAINING COMMITTEE**

**RESOLUTION NO. 186-09 AMEND TIOGA EMPLOYMENT  
CENTER BUDGET**

**Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan.**



**REFERRED TO: PUBLIC WORKS  
FINANCE**

**RESOLUTION NO. 187-09                    *AWARD DESIGN SERVICES  
CONTRACT TO MCFARLAND-  
JOHNSON ENGINEERS FOR DESIGN  
SERVICES OF THE MAIN ST. BRIDGE  
(BIN:3334800) OVER CAYUTA CREEK  
IN THE TOWN OF LOCKWOOD, NY***

**Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.**

**WHEREAS: Rehabilitation construction for the Main St. Bridge (BIN:3334800)  
over Cayuta Creek is the next bridge on our work program; and**

**WHEREAS: Funds have been budgeted in the amount of \$120,000 for design  
services in Main Street Bridge Account H2009.05; therefore be it**

**RESOLVED: That a design project be awarded to McFarland –Johnson Engineers,  
Binghamton, NY in the amount of \$85,000 for the Main St. Bridge (BIN:3334800)  
over Cayuta Creek to be paid out of Main Street Bridge Account H2009.05.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 188-09                    *APPOINT MEMBER  
BOARD OF ETHICS***

**Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.**

**WHEREAS: J. Dickson Edson, Chairman appointment, on the Board of Ethics  
term has expired as of 12/31/08; and**

**WHEREAS: Thomas Emmett has agreed to serve as his replacement on the Board  
of Ethics; now therefore be it**

**RESOLVED:** That Thomas Emnett, Chairman appointment, be hereby appointed to the Board of Ethics for a term of 6/9/09 through 12/31/11.

**Roll Call:**

Ayes 07

Noes 00

Absent 01

Legislator Sullivan Abstained  
**CARRIED**

**REFERRED TO:** LEGISLATIVE WORKSESSION

**RESOLUTION NO. 189-09** *APPOINT MEMBER  
BOARD OF ETHICS*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator McEwen.

**WHEREAS:** Clarence Windnagel, Majority appointment, on the Board of Ethics term has expired as of 12/31/08; and

**WHEREAS:** Martha Goodsell has agreed to serve as his replacement on the Board of Ethics; now therefore be it

**RESOLVED:** That Martha Goodsell, Majority appointment, be hereby appointed to the Board of Ethics for a term of 6/9/09 through 12/31/11.

**Roll Call:**

Ayes 07

Noes 00

Absent 01

Legislator Sullivan Abstained  
**CARRIED**

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 190-09** *AMEND COUNTY POLICY 46  
CONTRACTUAL HIRES*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sullivan.

**WHEREAS:** There has been confusion over which contracts are subject to Policy 46 and which are not; and

**WHEREAS:** Revisions to Policy 46 are necessary for clarification purposes; therefore be it

**RESOLVED:** That the first paragraph be amended to read as follows:

“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”; and be it further

**RESOLVED:** That item #2 be amended to read as follows:

- “2. 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 3. If the results indicate the worker is employee-like in nature, discuss with the Legislative Committee the possibility of creating a position. 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 3.”

And be it further

**RESOLVED:** That the remainder of Policy 46 shall remain in full force and effect.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** LEGISLATIVE SUPPORT COMMITTEE  
FINANCE COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 191-09**

*AUTHORIZE MEMORANDUM OF  
UNDERSTANDING BETWEEN TIOGA  
COUNTY AND RURAL ECONOMIC  
AREA PARTNERSHIP (REAP)*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Oberbeck.

**WHEREAS: Rural Economic Area Partnership (REAP) is in need of contracting for secretarial and other administrative support services; and**

**WHEREAS: Tioga County is able to provide such services under the terms and conditions set forth in the Memorandum of Understanding; and**

**WHEREAS: The Deputy Clerk to the Tioga County Legislature is willing to provide the necessary secretarial and other administrative support services set forth in the Memorandum of Understanding; and**

**WHEREAS: The Legislative Clerk is willing to allow such services to be rendered in the total amount of \$1,224.00 as set forth in the Memorandum of Understanding; and**

**WHEREAS: The County Attorney has reviewed and approved said Memorandum of Understanding; therefore be it**

**RESOLVED: That the Tioga County Legislature authorize the Legislative Chair to enter into contract via said Memorandum of Understanding with Amber Keefer providing the secretarial and other administrative support services to Rural Economic Area Partnership for the six month period of July 1, 2009 through December 31, 2009; and be it further**

**RESOLVED: That the Legislative Clerk will invoice Rural Economic Area Partnership for six equal payments of \$204.00 per month for the total amount of \$1,224.00 for said secretarial and other administrative services and monies received shall be forwarded to Tioga County Treasurer's Office for deposit in Other General Government Income Revenue Account 1289.10.**

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO:**

**RECORDS MANAGEMENT  
ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 192-09**

***AUTHORIZE CONTRACT TO HIRE  
CONSULTANT FOR PROGRAMMING  
SERVICES***

**Adoption moved by Legislator Sullivan,  
seconded by Legislator Sauerbrey.**

**WHEREAS: The County Clerk’s office is responsible for the recording, filing and maintaining of public records for Tioga County; and**

**WHEREAS: The Tioga County Clerk was awarded a grant from New York State Archives Local Government Records Management to scan and index survey maps into our Electronic Document Management System (EDMS) to preserve these records for the public use; and**

**WHEREAS: The Tioga County Clerk’s office was awarded \$11,520.00 for purchased services of which \$5,000.00 was allocated for the creation of survey map index and document import programs; and**

**WHEREAS: The Tioga County Clerk has contracted with Systems Development Group, Inc. to enter into a contract to complete this portion of the grant project; and**

**WHEREAS: Said contract would provide for payment of said services not to exceed \$5,000.00; therefore be it**

**RESOLVED: That the Tioga County Legislature authorize the Tioga County Clerk to enter into a contract with Systems Development Group, Inc. at a total payment of said services not to exceed \$5,000.00 effective June 10, 2009 and to be paid for out of Records Management account A1460.41-140.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

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

**RESOLUTION NO. 193–09 AMEND RESOLUTION 45-09;  
AUTHORIZE CONTRACT REVISIONS  
WITH TIOGA OPPORTUNITIES, INC.  
SOCIAL SERVICES**

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.**

**WHEREAS:** Resolution 45-09 authorized the Tioga County Department of Social Services to enter into a contract with Tioga Opportunities, Inc. to provide services in the form of one full-time Work Experience Crew Coordinator in conjunction with Tioga County's 2009 Flexible Funding for Family Services Plan; and

**WHEREAS:** According to County Policy 46, legislative approval is required prior to entering into any new or revising an existing contractual agreement for Tioga County; and

**WHEREAS:** The steps outlined in County Policy 46 have been completed and approval to proceed has been received; and

**WHEREAS:** Tioga County's 2009 Flexible Funding for Family Services Plan includes 100% State funding for the provision of Intensive Case Management Services for the Disabled Population remaining on Public Assistance and one full-time and one additional part-time Work Experience Crew Coordinator; and

**WHEREAS:** These state allocations are time-limited and do not warrant the hiring of a permanent County employee; and

**WHEREAS:** Tioga Opportunities, Inc. has agreed to provide the services and is well-equipped within the community to provide said services; therefore be it

**RESOLVED:** Resolution 45-09 is amended to authorize Tioga County DSS to utilize FFFS funding by revising the contract between Tioga Opportunities, Inc. for the provision of Intensive Case Management Services for the Disabled Population remaining on Public Assistance with one part-time Work Experience Crew Coordinator in addition to the existing one full-time Work Experience Crew Coordinator; and be it further

**RESOLVED:** That the revised contract for services with Tioga Opportunities, Inc. will run concurrent with the funding source for the period of July 1 through June 30.

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO:**

**ED&P COMMITTEE  
JOB TRAINING COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 194-09**

***AUTHORIZE CONTRACT  
KELLY SERVICES  
TIOGA EMPLOYMENT CENTER***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Sauerbrey.**

**WHEREAS: Broome & Tioga Counties, in partnership through the Broome/Tioga Workforce Development Board, provides for the delivery of employment and training services under the Workforce Investment Act of 1998; and**

**WHEREAS: The Tioga Employment Center has a need for a Resource Room Aide to assist individuals in the Employment Center’s Resource Room with operation of computers and various computer programs, to instruct clients on how to use America’s Job Exchange, and to assist clients in accessing employment opportunities; and**

**WHEREAS: The Employment Center has had a worker assigned by Title V (federal grant program for mature workers) for the past couple of years and the arrangement with the current Title V provider, Tioga Opportunities, will be ending by June 30, 2009; and**

**WHEREAS: Kelly Services will be able to provide such services for the Tioga Employment Center, and said contract is to be funded entirely by the Workforce Investment Act, and**

**WHEREAS: The funds necessary for said contract were included in the WIA PY 2009 Budget under the WIA Stimulus Grant; and**

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

**WHEREAS: Said contract would provide for compensation at the hourly rate of \$12.52 per hour at a maximum of 27 hours per week; therefore be it**

**RESOLVED: That the Tioga County Legislature authorize the Supervisor of Employment and Training to enter into a contract with Kelly Services at the hourly NYS Contract rate of \$12.52 per hour, at a maximum of 27 hours per week, effective July 1, 2009 through June 30, 2010.**

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 195-09 *AMEND RESOLUTION #412-01*  
*POLICY ON PART-TIME HOURLY RATES*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sullivan.

WHEREAS: Since 2001, part-time hourly rates have been adjusted annually in accordance with Resolution #412-01 and based on the full-time pay for the corresponding title; and

WHEREAS: This has been true for all part-time, temporary and seasonal positions, with the exception of Seasonal Clerks; and

WHEREAS: The Tioga County Legislature is reviewing all means of containing costs; therefore be it

RESOLVED: That, effective immediately, the hourly rates for all part-time, temporary and seasonal positions, with the exception of Seasonal Clerks, shall be frozen at the 2009 rate until such time as the County Legislature takes action to change this; and be it further

RESOLVED: That the incumbents of said positions shall not have their rate(s) increased until such time as the County Legislature takes action which allows such.

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 196-09 SEASONAL CLERK(S)  
HOURLY RATE OF PAY**

Adoption moved by Legislator Oberbeck,  
seconded by Legislator McEwen.

**WHEREAS:** Each summer since 1999, Seasonal Clerk positions have been paid a rate of minimum wage plus one dollar; and

**WHEREAS:** An individual rehired as a Seasonal Clerk in subsequent summers was given an additional twenty cents per hour; and

**WHEREAS:** The Tioga County Legislature has identified this program as an area where future costs may be contained; therefore be it

**RESOLVED:** That effective in 2010, the Seasonal Clerks shall earn a rate of minimum wage plus one dollar; and be it further

**RESOLVED:** That, Seasonal Clerks returning to work in subsequent years shall be paid their 2009 rate including any adjustment as a result of an increase in the minimum wage.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

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

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO.197-09 BACKFILL REQUEST  
MARGARET CONOVER, RPN  
PUBLIC HEALTH**

Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.

**WHEREAS:** Resolution 147-09 authorized the commencement of a 60-day delay in backfilling vacancies as a cost saving; and

**WHEREAS: Tioga County Health is certified to operate as a Certified Home Health Agency and Long Term Home Health Agency; and**

**WHEREAS: The clients who are in the two different programs are homebound; and**

**WHEREAS: Each patient has a daily plan of care to have medical services provided on a routine basis in 60 day intervals; and**

**WHEREAS: NYSCRR Section 763.11(a)(2) II requires that the governing authority “ensure adequate personnel/resources”... “provide care in the home, based on the need of the patient served in the plan of care”; and**

**WHEREAS: If the CHHA cannot provide the services within the required timeframes, due to nursing staff vacancies, the result can be significant; including additional health risk to patients, risk of regulatory licensure and the loss of revenue; and**

**WHEREAS: Tioga County has sought to have outside vendors fill the positions of vacant positions; and**

**WHEREAS: The sole provider of skilled nursing, “Gentiva” no longer wishes to contract with Tioga County and has switched to Chenango County to provide services; and**

**WHEREAS: Tioga County nursing staff makes 4-5 visits a day under full staffing, and currently the department has 12 nurses for making home visits at full staff; and**

**WHEREAS: Public Health currently has one nurse out on limited disability, one nurse out on full disability, one vacancy and one vacancy filled with a temporary nurse, the result being almost 1/3 of staff being unavailable; and**

**WHEREAS: These vacancies have resulted in the remaining staff filling in the time slots as indicated in the plan of care, resulting in staff making approximately 8 visits a day, paying overtime; and**

**WHEREAS: Making nurses work these extra hours and increasing the time to complete these visits will continue to cause staff to miss items that need to be taken care of in the plan of care; and**

**WHEREAS: More visits by nursing staff creates a higher stress level to the nurse resulting in nurses leaving, which creates more stress because the nurses needed to cover for the nurses who left or are on leave; therefore be it**

**RESOLVED:** That the Tioga County Health Department be approved to fill the full-time Registered Professional Nurse position vacated by Margaret Conover, effective immediately.

On roll call vote on the above resolution, seven members voted Aye, Legislator Roberts voting no, Legislator Monell being absent, and the resolution was adopted.

**REFERRED TO:** FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 198-09**      *AUTHORIZE TIOGA COUNTY TREASURER  
TO HIRE MANASSE AUCTIONEERS  
TO AUCTION REAL PROPERTY ACQUIRED  
BY COUNTY FORECLOSURE*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**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.

Legislator McEwen made a motion to amend the above resolution to delete the word “Treasurer” from the title, seconded by Legislator Sauerbrey, and the motion to amend was carried.

On roll call vote on the above resolution and amendment, eight members voted Aye, Legislator Monell being absent, and the resolution was adopted.

The meeting was adjourned at 6:20 P.M.

***Public Hearing  
Local Law Introductory D of 2009  
July 9, 2009***

**The Public Hearing on Local Law Introductory D of 2009 A Local Law to prohibit text messaging while driving was called to order by the Chair at 1:33 P.M. Seven Legislative members were present, Legislators Roberts and Sauerbrey being absent.**

**There were 9 people in attendance.**

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

**There being no comments, the hearing was adjourned at 1:34 P.M.**

***Public Hearing  
Local Law Introductory E of 2009  
July 9, 2009***

**The Public Hearing on Local Law Introductory E of 2009 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 1:45 P.M. Seven Legislative members were present, Legislators Roberts and Sauerbrey being absent.**

**There were 9 people in attendance.**

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

**George Penney spoke. “I would suggest that your proposal for the 1% of tax on fuel sources is one of the most regressive of all taxes, tax on electricity, on fuel oil, even firewood, 1%. This is a tax on the poorest of the poor. I would suggest that you do not enact this portion of the tax. Thank you.”**

**There being no further comments, the hearing was adjourned at 1:47 P.M.**

***Public Hearing  
Local Law Introductory F of 2009  
July 9, 2009***

**The Public Hearing on Local Law Introductory F of 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the collection of a hotel/motel tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007 was called to order by the Chair at 2:00 P.M. Seven Legislative members were present, Legislators Roberts and Sauerbrey being absent.**

**There were 9 people in attendance.**

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

**There being no comments, the hearing was adjourned at 2:01 P.M.**

***Public Hearing  
Local Law Introductory G of 2009  
July 9, 2009***

**The Public Hearing on Local Law Introductory G of 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the collection of a hotel/motel tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the hotel/motel tax from 3% to 4% was called to order by the Chair at 2:05 P.M. Seven Legislative members were present, Legislators Roberts and Sauerbrey being absent.**

**There were 9 people in attendance.**

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

**There being no comments, the hearing was adjourned at 2:06 P.M.**

***Fourth Special Meeting  
July 9, 2009***

The Fourth Special Meeting of 2009 was called to order by the Chair at 2:17 P.M. Seven Legislative members were present, Legislators Roberts and Sauerbrey being absent.

The Chair asked Legislator Sullivan to have a moment of prayer. “Dear Lord in light of the recent tragedy in Candor we offer our prayers on behalf of all those involved. We pray for the repose of the souls that you called home. We pray that you send your healing power upon those who were injured and we pray that you comfort all the families and everyone involved, and we ask these things through your son Amen.”

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

There were 7 people in attendance.

**REFERRED TO:**

**ED&P COMMITTEE  
LEGAL/FINANCE COMMITTEE**

**RESOLUTION NO. 199-09**

***SET PUBLIC HEARING TO CONSIDER  
SALE OF REAL PROPERTY IN THE  
ROUTE 38 INDUSTRIAL PARK AREA  
TO THE TIOGA COUNTY LOCAL  
DEVELOPMENT CORPORATION***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.**

**WHEREAS: Tioga County is the owner of real property located in the Route 38 Industrial Park located in the Town of Owego; and**

**WHEREAS: Tioga County Local Development Corporation has requested that Tioga County transfer to it a 1.018 acre parcel located adjacent to Upstate Shredding, LLC on Corporate Drive, described on Schedule A attached hereto, to be used for purposes set forth within its certificate of incorporation and as set forth under §1411 (c) of the Not-for-Profit Corporation Law; and**

**WHEREAS: Tioga County no longer requires the 1.018 site for municipal purposes; and**

**WHEREAS:** Tioga County is authorized under §1411 of the Not-for-Profit Corporation Law to transfer real property to a local development corporation following a public hearing; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby sets a public hearing on July 23, 2009 at 10:00 AM in the Edward D. Hubbard Auditorium of the County Office Building located at 56 Main Street, Owego, New York to consider the transfer of the 1.018 parcel of real property set forth in Schedule A to the Tioga County Local Development Corporation.

**CARRIED**

**SCHEDULE A**

**ALL THAT TRACT OR PARCEL OF LAND** located in the County of Tioga, Town of Owego, bounded and described as follows:

**Commencing at the intersection of the northerly boundary of the east-west portion of Corporate Drive with the westerly boundary of the north-south portion of Corporate Drive rebar thence S 24°25'13" W, 641.84 to a ¾ inch rebar set with Edsall cap;**

**Thence S 80° 17' 22", 62.09 feet to the TRUE POINT OR PLACE OF BEGINNING;**

**Thence along the easterly boundary of Corporate Drive N 24°25'13" E, 103.40 feet to a ¾ inch rebar set with Edsall cap;**

**Thence S 80°17'22" E, 440.36 feet to a ¾ inch rebar set with Edsall cap;**

**Thence along a curve to the left and along the lands of the Tioga County Industrial Development Agency [DB 393, P. 358] having a radius of 5,795.65', arc length of 102.01' along a chord S 21°03'59" 102.01 feet to a ¾ inch rebar set with Edsall cap;**

**Thence N 80°17'22" W, 446.53 feet to the point or place of beginning, being 1.018 acres according to a survey by Scott Edsall, dated June 6, 2006, Job Number 2006-097.**

**The meeting was adjourned at 2:20 P.M.**

*Seventh Regular Meeting*  
**July 14, 2009**

The Seventh Regular Meeting of 2009 was called to order by the Chair at 1:30 P.M. All Legislative members were present.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. “Heavenly Father we thank you for the freedom of this nation. We ask you to bless the leaders of this country with guidance and knowledge and we ask for your protection on all of the citizens of the United States, both in the country and outside. Amen.”

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

There were 26 people in attendance.

Denis McCann of the Employee Recognition Committee presented the Employee of the 2<sup>nd</sup> Quarter 2009 award to Frances Berry of the Department of Social Services.

“First of all as the Chairman of the Employee Recognition Committee I would like to thank the Legislators for again supporting this program and recognizing the efforts of the employees. I would also like to thank the members of the Employee Recognition Committee.

“Fran is the selection for the Employee of the Second Quarter of 2009. Fran started her employment with Tioga County on May 19, 1993 as an Account Clerk Typist for the Department of Social Services Accounting Unit. In March of 1998 she was promoted to Senior Account Clerk Typist and in February of 2005 she was again promoted, this time to Principal Account Clerk Typist which she continues to serve in this title in the very same Department Unit that she started with 16 years ago.

“Her current position requires extensive knowledge of a variety of functions, both accounts payable and accounts receivable functions, as well as claiming for Federal and State reimbursement. She currently acts as a lead for four subordinate staff training, coaching, and overseeing the daily activities in a diverse and very busy Accounting Department. She is the primary contact person for the Medical Transportation issues and administrative payments. Fran consistently provides excellent customer service and provides a high quantity of quality work. Her successful interactions with outside departments and agencies are always pleasant, helpful, and professional. She positively represents Tioga County as a dedicated, loyal, caring, and hard working employee.

“Fran has previously won the Department of Social Services Employee of the Quarter. Fran and her husband Frank have three daughters and two grandchildren, Olivia and Sawyer. They live in Apalachin, New York. She is an active member of the Apalachin Garden Club. She participates every year in Relay for Life. Also for the past few years she has been a compassionate and wonderful caregiver for her mother. Even with the recent loss of her mom Fran continues to be supportive for coworkers and friends with their losses and other challenges on a daily basis. Tioga County is blessed to have someone like Fran working for us and I want to say congratulations to Fran.”

Commissioner Shawn Yetter spoke. “Congratulations Fran. Gary Grant is the Administrator over the Division that Fran works in and he is unable to be here today, but he did send a note that he wanted me to read. I would like to read that first. “Fran, I am sorry I am unable to be here today as you receive this well deserved recognition. Your insight and experience have been invaluable to me in working through the sometimes complex world of Medicaid Transportation. I want you to know how much I appreciate all that you do for me and the Department. In your role as Principal Account Clerk you are a great mentor to the newer employees in the Accounting Department. You have the perfect combination of professionalism and personality. Congratulations Gary.”

“Just some thoughts of mine Fran and first I too would like to thank the Legislature for continuing to support this program. It is employees like Fran who go about their business very unnoticed, but who are the type of individual who make everything happen that needs to happen to continue to serve the residents of the County, and it is great to see her recognized. As Denis mentioned, Fran has been with the Fiscal Division for Social Services for over 15 years working her way up to her present title of Principal Account Clerk Typist.

“One thing that is very evident with Fran is she is one of the first ones to step up and get involved in most any project or team that goes on in the agency. Her contributions over the years have been many. More recently to name a few she has participated in what we call our Employee Commissioner meetings, Employee Recognition Team, Relay for Life participant, and numerous process improvement projects that we have had in the agency. Fran has the amazing ability to have empathy for our customers, keeping her interactions professional, courteous, and always helpful to the needs of others, and really her colleagues would call her a jack of all trades and master to many in her field of accounting. She generally is considered the go to person for other agencies as well needing assistance from the DSS fiscal folks. I know I often have to walk down the hall and ask Fran for a report usually related to Medicaid transportation and usually by the time I walk back to my desk I have an e-mail from her with it there already, so she is just extremely efficient and on top of her game.

“I would end Fran by sharing that you definitely live the vision of the Department where we work hard to enhance the quality of life in Tioga County. You are a true example of our core values of community, ownership, respect, and excellence in every way. Thank you for your dedication and congratulations.”

Teresa Ryder from the Department of Social Services spoke. “I am going to read a letter from Rita Hollenbeck. Rita is Fran’s Supervisor in the Accounting Department at Social Services. She could not be here today, but first I want to say congratulations. I work really closely with Fran and it is a very well deserved award. “I would have loved to have been here for this well deserved recognition for Fran, but duty calls me out of town this day. I have worked with Fran for the past 15 years and it truly has been a pleasure and honor. She exhibits the highest caliber of work ethic, compassion, and genuine sacrifice of self that I have ever seen in a friend or coworker. I cannot count the number of people she has nurtured and provided a lending hand to as they come through our doors, be it a customer or a coworker at any level. She strives to learn new things daily and continues to grow and challenge herself. She provides optimum service to others with a smile, kind understanding words, and prompt professional skill and experience. Some say she is more effective than Wonder Woman because she can and does achieve so much. If you came and saw her in action I believe you would agree. Thank you and congratulations Fran you are awesome.”

Legislator Huttleston spoke. “I really appreciate you. I do not know what more I can say, but I am pleased that we have good employees like you and it certainly makes my job easier, it makes Shawn’s job easier, and it makes the Legislators job easier. We really appreciate it and you are certainly deserving of it. I hope for the best for you. I hope you stay with us for a long time. I really appreciate it and it makes my job easier. Thanks a lot for all your dedication.”

Fran spoke. “I just want to say that I really appreciate this award and thank you all very much.”

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		1,165.31
A1165	District Attorney		2,201.80
A1170	Public Defender		854.97
A1172	Assigned Counsel		14,420.06
A1325	Treasurer		1,384.20
A1355	Assessments		2,785.00
A1410	County Clerk		680.03
A1411	Department of Motor Vehicles		3,343.91
A1420	Law		4,386.21

A1430	Personnel		1,078.24
A1450	Elections		77.86
A1460	Records Management		6,689.35
A1490	Public Works Administration		758.54
A1620	Buildings		44,184.04
A1680	Information Technology		2,464.80
A2960	Education of Handicapped Children		210,284.30
A3020	Public Safety Comm E911 System		3,290.72
A3110	Sheriff		17,691.12
A310.41	Sheriff-Court Attendants		1707.48
A3140	Probation	384.48	716.04
A3142	Alternatives to Incarceration		1,502.50
A3146	Sex Offender Program		8,766.67
A3150	Jail		42,784.45
A3151	Jail-Alternatives Program		78.41
A3315	Special Traffic Programs	365.00	4,685.00
A3410	Fire		5,235.60
A3640	Emergency Mgmt Office		447.07
A3653	EMO Grant Education	3,115.42	
A4010	Public Health Nursing		48,139.44
A4011	Public Health Administration		3,802.12
A4012	Public Health Education		10,153.31
A4042	Rabies Control		1,889.92
A4044	Early Intervention	1,447.49	43,037.87
A4053	Preventive/Primary Health Services		945.18
A4054	Preventive Dental Services		3,307.37
A4062	Lead Poisoning		388.40
A4064	Managed Care-Dental Services		14,146.88
A4070	Disease Control		2,887.80
A4090	Environmental Health		7,872.01
A4210	Alcohol and Drug Services		26,674.38
A4309	Mental Hygiene Co Admin		8,622.08
A4310	Mental Health Clinic		71,282.26
A4315	Mental Retardation		10,621.24
A4320	Crisis Intervention Services		10,962.25
A4321	Intensive Case Management		1,927.10
A4333	Psycho Social Club		31,666.25
A6010	Social Services Administration		63,742.89
A6422	Economic Development		361.22
A6510	Veterans' Service		809.79
A6610	Sealer of Weights and Measures		237.12
A8020	Planning		296.41
A9060	Health Insurance		703.82
SOLID WASTE FUND			92,584.27

<b>COUNTY ROAD FUND</b>	<b>31,650.97</b>
<b>SPECIAL GRANT FUND</b>	<b>12,036.19</b>
<b>CONSOLIDATED HEALTH FUND</b>	<b>527,498.01</b>
<b>LIABILITY INSURANCE FUND</b>	<b>445,008.38</b>
<b>WORKERS' COMPENSATION</b>	<b><u>52.42</u></b>
 <b>GRAND TOTAL</b>	 <b>\$ 1,862,283.42</b>

Legislator Oberbeck made a motion to approve the minutes of June 4 and 9, 2009, seconded by Legislator McEwen, and carried.

Chair Weston made the following change/appointment to the Non-Union Salary Committee:

**Remove Chair of Finance  
Appoint Legislative Representative**

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

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 200-09                      *ERRONEOUS ASSESSMENT  
TOWN OF OWEGO***

**Adoption moved by McEwen,  
seconded by Monell.**

**WHEREAS:** An application for corrected tax roll indicates that property #5896 assessed to Marvin & Bonnie Miller on the 2009 tax roll of the Town of Owego, is erroneous in that Mr. Miller, a veteran, was granted 100% disability effective 1/29/08 which was not applied, therefore a refund is due for 50% Disability Vet exemption on 1/09 bill; and

**WHEREAS:** The property taxes for 2009 on property no. 5896 were paid to the Town of Owego on 1/13/09; therefore be it

**RESOLVED:** That a refund of \$500.20 for overpayment of 2009 property taxes on property no. 5896 be issued to Marvin J & Bonnie L Miller; and be it further

**RESOLVED:** That the erroneous town amount of \$158.81 be charged back to the Town of Owego; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$13.76 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$327.63 be charged to the proper account in the records of the County Treasurer

**Roll Call:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE

**RESOLUTION NO. 201-09** *ADOPT LOCAL LAW NO. 4 OF 2009*

Adoption moved by Legislator Sauerbrey,  
 seconded by Legislator Sullivan.

**WHEREAS:** A public hearing was held on July 9, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2009 A Local Law to prohibit text messaging while driving; 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. 4 of 2009; therefore be it

**RESOLVED:** That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 4 of the Year 2009.

A Local Law to prohibit text messaging while driving.

Be It Enacted by the Legislature of the County of Tioga as follows:

**SECTION 1: Legislative Intent**

This Legislature understands that according to CTIA, an international organization representing all sectors of wireless communications, including cellular, personal communication services, and enhanced specialization mobile radio, United States subscribers sent close to 65 billion text messages through the first half of 2006.

The Legislature further believes that drivers sending text messages while driving are creating great risk to themselves and to others.

**This Legislature also determines that text messaging while driving inevitably decreases safety on the road, affecting driver reaction time and attention to the surrounding environment.**

**Therefore the purpose of this law is to prohibit text messaging while driving.**

**SECTION 2: Definitions**

**As used in this law, the following terms shall have the meanings indicated:**

**TEXT MESSAGE – also referred to as Short Messaging Service (SMS), which allows users to send or receive short text messages on wireless handsets. For the purpose of this law, an e-mail shall be considered a “text message”.**

**USE – activating, deactivating or initiating functions or keys on a wireless handset.**

**VOICE RECOGNITION – the capability by which wireless handsets can be activated and controlled by voice commands.**

**WIRELESS HANDSET – a portable computing device, including cellular telephones and personal digital assistants (PDA’s), capable of transmitting data in the form of e-mail and/or text message..**

**SECTION 3: Prohibitions**

- A.) Pursuant to Article 9, Section 2(c)(10) of the New York Constitution, and in order to protect the health, safety, and well-being of persons within the County, no person shall use a wireless handset to compose or send text messages while operating a motor vehicle on any public street or public highway within the County of Tioga, while the motor vehicle is in motion on such public street or public highway.**
- B.) The prohibition contained in paragraph A above shall not apply to text messages composed via any voice recognition technology.**

**SECTION 4: Penalties**

- A.) Any violation of any provision of Section 3 of this law shall constitute an offense and be punishable by a fine not to exceed \$150.00 for each violation. Each such violation shall constitute a separate and distinct offense.
- B.) This law shall be enforced by the Tioga County Sheriff's Department and sworn officers of an authorized Police Department or force of a town or village within the geographic boundaries of Tioga County.
- C.) This law shall be enforced by the Tioga County Sheriff's Department and sworn officers of an authorized Police Department or force of a town or village within the geographic boundaries of Tioga County. This law may be enforced anywhere within the geographic boundaries of the County of Tioga by a police officer as defined in Section 1-20(34) of the New York Criminal Procedure Law.

**SECTION 5: Applicability**

This law shall apply to all actions occurring on or after the effective date of this law.

**SECTION 6: Reverse Pre-emption.**

This law shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administration agency issues and promulgates regulations preempting such action by the County of Tioga. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation, or pertinent preempting State or Federal regulations have been enacted for the purposes of triggering the provisions of this section.

**SECTION 7: Severability**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**SECTION 8: Effective Date**

This law shall take effect ninety (90) days after its filing in the Office of 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.

On roll call vote on the above resolution, eight members voted Aye, Legislator Monell voting no, and the resolution was adopted.

**REFERRED TO: PUBLIC WORKS**

**RESOLUTION NO. 202-09**

***AUTHORIZE THE CHAIRMAN  
OF THE LEGISLATURE TO SIGN  
EASEMENT AGREEMENT WITH  
TIME WARNER CABLE TO DO  
WORK FOR THE COURT SYSTEM***

Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.

**WHEREAS:** The Unified Court System needs Time Warner Cable to install services for them; and

**WHEREAS:** Time Warner Cable is requesting a signed easement agreement by the property owner at 20 Court St., Owego, NY 13827; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Chair of the Legislature to sign the easement agreement authorizing Time Warner Cable to install the services for the Unified Court System subject to County Attorney approval.

Roll Call:  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:**

**PERSONNEL COMMITTEE  
 FINANCE COMMITTEE**

**RESOLUTION NO. 203-09**

***TRANSFER OF FUNDS  
 CONSOLIDATED HEALTH***

Adoption moved by Legislator Oberbeck,  
 seconded by Legislator McEwen.

**WHEREAS:** Resolution 344-08 authorized the purchase of specific and aggregate stop-loss for the 2009 Tioga County Consolidated Municipal Health Insurance Program; and

**WHEREAS:** This decision was made after the submission of the 2009 consolidated health budget which only included the cost of aggregate stop-loss; and

**WHEREAS:** Resolution 344-08 authorized the additional cost of the specific and aggregate stop-loss to be paid out of CH 511 Appropriated Reserves; therefore be it

**RESOLVED:** That the following sums be transferred:

<b>From: Appropriated Reserve CH 511</b>	<b>\$148,899</b>
<b>To: Consolidated Health Account CH1722.40 (270)</b>	<b>\$148,899</b>

Roll Call:  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

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

**RESOLUTION NO. 204-09 APPROPRIATIONS OF FUNDS  
YOUTH BUREAU**

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.**

**WHEREAS: Additional funding has been the received by the Youth Bureau; and**

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

**RESOLVED: That funding be appropriated as follows:**

**From: A3820.00 State Aid: Youth Programs \$319**

**To: A7310.40.733 Training/all other \$319**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 205-09 OPPOSING NEW YORK STATE  
LEGISLATURE BILL NUMBERS S.2247,  
S.5212 AND A.1867 MANDATING FARM  
LABOR REQUIREMENTS**

**Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan.**

**WHEREAS: Tioga County enjoys a large and diverse farming community; and**

**WHEREAS: The farms in Tioga County span a wide range of sizes, production  
methods and products and are presently experiencing historically low prices for  
their products; and**

**WHEREAS: Senate Bill S.2247 and S.5212 and Assembly Bill A.1867 would subject  
local farmers to the mandatory payment of overtime to farm workers and other  
requirements that would place them in precarious financial positions; and**

**WHEREAS:** The adage “make hay when the sun is shining” stems from the truth that the business of farming is such where particular seasons require more hours of work than others and is crucial to the success of any farm; and

**WHEREAS:** Farmers can do little to influence the prices that they receive for their products; and

**WHEREAS:** The Senate Labor Committee has voted out S.2247 and S.5212 and Assembly Members Janet Duprey and Teresa Sayward, and Senator Elizabeth O’C Little and Darrel Aubertine, Chair of the Senate Agricultural Committee have not supported these measures in their respective houses; therefore be it

**RESOLVED:** That the Tioga County Legislators urge the New York State Legislature to reject Bills S.2247, S.5212, and A.1867; and be it further

**RESOLVED:** That a copy of this resolution be forwarded to Governor David Paterson; Senator Thomas Libous; and New York State Assembly Members Gary Finch and Thomas O’Mara

**CARRIED**

**REFERRED TO:** LEGISLATIVE WORKSESSION COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 206-09**      *RESOLUTION TO DECLARE WORK DAY  
STATUS FOR ALL ELECTED AND  
APPOINTED OFFICIALS*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Oberbeck.

**WHEREAS:** The Office of the State Comptroller has requested that a standard work day be officially established for all elected and appointed officials for Employees’ Retirement System purposes; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby establishes as a standard work day for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees’ Retirement System as follows:

**ALL ELECTED OFFICIALS**

**Five day work week, six hour day:** Legislators  
Coroners

**Five day work week, seven hour day:** County Clerk  
District Attorney  
Treasurer

**Five day work week, eight hour day:** Sheriff

**APPOINTED OFFICIALS**

**Five day work week, six hour day:** Fire Coordinator  
Assistant Fire Coordinators  
Public Defender  
1<sup>st</sup> Assistant Public Defender  
2<sup>nd</sup> Assistant Public Defender  
Director of Emergency Preparedness  
Deputy Dir of Emergency Preparedness  
Historian

**Five day work week, seven hour day:** County Attorney  
1<sup>st</sup> Assistant County Attorney  
2<sup>nd</sup> Assistant County Attorney  
3<sup>rd</sup> Assistant County Attorney  
Stenographer P/T for County Attorney  
Safety Officer  
1<sup>st</sup> Assistant District Attorney  
2<sup>nd</sup> Assistant District Attorney  
3<sup>rd</sup> Assistant District Attorney  
Typist(s) P/T for District Attorney  
Director of Economic Development  
Deputy County Treasurer  
Veterans' Service Officer  
Youth Bureau Director  
Sealer of Weights & Measures

**Five day work week, eight hour day:** Undersheriff  
Code Enforcement Officer

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 207-09** *AUTHORIZE CONTRACT FOR  
VOTING MACHINE CUSTODIAL SERVICES*

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Oberbeck.

**WHEREAS:** The County Legislature appropriates certain sums of money in the annual county budget for services within the County Board of Elections; and

**WHEREAS:** County Law permits the Legislative Body to delegate the authority to deliver and execute such agreements to the Board of Election Commissioners upon such terms and conditions it deems appropriate within the authorized annual appropriations; therefore be it

**RESOLVED:** That within the amounts annually appropriated by the Legislature in the annual county budget, the County Board of Election Commissioners are authorized and empowered to negotiate and enter into contracts for voting machine custodial services not to exceed a total of 40 custodians, subject to County Attorney approval; and be it further

**RESOLVED:** That the authority granted herein shall only be applicable to contracts that are within the annual appropriation set forth in the budget; and be it further

**RESOLVED:** That this resolution will continue from year-to-year unless amended or repealed.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 208-09** *AUTHORIZE CONTRACT FOR  
POLLING PLACE INSPECTOR SERVICES*

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Monell.

**WHEREAS: The County Legislature appropriates certain sums of money in the annual county budget for services within the County Board of Elections; and**

**WHEREAS: County Law permits the Legislative Body to delegate the authority to deliver and execute such agreements to the Board of Election Commissioners upon such terms and conditions it deems appropriate within the authorized annual appropriations; therefore be it**

**RESOLVED: That within the amounts annually appropriated by the Legislature in the annual county budget, the County Board of Election Commissioners are authorized and empowered to negotiate and enter into contracts for polling place inspector services not to exceed a total of 400 inspectors, subject to County Attorney approval; and be it further**

**RESOLVED: That the authority granted herein shall only be applicable to contracts that are within the annual appropriation set forth in the budget; and be it further**

**RESOLVED: That this resolution will continue from year-to-year unless amended or repealed.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

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

**RESOLUTION NO. 209-09 AMEND RESOLUTION NO. 97-09  
APPROVE LEAVE OF ABSENCE  
PUBLIC HEALTH**

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.**

**WHEREAS: In accordance with Tioga County Policy 1, Section VII, Resolution 97-09 approved a leave of absence for Linda Kostek through May 3, 2009; and**

**WHEREAS: Resolution 152-09 extended Linda Kostek’s leave through June 12, 2009; and**

**WHEREAS:** Linda continues to be medically unable to return to work and has resigned from her position as a Community Health Nurse effective June 25, 2009; and

**WHEREAS:** The Public Health Director recommends that Ms. Kostek's leave be approved through June 25, 2009; therefore be it

**RESOLVED:** That Resolution No 97-09, as amended by Resolution No. 152-09, be and hereby is amended and that the Tioga County Legislature hereby approves Linda Kostek's leave through June 25, 2009.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO**

**JOB TRAINING COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 210-09**

***ABOLISH POSITION  
EMPLOYMENT & TRAINING DEPARTMENT***

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Monell.

**WHEREAS:** Resolution 226-07 authorized the vacant position of Senior Employment & Training Counselor to remain in place and unfunded until such time as Sheri McCall obtained permanent status in the position of Employment Center Supervisor; and

**WHEREAS:** Ms. McCall successfully completed her probationary period as Employment Center Supervisor on 6/18/09; therefore be it

**RESOLVED:** That the vacant Senior Employment & Training Counselor position is considered to be abolished retroactive to 6/19/09; and be it further

**RESOLVED:** That the Employment & Training Center's 2009 authorized full-time headcount is reduced from 4 to 3.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 211-09** *AUTHORIZE TO CREATE AND FILL  
TEMPORARY POSITION; AUTHORIZE  
HIRING WAIVER  
SHERIFF’S OFFICE*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.

**WHEREAS:** Long-term employee Penny Eddy has announced her retirement effective August 30, 2009; and

**WHEREAS:** Ms. Eddy performs all aspects of the very involved payroll process at the Sheriff’s Office; and

**WHEREAS:** The Sheriff would like Ms. Eddy’s replacement to have an opportunity to train with Ms. Eddy for two payroll cycles; therefore be it

**RESOLVED:** That one temporary full-time position of Payroll Clerk/Typist be created effective August 3 – August 30, 2009, at an hourly rate of \$14.826; and be it further

**RESOLVED:** That the Sheriff is authorized to fill said temporary position as of August 3, 2009; and be it further

**RESOLVED:** That the Sheriff is hereby granted a waiver from the 60-day Hiring Delay for Ms. Eddy’s position and is authorized to fill it as of August 31, 2009.

On roll call vote on the above resolution, eight members voted Aye, Legislator Roberts voting no, and the resolution was adopted.

**REFERRED TO:** JOB TRAINING COMMITTEE  
ED&P COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 212-09** *CREATE AND FILL  
TEMPORARY POSITION  
TIOGA EMPLOYMENT CENTER*

Adoption moved by Legislator Monell,  
seconded by Legislator Sullivan.

**WHEREAS:** The Tioga Employment Center has received \$29,415 of WIA funds earmarked to fund a position which shall serve individuals with disabilities; and

**WHEREAS:** Civil Service Law, Section 64.3 allows for the creation of a temporary position without examination for a special project not exceeding 18 months; and

**WHEREAS:** The funding is for the period July 27, 2009– June 30, 2010; therefore be it

**RESOLVED:** That the Tioga County Legislature authorize the Tioga Employment Center to create and fill one temporary position of Disability Program Navigator effective July 27, 2009 to work 27.5 hours per week at an hourly rate of \$15.69; and be it further

**RESOLVED:** That this position will end on June 30, 2010 unless action is taken to extend the duration; and be it further

**RESOLVED:** That Catherine Molligi has been found willing and eligible to accept this temporary appointment effective July 27, 2009.

On roll call vote on the above resolution, seven members voted Aye, Legislators McEwen and Roberts voting no, and the resolution was adopted.

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

**RESOLUTION NO. 213-09**      *CREATE AND FILL SEASONAL  
HEAP STAFF POSITIONS  
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.

**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, 2009; and

**WHEREAS:** The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner and one 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 11, 2009 through May 15, 2010.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

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

**RESOLUTION NO. 214-09**      *BACKFILL REQUEST*  
*EARLY INTERVENTION SERVICE*  
*COORDINATOR*  
*PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.

**WHEREAS:** Resolution 147-09 authorized the commencement of a 60-day delay in backfilling vacancies as a cost saving; and

**WHEREAS:** Tioga County Health is required by law to provide service coordination to children with special health care needs; and

**WHEREAS:** The Early Intervention/3-5 Division of the health department has only two Early Intervention (EI) Services Coordinator positions, one of which became vacant on 6/22/09; and

**WHEREAS:** The Director of Children with Special Needs has been covering the vacancy along with the remaining EI Service Coordinator in order to keep services up-to-date with a client caseload of 132 children, many of which are awaiting intake; and

**WHEREAS:** A 60-day delay in filling the vacant EI Service Coordinator position puts the Early Intervention/3-5 Division in jeopardy of losing their state funding in the event they are unable to fulfill the requirements of the program; and

**WHEREAS:** The loss of funding would cause hardship and delays to the client population served in Tioga County; therefore be it

**RESOLVED:** That the Tioga County Public Health Director be authorized to fill the vacant EI Service Coordinator position from the current civil service eligible list effective 7/15/09.

On roll call vote on the above resolution, eight members voted Aye, Legislator Roberts voting no, and the resolution was adopted.

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

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 215-09** *ERRONEOUS ASSESSMENT  
TOWN OF NICHOLS*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**WHEREAS:** An application for corrected tax roll indicates that property no. 844, assessed to Lloyd & Donna Berry on the 2009 tax roll of the Town of Nichols, is erroneous in that the assessor placed two fire districts, Lounsberry and Nichols, on the parcel, which should have had only Nichols Fire District; and

**WHEREAS:** Property no. 844 has been charged for the two fire districts for several years and the taxes have been paid but the maximum allowance for erroneous refunds is three years; therefore be it

**RESOLVED:** That a refund of \$19.13 be issued to Lloyd & Donna Berry for overpayment of taxes for the three year maximum period of 2007, 2008, and 2009; and be it further

**RESOLVED:** That the erroneous fire tax of \$19.13 be charged back to the Lounsberry Fire District.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 216-09                      *ERRONEOUS ASSESSMENT*  
*TOWN OF NICHOLS***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**WHEREAS: An application for corrected tax roll indicates that property no. 1175, assessed to Jeanne Hess on the 2009 tax roll of the Town of Nichols, is erroneous in that the assessor placed two fire districts, Lounsberry and Nichols, on the parcel, which should have had only Nichols Fire District; and**

**WHEREAS: Property no. 1175 has been charged for the two fire districts for several years and the taxes have been paid but the maximum allowance for erroneous refunds is three years; therefore be it**

**RESOLVED: That a refund of \$40.54 be issued to Jeanne Hess for overpayment of taxes for the three year maximum period of 2007, 2008, and 2009; and be it further**

**RESOLVED: That the erroneous fire tax of \$40.54 be charged back to the Lounsberry Fire District.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 217-09                      *ERRONEOUS ASSESSMENT*  
*TOWN OF NICHOLS***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**WHEREAS: An application for corrected tax roll indicates that property no. 904, assessed to Marvin & Janet Lindhorst on the 2009 tax roll of the Town of Nichols, is erroneous in that the assessor placed two fire districts, Lounsberry and Nichols, on the parcel, which should have had only Nichols Fire District; and**

**WHEREAS:** Property no. 904 has been charged for the two fire districts for several years and the taxes have been paid but the maximum allowance for erroneous refunds is three years; therefore be it

**RESOLVED:** That a refund of \$35.37 be issued to Marvin & Janet Lindhorst for overpayment of taxes for the three year maximum period of 2007, 2008, and 2009; and be it further

**RESOLVED:** That the erroneous fire tax of \$35.37 be charged back to the Lounsberry Fire District.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 218-09**

***ERRONEOUS ASSESSMENT  
TOWN OF BARTON***

Adoption moved by Legislator McEwen,  
Seconded by Legislator Roberts.

**WHEREAS:** An application for corrected tax roll indicates that property no. 11279, assessed to Richard E & Doris Temple Sr on the 2009 tax roll of the Town of Barton, is erroneous in that the property was assessed for a barn that wasn't on the property; and

**WHEREAS:** The 2009 taxes for property no. 11279 in the Town of Barton were paid on 1/9/09; therefore be it

**RESOLVED:** That a refund of \$372.27 be issued to Richard E & Doris Temple Sr for overpayment of 2009 taxes; and be it further

**RESOLVED:** That the erroneous amount of \$64.18 be charged back to the Town of Barton and the erroneous fire tax of \$32.67 be charged back to the Lockwood Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$11.11 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous county tax of \$264.31 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

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

**RESOLUTION NO. 219-09      *APPOINT DIRECTOR OF COMMUNITY  
SERVICES  
MENTAL HYGIENE DEPARTMENT***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.**

**WHEREAS:** The position of Director of Community Services became vacant upon the retirement of the previous incumbent on April 1, 2009; and

**WHEREAS:** The Community Services Board interviewed candidates and recommended a finalist for approval by the Tioga County Legislature; and

**WHEREAS:** The Legislature has met and approved of the selected candidate; therefore be it

**RESOLVED:** That Susan Romanczuk be appointed to the position of Director of Community Services effective August 3, 2009 at an annual salary of \$79,500; and be it further

**RESOLVED:** That the 2010 annual salary shall be \$79,500; and be it further

**RESOLVED:** That the incumbent shall serve an 8-52 week probationary period; and be it further

**RESOLVED:** That Ruth Roberts' temporary appointment as Director of Community Services shall end on August 2, 2009 and she shall return to her position of Clinical Program Director/Deputy Director, and her salary shall be returned to her previous 2009 rate effective August 3, 2009.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**The meeting was adjourned at 1:56 P.M.**

*Public Hearing*  
*Transfer of real property to Tioga County Local Development Corporation*  
*July 23, 2009*

The Public Hearing to consider the transfer of a 1.018 parcel of real property to the Tioga Local Development Corporation was called to order by the Chair at 10:05 A.M. Seven Legislative members were present, Legislators Sullivan and Oberbeck being absent.

There were 6 people in attendance.

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

George Penney spoke. "I think it is highly improper to give county property away. The procedure ought to be if it is not to be used at the county to sell it at the regular procedure of an auction."

Doug Barton, Director of Economic Development and Planning spoke. "The parcel of land that is being discussed here is a piece that is a little over one acre. The northern part of that parcel has a twenty-five foot sewer easement running across the full length. If you take that twenty-five foot easement into account the \$7,500 that ultimately Upstate Shredding would be paying for the parcel, it comes to between \$10,000 and \$11,000 an acre. That twenty five foot easement is not something that could be used. The resulting lot that could be used is a little over 51 feet of road frontage by 440 feet deep. Not a configuration that lends itself to anyone else using that property in the future for any sort of development. Keep in mind that the parcel lies between Upstate Shredding and Norwesco and being less than an acre of useable space it is highly unlikely that someone would want to place their business between those two businesses.

"In terms of selling the lot at auction I think that if we were to put that parcel up at auction, again because of the easement and the long narrow configuration of the lot, we would be less likely to get the \$7,500 at auction. Keep in mind the \$7,500 due to the agreement on the industrial part does not go to the County it actually goes to the Industrial Development account that is used for maintenance and improvement in the Industrial Development Park. In closing I would like to say with unemployment in Tioga County nearing 9% I think that we need to support growth of a business that is investing millions of dollars in Tioga County and employs a number of people. I think this is a reasonable approach to assisting a company that is an advantageous company to Tioga County."

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

*Fifth Special Meeting*  
**July 23, 2009**

The Fifth Special Meeting of 2009 was called to order by the Chair at 10:15 A.M. Seven Legislative members were present, Legislators Sullivan and Oberbeck being absent.

The Chair asked Legislator Sauerbrey to have a moment of prayer. "I pray for God's help and guidance in this Legislative body on the State level and the Federal level that God would guide us and give us wisdom to make the right decisions to represent the citizens of our nation. Amen."

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

There were 6 people in attendance.

**REFERRED TO:**

**ED&P COMMITTEE  
LEGAL/FINANCE COMMITTEE**

**RESOLUTION NO. 220-09**

***AUTHORIZE TRANSFER OF  
PROPERTY TO TIOGA COUNTY LOCAL  
DEVELOPMENT CORPORATION***

Adoption moved by Legislator Roberts,  
seconded by Legislator Sauerbrey.

**WHEREAS:** Tioga County is the owner of certain real property commonly known as the County Farm; and

**WHEREAS:** A portion of the County Farm property has been utilized for economic development in the development of an industrial park; and

**WHEREAS:** The Tioga County Local Development Corporation has a need for a 1.018 acre parcel of property located adjacent to Upstate Shredding, LLC for economic development purposes as set forth in a contract to purchase submitted to Tioga County; and

**WHEREAS:** Tioga County may convey real property pursuant to Not-for-Profit Law Section 1411 (d) (3) which was held on July 23, 2009 to consider the proposed sale to the Tioga County Local Development Corporation; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby determines that the above described 1.018 acre parcel is not required for use by the County; and be it further

**RESOLVED:** That the Chair of the Legislature is authorized to execute and deliver the contract for sale and to execute and deliver any and all deeds and related recording documents to effectuate the transfer to the Tioga County Local Development Corporation subject to County Attorney approval.

**Roll Call:**  
 Ayes 07  
 Noes 00  
 Absent 02  
**CARRIED**

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 221-09**      ***AUTHORIZE SALE OF COUNTY OWNED PROPERTIES ACQUIRED FOR DELINQUENT TAXES***

Adoption moved by Legislator Roberts,  
 seconded by Legislator McEwen.

**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 6, 2009 at 6:00 p.m. conducted by Manasse Auctioneers.

**Town of Barton:**

- 101.00-1-21.23, Melella, Michael
- 101.00-1-22.12, Melella, Michael
- 166.19-4-13, Schultz, Lewis & Patricia
- 167.15-1-12, Stewart, Frederick
- 157.00-2-16, Thornton, Gerard P. & Harold Shoemaker
- 112.00-1-7, Whalen, Lewis F.

**Town of Candor**

- 61.09-3-72, Ahart, David M.
- 61.09-3-71, Ahart, David M.
- 81.00-1-2, Elcock, Luther Jr.
- 61.09-3-70, Krauss, Henry & Terri R.

61.09-3-69, Krauss, Henry & Terri R.  
27.03-1-65, Parrott, Lisa M. Shutter  
84.00-1-27.12, Stuart, John E. & Michelle M.  
72.00-1-51, Veasesy, David & Stephanie Nichols-Veasey

Town of Newark Valley

54.00-1-31, Dingman, Carol & John

Town of Owego

118.17-2-37, CTS Properties, Inc.  
Town of Owego, cont.  
128.11-2-20, EE Root & Sons, Inc.  
117.20-2-47, Elower, Clarence E.  
175.00-2-51, Groats, John C. & Bertha  
175.00-2-53, Groats, John C. & Bertha  
118.18-1-1.5, Hambalek, Jeffrey & Nancy  
118.18-1-1.6, Hambalek, Jeffrey & Nancy  
118.18-1-1.8, Hambalek, Jeffrey & Nancy  
118.18-1-1.9, Hambalek, Jeffrey & Nancy  
118.18-1-1.11, Hambalek, Jeffrey & Nancy  
118.18-1-1.12, Hambalek, Jeffrey & Nancy  
118.18-1-1.7, Hambalek, Jeffrey & Nancy  
118.18-1-2.1, Hambalek, Jeffrey & Nancy  
118.18-1-2.4, Hambalek, Jeffrey & Nancy  
118.18-1-2.5, Hambalek, Jeffrey & Nancy  
118.18-1-2.6, Hambalek, Jeffrey & Nancy  
118.18-1-2.7, Hambalek, Jeffrey & Nancy  
118.18-1-2.8, Hambalek, Jeffrey & Nancy  
118.17-3-11, Hambalek, Jeffrey & Nancy  
143.18-1-12, Lewis, Melody  
128.08-3-87, Plac, Larry

Town of Richford:

2.00-2-7, Alviene, Thomas R. & Kristina M.  
12.00-1-15.112, Washburn, James

Town of Spencer

70.00-2-21, Elcock, Luther  
80.00-1-28, Kocienda, Daniel

Town of Tioga

128.06-1-11, Garrison, Katherine E.  
127.00-2-17.30, Lockwood, Gerard Jr.  
138.00-2-6, Malone, Virginia A.

**Roll Call:**  
**Ayes 07**  
**Noes 00**  
**Absent 02**  
**CARRIED**

**The meeting was adjourned at 10:17 A.M.**



**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 Penny Eddy for her 32 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, Penny Eddy.

### CARRIED

Sheriff Howard spoke. "I am just going to say a few words. Penny is like a mother to most of the troops up there. They all come to Penny for what they need and she takes care of them. She is going to be really missed. She does a lot for the Undersheriff and I on a daily basis, nightly basis, on a weekend basis. We do have a replacement which Penny sat in last week and did 14 interviews, and I want to introduce Jessica Hobart. She is going to be our new Penny. Out of the 14 applicants that we interviewed she was the only one that passed Penny's mustard.

"I want to thank Penny personally. I know everyone in the Sheriff's Office wants to thank her personally. She has done so much for us for the nine years that she has been with us and I know she worked across the street. I just want to say you are losing a great great employee, a very dedicated employee. She is really going to be missed in our department."

Penny Eddy spoke. "I just want to say thank you very much and I have enjoyed all 32 years. I enjoyed Social Services and I have liked the Sheriff's Department, and I think if one thing you learn is you learn how blessed you really are because of all the services we provide and I have enjoyed it."

Legislator Huttleston presented a 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 2008, New York State collected over \$1.7 billion dollars in child support; and

WHEREAS: In 2008, Tioga County collected over \$5.5 million dollars in child support; which represents an 8.3% increase over 2007 collections and ranked third in New York State for increased collections; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2009 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.

**Commissioner Shawn Yetter spoke. “Good afternoon. We took advantage of this being Child Support Collection Month and invited to be with us today two gentlemen from the New York State Office of Temporary and Disability Assistance to commend and recognize our staff on some very significant accomplishments that they made during the past year, and so at this time I would like to invite to the podium Scott Cade who is the Deputy Commissioner and Director of State Child Support for OTDA and Charles Ackley who is the Chief of Program Operations.”**

**Scott Cade spoke. “Thank you Commissioner, thank you Mr. Chairman, and thank you to all the Board members for having us here today. From time-to-time it is my great pleasure not only to get out of Albany, but to be able to visit the many great parts of the State and as Child Support Month was just declared here in Tioga County I want to say on behalf of Governor Paterson and the Office of Temporary and Disability Assistance, I will also share with you a copy of our State Proclamation for August being Child Support Awareness Month.**

**“I am here because as Commissioner Yetter said Tioga County last year stood out amongst the Counties across New York State in its efforts collecting child support. Last year we collected a record 1.7+ billion dollars in child support in New York State and that was not only a record, but the rate of increase from the prior year was significant, and Tioga County I am proud to say had the third highest rate of increase in child support collections last year at a rate of 8.3%. A significant amount of support for the 3100 families served by the Child Support Program here in Tioga. Because of that I am glad to be here today and I am glad to have the opportunity to both honor those accomplishments and very publicly congratulate the fine staff here in Tioga for their efforts.**

**“I really wanted to do two things. The first thing I would like to do and I will be leaving this here if I could very briefly just read you a certificate of recognition. It is a certificate of recognition presented to Tioga County Child Support Collection Unit for helping achieve record child support collections in 2008 and for your standing as one of the highest performing districts in all of New York State. Congratulations and thank you for your continued support and dedication to the children and families of Tioga County.**

**“The second thing I would like the pleasure to do because this is a significant accomplishment is ask all the Child Support staff from Tioga to come up here. We have prepared individual certificates for each of them, so I beg your indulgence for a couple more minutes. I think their recognition is due. I will read them by name and present them with their certificates so everybody in this room knows who is responsible for the great efforts that have occurred here in Tioga.**

**“Mr. Chairman, thank you for these few moments today. Congratulations to you all on behalf of the State of New York and the State Child Support Program. Keep up the good work and look forward to being back sometime in the future. Thank you very much.”**

**Legislator Huttleston spoke. “I really appreciate it. I appreciate your coming here and making this award, and I also appreciate our staff and how much easier they make it for us Legislators. Thank you again.”**

**Legislator Huttleston presented the following Proclamation on National Alcohol and Substance Abuse Recovery Month to Sue Hewitt of Alcohol & Drug Services.**

**2009 PROCLAMATION**  
*National Alcohol and Substance Abuse Recovery Month*

**WHEREAS:** Prevention, treatment and recovery efforts improve the community’s welfare and provide renewed outlook on life for those who, along with their family and friends, struggle with substance use disorders; and

**WHEREAS:** In 2007, 23.2 million people aged 12 or older in the United States needed treatment for a substance use disorder, and 5.4 million adults also suffered from a concurrent mental illness; and

**WHEREAS:** Substance abuse negatively affects children, families and loved-ones and takes a great toll on our society economically and in terms of safety; and

**WHEREAS:** Studies have indicated that 8.9 percent of people who made an effort to get treatment , but did not receive it, were concerned that receiving treatment might cause neighbors and community members to have negative opinions of them; and

**WHEREAS:** Fear and stigma continue to be barriers to seeking help for an addiction; and

**WHEREAS:** Tioga County Council on Addiction and Substance Abuse provides prevention, education, advocacy, early intervention and referral services for individuals, friends or family members who are living with an addiction; and

**WHEREAS:** Tioga County Department of Mental Hygiene remains eager and prepared to provide treatment for Tioga County Citizens who choose to work toward recovery for a substance use disorder; and

**WHEREAS:** Such education and raising awareness is essential in overcoming misconceptions and achieving long-term recovery; and

**WHEREAS:** To help achieve this goal, the US Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, the New York State Office of Alcoholism and Substance Abuse Services, and the Tioga County Department of Mental Hygiene invite all Tioga County residents to participate in the 20<sup>th</sup> anniversary of National Alcohol and Drug Addiction Recovery Month; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby asks all residents of our county to join in declaring September 2009 as

*National Alcohol and Substance Abuse Recovery Month*

in the County of Tioga, NY.

**Sue Hewitt from Alcohol & Drug Services spoke. “I was asked to come today and just say thank you very much on behalf of the entire staff of Alcohol & Drug Services for preparing this Proclamation. Substance abuse is an issue that affects all people across all socioeconomic backgrounds and many many many families here in Tioga County. We have an excellent staff that continues to assist when possible and I think it is important to help raise awareness that it is about recovery. There is no cure, but people can certainly improve their lives and our staff is right there all the time assisting when possible. Again I would like to just say thank you.”**

Legislator Huttleston spoke. "Again thank you and your staff. I appreciate it. It does make our job easier."

Joe Albrecht had privilege of the floor. "I would like to congratulate the interior decorating. This place looks considerably different than it did the last time I was here. Just points of interest, I would like the Legislature to consider supporting an individuals privilege of providing security for themselves, their family, and their property including, but not limited to, the home, the auto, and businesses, and I came across something that the State of Oklahoma passed. I do not want to be as optimistic as I am, but things are going to become I think considerably less pleasant socially within the next couple of years and an individual has the privilege of providing security for self, family, etc. and it may require something a little closer to home before it has standing in the judicial system. Give it some thought.

"I would like to identify Medicaid and Medicare costs to the County in terms of tax revenues used to support each and I will educate myself more on the processes, but this just kind of came up recently because there is talk of a 500 billion dollar Medicare savings and I do not know how that will be accomplished or where or the ultimate effect, so I leave that out there.

"There a couple of items or processes or organizations that you may wish to become familiar with. One is the US Preventive Services Task Force. The other is the Alliance for Health Reform. The first one, the Preventive Services Task Force, may be the source of the discussions of rationing healthcare. Again it is to enlighten anyone who is interested. On the interesting reading list there is something called the "2009 Guide to Federal Benefits for civilian employees" and it is kind of an interesting piece of information. It is on the Internet. In the introduction iii there is a list of plans and companies that provide services and their rank. On page 7 it indicates that the cost of the individual and family health insurance is covered by the Federal Government to the rate of 72% or 75%. On page 20 it indicates long term care insurance may not be approved. Then there is a series of plans or HMO plans or point of service plans by States and if you take for example Arizona, the insurance of the individual ranges from \$95 to \$137. Average it, it comes out to be \$116 a month times four because if the individual is paying one-fourth and the Government is paying three-fourths, it turns out to be \$464 a month. Twelve months gives you \$5,568 times the 40 million uninsured is \$222,720,000,000. Now I do not understand in the news media how all these numbers come together, the 1.7 trillion cost by people, the 2.7 trillion, whatever, but anyway this booklet does provide a significant quantity of information that may alleviate basic ignorance on your part if you chose to do so.

“The last item on the agenda is the possibility of supporting legislation to add square dancing to the list of hazardous activities and I will close with that. 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		1,263.19
A1165	District Attorney		2,447.41
A1170	Public Defender		3,454.63
A1172	Assigned Counsel		35,979.14
A1185	Medical Examiners/Coroners	235.00	4,236.00
A1325	Treasurer		36,659.18
A1355	Assessments		4,519.04
A1410	County Clerk		1,270.50
A1411	Department of Motor Vehicles		6,014.98
A1420	Law		2,739.58
A1430	Personnel		1,453.24
A1450	Elections		6,914.93
A1460	Records Management		753.77
A1460.41	Records Management		1,164.23
A1490	Public Works Administration		52.89
A1620	Buildings	161.97	85,426.30
A1680	Information Technology		9,115.80
A2960	Education of Handicapped Children		145,224.42
A3020	Public Safety Communication E911		15,896.30
A3110	Sheriff	85.00	23,214.61
A3110.41	Sheriff-Court Attendants		2,262.31
A3140	Probation		79.17
A3142	Alternatives to Incarceration		2,543.75
A3146	Sex Offender Program		8,766.67
A3150	Jail		54,030.23
A3315	Special Traffic Programs		1,563.98
A3410	Fire		2,379.45
A3640	Emergency Mgmt Office		463.39
A3653	EMO Grant Education	914.96	
A4010	Public Health Nursing	292.75	70,230.85
A4011	Public Health Administration		12,050.53
A4012	Public Health Education		5,809.71
A4042	Rabies Control		1,869.89
A4044	Early Intervention	372.00	81,074.42
A4053	Preventive/Primary Health Services		1,387.04
A4054	Preventive Dental Services		3,802.77
A4064	Managed Care-Dental Services		21,126.56

A4070	Disease Control	6,431.91
A4090	Environmental Health	8,261.73
A4210	Alcohol and Drug Services	4,764.09
A4211	Council on Alcoholism	19,847.32
A4309	Mental Hygiene Co Admin	9,994.73
A4310	Mental Health Clinic	34,186.49
A4315	Mental Retardation	31,448.00
A4320	Crisis Intervention Services	31,186.46
A4321	Intensive Case Management	3,915.63
A6010	Social Services Administration	163,455.44
A6141	Energy Crisis Assistance Program	27,758.99
A6422	Economic Development	543.11
A6610	Sealer of Weights & Measures	173.98
A7310	Youth Programs	167.00
A7310.41	Youth Programs, Refundable	7,026.00
A8020	Planning	91.87
A9060	Health Insurance	1,618.22
SOLID WASTE FUND		89,111.48
COUNTY ROAD FUND		42,459.13
SPECIAL GRANT FUND		26,514.89
CONSOLIDATED HEALTH FUND		1,220,460.34
CAPITAL FUND		1,439,181.99
LIABILITY INSURANCE FUND		986.65
WORKERS' COMP		<u>2,500.00</u>
GRAND TOTAL		\$3,831,387.99

Legislator Monell made a motion to approve the minutes of July 9, 14, and 23, 2009, seconded by Legislator Oberbeck, and carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 223-09 ADOPT LOCAL LAW NO. 5 OF 2009

Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.

**WHEREAS:** A public hearing was held on July 9, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. E of the Year 2009 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 be Local Law No. 5 of 2009; therefore be it

**RESOLVED:** That the following Local Law be and hereby is adopted;

**County of Tioga**

**Local Law No. 5 of the Year 2009.**

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, 2009, and ending November 30, 2011 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, 2011, 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, 2011, 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, 2011, 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, 2011, 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, 2011.

(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, 2009, and ending November 30, 2011, 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, 2009, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2009, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2009. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2009, 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, 2009, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, in respect to the use of property used by the purchaser in this County prior to December 1, 2009.

#### **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, 2009, through November 30, 2011, 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, 2009.

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:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 224-09 ADOPT LOCAL LAW NO. 6 OF 2009**

**Adoption moved by Legislator McEwen,  
seconded by Legislator Sullivan.**

**WHEREAS:** A public hearing was held on July 9, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. F of the Year 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007; 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 2009; therefore be it

**RESOLVED:** That the following Local Law be and hereby is adopted;

**County of Tioga**

**Local Law No. 6 of the year 2009**

**A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007.**

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1: TITLE**

**This Local Law shall be known as Amendment No. 8 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.**

**SECTION 2: TERMINATION**

**Local Law No. 4 of 1989, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007, is hereby amended to read as follows:**

**Section 10 is amended to read:**

**SECTION 10: EFFECTIVE DATE This Local Law originally effective January 1, 1990 shall remain in effect until November 30, 2011.**

**SECTION 3: SEVERABILITY**

**If any provision of this Local Law or the application thereof to any person or circumstances 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.**

**SECTION 4: EFFECTIVE DATE**

**This Local Law shall take effect on December 1, 2009.**

**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:**  
**Ayes 08**  
**Noes 00**  
**Absent 01**  
**CARRIED**

**REFERRED TO:** FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 225-09** *ADOPT LOCAL LAW NO. 7 OF 2009*

Adoption moved by Legislator McEwen,  
seconded by Legislator Sullivan.

**WHEREAS:** A public hearing was held on July 9, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. G of the Year 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the Hotel/Motel Tax from 3% to 4%; 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. 7 of 2009; therefore be it

**RESOLVED:** That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 7 of the Year 2009.

A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the Hotel/Motel Tax from 3% to 4%.

**Be It Enacted by the Legislature of the County of Tioga as follows:**

**SECTION 1: TITLE**

This Local Law shall be known as Amendment No. 9 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.

**SECTION 2: AMENDMENTS**

Local Law No. 4 of 1989, as amended by Local Law No. 3 of 1994, is hereby amended to read as follows:

Section 4(A) of Local Law 4 of 1989, as amended by Local Law No. 3 of 1994, is hereby amended to increase the tax rate from three percent (3%) of the per diem rental rate for each room occupied to four percent (4%).

**SECTION 3: SEVERABILITY**

If any provision of this Local Law or the application thereof to any person or circumstances 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.

**SECTION 4: EFFECTIVE DATE**

This Local Law shall take effect on December 1, 2009.

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:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:**

**PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 226-09**

***APPROVE EMERGENCY MANAGEMENT  
PARTNERING WITH STEUBEN COUNTY AND  
ITHACA FIRE DEPARTMENT FOR  
REGIONAL EXERCISES -  
EMERGENCY MANAGEMENT OFFICE***

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.

**WHEREAS: The New State Department of Homeland Security is emphasizing the need to have regional exercises and is funding grants to meet this need, and**

**WHEREAS: Steuben County Emergency Service has submitted for said grant and has asked Tioga County Emergency Management Office to be a partner in this endeavor, and**

**WHEREAS: Ithaca Fire Department has submitted for said grant and has asked that the Tioga County HAZMAT Team be a partner, and**

**WHEREAS: By partnering with these agencies, Tioga County is not responsible for administering said grants, but will reap the benefits of these grants, therefore be it**

**RESOLVED: That the Legislature approve of Tioga County partnering with both agencies in this initiative.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 227-09      *HAZARDOUS MATERIALS EMERGENCY  
PREPAREDNESS GRANT -  
EMERGENCY MANAGEMENT OFFICE***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.**

**WHEREAS: For the last sixteen years, the Tioga County Emergency Management Office has participated in the U.S. Department of Transportation Hazardous Materials Emergency Preparedness (HMEP) Grant administered by the New York State Emergency Management Office, and**

**WHEREAS: This grant is up for renewal as of August 21, 2009, and the County will be awarded \$2,930.00 for HAZMAT training and planning if they apply for said grant. The only requirement is that the County hold an annual meeting, which is mandated by SARA Title 3, therefore be it**

**RESOLVED: That the Tioga County Emergency Management Office be allowed to apply for said grant.**

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED****REFERRED TO:****PUBLIC WORKS  
FINANCE****RESOLUTION NO. 228-09*****AWARD BID FOR  
INSTALLATION OF STANDBY  
GENERATOR AT HHS***

Adoption moved by Legislator Huttleston,  
seconded by Legislator Sauerbrey.

**WHEREAS:** The Tioga County Department of Public Works has purchased a standby generator for the Health & Human Resource Building; and

**WHEREAS:** The Department of Public Works received sealed bids for the installation on 7/01/09; and

**WHEREAS:** The bid results were as follows:

Blanding Electric, Vestal, NY		\$59,000
Nelcorp- Endwell, NY	Electrical Plumbing	\$47,749 <u>\$20,982</u>
	Total	\$68,731

Therefore be it

**RESOLVED:** That the Tioga County Legislature award the bid to the lowest bidder; Blanding Electric, not to exceed \$59,000 to be paid out of the standby generator account H1620.20 use code 923.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** PUBLIC WORKS  
FINANCE

**RESOLUTION NO. 229-09** TRANSFER FUNDS FOR  
INSTALLATION OF STANDBY  
GENERATOR AT HHS

Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.

**WHEREAS:** The Tioga County Department of Public Works has purchased a standby generator for the Health & Human Resource Building; and

**WHEREAS:** The account for the standby generator H1620.20 use code 923 does not have enough funds for the installation; and

**WHEREAS:** The Department of Public Works has other project accounts that have a surplus; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the following transfers of funds:

<b>From:</b>	H1620.21 use code 901 (mowing tractor)	\$ 1,473.55
	H2006.03 (Halsey Valley Rd. Bridge)	<u>\$60,000.00</u>
	<b>Total Transfer</b>	<b>\$61,473.55</b>

<b>TO:</b>	H1620.20 use code 923 (Standby Generator)	\$61,473.55
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**Roll Call:**  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO:** PUBLIC WORKS  
FINANCE

**RESOLUTION NO. 230-09** AUTHORIZE TRANSFER OF FUNDS  
TO COMPLETE DMV RENOVATIONS  
AT 56 MAIN ST

Adoption moved by Legislator Huttleston,  
seconded by Legislator Sullivan.

**WHEREAS:** The Tioga County Legislature has authorized the Commissioner of Public Works to do major renovations at 56 Main St. to move the Dept. of Motor Vehicles out of the Owego Fairgrounds Plaza; and

**WHEREAS:** The decision to do the renovations was after the first of the year; and

**WHEREAS:** The costs has been paid out of Building & Grounds – Building Repairs Account A1620.40 use code 93 at approximately \$30,000 to date with the project only half complete; and

**WHEREAS:** Due to the timing of this decision the funding was not budgeted; therefore be it

**RESOLVED:** That the sum of \$30,000 is hereby appropriated as follows:

**FROM:** Contingency Account A1990.40-715      \$30,000

**TO:** Building & Grounds – Building Repairs  
A1620.40 use code 93      \$30,000

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:**

**PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 231-09**

***FUND SHERIFF'S GRANT –NYS WM  
2008 SLETPP GRANT***

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator McEwen.

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

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

**RESOLVED:** That the NYS Homeland Security Grant (Project # LE08-1020-EOO) be appropriated as follows:

**From:** State Aid-Sheriff LE08-1020-EOO      A3397.00      \$26,000

**To: Sheriff LE08-1020-EOO Grant-Personnel    A3118.10.30        \$ 6,500**  
**Sheriff LE08-1020-EOO Grant-Equipment   A3118.20.130       \$19,500**

**Roll Call:**  
**Ayes    08**  
**Noes    00**  
**Absent 01**  
**CARRIED**

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

**RESOLUTION NO. 232–09            *TRANSFER OF FUNDS***  
***PUBLIC HEALTH***

**Adoption moved by Legislator Huttleston,**  
**Seconded by Legislator Sullivan.**

**WHEREAS: The costs of the mandated Handicapped Education Program (3-5) have increased; and**

**WHEREAS: Additional funding is needed to meet the costs of the Handicapped Education program for the balance of 2009; and**

**WHEREAS: The Legislature directed Public Health to reduce the budgeted funds in the 2009 County budget to reduce potential taxation in case it was not needed; with the understanding that if needed, the funding would come from County contingency funds in 2009; and**

**WHEREAS: Some of the funding to meet the immediate needs of the Handicapped Education Program (3-5) are available from within the Early Intervention budget; and**

**WHEREAS: The balance of the funding needs in 2009 will be addressed in future months once fall enrollment statistics are available for both the Handicapped Education Program and Early Intervention program, and cost estimates can then be determined for the appropriations needed from County contingency funds; and**

**WHEREAS: Transfer of funds requires Legislative approval, therefore be it**

**RESOLVED: That funds be transferred as follows:**

**From: A4044.40-140 Early Intervention- Contracting Services \$ 125,000**

**To: A2960.40-590 Handicapped Education- Contractual Services \$ 125,000**

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO:**

**PUBLIC WORKS**

**RESOLUTION NO. 233-09**

***AUTHORIZE TO HOLD JOINT  
AUCTION WITH BROOME COUNTY***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Sauerbrey.**

**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 26, 2009 @ 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 26, 2009 @ 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 at a fee of 9% of the proceeds.**

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**REFERRED TO:**

**PUBLIC WORKS**

**RESOLUTION NO. 234-09**

***ECONOMIC RECOVERY PROJECTS  
MUNICIPAL/SPONSOR RESOLUTION  
SOUTHSIDE DRIVE BRIDGE PROJECT  
(STIMULUS PROJECT)***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.**

**WHEREAS:** The Southside Drive Bridge (BIN: 3335530) over Pumpelly Creek in the Village of Owego, Tioga County, PIN 9753.44, Economic Recovery Project (hereinafter “the Project”) in Tioga County, (hereinafter “the Municipality/Sponsor) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of Federal funds and non-Federal funds; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby approves the above Project; and be it further

**RESOLVED:** That the Tioga County Legislature agrees to advance the Project through the Tioga County’s resources and agrees that the Tioga County Legislature hereby authorizes the County of Tioga to pay in the first instance the full Federal and non-Federal costs of any and all phases or portions thereof and it further appropriates from Southside Bridge Account H2008.08 the funds necessary to complete the Project including all phases or portions thereof; and be it further

**RESOLVED:** That the Tioga County Legislature makes a 100% commitment of the Federal and non-Federal share (if any) of the costs of the Construction and Construction supervision and Inspection phase of work for the Projects or portions thereof, with Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Agreement; and be it further

**RESOLVED:** That the sum of \$1,805,000 is hereby appropriated from Southside Drive Bridge Account H2008.08 and made available to cover the cost of participation in the above phase of the Project; and hereby appropriates from Southside Bridge Account H2008.08 the funds necessary to complete the Project including all phases or portions thereof; and be it further

**RESOLVED:** That upon completion of construction of the Project, or fully usable portion thereof, the County of Tioga agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and be it further

**RESOLVED:** That in the event the full Federal and non-Federal share of the Projects exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately; and be it further

**RESOLVED:** That the Chair of the Legislature of the County of Tioga is hereby authorized to execute all necessary Agreements or Certifications on behalf of the County of Tioga, (subject to the Municipal/Sponsor Attorney's approval as to form the content), with the New York State Department of Transportation in connection with the advancement or approval of the Project indentified in the State/Local Agreement; and providing for the administration of the Project and the County of Tioga's first instance funding of the Local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

**RESOLVED:** That a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

**RESOLVED:** That this Resolution shall take effect immediately.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:**

**ED&P COMMITTEE**

**RESOLUTION NO. 235-09**

***APPOINT MEMBER TO THE TIOGA  
COUNTY LOCAL DEVELOPMENT  
CORPORATION***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Sullivan.**

**WHEREAS:** The Tioga County Local Development Corporation (TCLDC) is reorganizing its Board membership to better represent the Tourism business; and

**WHEREAS:** The Tioga County Local Development Corporation (TCLDC) Board of Directors is reaching out to the Tourism Advisory Council to fill the TCLDC Board seats; and

**WHEREAS:** Current Board member, Laura Costello, has graciously offered her seat to a current Tourism Advisory Council member; and

**WHEREAS:** Beth Johnson is a current Tioga Advisory Council member and is willing and able to serve on the Tioga County Local Development Corporation Board of Directors; therefore be it

**RESOLVED:** That the Tioga County Legislature appoint Beth Johnson to serve the remainder of Laura Costello’s unexpired term on the Tioga County Local Development Corporation from 8/11/09 – 3/31/12; and be it further

**RESOLVED:** That the Tioga County Legislature appreciates and acknowledges the service of Laura Costello.

**CARRIED**

**REFERREED TO: ED&P COMMITTEE**

**RESOLUTION NO. 236-09 U. S. CENSUS 2010 SUPPORT**

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.

**WHEREAS:** The next Decennial Census, as required by the United States Constitution, will take place in April 2010 and Tioga County’s political representation to the United States House of Representatives, state government and local governments is determined by each Decennial Census; and

**WHEREAS:** Tioga County recognizes all residents responsibility to respond to the U. S. Census and the importance of counting of each resident in the 2010 Census and;

**WHEREAS:** Tioga County will work in partnership with the U. S. Census Bureau, 16 local partners plus all the municipalities within Tioga County to form a Complete Count Committee; and

**WHEREAS:** The purpose of the Tioga County Complete Count Committee is to make all Tioga County residents aware of the importance of the completing the census form in and mailing the form back to the U. S. Census Bureau on April 1, 2010 and targeting awareness efforts to hard-to-reach populations indigenous to Tioga County; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby proclaims support to the U. S. 2010 Census and related promotional activities of the Tioga County Complete Count Committee.

**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 237-09** *REVISE POLICY 53 (WORKPLACE  
VIOLENCE PREVENTION/SEXUAL  
HARASSMENT/THREAT REPORTING  
POLICY)*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Sullivan.

**WHEREAS:** New York State adopted the final code rule for workplace violence prevention programs; and

**WHEREAS:** County policy 53 requires numerous changes to become compliant with the new code rule; and

**WHEREAS:** These changes include the revision of one reporting form and the addition of a sexual harassment complaint form; therefore be it

**RESOLVED:** That the Tioga County Legislature replaces policy 53 in whole with the attached policy.

<b>POLICY 53</b>
------------------

**TIOGA COUNTY  
WORK PLACE VIOLENCE PREVENTION / SEXUAL HARASSMENT  
POLICY**

- I. Policy Statement**
- II. Policy Objective**
- III. Scope**
- IV. Definitions**
- V. Risk Factors**
- VI. Methods for Hazard Prevention and Control**
- VII. Reporting of incidents**
- VIII. Responsibilities**
- IX. Education**
- X. Confidentiality**
- XI. Retaliation**
- XII. Administrative Procedures – Sexual Harassment**
- XIII. Administrative Procedures – Workplace Violence**
- XIV. Sexual Harassment Complaint Form**
- XV. Workplace Violence Incident Report**

**I. Policy Statement**

**Tioga County has a long-standing commitment to promoting a safe and secure work environment for all its employees. All County employees and elected County Officials are expected to maintain a work environment free from violence, threats of harassment, intimidation or coercion including sexual harassment. While these behaviors are not prevalent in Tioga County’s workplaces, no organization is immune.**

**The purpose of this policy is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred. This policy also addresses the fact that the County strongly disapproves of sexual harassment of its employees in any form, and states that all employees, including elected officials at all levels of the County must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work and will be held responsible for insuring that the workplace is free from sexual harassment.**

**Specifically, the County prohibits the following:**

- Unwelcome sexual advances;**
- Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship;**

- Other verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development;
- Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job;
- Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment;

## **II. Policy Objective**

Tioga County prohibits workplace violence and harassment. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence or harassment will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from County property and employees may be subject to disciplinary action up to and including termination, consistent with County policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Tioga County Department of Social Services, Public Health, and Probation Department personnel are to continue to use their field safety policies as guidance for day to day operations. The County, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on County property unless necessary to transact County-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

## **III. Scope**

All County employees, elected County Officials, vendors, contractors, consultants, and others, who do business with the County, whether in a County facility or where official County business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the County, such as former employees and visitors. When employees have complaints about other employees, they should contact their immediate supervisor. If the complaint involves their immediate supervisor they should contact their department head.

## **IV. Definitions**

1. Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, or the County's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- **Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).**
  - **Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).**
  - **Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individuals or property.**
  - **Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials shall be covered under County Policy number forty-nine.**
- 2. Sexual Harassment is any behavior that includes but is not limited to, commentary about an individual’s body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.**

**V. Risk Factors**

**1. The following risk factors, locations and applicability in Tioga County are listed below:**

- **Working in public settings: applies to all County locations and personnel.**
- **Working late night or early morning hours: applies to personnel at the County Office building, Court Annex/County Clerk’s building, Health and Human Services building, Highway Department, Buildings & Grounds, Solid Waste, and Mental Hygiene in Waverly.**
- **Exchanging money with the public: applies to personnel at the County Office building, Public Safety building, Court Annex/County Clerk’s building, Health and Human Services building, Solid Waste, and Mental Health in Waverly.**
- **Working alone or in small numbers: applies to personnel at the Solid Waste facility and the County Office building. It also applies to personnel who do field work for the County from DSS, the Sheriff’s Department, Public Works, Law Office, Health and Human Services and Probation.**
- **Uncontrolled access to the workplace: applies to personnel at the County Office building, County Clerk’s building, Highway Department, and Buildings & Grounds.**
- **Areas of previous security problems include the County Office building and Health and Human Services building.**

**VI. Methods for Hazard Prevention and Control**

**1. It is the policy of the County to make high risk areas more visible, install additional lighting where needed, post signs where necessary, train employees on conflict resolution and maintain a response system through the Sheriff's Department.**

**2. The hierarchy of controls to be used is:**

- **Engineering Controls.**
- **Administrative Controls.**
- **Personal Protective Equipment.**

**3. It is also the County's policy to use input from a variety of sources including, but not limited to: employee security surveys, self assessments, Sheriff's Department recommendations and lessons learned from other entities to effect changes that make the County's work areas and personnel as safe as possible.**

**VII. Reporting of incidents****1. General Reporting Responsibilities – Workplace Violence**

**Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any County employee or elected official. Workplace violence should promptly be reported using the workplace violence incident report in paragraph XV. Additionally, County employees and elected officials are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in Section IV. It is important that all employees and elected officials take this responsibility seriously to effectively maintain a safe working environment.**

**2. Imminent or Actual Violence**

**Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately.**

**3. Commitment of a Crime**

**All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.**

**4. Sexual Harassment**

**Employees who have complaints of sexual harassment by anyone at work, including any supervisors, co-employees, or visitors, are urged to report such conduct so that the County may investigate and resolve the problem. Employees may bring such matters to the direct attention of their supervisor, department head, Personnel Director or directly to the County Attorney.**

**5. False Reports**

**Employees and elected officials who make false and malicious complaints of workplace violence or sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to law enforcement authorities as appropriate.**

## **6. Privacy Concern Case**

Incidents involving the following injuries or illnesses shall be treated as privacy concern cases:

- An injury or illness to an intimate body part or the reproductive system;
- An injury or illness resulting from a sexual assault;
- Mental illness;
- HIV infection;
- Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and
- Other injuries or illnesses, if the employee independently and voluntarily requests his or her name not to be entered into the report.

**If reports of these incidents are to be shared with any other party than the Commissioner of Labor of the State of New York, then the name of the employee who was the victim of the workplace violence shall be removed and "PRIVACY CONCERN CASE" shall be entered in the space normally used for the employee's name.**

## **VIII. Responsibilities**

### **1. Elected Officials and Department Heads**

Elected Officials and Department Heads shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all administrators and supervisors are aware of their responsibilities under this policy through internal communications and training.

### **2. Supervisors**

Each employee designated with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings. Supervisors are required to call 911 immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

### **3. Employees**

Employees must report workplace violence, as defined above, to their supervisor. Employees who are advised that a workplace violence incident has occurred or has been observed must report this to their supervisor immediately. Recurring or persistent workplace violence that an employee

reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's supervisor should be brought to the attention of the department head.

Employees who have obtained Orders of Protection are expected to notify their supervisor and provide a list of locations which are designated as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor. Confidentiality will be maintained to the fullest extent possible.

Upon hiring, and annually thereafter, employees will have copies of this policy made available to them. Additionally, the policy will be posted throughout County buildings and be placed on the County's intranet, as appropriate.

#### **4. County Safety Officer**

The County Safety Officer is responsible to insure that new employees or transferred employees have a copy of the Workplace Violence Policy and Procedures made available to them and also insuring County employees receive appropriate training. The County Safety Officer will also be responsible for annually disseminating any changes made to this policy to County personnel, as well as ensuring the policy is posted appropriately throughout county buildings and other work sites.

#### **5. Workplace Violence Advisory Team**

The County shall establish a Workplace Violence Advisory Team. This Team, will assist the County in responding to workplace violence; annually reviewing reported incidents of workplace violence; assessing the potential problem of workplace violence at its sites; assessing the County's readiness for dealing with workplace violence and evaluating incidents to prevent future occurrences. This Team will also develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to further assist in recognizing and preventing workplace violence at County buildings and work sites. This Team shall include representatives from County departments, as deemed appropriate by the County Legislature and will meet at least annually.

### **IX. Education**

The County is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. The County Safety Officer, department heads and elected officials are responsible to assist in identifying available training opportunities, as well as other resources and tools, (such as reference materials detailing workplace violence warning signs) that can be incorporated into County prevention materials for dissemination to County Employees.

**X. Confidentiality**

The County shall maintain the confidentiality of investigations of workplace violence and sexual harassment to the fullest extent possible. The County will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of County employees would be served by such action.

**XI. Retaliation**

Retaliation against anyone acting in good faith who has made a complaint of workplace violence or sexual harassment, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action may be subject to discipline up to and including termination.

**XII. Administrative Procedures – Sexual Harassment**

- A. Referral –** Every supervisor, department head or officer who receives a complaint of sexual harassment shall refer the matter as soon as practical to the County Attorney for investigation. If the complaint is against the County Attorney, the referral should be made to the Personnel Officer. The referral should be made using the sexual harassment complaint form in paragraph XIV. The above information should be delivered personally rather than by interoffice mail, facsimile or email.
- B. Investigation –** Upon receipt of the complaint, the County Attorney or, as applicable, the Personnel Officer shall investigate the complaint or refer the matter to an outside law firm to investigate the harassment claim.

**XIII. Administrative Procedures – Workplace Violence**

**1. Review of incident**

The administrator to whom the employee reports the incident will review the incident with that employee and with any other appropriate staff.

**2. Completion of the incident report**

That administrator will begin to complete the incident report during the interview(s).

**3. Notification of Other Administrators**

The supervisor will notify all other administrators (as appropriate) immediately thereafter.

{NOTE: The situation may dictate that the other administrators be notified even before all the details are known so that they can secure the workplace and warn others, as appropriate.}

**4. Safeguarding the Workplace**

- a.** The administrator to whom the employee reported the incident will take steps to safeguard the workplace. Arrangements will be made in consultation with the Department Head if he/she is immediately available

and may include notification of employees and law enforcement officials, if there is good reason to warrant such action.

b. The administrator should consult with the Sheriff, the County Attorney and other county officials as the situation dictates.

c. The administrator will make a reasonable effort to notify staff working in the field, if the threat is likely to impact them.

#### **5. Timeliness of Reporting**

It is the policy of Tioga County to react timely and reasonably to work-related threats against employees and/or their property. Because there are limits to Tioga County's ability to provide effective safeguards, primary responsibility for protecting against harm must remain with the threatened employee through the exercise of vigilance, common sense and his/her rights to police protection as a citizen. Nothing in this procedure limits the threatened employee from exercising his/her legal rights to make additional arrangements for protections which do not impede his/her ability to perform his/her work duties as agreed to with the Department Head.

#### **6. Legal Action**

Only the Department Head (or in his/her absence, the Acting/Deputy Department Head), shall initiate legal action on behalf of the County beyond notification of and coordination with law enforcement officials.

#### **7. Distribution of Threat Summary**

a. If the employee's own administrator was absent when the report was made, the substitute administrator will provide a copy of the incident report to the administrator as soon as possible, regardless of the expected duration of the incident. The employee's administrator will be responsible for taking any necessary action from that point.

b. As soon as the incident report is reasonably complete, (usually within one workday), the administrator to whom the incident was first reported will give it to the Department Head's secretary to be kept on file. As the investigation proceeds, the administrator in charge of the case at any given point in time will update that official file as significant events occur.

Updates might include:

- 1) Reports that the threatening individual stalked the employee at home;
- 2) Documentation of additional threats;
- 3). Further actions taken by the department or law enforcement; etc.

c. The official file will be kept current by any administrator who takes the investigation over from a substitute administrator.

**8. After-hours Threats**

**If a work-related threat is received after work hours, the employee should immediately make arrangements to protect themselves (i.e., call a police agency and follow their instructions). The employee should then immediately notify their administrator or a substitute administrator, regardless of the time of day. The Tioga County Sheriff's Department should be given and will maintain a list of administrator's home phone numbers.**

**XIV. Sexual Harassment Complaint Form**

**Complainant's Name** \_\_\_\_\_

**Job Title** \_\_\_\_\_

**Workplace Location** \_\_\_\_\_

**Time period covered by  
complaint** \_\_\_\_\_

**Individual(s) who committed harassment (LIST BELOW):**

NAME	JOB TITLE	DEPARTMENT

**Describe the dates and the nature of the harassment committed by each identified individual (if additional space is needed, attach a written statement):**

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**Identify all employees or others with knowledge of or who may be witnesses to the harassment:**

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**Is there any physical evidence, including written statements, emails or telephone records, which evidences your complaint? If so please describe:**

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**Have you missed any work as a result of the harassment? If yes, identify the occasions:**

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**Have you incurred any unreimbursed medical expenses as the result of the harassment?**

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**Have you previously complained about this or related acts of sexual harassment to a supervisor or official? If so, please identify the individual/s to whom you complained, the date and nature of the complaint and the resolution of your complaint:**

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**ACKNOWLEDGEMENTS**

**I hereby attest that the information provided herein is true and correct.**

**BY:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

**In order to investigate your complaint, it may be necessary to interview you, the alleged harasser(s), and any witness with knowledge of the allegations or defenses. The County will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action up to and including termination.**

**I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence the County deems relevant.**

**BY:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

**This form is to be delivered IN PERSON to the County Attorney’s Office and is not to be e-mailed, mailed or sent via the inter-office mail system.**

**XV. Workplace Violence Incident Report**

**Today's Date** \_\_\_\_\_

**Date of Incident** \_\_\_\_\_

**Time of Incident** \_\_\_\_\_

**Case Number** \_\_\_\_\_

**Employee Name** \_\_\_\_\_

**Title** \_\_\_\_\_

**Workplace Location** \_\_\_\_\_

**(DSS ONLY: Attach a WMS or CSMS inquiry screen, if available)**

**Incident Description (Including what happened immediately prior to the incident and how the incident ended):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Names and job titles of involved employees:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Names or identifiers of individuals involved (non-employee):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Extent of injuries:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 238-09 *AUTHORIZE CONTRACT FOR  
LEGAL SERVICES  
DEPARTMENT OF SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.

**WHEREAS:** The Department of Social Services provides a list of qualified attorneys to its non-ADC (Aid to Dependent Children) clients who have requested Child Support Services (CSS) through the Tioga County Support Collections Unit; and

**WHEREAS:** Frederick M. Cerio, Esq. has indicated willingness to provide legal services to its non-ADC clients and wishes to be listed by DSS as a qualified attorney who will provide such legal services; and

**WHEREAS:** Procedures outlined in County Policy 46 have been completed, including the IRS 20 factor test and it has been determined that Frederick M. Cerio, Esq. qualifies as Independent Contractor; therefore be it

**RESOLVED:** That the Department of Social Services is authorized to contract with Frederick M. Cerio, Esq. for legal services for non-ADC clients who have requested Child Support Services through the Tioga County Support Collections Unit effective as of August 12, 2009.

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

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

**RESOLUTION NO. 239-09 AUTHORITY HIRING WAIVER;  
SUPERVISING COMMUNITY HEALTH  
NURSE  
PUBLIC HEALTH**

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.**

**WHEREAS: Regina Fay, Supervising Community Health Nurse, has informed the Public Health Department that she will resign effective September 11, 2009; and**

**WHEREAS: Tioga County Health is required by law to ensure that all personnel delivering care in patient homes are adequately supervised; and**

**WHEREAS: Tioga County Health Department has only two Supervising Community Health Nurse positions; and**

**WHEREAS: The remaining Supervising Community Health Nurse will be supervising both the Long Term Home Health Care program and the certified Home Health Care Agency, including the field staff of both; and**

**WHEREAS: The field staff mandated by New York State law to be supervised provide an average of 1422 visits per month, all of which require supervision; and**

**WHEREAS: A 60-day delay in filling the Supervising Community Health Nurse position will put the CHHA and the LTHHC in jeopardy of losing certification and funding should the requirements of the state and federal government related to the program not be met; and**

**WHEREAS: The loss of funding would cause significant hardship and delays in services to the population serviced; therefore be it**

**RESOLVED: That the Public Health Director is hereby granted a waiver from the 60-day Hiring Delay for Ms. Fay’s position and is authorized to fill it as of September 14, 2009.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

Legislator McEwen made a motion to bring forth the following late-filed resolution, seconded by Legislator Oberbeck and carried.

**REFERRED TO:** FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 240 -09** *ACCEPT AUCTION BIDS FOR COUNTY OWNED PROPERTY ACQUIRED FOR TAXES, AUTHORIZE EXECUTION OF DEEDS*

Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.

**WHEREAS:** Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Owego, Richford, Spencer and Tioga were offered for sale at Public Auction conducted August 6, 2009 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>Town of Barton:</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Prior Owner-Tax Map #</u>		
101.00-1-21.23, Melella, Michael	Michael Buiniskis	\$11,500.00
101.00-1-22.12, Melella, Michael	Dale A. Porter	\$38,000.00
166.19-4-13, Schultz, Lewis & Patricia	Lori A. Searfoss	\$ 400.00
167.15-1-12, Stewart, Frederick	Precision Modular Installers , LLC	\$ 24,000.00
157.00-2-16, Thornton, Gerard P. & Harold Shoemaker	Eric Slate	\$ 300.00
112.00-1-7, Whalen, Lewis F.	George & Phoebe Rice	\$ 8,000.00
 <u>Town of Candor</u>		
<u>Prior Owner-Tax Map #</u>		
61.09-3-72, Ahart, David M.	Kenneth & David Jacobson	\$16,000.00
61.09-3-71, Ahart, David M.	sold as one piece	
81.00-1-2, Elcock, Luther Jr.	Christopher Pelto & Cris Pasto	\$16,500.00
61.09-3-69, Krauss, Henry & Terri R.	Whitney R. Michard	\$ 15.00
27.03-1-65, Parrott, Lisa M. Shutter	Craig B. Kranz	\$21,000.00
84.00-1-27.12, Stuart, John E. & Michelle M.	Edward Kenhart	\$ 1,000.00
2.00-1-51, Veasey, David & Stephanie Nichols-Veasey	Frederick K. Liske	\$ 9,500.00

**Town of Newark Valley**

**Prior Owner; Tax Map #**

54.00-1-31, Dingman, Carol & John Leah & Paul Evenson \$19,500.00

**Town of Owego**

**Prior Owner; Tax Map #**

118.17-2-37, CTS Properties, Inc.	Kenneth & David Jacobson	\$21,000.00
128.11-2-20, EE Root & Sons, Inc.	Nathan Kennedy & Ern Hwei	\$ 3,000.00
117.20-2-47, Elower, Clarence E.	Zamir Shaikh	\$ 4,550.00
175.00-2-51, Groats, John C. & Bertha	Francine V. Notte	\$ 26,000.00
175.00-2-53, Groats, John C. & Bertha	Kraig R. Moss	\$ 6,000.00
118.18-1-1.5, Hambalek, Jeffrey & Nancy	Philip E. Austin	\$ 9,500.00
118.18-1-1.6, Hambalek, Jeffrey & Nancy	All Hambalek Properties	
118.18-1-1.8, Hambalek, Jeffrey & Nancy	sold as one piece	
118.18-1-1.9, Hambalek, Jeffrey & Nancy		
118.18-1-1.11, Hambalek, Jeffrey & Nancy		
118.18-1-1.12, Hambalek, Jeffrey & Nancy		
118.18-1-1.7, Hambalek, Jeffrey & Nancy		
118.18-1-2.1, Hambalek, Jeffrey & Nancy		
118.18-1-2.4, Hambalek, Jeffrey & Nancy		
118.18-1-2.5, Hambalek, Jeffrey & Nancy		
118.18-1-2.6, Hambalek, Jeffrey & Nancy		
118.18-1-2.7, Hambalek, Jeffrey & Nancy		
118.18-1-2.8, Hambalek, Jeffrey & Nancy		
118.17-3-11, Hambalek, Jeffrey & Nancy		

143.18-1-12, Lewis, Melody Floyd H. Drake \$ 57,000.00

**Town of Richford**

2.00-2-7, Alviene, Thomas R. & Kristina M. Susquehanna Land Corp. \$10,000.00  
 12.00-1-15.112, Washburn, James Kathleen F. James \$17,000.00

**Town of Spencer**

**Prior Owner; Tax Map #**

70.00-2-21, Elcock, Luther sold to Christopher Pelto & Cris Pasto  
 as one piece with Candor Elcock property  
 80.00-1-28, Kocienda, Daniel Gregory Shipman \$3,300.00

**Town of Tioga**

**Prior Owner; Tax Map #**

128.06-1-11, Garrison, Katherine E.	Roger Martin	\$ 3,000.00
127.00-2-17.30, Lockwood, Gerard Jr.	Philip E. Austin	\$23,000.00
138.00-2-6, Malone, Virginia A	Roberta E. Valsekeck	\$23,000.00

**Roll Call:**  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**The meeting was adjourned at 2:00 P.M.**

*Ninth Regular Meeting*  
September 15, 2009

The Ninth Regular Meeting of 2009 was called to order by the Chair at 6:03 P.M. All Legislative members were present.

Chair Weston asked to have a moment of prayer. “Our Father, please guide us as we travel through life. Forgive us if we have caused pain and suffering to others and bless those who display the goodness and morality that represents your embodiment.”

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

There were 57 people in attendance.

Denis McCann presented employee of the third quarter 2009 to Margaret Shuler of the Health Department.

Denis McCann spoke. “First I would like to thank the Employee Recognition Committee. We have hard decisions to make every quarter and in particular this quarter we had Loretta Sullivan representing the Legislature, and last quarter we had Tracy Monell assisting us as well. On behalf of the Employee Recognition Committee I would like to thank the Legislature for continuing to support this process, our committee, and the award. I want to mention that Margaret does have plans after and we are going to try to move it along for her, but there is a lot of people that wanted to speak for Margaret today.

“Margaret started with the Tioga County Health Department in 1983 in the Certified Home Health Agency and during her tenure she has worked in a number of programs, all related to the well being of clients. Margaret has cared for residents in our county covering the full spectrum of life from prenatal home visits with expecting mothers to newborns, to well child clinics and immunization for the young and not so young, to adults including respiratory clinics and as a trained HIV Counselor. Margaret has a gift in her way in dealing with and communicating with both clients and fellow employees. After speaking with Margaret you just feel better about life.

“Margaret is well respected by her clients, her colleagues, her supervisors, her directors, and her department head. Earlier this year Margaret was recognized by her fellow Public Health employees as their department’s team member of the quarter. Margaret was also recognized this year for her twenty-five years of dedicated service to the residents of Tioga County and its employees. Noteworthy is that one of the very first Public Health Nurses in Tioga County is here tonight and is

Margaret's mother in-law, Dora Shuler. Margaret on behalf of the Tioga County Employee Recognition Committee thank you for your service and commitment, and congratulations on your recognition as the Tioga County Employee of the Quarter."

Elaine Doupe, Director of Patient Services, spoke. "Margaret works for me and I just think she is probably one of the most wonderful nurses I have ever seen. She not only is very caring, but she is extremely level headed and what I really want to say about Margaret is that she is an ideal employee. She is flexible, she can go with the flow, she is highly organized, she has worked probably in every place in our division including serving as a home care nurse when we were down to four nurses four years ago. She just stepped right in and she does very well.

"She also shows a marvelous gift which is important in Public Health for seeing the positive in other people, knowing how to take that and use that to promote their adjusting and improving their own health and well being. In fact she had this wonderful little saying over her desk for a long time about a mother who vaccinates her daughter with love or something on that order, and that is exactly what Margaret does and I am really hoping her daughter that is here will be a nurse too. Can you imagine three generations of nurses in public health care? That is really all that I need to say. Marilyn Reynolds works more directly with her and she will give you more interesting details."

Marilyn Reynolds spoke. "I was asked to say a little something so I put together this all, but on a serious note practically everything has been said. I have had the privilege and the blessing of working with Margaret for almost ten years and Margaret certainly has the flexibility. The only thing that she has ever said no to is that she will not be a CPR Instructor with me, but everything else, whatever is brought up, she is right there and even though she is only part time you would never know it. She works her schedule and we are trying to fit in flu clinics right now and then the H1N1, oh my goodness, but she just said you give me the schedule and I will work my schedule around it and that is just how wonderful she is.

"She is an excellent teacher and students ask for her because she is such a good teacher, and I think the most exciting thing for me as a Public Health Nurse is she has worked long enough at Tioga County Health Department that she sees people who were babies and are now mothers, so she is actually spanning three generations of people now. That is really exciting to have somebody who has been here so long."

Hans Peeters, Public Health Director, spoke. “I do not work with Margaret that often, but I do hear a lot of good things about her. One thing is that she is from Alfred University and if you are not aware of it that is in Allegany County where I used to work. I want to thank her for doing that and I was on one of the committees over there.

“I have heard nothing but good things. She is loyal, professional, all the other stuff that you always hear from employees, but she does promote Public Health and that is the key to the nursing staff. I am sorry Margaret I left my umbrella in the car. She does do presentations and she brings an umbrella for covering all the stuff that Public Health gets. I brought it and I left it in my car.

“She has been a great employee. She is a role model for others and she is definitely devoted to her profession. Apparently this is her year for awards. She has gotten an award in our department for team member and now she has gotten a county award, and there will be other ones coming her way before the end of the year is over that she is not aware of. I just do want to say that when she talked to our whole department she showed what public health is all about, and Margaret is what I consider public health. She is a great gal and I am happy to have her, and like I said she is really what I consider a true public health professional. Thank you.”

Legislator Huttleston presented a plaque and an award to Margaret Shuler. “This is quite an honor and I want to say that it is not this legislative body that makes this county what it is, it is people like Margaret that makes the county what it is. We have a lot of good employees and we really appreciate them and it makes my job easier and congratulations.”

Margaret Shuler spoke. “Well I have to say that when you work for such a great place with such great people I sometimes am in awe of my coworkers, how can you not do a good job? I have some coworkers so dedicated. The clock means nothing to them. They do what they need to do to get the job done and it has been a privilege working under such terrific people and with such terrific people. It really is a team effort. It is almost embarrassing for me to get this award because I feel like it is all of us in my department.

“I am going to tell a very quick little story. I know you have a lot of stuff to get done here, but it kind of tells how I feel about public health in the county. About twenty-five years ago my husband and I were in a little town in Montana for about three or four months called Winifred, Montana with two hundred residents. During the three months we were there we did get to know everybody pretty well because when there is only two hundred you do. About 50 lived in town and the rest were all ranchers that lived over thousands of acres around the town.

“Well when we got talking with different ranchers we heard a neat story from one of the ranchers and he admitted that he was the new guy on the block. He had only been there about thirty years and most of the other ranchers had inherited their ranches from their fathers and grandfathers, and someone asked him how he ended up coming out there and he said that he came from South Dakota, sold his ranch there and moved into Winifred, Montana and bought a ranch there.

“The first year he was there, when it came time to plant he got very sick. I never did find out what the problem was, but he ended up in the hospital for several months and then when he actually got out of the hospital he had to go for appointments a lot so they stayed in Town for six months because if you do not know this about Montana they have very special soil and if it gets wet it will rip the fenders off your car or truck so you do not go anywhere when it gets wet. Because they needed to get to town they stayed in the small town so they could get to medical facilities. Well while he was in town the fellow ranchers planted his crops for him and when he got back he could not believe that they planted them. He was still sick enough when it came time to harvest them so they all harvested his crops for him. He said to us how could I not stay? We had thought that I would not be able to stay because we were not going to be able to have a crop and I would not be able to afford to stay, but after the people did something like that how could I not stay and I have to say that about the county and the health department.

“I have flexed for them, but they have flexed for me. When I had my children, when I wanted to go to Alaska with my husband and take an unpaid leave, when I went through cancer treatments seven years ago, they flexed for me. How can I not stay is what I want to say. It has been a privilege working for the health department. It has been exciting. It is not a boring job. Every time I think I know enough about one thing they toss me to something else so it is like I have done fifteen different jobs. The twenty-five years have gone awfully fast. I have learned a lot. I have grown up as a nurse at the health department and I do love Public Health. Thank you so much.”

Legislator Weston asked for a motion to pass all four Recognition Resolutions Unanimously. Moved and seconded unanimously, and carried unanimously.

Legislator Huttleston read and presented the following Recognition Resolution to Shawn Yetter in Lynn Wool’s absence.

**REFERRED TO: HEALTH & HUMAN SERVICES**

**RESOLUTION NO. 241-09      *RECOGNITION OF LYNN WOOL'S  
YEARS OF SERVICE  
SOCIAL SERVICES***

**Adoption moved unanimously,  
Seconded unanimously.**

**WHEREAS: Lynn Wool began her career as a Social Welfare Examiner for the Department of Social Services on October 23, 1989 and was promoted to Managed Care Coordinator on November 1, 1993 – the title she holds today; and**

**WHEREAS: Ms. Wool has seen many changes within the Social Services Department in her nearly twenty years with them and has grown in these changes; and**

**WHEREAS: Ms. Wool will retire on September 26, 2009; 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 Lynn Wool for her nearly twenty 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, Lynn Wool.**

**CARRIED UNANIMOUSLY**

**“Shawn Yetter, Commissioner of Social Services, spoke. “Even though Lynn is not here this evening I do just want to briefly mention and thank Lynn publicly for her 20 years of service to the Department of Social Services. Lynn as many of our employees are is one of those individuals who comes to work everyday to work hard and is dedicated to the people of the county, and as a Managed Care Coordinator had a very unique roll and embraced that role and did it very efficiently and very effectively.**

**“One thing very special about Lynn was she was always willing to come to the forefront in regards to community involvement. She would take on some of the meetings that many of us either did not have the time to do or did not have the desire to do frankly, and she would always step up for some of those medically-related meetings and go out and do things and represent administrative staff in a very competent and well way for the people of the county, and I just want to publicly thank Lynn for that. She is in Rochester tonight doing the closing for her**

home. I think literally within hours after retiring she is moving to Rochester to be near her family and expectant grandchild, and we wish Lynn all the very best.”

Legislator Huttleston read and presented the following Recognition Resolution to Carol Roadcap.

**REFERRED TO: HEALTH & HUMAN SERVICES**

**RESOLUTION NO. 242-09**      *RECOGNITION OF CAROL A. ROADCAP'S  
YEARS OF SERVICE  
SOCIAL SERVICES*

Adoption moved unanimously,  
Seconded unanimously.

**WHEREAS:** Carol Roadcap began her career as a Temporary Clerk-Typist for the Department of Social Services on July 27, 1983 and was made permanent in that position on February 6, 1984, and was promoted to Social Welfare Examiner on March 17, 1986 – the title she holds today; and

**WHEREAS:** Ms. Roadcap has seen many changes within the Social Services Department in her twenty-six years with them and has grown in these changes; and

**WHEREAS:** Ms. Roadcap will retire on October 3, 2009; 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 Carol Roadcap for her twenty-six 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, Carol Roadcap.

**CARRIED UNANIMOUSLY**

Legislator Huttleston spoke. “What was it Kenny Rogers said, you picked a fine time to leave us, 600 children and the crops in the field.”

Shawn Yetter, Commissioner of Social Services, spoke. Carol, I would like to thank you and congratulate you on behalf of the Department and the County for your years of services to Tioga County and the Department of Social Services. Carol likewise is an employee who came to work everyday dedicated to her job and worked very hard, and the number of people that she assisted in the county could not even begin to be counted.

“Carol I look around this room tonight and I think there are more DSS retirees here than we have current employees. You are now joining the ranks of a group of people who look a lot better now than they did when they worked. You have something to look forward to Carol. We recognized Carol when she celebrated her twenty-fifth year this past spring and I am not going to repeat everything I said at that event, but there is one story I have got to tell Carol because Eleanor is here.

“I spent some time talking about the fact that Carol is the ideal employee because her personnel file is just plain boring, there is not much in it, and that is what you want after 26 years, you want a real thin personnel file, but there are two things in there and I will just mention what one of them is. One of them is a memo that Eleanor, who all of us from DSS remember very fondly from working with her, had to send you a memo in 1984 because you had advised a fellow employee who was calling in sick that you thought they had better get to work, and Eleanor just wanted to let you know that that kind of advice should just come from a Supervisor, however I did let Carol know Eleanor that she can take those calls anytime she wants from employees calling in sick.

“The important thing to know about Carol is that not only have you helped so many people and your work has been so important to the residents of Tioga County, but the important thing that I always appreciate about Carol is that she is just so honest and upright, and she is who she is. You get the full package when you look at Carol and you know what you are getting. She is integrity and she is hard work, and on behalf of all of us at the Department we thank you and we wish you the happiest and finest retirement.”

Carol Roadcap spoke. “I do not know what to say. I have loved my job and I have always loved my job. I really do not want to go. They are not kicking me out the door, but something just struck me and I thought this is the time. My boyfriend and I would like to spend some time traveling. We both have nice new vehicles at this point and I got myself a hot tub. I will be doing a lot of stuff in the hot tub and the car. I just want to say thank you to everybody. It has been a wonderful career and I am going to miss everybody very much. Thank you.”

Legislator Roberts read and presented the following two recognition resolutions to William Caloroso and Samuel Thomas.

**REFERRED TO:**

**ED&P COMMITTEE**

**RESOLUTION NO. 243-09**

***RESOLUTION RECOGNIZING  
WILLIAM E. CALOROSO'S  
15 YEARS OF DEDICATED SERVICE TO  
TIOGA COUNTY***

**Adoption moved by Unanimously,  
seconded by Unanimously.**

**WHEREAS: William E. Caloroso was appointed to the position of Board Member of the Tioga County Industrial Development Agency on 1/1/94 and appointed to the position of Board Member of the Tioga County Local Development Corporation on 1/1/94; and**

**WHEREAS: William E. Caloroso has faithfully volunteered his time and has been dedicated and loyal in the performance of his duties and responsibilities during the past 15 years, thereby earning the respect of his colleagues and peers throughout Tioga County; and**

**WHEREAS: William E. Caloroso will retire from the Tioga County Industrial Development Agency and the Tioga County Local Development Corporation Board of Directors on December 31, 2009; 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 William E. Caloroso for his 15 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 volunteer, William E. Caloroso.**

**CARRIED UNANIMOUSLY**

**REFERRED TO:**

**ED&P COMMITTEE**

**RESOLUTION NO. 244-09**

***RESOLUTION RECOGNIZING  
SAMUEL F. THOMAS' 15 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY***

**Adoption moved Unanimously,  
seconded Unanimously.**

**WHEREAS: Samuel F. Thomas was appointed to the position of Board Member of the Tioga County Industrial Development Agency on 7/01/94 and appointed to the position of Board Member of the Tioga County Local Development Corporation on 2/14/96; and**

**WHEREAS: Samuel F. Thomas has faithfully volunteered his time and has been dedicated and loyal in the performance of his duties and responsibilities during the past 15 years, thereby earning the respect of his colleagues and peers throughout Tioga County; and**

**WHEREAS: Samuel F. Thomas has retired from the Tioga County Local Development Corporation Board of Directors and will retire from the Tioga County Industrial Development Agency Board of Directors on December 31, 2009; 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 Samuel F. Thomas for his 15 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 volunteer, Samuel F. Thomas.**

**CARRIED UNANIMOUSLY**

**Doug Barton, Director of Economic Development & Planning, spoke. “Aaron Gowan, Chair of the Tioga County IDA, had planned to be here to honor Bill and Sam, but some unexpected business has kept him from being here and he extends his appreciation for your years of service.**

**“I have had the pleasure of working with Sam and Bill on the IDA and LDC Boards for the last six years, but I have also known and worked with them prior to that. I worked under Bill as a Legislator and with Sam as a local banker. Bill’s commitment to the community has been through Town and County Government among other things. Sam’s commitment to the community was obvious through his work at Community Bank. Community strength comes from many different things. It is history. It is jobs. It is schools. It is culture and leaders to name just a few, but to me what truly defines a community and makes a community stand out are the people who freely volunteer their time and talent. We see this in our Churches, our community organizations, our youth sport’s programs, cultural organizations, and a multitude of boards that exist. That is where Sam and Bill have excelled. They have freely committed that time and their time to the IDA and LDC Boards for over 15 years, over 15 years of monthly meetings, 15 years of serving on special committees for those Boards, over 15 years of helping Tioga County’s businesses**

survive and thrive. On behalf of these Boards and personally I want to thank you both, but more importantly the community thanks you both. Thank you.”

Legislator Oberbeck read and presented the following Proclamation on the 2009 Cornell Cooperative Extension Week and the National 4-H Week to Autumn Lavine of Cornell Cooperative Extension.

**2009 Cornell Cooperative Extension Week  
and National 4-H Week  
PROCLAMATION**

**WHEREAS:** Cornell Cooperative Extension of Tioga County (CCE Tioga) enables people to improve their lives and communities through partnerships that put experience and research knowledge to work; and

**WHEREAS:** CCE Tioga is a nonprofit association led by volunteers from across Tioga County and is part of Cornell Cooperative Extension, a partnership between federal, state, and county governments, as authorized by NYS County Law 224 and the Federal Smith Lever Act; and

**WHEREAS:** CCE Tioga serves the residents of Tioga County through **4-H Youth Development** programs that provide opportunities for youth to have fun, learn life skills, and work with caring adults, including 4-H clubs; the Tioga County Youth Fair, PYLI Youth Leadership Training, the Phoenix Kids Café; Tractor Safety, Shooting Sports, Living History; Giant Pumpkin and Incubation and Embryology programs, and

**WHEREAS:** CCE Tioga also serves the residents of Tioga County through **Agriculture and Natural Resources** programs that assist dairy, livestock, and fruit and vegetable farmers with business development, production, marketing, and management issues; and by supporting the development and expansion of Farmers’ Markets; by assisting landowners in finding answers to questions related to land use; and by partnering with other entities in efforts to increase consumer awareness, understanding, and appreciation of local agriculture; and

**WHEREAS:** CCE Tioga also serves the residents of Tioga County through **Family Development** programs that help adults gain knowledge and build skills for nurturing the development of children, including the Owego and Waverly Family Resource Centers and the Reunification program, which helps place foster children back with their parents; and

**WHEREAS:** CCE Tioga also serves the residents of Tioga County through **Community Nutrition and Wellness** programs that improve diet quality, reduce food insecurity, improve food safety practices and improve food resource management skills among food stamp recipients in Tioga County; by training and organizing the Tioga County Master Gardeners; by encouraging and supporting the development of community gardens; and by working with health professionals and local agencies to find effective ways to address health issues such as childhood obesity; and

**WHEREAS:** CCE Tioga also serves the residents of Tioga County by supporting **Community Development** programs and partnerships that encourage broad based, sustainable economic development, personal leadership development and/or active participation in community decision-making including Tioga REAP, LDC and the Tioga-Broome Reality Check program; and

**WHEREAS:** October 4<sup>th</sup> through 10<sup>th</sup> is being recognized as National 4-H Week across the United States, and CCE Week across New York State; therefore

**THE TIOGA COUNTY LEGISLATURE** hereby designates the week of Oct. 4th to Oct. 10th, 2009 as  
 Cornell Cooperative Extension Week  
 and National 4-H Week in Tioga County

**Autumn Lavine from Cornell Cooperative Extension spoke. “On behalf of Cornell Cooperative Extension and the Tioga County 4-H Program I am very happy to accept this Proclamation and the Tioga County 4-H Program looks forward to many more years of serving the youth of Tioga County. Thank you.”**

**“Legislator Sauerbrey read and presented the following Proclamation on the 2009 Tioga Opportunities Angel Action Group Workcamp to Kathleen Horner, Executive Director, Dave Woodburn, Deputy, and Shawn Yetter, President Board of Directors. “This is a perfect example of a community working together to help everybody.”**

**2009 Tioga Opportunities  
 Angel Action Group Workcamp  
 PROCLAMATION**

**WHEREAS:** On July 26, 2009 over 400 volunteers arrived in Owego from Colorado, Massachusetts, Delaware, New Hampshire, Illinois, Pennsylvania, Maryland, Maine, Michigan, New Jersey, New York and Connecticut to attend a summer Group Work Camp; and

**WHEREAS:** This was Tioga Opportunities, Inc. third year working with the Group Workcamp Foundation to provide free home repairs for the elderly, disabled and low income families in Tioga County; and

**WHEREAS:** During the 2009 Group Workcamp, home improvements were made to 48 homes in Apalachin, Barton, Berkshire, Candor, Campville, Lockwood, Newark Valley, Owego, Richford, Spencer, and Van Etten; and

**WHEREAS:** In five days over 15,000 hours of volunteer work was performed by teenagers and adult leaders representing faith based organizations from 12 different states; and

**WHEREAS:** Owego-Apalachin Schools provided shelter and food. The cafeteria staff prepared and served over 6,000 meals; and

**WHEREAS:** Tioga Opportunities received \$14,625.00 in contributions from Visions Federal Credit Union, Scott Smith & Son, Owego Rotary Club, Owego Kiwanis, Apalachin Lions Club, Tioga State Bank, Chemung Canal Trust, Jeanne Dunham and Gertrude Baker; and

**WHEREAS:** In addition to working on homes, the volunteers donated over 2,500 pounds of non-perishable foods which was dispersed to 9 local food pantries; therefore be it

**RESOLVED:** That the Tioga County Legislature extends our appreciation to the Angel Action Group Workcamp Foundation, Owego-Apalachin Schools, local municipalities, local businesses, service and church organizations, local media and all individuals who helped make the 2009 Angel Action Group Workcamp a success.

Legislator Sauerbrey spoke. "Thank you to Tioga Opportunities for having the vision and the foresight to see and bring this benefit to us."

Kathleen Horner, Executive Director, spoke. "Thank you and thank you very much for the recognition. This is one of those events that not only make me very proud to be part of Tioga Opportunities, but also very proud of this community because in addition to the fact that we had so many people coming here and that we shared our community, the community gives back so much to the volunteers that we had the record number of return visits by children who had opportunities to go to hundreds of other places throughout the country. In addition to that, the generosity of the community and the support from the community has made us a training ground for other volunteer organizations who might be interested in this program.

"This started out as a little newspaper clip that I saw in some newsletter three or four years ago, and with that I went to the Board of Directors who thought I was a little crazy, but who supported me in a let's try it, let's see what happens, and it has really grown into a major event that I am really proud of and that we have helped so many families and so many homes improve the environment throughout the community. I also want to express my great thanks and appreciation to Shawn as the Board President of our organization, but also to Dave Woodburn who serves as the Deputy and the catchall for all things that do not fit in any of the other departments, and this program was "oh by the way did you know that this is one of your jobs", and he has done a wonderful job and I am really proud of him for the effort too that he has made."

Jim Parente had privilege of the floor. “I hate to put a damper on all these wonderful things that have been going on so far, people retiring and all the volunteers and the wonderful things that people have done by talking about assessments because I know no one likes that. I have been a resident of Tioga County for my entire life except for the years I was away at college. There are two things that I would like to address the Legislature concerning and I realize I have five minutes to do so.

“The first is concerning the assessment system in the Town of Barton. Supposedly in the Town of Barton the assessment system has gone to a market value type of system. That is not really being done. There are people who are being over assessed. There are people who are being under assessed and there are other people who are receiving fair assessments. I do not know if the Legislature can help in this. These are very very hard times and I think people need to take some hard looks at what is going on in the Town of Barton.

“I was put through the process this year. In 2006 I built a home outside of Waverly. This past spring I saw my assessment skyrocket. When I went to the assessor I was told when I asked why this was done, I was told because I was undervalued. My property was undervalued, under assessed. If I did not like it then I could go to grievance night and grievance committee which I chose to do. When I went to grievance committee I was denied even though when I went on line and checked to see comparable properties I was indeed over assessed in my opinion. I went to the Town of Barton Board and was told nothing could be done for me. I could go to Small Claims Court which I did do. That resulted in my assessment being reversed to what I had originally asked for. The problem is I do not think a taxpayer should be put through the time, the aggravation, the money, and the effort that I had to go through to get my assessment reversed to what could have been done in the first place.

“What this is going to result in is I am putting my property up for sale. This is the house I was going to retire in in Waverly. In the spring it will be put up for sale and I will be leaving New York. We should be attempting to draw people here and as I said I have been a resident of this County except for the years I was in college my entire life and my wife and I are going to be leaving. I think something ought to be done. I think some hard looks ought to be looked at and seen, and we should be trying to bring not only people here and young people here, but business here as well, not drive them out. I know as a Legislature it is a tough task to try to bring businesses in, but I think you have to work very very hard to bring in businesses and try to take the tax burden off of the backs of individuals and taxpayers.

**“In Chemung County they have done this. The taxes in Chemung County have gone down or stayed the same in the last 10 years and it has done so by bringing in businesses to help share the burden of the taxation. I do not know if the Legislature can help at all. Other people were too intimidated to speak out. There were a number of people who talked to me and expressed the same views I have, but were to intimidated or scared to speak out for fear that their assessments would be increased even more than they already are. I will probably go through this procedure again this coming year and it is a sad commentary that a taxpayer has to be put through this, and the fact that my assessment was reversed and I am still paying taxes higher than anyone in our neighborhood even though other properties are very comparable to mine. To make a long story short it is neither fair, it is neither right. I did not ask for favors. I did not ask for bailouts. I asked for fairness. This was not done in the Town of Barton. As I said come spring my house will be put up for sale and I will be leaving. I appreciate the time to speak. Thank you.”**

**Kathy Roush had privilege of the floor. “I have a few remarks on behalf of the Retirees Association. Carol is still here. When you are not in the hot tub or in your car there is another job for you. Several months ago the County Personnel Officer contacted the President of our Tioga County Retirees Association to suggest a meeting at which she could present the changes being considered for retiree health benefits. Since then there have been several meetings held that included the Personnel Officer, the Benefits Coordinator, and Officers of the Retirees Association. We discussed the health benefit changes being considered by the Legislature and we were asked if we thought the retirees would voluntarily agree to changes in our benefits that would be less costly to the County. Input regarding this question was obtained from the retirees by way of a survey which indicated that a majority of those County retirees who returned the survey would be willing to voluntarily increase their contribution to their health insurance by up to \$10.00 a month. This was based on our understanding that health insurance costs have and are increasing which we understand, although any increase is rough since the vast majority of retirees are on a fixed income. We have lots of retirees in their 70s and 80s, and 90 for that matter.**

**“As one retired public health nurse said to me however we need to show the Legislators we are givers, not just takers. The Retirees Association is appreciative of the outreach efforts of the Personnel Officer who has extended to us the courtesy of explaining possible changes to our benefits before it was decision making time and has asked for our input. Similarly I appreciate recent opportunities at committee meetings and a Legislative worksession to explain and elaborate on the retiree’s position. 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		745.53
A1165	District Attorney		12,976.81
A1170	Public Defender		2,182.39
A1172	Assigned Counsel		16,614.03
A1325	Treasurer		787.50
A1345	Purchasing		61.89
A1355	Assessments		178.15
A1410	County Clerk		427.71
A1411	Department of Motor Vehicles		3,162.52
A1420	Law		2,516.72
A1430	Personnel		978.24
A1450	Elections	479.65	1,513.00
A1460	Records Management		74.45
A1490	Public Works Administration		304.06
A1620	Buildings	186.83	74,019.93
A1680	Information Technology		10,486.24
A2960	Education of Handicapped Children		184,647.48
A3020	Public Safety Communication E911		5,314.08
A3110	Sheriff	323.15	12,538.17
A3110.41	Sheriff-Court Attendants		4,157.78
A3117	Sheriff LEO7-1003-E00 Grant	9,450.00	
A3140	Probation		632.24
A3142	Alternatives to Incarceration		1,393.25
A3146	Sex Offender Program		8,766.67
A3150	Jail		42,381.76
A3410	Fire		5,381.34
A3640	Emergency Mgmt Office		491.99
A3653	EMO Grant Education	375.00	
A4010	Public Health Nursing	559.90	43,553.20
A4011	Public Health Administration	135.99	3,752.97
A4012	Public Health Education	1,790.20	8,146.75
A4042	Rabies Control		1,689.50
A4044	Early Intervention		49,849.93
A4053	Preventive/Primary Health Services		162.82
A4054	Preventive Dental Services		2,775.33
A4064	Managed Care-Dental Services		15,778.35
A4070	Disease Control		3,546.25
A4090	Environmental Health		6,689.70
A4210	Alcohol and Drug Services		27,557.53
A4211	Council on Alcoholism		21,122.66
A4309	Mental Hygiene Co Admin		9,061.17

A4310	Mental Health Clinic	116,961.33
A4315	Mental Retardation	25,454.24
A4320	Crisis Intervention Services	11,902.14
A4321	Intensive Case Management	2,084.57
A6010	Social Services Administration	72,887.53
A6422	Economic Development	167.56
A6510	Veterans' Service	30.00
A6610	Sealer of Weights & Measures	771.42
A7310	Youth Programs, Refundable	21,985.53
A8020	Planning	40.00
A9060	Health Insurance	2,504.92
SOLID WASTE FUND		94,584.09
COUNTY ROAD FUND		113,836.92
SPECIAL GRANT FUND		15,615.47
CONSOLIDATED HEALTH FUND		900,098.86
CAPITAL FUND		101,142.44
LIABILITY INSURANCE FUND		1,470.87
WORKERS' COMP		<u>6,633.00</u>
GRAND TOTAL		\$2,087,891.70

Legislator Sauerbrey made a motion to approve the minutes of August 11, 2009, seconded by Legislator Roberts, and carried.

Chair Weston made the following appointment to the Broome-Tioga Workforce Development Board:

Economic Development & Planning Director – 7/1/09-6/30/12

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 245-09

*APPOINT MEMBER TO THE  
TIOGA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY  
(TCIDA)*

Adoption moved by Legislator Monell,  
seconded by Legislator Oberbeck.

**WHEREAS:** Pursuant to §856(2) of the General Municipal Law the members of the Tioga County Industrial Development Agency (TCIDA) serve at the pleasure of the Legislature without a term until they either resign or are replaced by the Legislature; and

**WHEREAS:** Samuel F. Thomas has faithfully volunteered his time and has been dedicated and loyal in the performance of his duties and responsibilities during the past fifteen years on the Tioga County Industrial Development Agency (TCIDA) Board of Directors; and

**WHEREAS:** Samuel F. Thomas has expressed he will resign from the Tioga County Industrial Development Agency Board of Directors on December 31, 2009; and

**WHEREAS:** The Tioga County Industrial Development Agency (TCIDA) Board of Directors desires to fill this vacant position; and

**WHEREAS:** Dean Daniels has expressed a desire to serve on the Tioga County Industrial Development Agency (TCIDA); now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Dean Daniels to replace Sam Thomas' position on the Tioga County Industrial Development Agency Board of Directors effective January 1, 2010.

**CARRIED**

**REFERRED TO:**

**ED&P COMMITTEE**

**RESOLUTION NO. 246-09**

*APPOINT MEMBER TO THE  
TIOGA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY  
(TCIDA)*

**Adoption moved by Legislator Monell,  
seconded by Legislator Oberbeck.**

**WHEREAS:** Pursuant to §856(2) of the General Municipal Law the members of the Tioga County Industrial Development Agency (TCIDA) serve at the pleasure of the Legislature without a term until they either resign or are replaced by the Legislature; and

**WHEREAS:** William E. Caloroso has faithfully volunteered his time and has been dedicated and loyal in the performance of his duties and responsibilities during the past fifteen years on the Tioga County Industrial Development Agency (TCIDA) Board of Directors; and

**WHEREAS:** William E. Caloroso has expressed he will resign from the Tioga County Industrial Development Agency Board of Directors on December 31, 2009; and

**WHEREAS:** The Tioga County Industrial Development Agency (TCIDA) Board of Directors desires to fill this vacant position; and

**WHEREAS:** Kevin Dougherty has expressed a desire to serve on the Tioga County Industrial Development Agency (TCIDA); now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Kevin Dougherty to replace William Caloroso's position on the Tioga County Industrial Development Agency Board of Directors effective January 1, 2010.

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 247-09**

***ERRONEOUS ASSESSMENT  
TOWN OF CANDOR***

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**WHEREAS:** An application for corrected tax roll indicates that property no. 2207 assessed to Paul Zamoiski and Alicia Schultz on the 2009 tax roll of the Town of Candor is erroneous in that the property was assessed for 79.20 acres and a survey determined the parcel has only 60 acres, therefore the assessment was lowered from \$3,160 to \$2,400; and

**WHEREAS:** The \$3,160 assessment on property no. 2207 was also used for the 2008/2009 school taxes which were returned as unpaid and relieved to the 2009 town and county tax bill; and

**WHEREAS:** The 2009 taxes for property no. 2207 assessed to Paul Zamoiski and Alicia Schultz, including the relieved school tax amount were paid 5/6/09; be it therefore

**RESOLVED:** That a refund of \$357.25 be issued to Paul Zamoiski and Alicia Shultz for overpayment of the 2009 taxes for property no. 2207; and be it further

**RESOLVED:** That the erroneous town tax of \$54.65 be charged back to the Town of Candor and the erroneous fire tax of \$14.77 be charged back to the Candor Fire District; and be it further

**RESOLVED:** That the erroneous solid waste tax of \$3.67 be charged back to the Solid Waste Fund; and be it further

**RESOLVED:** That the erroneous school tax and interest of \$183.89 be charged back to the Candor School District; and be it further

**RESOLVED:** That the erroneous county tax and school penalty of \$100.27 be charged to the proper account in the records of the County Treasurer.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:**

**ED&P COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 248-09**

***APPROPRIATION OF  
ADDITIONAL REVENUE FOR  
THE SNOWMOBILE GRANT  
PROGRAM – ECONOMIC  
DEVELOPMENT & PLANNING***

**Adoption moved by Legislator Monell,  
seconded by Legislator Oberbeck.**

**WHEREAS:** The Snowmobile Grant Program, per Resolution 65-09, received an unanticipated additional funding of \$18,545 for the 2009 calendar year; and

**WHEREAS:** The Snowmobile Grant Program received the final adjusted 30% funding of \$4,945.07 for the 2009 calendar year; therefore be it

**RESOLVED:** That the additional \$4,945.07 be appropriated from A3989 State Aid Snowmobile Grant Program to Snowmobile Grant Account A7180.40-590.

Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 249-09 TRANSFER OF FUNDS  
PUBLIC HEALTH

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.

**WHEREAS:** The costs of the mandated Handicapped Education Program (3-5) and Early Intervention (EI) program have increased due to the increased number of children in the programs, as well as the high level of need for mandated services; and

**WHEREAS:** Additional funding is needed to meet the costs of the Handicapped Education and Early Intervention programs in 2009; and

**WHEREAS:** The Legislature directed Public Health to reduce the budgeted funds in the 2009 County budget to reduce potential taxation in case it was not needed; with the understanding that if needed, the funding would come from County contingency funds in 2009; and

**WHEREAS:** Public Health has determined the amount of additional funding needed for both mandated programs through the balance of 2009; and

**WHEREAS:** Public Health is not requesting the entire amount projected as needed for the balance of 2009, with the intent of delaying the request of some of the needed funds until later in 2009 to allow for any decreases in costs that could result from an unanticipated drop in the number of clients and/or less mandated services in the coming months; and

**WHEREAS:** The additional costs of the Handicapped Education and Early Intervention programs will result in additional revenue and state aid reimbursement, decreasing the amount needed from County contingency funds; and

**WHEREAS:** Transfer of funds requires Legislative approval, therefore be it

**RESOLVED:** That funds be transferred as follows:

<b>From: A1610.16</b>	<b>Handicapped Education Fees</b>	<b>\$ 50,000</b>
<b>A1610.17</b>	<b>Early Intervention Fees</b>	<b>\$ 94,788</b>
<b>A3460.00</b>	<b>State Aid: Handicapped Education</b>	<b>\$ 242,347</b>
<b>A1990.40-715</b>	<b>County Contingency Account</b>	<b>\$ 262,185</b>
<b>To: A2960.40-590</b>	<b>Handicapped Education- Contractual Services</b>	<b>\$491,340</b>
<b>A4044.20-130</b>	<b>Early Intervention- Equipment</b>	<b>\$ 6,180</b>
<b>A4044.40-140</b>	<b>Early Intervention- Contracting Services</b>	<b>\$ 151,800</b>

**Roll Call:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

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

**RESOLUTION NO. 250-09      *APPROPRIATION OF FUNDS***  
***PUBLIC HEALTH***

**Adoption moved by Legislator Huttleston,**  
**Seconded by Legislator Oberbeck.**

**WHEREAS:** Tioga County Public Health has been awarded the “Give Kids A Smile” grant from the NYS Dental Foundation for exemplary provision of services by the Mobile Dental Services program to the residents of Tioga County, particularly to the non-insured and underinsured children of our County; and

**WHEREAS:** The grant award is intended for any necessary improvements in the program for children, including the maintenance and upgrades to the Mobile Dental Services facilities; and

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

**RESOLVED:** That funding be appropriated as follows:

<b>From: A1610.20</b>	<b>Dental Van Fees</b>	<b>\$ 5,000</b>
<b>To: A4064.40-595</b>	<b>Dental Van Services Rendered</b>	<b>\$ 5,000</b>

Roll Call:  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO: PUBLIC WORKS**

**RESOLUTION NO. 251-09**                    *TRANSFER FUNDS FROM  
 EAST RIVER RD BRIDGE  
 TO COURT HOUSE  
 PROJECT*

Adoption moved by Legislator Roberts,  
 seconded by Legislator Huttleston.

**WHEREAS:** The Tioga County Legislature has authorized the Commissioner of Public Works to do Court House exterior renovations; and

**WHEREAS:** The costs for this work has come in over the amount budgeted; and

**WHEREAS:** The East River Rd. Bridges Project is completed and has an excess of \$210,000; therefore be it

**RESOLVED:** That the sum of \$210,000 is hereby appropriated as follows:

From: East River Rd. Bridges Account H2007.06	\$210,000
To: Court House Ext. Renovation H1620.20-927	\$210,000

Roll Call:  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO: PUBLIC WORKS**

**RESOLUTION NO. 252-09**                    *AWARD BID FOR COURT HOUSE  
 PROJECT*

Adoption moved by Legislator Roberts,  
 seconded by Legislator Huttleston.



**WHEREAS:** The bid results were as follows:

1. R. DeVincentis Construction, Inc.	Binghamton, NY	\$1,224,000.00
2. Vector Construction Corp.	Cicero, NY	\$1,262,289.50
3. Barrett Paving Materials, Inc.	Liverpool, NY	\$1,274,663.63
4. Economy Paving Co., Inc.	Cortland, NY	\$1,286,018.52
5. Procon Contracting, Inc.	Vestal, NY	\$1,415,000.00
6. Fahs Construction	Binghamton, NY	\$1,428,880.50
7. Silverline Construction	Burdett, NY	\$1,433,437.50

And

**WHEREAS:** McFarland Johnson Inc., Binghamton, NY has reviewed the bid proposals and recommends awarding the project to the low bidder R. DeVincentis Construction, Binghamton, NY, which satisfies the requirement for qualifications; therefore be it

**RESOLVED:** That the Tioga County Legislature award the bid for the replacement of the Southside Drive Bridge (BIN 3335530) to the low bidder R. DeVincentis, Binghamton, NY not to exceed \$1,224,000.00 to be paid out of Southside Drive Bridge H2008.08.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:**

**PUBLIC WORKS**

**RESOLUTION NO. 254-09**

***AWARD CONSTRUCTION  
INSPECTION CONTRACT TO  
MCFARLAND JOHNSON FOR  
SOUTHSIDE DRIVE BRIDGE***

Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.

**WHEREAS:** The Southside Drive Bridge (BIN 3335530) Project over Pumpelly Creek in the Village of Owego, NY will require inspection services during the duration of the project; and

**WHEREAS:** McFarland Johnson Engineers, Binghamton, NY has successfully completed the NYSDOT Selection process for engineering services; therefore be it

**RESOLVED:** That the Tioga County Legislature approve the hiring of McFarland-Johnson, Binghamton, NY for inspection services not to exceed \$250,000 to begin immediately with a completion date of November 30, 2010; and be it further

**RESOLVED:** That these services should be paid out of Southside Drive Bridge Project Account H2008.08.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERREED TO:** AG COMMITTEE  
ED&P COMMITTEE

**RESOLUTION NO. 255-09** *APPLY FOR NYS DAM COUNTY  
AGRICULTURAL AND FARMLAND  
PROTECTION PLAN UPDATE GRANT*

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**WHEREAS:** The NYS Department of Agriculture and Markets has made available a funding opportunity for counties to update their Agricultural and Farmland Protection Plans that are at least 10 years old and Tioga County’s current plan was approved by the Commissioner of NYS DAM in February 1999 so it is eligible for these funds; and

**WHEREAS:** This grant source requires a 50% match made up of a combination of cash and in-kind services; and

**WHEREAS:** Tioga County realizes the importance of protecting local farmland, its significance to the County, and the importance of developing a written protection plan for that farmland; and

**WHEREAS:** The Tioga County Agricultural and Farmland Protection Plan grant will be submitted at a total of \$30,000, with a \$15,000 request from Ag & Markets plus \$7,000 cash match and \$8,000 in-kind from Planning as well as Tioga County Cornell Cooperative Extension and Tioga County Soil & Water Conservation District, which have both provided support and commitment letters; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby authorizes submission and administration of said grant to NYS Department of Agricultural and Markets in the amount of \$30,000 and commits a cash match of \$2,000 from the Planning Department budget, along with \$4,000 in-kind from Planning Department staff.

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:** INFORMATION TECHNOLOGY

**RESOLUTION NO. 256-09** *AUTHORIZATION TO HIRE  
 CONSULTANT TO CONNECT TELEPHONE  
 EXTENSION TO ELECTRIC METER*

Adoption moved by Legislator Monell,  
 seconded by Legislator Sauerbrey.

**WHEREAS:** The Information Technology and Communication Services Department is responsible for the telephone system for Tioga County; and

**WHEREAS:** NYSEG installed an electric meter telephone demark box at HHS that requires a dedicated phone connection for NYSEG to monitor this equipment; and

**WHEREAS:** All-Mode Communications has been selected as the vendor to install the telephone connection; and

**WHEREAS:** The payment of said services is not to exceed \$1,155.00; therefore be it

**RESOLVED:** That the Tioga County Legislature authorize Information Technology and Communication Service's Department to hire All-Mode Communications to perform said services at a total payment not to exceed \$1,155.00 and to be paid for out of Information Technology's account A1680.40-140.

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 257-09 AMEND RESOLUTION NO. 240-09  
ACCEPT AUCTION BIDS FOR COUNTY OWNED PROPERTY ACQUIRED FOR TAXES, AUTHORIZE EXECUTION OF DEEDS

Adoption moved by Legislator Monell,  
Seconded by Legislator McEwen.

WHEREAS: Resolution No. 240-09 accepted auction bids for County owned property acquired for taxes and authorized the execution of deeds; and

WHEREAS: The bid on the parcel assessed to EE Root & Sons, Inc. in the Village of Owego and the Town of Owego, Tax Map Number 128.11-2-20, was entered incorrectly as \$3,000, as the bid was actually \$3,500; and

WHEREAS: One of the purchaser’s names was incorrectly stated and should have been Ern Hwei Hannah Fong; therefore be it

RESOLVED: That Resolution No. 240-09 be amended as follows:

Town of Owego

Prior Owner; Tax Map #

Purchaser

Bid

128.11-2-20, EE Root & Sons, Inc.

Nathan Kennedy &  
Ern Hwei Hannah Fong

\$3,500.00

And be it further

RESOLVED: That the remainder of Resolution 240-09 is in full force and effect.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 258-09 AMEND COUNTY POLICY 44:  
NON-UNION BENEFITS**

**Adoption moved by Legislator Oberbeck,  
Seconded by Legislator Monell.**

**WHEREAS: The Tioga County Legislature is looking at ways to cut costs; and**

**WHEREAS: Dental insurance has been provided to County employees free of charge; and**

**WHEREAS: Two of the three unions have previously agreed to discontinue the dental coverage; and**

**WHEREAS: In an attempt to cut costs, the legislature has determined that the Non-Union employees should be required to either discontinue the dental coverage or pay 100% of the dental premium effective January 1, 2010; therefore be it**

**RESOLVED: That County Policy 44: Non Union Benefits, Section 5 – Health & Dental Insurance is hereby amended to include a paragraph which states:**

**“Effective January 1, 2010: Any eligible employee who continues to carry dental coverage shall be required to pay 100% of the premium. Said premium payments shall be processed as pre-tax payroll deductions.”**

**Legislator Sullivan spoke. “In line with what Legislator McEwen just stated and Legislator Quinlan, these are hard times. The economy has not had an impact on the county. The trickle down effects of the State’s budget woes is having an impact on the county and we do have to take some significant steps to reduce county costs in order not to pass the full brunt of the county’s budget deficit on to the taxpayer. Some union employees have already given up these benefits. This resolution calls for the same for non-union employees, which includes the Legislature, which also includes and impacts me personally. This is one of those steps that are going to have to be taken over the course of this year and next year, and I will be voting in favor of this resolution.”**

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 259-09 AMEND COUNTY POLICY 44:  
NON-UNION BENEFITS**

**Adoption moved by Legislator Oberbeck,  
Seconded by Legislator Monell.**

**WHEREAS: The Tioga County Legislature is looking at ways to cut costs; and**

**WHEREAS: The contributions toward health insurance by legislators has not been increased since January 1, 2003 per Resolution 318-02; and**

**WHEREAS: The Tioga County Legislators wish to do their part to reduce County costs; therefore be it**

**RESOLVED: That, effective January 1, 2010, the County Legislators shall increase their contributions toward health insurance 100%; and be it further**

**RESOLVED: That County Policy 44: Non Union Benefits, Section 5, Paragraph 9 shall be amended to reflect the increased contribution amounts for Legislators as follows:**

**“Effective January 1, 2010: Legislators enrolled in the following plans shall make the following contributions:**

<b>Individual Indemnity</b>	<b>\$30 per month</b>
<b>Family Indemnity</b>	<b>\$40 per month</b>
<b>Individual H-Split PPO</b>	<b>\$15 per month</b>
<b>Family H-Split PPO</b>	<b>\$30 per month”</b>

**Legislator Sullivan spoke. “Referring to my previous comments this is another one of the steps needed to reduce the county budget deficit. Although I will be voting in favor of this resolution I believe that a thorough assessment of the county’s overall compensation package needs to be continued. The personnel committee, the Personnel Officer has been doing a lot of work along those lines and I think we need to continue to look at that as we go forward. I will continue to be a proponent of that activity, but in the meantime I will be voting in favor of this increase.”**

**On roll call vote on the above resolution, eight members voted Aye, Legislator Roberts voting no, and the resolution was adopted.**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 260-09**      *AMEND RESOLUTION 50-94  
RETIREE HEALTH INSURANCE  
CONTRIBUTIONS*

Adoption moved by Legislator Monell,  
Seconded by Legislator Oberbeck.

**WHEREAS:** Resolution 50-94 established contribution rates for retiree health insurance; and

**WHEREAS:** Resolution 361-01 increased those rates; and

**WHEREAS:** It has been 8 years since contribution rates for retirees hired prior to 1993 have been adjusted; and

**WHEREAS:** The Retirees' Association has surveyed their members and found a willingness to increase their monthly contributions by \$10; and

**WHEREAS:** The County Legislature is appreciative of this offer on the part of the retirees, especially in these tough economic times; therefore be it

**RESOLVED:** That effective January 2010, retirees who fall into Section IV.A of County Policy 3 shall contribute \$20 per month for individual coverage or \$25 per month for family coverage.

Legislator Sullivan spoke. "I applaud the Retiree's Association's consideration of adjustments to their health insurance and their willingness to offer up this increase. It turns out it will have fairly low impact on the budget and kind of along with my prior comments I would rather see that we continue to look into other options and other alternatives, so I will not be supporting this resolution at this time."

On roll call vote on the above resolution, seven members voted Aye, Legislators Roberts and Sullivan voting no, and the resolution was adopted.

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

**RESOLUTION NO. 261-09 RECLASSIFY SENIOR CLINICAL SOCIAL  
WORKER TO SUPERVISING CLINICAL  
SOCIAL WORKER IN THE MENTAL  
HYGIENE DEPARTMENT**

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator Monell.**

**WHEREAS: Resolution 173-09 authorized Lori Monk, Senior Clinical Social Worker, to receive out-of-title pay retroactive to November 25, 2008, as a Supervising Clinical Social Worker in accordance to Article 4, Section E of the CSEA contract; and**

**WHEREAS: The new Director of Community Services has reviewed the Tioga County Mental Hygiene Department’s current organizational chart and the State Office of Mental Health 2010 clinic restructuring plans; and**

**WHEREAS: The Director of Community Services has provided justification to the Personnel Officer to reclassify Ms. Monk’s title to that of Supervising Clinical Social Worker in light of the long term needs of the Mental Hygiene Department and of the community in the treatment of clients who are mentally ill and chemically addicted; therefore be it**

**RESOLVED: That the Tioga County Legislature authorize Lori Monk’s title of Senior Clinical Social Worker (CSEA salary grade XVII) be reclassified to the title of Supervising Clinical Social Worker (CSEA salary grade XVIII) reflective of an annual increase of \$1,971.00, which she presently receives due to Resolution 173-09; and be further**

**RESOLVED: That Ms. Monk be permanently appointed from the Supervising Clinical Social Worker eligible list, 72435, at her present annual salary of \$50,027.00 effective September 16, 2009.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**The meeting adjourned at 7:03 P.M.**

*Sixth Special Meeting*  
**September 24, 2009**

The Sixth Special Meeting of 2009 was called to order by the Chair at 10:35 A.M. All Legislative members were present.

Chair Weston asked to have a moment of prayer. "We shall have a moment of silence for all those people who are fighting to defend us throughout the world."

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

There were 7 people in attendance.

**REFERRED TO:** FINANCE/LEGAL COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 262-09** *AUTHORIZE HIRING WAIVER OF 3<sup>rd</sup> ASSISTANT DISTRICT ATTORNEY; SHARED STAFF RESOURCES BETWEEN DISTRICT ATTORNEY AND COUNTY ATTORNEY*

Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.

**WHEREAS:** Robin Engler, part-time 3<sup>rd</sup> Assistant District Attorney, has informed the District Attorney of her intent to resign effective October 2, 2009; and

**WHEREAS:** A vacancy also currently exists for a part-time Typist which provides secretarial assistance to the District Attorney's office; and

**WHEREAS:** A delay in filling the 3<sup>rd</sup> Assistant District Attorney's position will compromise the District Attorney in his ability to maintain adequate coverage of court assignments; and

**WHEREAS:** Judy Quigley, part-time 2<sup>nd</sup> Assistant County Attorney, has offered to serve in the 3<sup>rd</sup> Assistant District Attorney's position; and

**WHEREAS:** Diane Stephens, part-time Typist, who is currently employed by the County Attorney, is agreeable to provide secretarial assistance to the District Attorney's office in addition to her current role without exceeding her part-time status; and

**WHEREAS:** Both the County Attorney and the District Attorney are agreeable to the sharing of Ms. Quigley and Ms. Stephens between offices; therefore be it

**RESOLVED:** That the District Attorney is hereby granted a waiver from the 60-day Hiring Delay for the upcoming vacancy of the part-time 3<sup>rd</sup> Assistant District Attorney's position and is authorized to fill said position as of October 2, 2009; and be it further

**RESOLVED:** That Judy Quigley be appointed to the part-time 3<sup>rd</sup> Assistant District Attorney's position at an annual salary of \$30,908 while continuing to serve in the part-time 2<sup>nd</sup> Assistant County Attorney's position effective October 2, 2009; and be it further

**RESOLVED:** That the following sums be transferred to account for adjustments to the secretarial stipend paid to Ms. Stephens as a part-time Typist between said offices:

<b>From:</b>	<b>District Attorney 1165.10-20</b>	<b>\$650.00</b>
<b>To:</b>	<b>County Attorney 1420.10-20</b>	<b>\$650.00</b>

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**The meeting was adjourned at 10:37 A.M.**

*Tenth Regular Meeting*  
October 13, 2009

The Tenth Regular Meeting of 2009 was called to order by the Chair at 1:31 P.M. Eight Legislative members were present, Legislator Oberbeck being absent.

Chair Weston asked Legislator Huttleston to have a moment of prayer. “As I was driving here today for this special occasion a wonderful example of the democracy which many countries are unable to enjoy I said to myself, this is as good as it gets. I thought is it not great to be an American and we are all 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 officers 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 departments heads and employees.”

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

There were 15 people in attendance.

Legislator McEwen read and presented the following Proclamation on School Board Recognition Week to Helen DeHaan of the Newark Valley School System.

**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 19-October 23, 2009 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 19-October 23, 2009 as**

**SCHOOL BOARD RECOGNITION WEEK**

**in the County of Tioga, New York, and commend this observance to our citizens.**

Helen DeHaan spoke. “On behalf of the School Board Members in Tioga County I would like to thank the Tioga County Legislature for recognizing the work that we do for all children in our County. I am so very proud to represent our colleagues in accepting this Proclamation, especially this year because I am retiring from the education field and the Newark Valley Central School Board as of June 30, 2010. Thank you so very much for this opportunity to publicly thank you.

“As a side note how does one become a School Board Member. This is how I got drafted. As a side note I would like to express to you personally and to thank you for recognizing the Tioga County School Board Members. I appreciate that so much. In the fall of 1962 I began my teaching career in Canesteo, New York. I taught fifth grade there four years. Following a move back to Newark Valley I taught fifth grade one year at the Edward R. Eastman School in Berkshire. The following 30 years as a library media specialist in the Newark Valley Central School District I retired in 1997. I took a year off and the following May was elected to the Newark Valley School Board where I have been for the last 12 years.

“I took part in the class of 2006 Leadership Tioga, graduating class sponsored by the Tioga County Chamber of Commerce which provided opportunities to developing and enhancing leadership skills. I have reached the magic age which I will not share with you to re-retire to continue taking piano lessons and to take advantage of some musical opportunities. You know, learning always and always learning. You are never to old to do that as you all know very well. As the saying goes “once an educator always an educator”. If you add those numbers up it is 47 years devoted to the education of children mostly in Tioga County.

**“I recently found out that my fourth grade teacher that I had in Newark Valley is now 102 as of September 4 and who was my favorite teacher and mentor was also an educator for 47 years. She has inspired me forever. I am sure she never thought that I would grow up to be a teacher and school board member as she remembers what I was like in fourth grade. We never know the effects of good teachers or school board members. I have sent her a copy of this so that she will know. Once again thank you for recognizing Tioga County School Board Members and their hard work in our great County.”**

**Legislator Huttleston read and presented the following Proclamation on Tioga County United Way Month to Jill Hellenthal of the Department of Social Services.**

**PROCLAMATION**

**WHEREAS: Tioga United Way continues to service the needs of the community through funding of 33 agencies within Tioga County, benefiting all segments of Tioga County’s population; and**

**WHEREAS: Without this support, these agencies would not be able to continue the support to our community; and**

**WHEREAS: The goal for the 2010 United Way Campaign is \$365,000; and**

**WHEREAS: The employees of the Tioga County Government represent a potentially substantial number of contributors for this campaign; and**

**WHEREAS: The Tioga County Legislature supports the work of the Tioga United Way; now therefore**

**THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the month of October**

**TIOGA COUNTY UNITED WAY MONTH**

**in the County of Tioga, New York, and call upon all of its employees and all members of the community at large to support this effort.**

**Legislator Huttleston spoke. “Fred Trzcinski which is the head of the United Way and he was up in Binghamton where all the shootings took place. He used to be the head person there and I was going to catch him someday and give him my United Way money. I put it off a little until he got through that thing, but anyway I have always supported and I think it is a good thing, and I think what is nice about**

the United Way is when you get phone calls from all these people wanting money you can say I gave to the United Way and I only give to the Untied Way, and that shuts a lot of them off from all the telemarketers asking for money.”

Jill Hellenthal spoke. “We want to thank the Legislature for supporting the United Way and thank you in giving our employees the opportunity to participate in some activities. We are really busy. We are getting geared up for it. Pledge cards are going out with paychecks this week and we are anticipating a good turnout, so thank you very much.”

Legislator Sauerbrey read and presented the following Proclamation on Domestic Violence Awareness Month to Rose Garrity of A New Hope Center.

#### PROCLAMATION

**WHEREAS:** Violence against women, children and men continues to be prevalent as a social problem related to the imbalance of power due to gender and age; and

**WHEREAS:** The problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, affectional preference and societal barriers and are supported by societal indifference; and

**WHEREAS:** The crime of domestic violence violates an individual’s privacy, dignity, security and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

**WHEREAS:** The impact of domestic violence is wide ranging, directly affecting women, men, children and society as a whole, not only in physically and sexually damaging ways, but also in emotional, mental, and economic ways; and

**WHEREAS:** It is battered women themselves along with many male allies who have been in the forefront of efforts to bring peace and equality to the home; and

**WHEREAS:** The solutions to the problem of domestic violence lie primarily in each individual person’s decision to model respectful behavior and confront sexist and oppressive behaviors and institutional biases, as a means of changing the cultural influences that support the use of violence against women, children and men; and

**WHEREAS:** The Tioga County Legislature recognizes the important work done by domestic violence programs, particularly A New Hope Center; now therefore

**THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the month of October, 2009 as**

**DOMESTIC VIOLENCE AWARENESS MONTH**

**in the County of Tioga, New York, and urge all citizens to actively participate in the scheduled activities and programs sponsored by various organizations in Tioga County, especially A New Hope Center, to work toward the elimination of personal and institutional violence against women, children, and men.**

**Rose Garrity spoke. “Thank you so much. I want to affirm United Way too as I stand here. We are indeed a United Way Organization and we are in our twenty-fourth year of serving Tioga County. I have myself been doing this work for about 35 years and I cannot tell you how wonderful it is to work in Tioga County because this is a place where everybody is one another’s allies and it has been a fabulous experience for me. I came here from Broome County and there is nothing wrong with Broome County, it just does not feel as good working there as it does down here because there really are a whole lot of teams of people who support one another and lift one another up, and do a lot to help each other and we have one of the oldest and most active coordinative community response networks right here in Tioga County that is chaired by our District Attorney, Gerald Keene.**

**“You all deserve some applause and recognition for everything this County does to really address domestic violence in a coordinated fashion and I thank you all so very much, and I encourage you to come to our vigil tomorrow night at St. Paul’s Church at 6:00 p.m. Gerald Keene and I believe Gail Barton is speaking, and we always have a good time at the vigil. It is a lovely event and we would love to see many of you there, as many of you as can fit in the Church, so come on over and thank you so much.”**

**Mandy Nebenfuhr had privilege of the floor. “I am the CSEA Unit President and also a taxpayer in Tioga County. I would like to ask all of you as you are talking about layoffs to county employees to please remember that you are talking about people and their families, not just numbers. I also have to ask if anyone has looked at the contractual employees to see if these are services that the county can possibly take over. I would like to remind you that the chances of employees that get laid off ending up on assistance are extremely good. I know that times are hard and I really hope that you are looking at cuts that are not just to our employees.”**

Chris Bonner had privilege of the floor. "Last night I was sitting on my couch and I was doing some reading about the current events that our President has been doing, and low and behold something comes on TV here in Owego. It is one of the rules of economics. The quick blue commercial. It says where you buy your gas the money stays in the area where the gas is produced. When you buy anything it stays in the area. The money circulates four or five times before it diminishes and stays in the area, so that means your area will prosper when you buy in your area.

"If you go down to Wal-Mart, Red China I call it, your money goes over to Red China. Red China owns us. This country, you and you and you, and you. It owns every one of us. Why, because those 535, you call them representatives, I call them worse than that, have made deals. They are called trades. You people out there, I see them out there, you are worse than Bill Clinton. He sent your jobs overseas. You could buy tires in Owego right up here at Moore's. Hey, Cooper tires, Owego USA. Well I got news for you Cooper tires is moving to Red China. Why, because they cannot compete. They cannot compete because you got those idiots in Washington DC who predominantly are all lawyers, wheeling and dealing, making all kinds of words that most people do not understand and they never read them, and they sign on to these trade deals. These trade deals are sending all your products, your manufacturing is going overseas. If you are looking for the Government to create wealthy, they are not going to create it because they cannot.

"There is only three ways you can create wealth, agricultural, mining, and manufacturing. If you do not have any of them you do not have nothing. Your children are going to have nothing. Now you are talking about this oil, the gas. Tioga County is swimming in gas and oil, do you know that? So is New York, but you know what they do not want you to get it. Now I am not for give one, give all to these guys and let them do whatever they want, oh no I am not for that. I am for the landowners and I am one myself. Matter of fact I just broke a deal, we broke a deal with Fortuna, me and him. When they come in again boy they are going to get in for something because I am writing the contract. I am not going to let one of these guys write it. This is what is wrong. You got to learn, you got to read, you got to study. Obama is not going to save you buddies, he is not going to save you. You better save yourselves."

Lola Walker had privilege of the floor. "I do not see it on the agenda, but I understand that the Legislators are looking for a raise in their travel expenses. I am a little concerned about that. That might not be right and I may be wrong, but I am concerned if it is in the wind that you are looking to raise your allowances, number one what do you receive currently? What is it currently designated for, traveling to regular meetings or traveling out of town? How much is the travel allowance going to be? How is it going to be justified when there are cutbacks in various departments, hiring is delayed, unemployment is rampant by other corporations

and so on in our County, and taxes continue to go up? I just wanted to bring that to your attention. 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		647.76
A1165	District Attorney		3,290.54
A1170	Public Defender		2,453.41
A1172	Assigned Counsel		16,036.70
A1325	Treasurer		1,269.87
A1345	Purchasing		173.00
A1355	Assessments		3,633.36
A1362	Tax Advertising/Expense		15.08
A1410	County Clerk		747.48
A1411	Department of Motor Vehicles		3,237.87
A1420	Law		961.24
A1430	Personnel		1,009.10
A1450	Elections		4,353.48
A1490	Public Works Administration		450.00
A1620	Buildings	101.62	60,662.04
A1680	Information Technology		32,039.24
A2490	Community College Tuition		1,793.40
A2960	Education of Handicapped Children		169,659.30
A3020	Public Safety Communication E911		4,269.93
A3110	Sheriff	212.70	14,508.52
A3110.41	Sheriff-Court Attendants		1,979.54
A3140	Probation		53.99
A3146	Sex Offender Program		8,766.67
A3150	Jail	155.97	49,951.07
A3315	Special Traffic Programs		1,252.19
A3410	Fire	239.00	2,501.36
A3640	Emergency Mgmt Office		653.28
A3641	Emergency Mgmt Grant Program	54.00	
A4010	Public Health Nursing		40,623.91
A4011	Public Health Administration		13,559.42
A4012	Public Health Education		2,141.14
A4042	Rabies Control		4,031.48
A4044	Early Intervention	558.00	60,449.35
A4053	Preventive/Primary Health Svcs		300.00
A4054	Preventive Dental Services		3,137.76
A4064	Managed Care-Dental Services		15,112.93
A4070	Disease Control		16,839.59
A4090	Environmental Health		6,488.03

A4210	Alcohol and Drug Services	2,676.24
A4211	Council on Alcoholism	9,923.66
A4309	Mental Hygiene Co Admin	6,215.19
A4310	Mental Health Clinic	26,085.85
A4315	Mental Retardation	21,448.00
A4320	Crisis Intervention Services	908.67
A4321	Intensive Case Management	2,650.60
A4333	Psycho Social Club	44,166.25
A6010	Social Services Administration	49,051.34
A6422	Economic Development	601.32
A6510	Veterans' Service	1,004.00
A6610	Sealer Weights and Measures	153.70
A7310.41	Youth Programs, Refundable	10,440.00
A8020	Planning	367.03
SOLID WASTE FUND		86,619.52
COUNTY ROAD FUND		20,483.43
SPECIAL GRANT FUND		3,581.98
CONSOLIDATED HEALTH FUND		867,502.20
CAPITAL FUND		49,659.27
<b><u>GRAND TOTAL</u></b>		<b>\$ 1,753,912.57</b>

Legislator Sauerbrey made a motion to approve the minutes of September 15 and 24, 2009, 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.

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 263-09** *MILEAGE REIMBURSEMENT  
RATE CHANGE FOR  
TIOGA COUNTY LEGISLATORS*

Adoption moved by Legislator Roberts,  
Seconded by Legislator Monell.

**WHEREAS: Resolution No. 47-09 set the reimbursement rate for mileage at 5 cents below the Federal GSA rate at the beginning of each new year; and**

**WHEREAS: Due to ongoing budget constraints it has been suggested that the Tioga County Legislators be paid a different rate for mileage reimbursement; therefore be it**

**RESOLVED:** That the Tioga County Legislators shall be paid 41 cents per mile for mileage reimbursement for the year 2010.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE

**RESOLUTION NO. 264-09** *AUTHORIZE 2010 TAX MAP  
MAINTENANCE CONTRACT*

Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.

**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 2010 for an annual charge of \$24,000, payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and survey, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO:** HEALTH & HUMAN SERVICES

**RESOLUTION NO. 265-09** *AUTHORIZATION TO MAKE  
APPLICATION FOR SECTION 5311  
ARRA CAPITAL PROJECT  
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Monell.

**WHEREAS:** The County of Tioga has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49,

United States Code and the American Recovery and Reinvestment Act of 2009 (ARRA) and for the purchase of two commuter buses; and

**WHEREAS:** The County of Tioga and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and reimbursement to the municipality of 100% of the project cost through ARRA up to \$600,000; therefore be it

**RESOLVED:** That the Chair of the Legislature is authorized to sign:

Any and all Agreements between the County of Tioga and the State of New York for the above named Project;

Any and all Agreements between the County of Tioga and any third party subcontractors necessary to complete the Project;

Any and all Municipality/Vendor Contracts for the purchase and/or installation of vehicles and/or equipment.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:**

**FINANCE COMMITTEE**

**RESOLUTION NO. 266-09**

***RECOVERY ZONE DESIGNATION***

Adoption moved by Legislator Roberts,  
Seconded by Legislator McEwen.

**WHEREAS:** The American Recovery and Reinvestment Act of 2009 (“ARRA”) authorizes the County to issue recovery zone economic development bonds in an amount up to \$936,000 pursuant to a sub allocation of the nation volume cap for Recovery Zone Bonds provided by the Federal Treasury Department; and

**WHEREAS:** Recovery zone economic development bonds are entitled to a direct federal subsidy of 45% of the interest thereon; and

**WHEREAS:** The county is required to designate a recovery zone prior to issuing such bonds; and

**WHEREAS:** Any such bonds must be for expenditures for property located within the recovery zone or otherwise promote economic activity therein; and

**WHEREAS:** The term recovery zone is defined to mean (1) any area designated by the County as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the County as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; (3) any area for which a designation as an empowerment zone or renewal community is in effect as of February 17, 2009; and

**WHEREAS:** It is now desired to designate the County of Tioga as a recovery zone under ARRA; be it therefore

**RESOLVED:** By the affirmative vote of the County Legislature of the County of Tioga, New York, as follows:

**Section 1** The County of Tioga is hereby designated as a recovery zone for purposes of ARRA as a result of significant unemployment, home foreclosure rates and general distress as the current recession has had and continues to have a significant adverse impact on the County as a whole.

**Section 2** This resolution takes effect immediately.

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO**

**PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 267-09**

***APPROVE 2010 STOP DWI  
PLAN***

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator McEwen.**

**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 2010 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

**RESOLVED:** That the Tioga County Legislature hereby approves the 2010 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$56,200
Court Related	\$14,300
Probation	\$16,200
Rehabilitation	\$14,000
PI&E	\$17,000
Administration	\$ 5,950

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** PUBLIC WORKS COMMITTEE

**RESOLUTION NO. 268-09** *TRANSFER/HAULING SERVICES  
EXTENSION*

Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.

**WHEREAS:** Taylor Garbage was awarded Tioga County's curbside recycling contract for a three year period commencing January 1, 2006, said bid being \$2.54 per household (19,300) per month. Bid specifications also included an optional two (2) year extension with the price at the bid amount adjusted by the compounded increase in the Consumer Price Index (CPI) from the previous three (3) years; and

**WHEREAS:** Taylor Garbage is interested in extending the program for another two (2) years at the adjusted rate according to the CPI; and

**WHEREAS:** The current compounded CPI from January 1, 2006 through December 31, 2008 increases the amount to \$2.74 per household per month; therefore be it

**RESOLVED:** That the Tioga County Legislature extend the curbside recycling contract with Taylor Garbage for a two (2) year period at the bid amount adjusted by the compounded increase in the Consumer Price Index (CPI) from the said dates to \$2.74 per household per month, commencing January 1, 2010.

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: PUBLIC WORKS**

**RESOLUTION NO. 269-09                      *RESCIND RESOLUTION NO. 228-09  
AWARD BID FOR INSTALLATION  
OF STANDBY GENERATOR AT HHS  
AND AWARD BID TO NELCORP  
ENDWELL, NY***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.**

**WHEREAS: July 1, 2009 sealed bids were opened for the installation of the standby generator at the Health & Human Resource Building; and**

**WHEREAS: The bid was awarded to Blanding Electric on August 11, 2009 by Resolution 228-09; and**

**WHEREAS: The bid results were as follows:**

<b>Blanding Electric</b>		
Vestal, NY		<b>\$59,000</b>
<b>Nelcorp</b>	<b>Electrical \$47,749</b>	
<b>Endwell, NY</b>	<b>Plumbing <u>\$20,982</u></b>	<b>\$68,731</b>
	<b>Total \$68,731</b>	

**WHEREAS: Blanding Electric did not include the Plumbing in the bid; therefore the low bidder was Nelcorp, Endwell, NY; therefore be it**

**RESOLVED: That Resolution 228-09 be and hereby is rescinded; and be it further**

**RESOLVED: That the Tioga County Legislature award the bid to the lowest bidder; Nelcorp, Endwell, NY not to exceed \$68,731 to be paid out of the standby generator account H1620.20 use code 923.**

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO:** PUBLIC WORKS  
 FINANCE

**RESOLUTION NO. 270-09** *TRANSFER FUNDS*  
*PUBLIC WORKS*

Adoption moved by Legislator Roberts,  
 seconded by Legislator McEwen.

**WHEREAS:** The Commissioner of Public Works budgeted money for the reconstruction of West Creek Rd account H2009.01 and the project has been completed under the budgeted amount; and

**WHEREAS:** Last year due to the high prices of oil we were unable to finish Montrose Turnpike account H2008.04; therefore be it

**RESOLVED:** That the Tioga County Legislature authorize the transfer of \$100,000 from West Creek Road Recon Account H2009.01 to Montrose Turnpike Account H2008.04 for completion of Montrose Turnpike.

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO:** PUBLIC WORKS  
 FINANCE

**RESOLUTION NO. 271-09** *TRANSFER FUNDS*  
*FOR HHS STANDBY GENERATOR*

Adoption moved by Legislator Roberts,  
 seconded by Legislator McEwen.

**WHEREAS:** Sealed bids were open for the HHS Generator Installation on July 1, 2009; and

**WHEREAS:** The bid results were as follows:

<b>Blanding Electric</b>		
<b>Vestal, NY</b>		<b>\$59,000</b>
<b>Nelcorp</b>	<b>Electrical</b>	<b>\$47,749</b>
<b>Endwell, NY</b>	<b>Plumbing</b>	<b><u>\$20,982</u></b>
	<b>Total</b>	<b>\$68,731</b>

**And**

**WHEREAS:** The budgeted amount is insufficient for the completion of the project; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the transfer of funds as follows:

<b>From: H2007.17</b>	<b>56 Main St. Addition</b>	<b>\$5,000</b>
<b>To: H1620.20-923</b>	<b>Standby Generator</b>	<b>\$5,000</b>

**Roll Call:**  
**Ayes 08**  
**Noes 00**  
**Absent 01**  
**CARRIED**

**REFERRED TO**

**PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 272-09**

***APPROPRIATION OF FUNDS FOR-  
BUREAU OF FIRE 2008 NYS WMD-  
SHSP GRANT***

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Sullivan.**

**WHEREAS:** The Bureau of Fire has been awarded a NYS Homeland Security SHSP Homeland Security Grant in the amount of \$78,000.00; and

**WHEREAS:** This funding now needs to be appropriated in the Bureau of Fire Budget to be used on Hazardous Materials Equipment and for updating equipment for the Counties Emergency Services Radio System; be it therefore

**RESOLVED:** That the Homeland Security SHSP Grant (Project # SH08-1032-E00) be appropriated as follows:

<b>From: State Aid-Fire SH08-1032-E00</b>	<b>A3306.00</b>	<b>\$78,000</b>
<b>To: Fire SH08-1032-E00</b>	<b>A3990.20-230</b>	<b>\$78,000</b>

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

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

**RESOLUTION NO. 273-09      *APPROPRIATION OF FUNDS  
SOCIAL SERVICES***

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator Sauerbrey.**

**WHEREAS:** Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Community Solutions for Transportation; and

**WHEREAS:** The plan submitted for expenditure of these funds has been approved; and

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

**RESOLVED:** That funding be appropriated as follows:

<b>From: A4610.00 Federal Aid: Administration</b>	<b>\$26,900</b>
<b>To: A6010.40.140 Contracting Services</b>	<b>\$26,900</b>

**Roll Call:**

**Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO**

**PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 274-09**

***ALLOW THE COUNTY FIRE  
COORDINATOR TO ENTER INTO AN  
EQUIPMENT MEMORANDUM OF  
AGREEMENT FOR HAZ-MAT TEAM***

**Adoption moved by Legislator Monell,  
Seconded by Legislator Sauerbrey.**

**WHEREAS: The Tioga County Haz-Mat Team is included in the nine County Central New York Hazardous Materials Consortium; and**

**WHEREAS: Hazardous materials response equipment is extremely expensive and not frequently used by each team member; and**

**WHEREAS: County members of the Consortium are eligible to apply for highly technical laboratory chemical identification equipment for use by the Grant Submitting Partner and the use of all of the Non-submitting Team Partners through the Memorandum of Agreement between all Consortium members; therefore be it**

**RESOLVED: That pending approval of the Memorandum of Agreement by the Tioga County Attorney, the Tioga County Fire Coordinator to be able to enter into an agreement for training and use of a Smith's Gas ID granted to the Tompkins County Haz-Mat Team.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO:**

**HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. 275-09**

***RESOLUTION TO APPOINT HOPE  
VANSCOY TO THE COMMUNITY  
SERVICES BOARD***

Adoption moved by Legislator Huttleston,  
seconded by Legislator Sauerbrey.

**WHEREAS:** The Tioga County Community Services Board has vacant positions available; and

**WHEREAS:** Hope VanScoy, residing at Candor, NY, has expressed interest in filling a vacant position; and

**WHEREAS:** The Community Services Board formally nominated Hope VanScoy for a position at its September 2009 meeting, and recommends to the Tioga County Legislature that she be appointed to the Community Services Board; now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Hope VanScoy to the Tioga County Community Services Board for the remainder of a vacant term ending March 31, 2013.

**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE

**RESOLUTION NO. 276-09** *AUTHORIZE THE SUBMISSION  
OF A GRANT APPLICATION  
EMERGENCY MANAGEMENT OFFICE*

Adoption moved Legislator Sauerbrey,  
seconded Legislator McEwen.

**WHEREAS:** The Office of State Homeland Security has announced the FY 09 SHSP for Tioga County Emergency Management in the amount of \$86,000; and

**WHEREAS:** An application for these monies must be received no later than November 30, 2009; and

**WHEREAS:** County Policy #47 requires that a resolution be approved before any such grant application is submitted; 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:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 277-09** *RENEW CONTRACT WITH EBS-RMSCO, INC.  
TO ADMINISTER FLEXIBLE SPENDING  
PROGRAM*

**Adoption moved by Legislator Monell,  
seconded by Legislator Sauerbrey.**

**WHEREAS: Tioga County currently uses the services of EBS-RMSCO, Inc. to administer Tioga County 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 administrative cost will increase from \$4.35 per participant per month to \$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 union employees; and**

**WHEREAS: Both 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 Personnel Officer 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, 2010 through December 31, 2010; and be it further**

**RESOLVED: That Tioga County will continue with the flex card for the period of January 1, 2010 through December 31, 2010; 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, 2010 through December 31, 2010.**

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO ED&P/JOB TRAINING COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 278-09 *CREATE TEMPORARY PART-TIME  
POSITION  
EMPLOYMENT AND TRAINING  
DEPARTMENT*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Sullivan.

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

**WHEREAS:** The Tioga Employment Center has received 100% federal stimulus money to assist in providing, to the large layoff population in Tioga Co, job search skills and activities; and

**WHEREAS:** New York State Dept of Labor has just instituted new requirements on submission of resumes to the state system, requiring additional staff time in creating, processing and submitting resumes, and

**WHEREAS:** The new state requirements and large layoff population make it necessary to provide services in group sessions; and

**WHEREAS:** The Employment and Training Center Manager has submitted a new position duties statement to the Personnel Office requesting the creation of an additional part-time Employment and Training Counselor to be filled on a temporary basis; therefore be it

**RESOLVED:** That the Employment and Training Center Manager be authorized to create and fill a part-time Employment and Training Counselor at a rate of \$16.556 per hour for a temporary duration beginning October 14, 2009 until June 30, 2010; and be it further

**RESOLVED:** That current eligible list for Employment and Training Counselor will be made available to the Employment and Training Manager for use in filling said position.

On roll call vote on the above resolution, six members voted Aye, Legislators McEwen and Roberts voting no, Legislator Oberbeck being absent, and the resolution was adopted.

**REFERRED TO:**

**PUBLIC WORKS  
PERSONNEL**

**RESOLUTION NO. 279-09**

***HIRE TEMPORARY ACCOUNT  
CLERK TYPIST – PUBLIC WORKS***

Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.

**WHEREAS:** The Account Clerk Typist for the Dept. of Public Works, Barbara Cushman, will be out of the office for medical leave effective October 23, 2009; and

**WHEREAS:** The medical leave is expected to be for four to six weeks; and

**WHEREAS:** Due to this Department only having one other secretary, leaving this position vacant for this length of time would make it very difficult for this office to function; therefore be it

**RESOLVED:** That the Tioga County Legislature authorize the Commissioner of Public Works to hire an account clerk typist to fill the position at \$11.478/hr. immediately upon the vacancy of the position; and be it further

**RESOLVED:** That this position is filled only for the duration of Barb Cushman's medical leave.

On roll call vote on the above resolution, seven members voted Aye, Legislator McEwen voting no, Legislator Oberbeck being absent, and the resolution was adopted.

The meeting was adjourned at 2:05 P.M.



From Account	H5031.30	Interfund Transfer	\$1.655M
To Account	H2009.02	East River Rd. Bridge Over Wappasening Creek BIN: 3335410	\$1.655M

Roll Call:  
Ayes 07  
Noes 00  
Absent 02  
CARRIED

REFERRED TO: PUBLIC WORKS  
FINANCE

RESOLUTION NO. 281-09      *TRANSFER FUNDS AND CREATE  
COUNTY OFFICE BUILDING  
PARKING LOT ACCOUNT*

Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.

WHEREAS: Tioga County will be receiving \$1.755M in stimulus funding that has to be spent in 2009 on Capital Projects; and

WHEREAS: The County Office Building parking lot needs rehabilitation; therefore be it

RESOLVED: That the Tioga County Legislature authorize the creation of the County Office Building Parking Lot Project Account H2009.06; and be it further

RESOLVED: That the money for this project be appropriated according to the following transfer:

From Account	A4489	Federal Aid - FMAP	\$100,000
To Account	A9950.93-715	Transfer to Capital	\$100,000
From Account	H5031.30	Interfund Transfer	\$100,000
To Account	H2009.06	County Office Bldg. Parking Lot	\$100,000

Roll Call:  
Ayes 07  
Noes 00  
Absent 02  
CARRIED

The meeting was adjourned at 10:33 A.M.

*Eleventh Regular Meeting*  
**November 10, 2009**

The Eleventh Regular Meeting of 2009 was called to order by the Chair at 1:38 P.M. Eight Legislative members were present, Legislator Quinlan being absent.

Chair Weston asked Legislator McEwen to have a moment of prayer. “The fact that tomorrow is Veterans’ Day I would like to ask for a moment of silence for both the men and women that are serving now and the families that have lost Veterans’, and the great job that they are doing for the Country.”

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

There were 19 people in attendance.

Legislator Huttleston read and presented the following Proclamation on Adoption Awareness Month to Gail Barton, Deputy Commissioner of Social Services and Liz Jenkins.

PROCLAMATION

This November marks the 19<sup>th</sup> annual National Adoption Month. November 15<sup>th</sup> is National Adoption Day. Our task is to find permanent homes for all our children. 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.

**Legislator Huttleston spoke. "I appreciate all that our department does and I appreciate them. I know when I talk to Gail and she places a foster child and somebody adopts them she is always very excited about it. Probably as excited as the parents, which is good. Our people get very involved, they are very close to the situations and I think a lot of times we are not aware of some of the situations and how good it is that these children get a chance to live a life and grow up to be a human being in a nice and loving family. I appreciate you adoptive parents and all you do."**

**Gail Barton, Deputy Commissioner of Social Services, spoke. "Thank you to the Tioga County Legislature for recognizing November as Adoption Awareness Month. There was a Proclamation done by both the New York State Governor and the President of the United States recognizing November as Adoption Awareness Month. This is a time when we honor families who have adopted, especially those who have adopted children from foster care. Saturday, November 21, has been designated as National Adoption Day when Courts across the Country will finalize the adoptions of thousands of foster children. In 2008, 2328 children in New York were adopted from foster care and over 6000 foster children in New York State currently have a goal of adoption.**

**"All children yearn for and deserve to have a permanent home. We are very fortunate to have foster parents including relative foster parents who have opened their hearts and homes to foster children and who then have subsequently committed to make them a permanent part of their family. Today we celebrate and honor you, and most importantly say thank you.**

**"I would like to introduce you to a couple of the foster adoptive parents from Tioga County. Millie and Bo Henning. I think you have seen them before because they are pretty faithful in coming to be recognized as foster parents in the spring. They have been approved foster adoptive parents since 2001 and they have had approximately 35 foster children since they were certified in 2001. In May of 2008 a sibling group of four very young children was placed in their home. These children who are now ages 3, 4, 5, and 6 are now freed for adoption and Millie and Bo have committed to becoming their permanent family. Thank you.**

“Michael Willon who some of you may know or recognize, he was the former Owego-Apalachin School Superintendent, now divides his time between New York City and Tioga County. Michael was certified as a foster adoptive parent in 2006. A baby named Charley was placed in his home June 22, 2006. Less than a year later a sibling of this baby was also placed in his home. On June 12, 2009 both boys were adopted by Michael. It was a long journey and I have to say on behalf of our department it is clear that these boys ended up in the home that they were meant to be in.

“If you would like to know more about adoption or about foster parenting please contact the Tioga County Department of Social Services. I would urge all of you to please help spread the word that there are many more children in foster care who are waiting for permanent homes, but mostly I would like to say thank you to Michael and to Millie and to Bo for the commitment they have made on behalf of children in Tioga County who were formerly foster children who now will have permanent homes. Thank you very much. I want to recognize the Foster Care Adoption Supervisor who does all this work, Liz Jenkins, and I appreciate all that you do Liz. She is new in her position. She came over from the Child Protective world and moved over voluntarily to learn the foster care adoption world which is very different and very complex, and she is doing a great job in that role.”

Joseph Albrecht had privilege of the floor. “Thank you. I do have a concern and it is growing, and I have mentioned it before. I would like to have as accurate a reading on unfunded mandates from the Federal Government and the State Government that have to be met by Tioga County, and I ask for this information because someone at higher levels needs to be reminded about certain issues relative to the distribution of fiscal resources. I am not sure how to ask this. I will go back to a statement I made in the past. Relative to we all have skin in the game, but the problem is if you have not participated in the game previously and yet you were receiving rewards of those who were participating in the game, I think there has to be an adjustment on that side of the ledger, and as I said if I can find out who is responsible at the Federal and State level then I can share some of my concerns with them.

“One of the things that has come up fairly recently in proposed legislation relative to healthcare is the imposition of fines and actual prison time if you do not participate in the program. Where that goes from here I do not know, but it is there and it has been documented and that particular program has been approved by the House of Representatives of the United States, which really gives me cause to wonder. One of the documents that did not receive approval or discussion was one which indicated that 90% of the expense of health coverage for those people who receive less than 200% of the Federal poverty level will be borne by the States and if you want to look that one up it falls from a representative of the State of Georgia, and it was a proposed legislative item on the other side of the aisle. I do not like names and designations for people, I am going to leave it at that, but it is out there

and I think the handwriting is on the wall. It becomes very convenient for those people “in power” to simply move expenditures and so forth to a different level and then ignore the consequences, and those days have passed. I thank you very much for your time.”

Chris Bonner had privilege of the floor. “Hey in Rome the saying is do what the Romans do and all roads lead to Rome. Rome is gone. It declined. The United States is in decline too whether you know it or not ladies and gentlemen. This Country is bankrupt. That is what I said, bankrupt. Now let’s go to our Governor up there in Albany. He says well we got a budget deficit up there and it is I do not know how many billions of dollars. Now here is a report, “State Funds are Misused”. It is just the State funds. Here is a man here, his name is DiNapoli. He is saying that we are raiding the funds, that they are taking money out of the auto tax and putting it into other programs, whatever they want to do with it. Well I do not know where this guy has been. He says he has been up there for over 20 years and he is just telling it now. I knew that when I was in knickers man and out there running the streets as a teenager, that they were raiding the funds. The tax on gas was for the maintenance and the bridges and the roads, but these are only in name only.

“There are other trust funds they call them, which I will not go into because these people here will go into a panic of where these trust funds have been misused. Now we live in a cold State and we have snow and ice that is coming up here. It could be right around the corner, any day now. We have one thing that destroys the roads and the bridges that we use every year. That ladies and gentleman is sodium chloride salt. A number of years ago I got up here and I asked when Mr. D’Angelo was up here why don’t we look into a salt substitute. Our bridges do not wear out, our roads do not wear out, they rot out from the salt, and if you go up there on any of these bridges and you take a look at the years that the salt has been piled up on there, and you look at that steel and that steel is rusted and rotten out. It is peeling off, just like the ships and the salt water where they have the sailors going down there with air hammers every year or two getting off all the shale and repainting them. This is going to happen here and they got other solutions. Why doesn’t New York State take some lottery tickets? They might win the lottery.”

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		1,157.00
A1165	District Attorney		3,508.14
A1170	Public Defender		2,292.08
A1172	Assigned Counsel		15,880.41
A1325	Treasurer		4,876.66
A1345	Purchasing		291.87
A1355	Assessments		6.24
A1410	County Clerk		2,538.92

A1411	Department of Motor Vehicles		2,038.50
A1420	Law		2,397.00
A1430	Personnel		1,209.10
A1450	Elections		19,568.26
A1460	Records Management		279.88
A1460.41	Records Management, Grant		4,465.00
A1490	Public Works Administration		1,080.50
A1620	Buildings	299.99	70,924.35
A1680	Information Technolgoy		11,324.26
A2490	Community College Tuition		177,147.95
A2960	Education of Handicapped Children		213,778.63
A3020	Public Safety Comm E911 System	109.95	3,288.51
A3110	Sheriff	220.00	21,080.40
A3110.41	Sheriff-Court Attendants		2,400.64
A3140	Probation		25.42
A3142	Alternatives to Incarceration		1,831.60
A3146	Sex Offender Program		8,766.67
A3150	Jail		43,820.29
A3315	Special Traffic Programs	5,000.00	1,110.00
A341	Fire	1,063.27	5,930.69
A3640	Emergency Mgmt Office		286.42
A4010	Public Health Nursing		34,246.79
A4011	Public Health Administration		13,224.65
A4012	Public Health Education		347.69
A4042	Rabies Control		7,305.47
A4044	Early Intervention		50,479.23
A4053	Preventive/Primary Health Services		774.71
A4054	Preventive Dental Services		1,764.24
A4064	Managed Care-Dental Services		17,285.24
A4070	Disease Control		101.20
A4090	Environmental Health		18,369.57
A4210	Alcohol and Drug Services		15,138.81
A4309	Mental Hygiene Co Admin	370.00	21,994.10
A4310	Mental Health Clinic		41,779.23
A4315	Mental Retardation		18,499.24
A4320	Crisis Intervention Services		6,511.06
A4321	Intensive Case Management		1,569.92
A6010	Social Services Administration		123,520.44
A6422	Economic Development		1,210.36
A6510	Veterans' Service		197.29
A6610	Sealer Weights/Measures		498.37
A7180	Snowmobile Grant Program		11,429.90
A7310.41	Youth Programs, Refundable		8,314.71
A8020	Planning		335.04
A9060	Health Insurance		2,504.92
SOLID WASTE FUND			92,712.35

COUNTY ROAD FUND	54,900.75
SPECIAL GRANT FUND	80,187.15
CONSOLIDATED HEALTH FUND	706,308.78
CAPITAL FUND	464,697.52
LIABILITY INSURANCE FUND	45.00
WORKERS' COMP	<u>1,358.00</u>
GRAND TOTAL	\$ 2,427,980.33

Legislator McEwen made a motion to approve the minutes of October 13 and 24, 2009, seconded by Legislator Monell, and carried.

Chair Weston made the following appointment to the MEGA Board:

Economic Development & Planning Director  
Term – 11/13/09-11/12/13

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 282-09 SET PUBLIC HEARING  
2010 BUDGET

Adoption moved by Legislator McEwen,  
seconded by Legislator Huttleston.

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2010 be held at 6:00 P.M., Tuesday, November 24, 2009 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 283-09 CONFINEMENT OF DOGS  
FOR PROTECTION OF DEER

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.



Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
 FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 285-09** *MORTGAGE TAX DISTRIBUTION*

Adoption moved by Legislator McEwen,  
 seconded by Legislator Sullivan.

**RESOLVED:** That the mortgage tax report for the period April 1, 2009 to September 30, 2009 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	\$ 38,759.00
Village of Waverly	10,300.54
Town of Berkshire	12,156.29
Town of Candor	25,050.91
Village of Candor	1,414.03
Town of Newark Valley	19,493.22
Village of Newark Valley	2,381.11
Town of Nichols	16,710.10
Village of Nichols	1,275.80
Town of Owego	176,725.58
Village of Owego	13,154.49
Town of Richford	3,130.29
Town of Spencer	16,587.90
Village of Spencer	1,968.31
Town of Tioga	<u>14,299.85</u>
	<b>\$353,407.42</b>

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES**

**RESOLUTION NO. 286-09      *MAKE PUBLIC OPPOSITION TO THE  
SCHEDULED APRIL 1, 2010, NYS LICENSE  
PLATE REISSUANCE PROJECT***

**Adoption moved by Legislator Roberts,  
Seconded by Legislator Sullivan.**

**WHEREAS: Governor Paterson, through the NYS Budget, has scheduled a License Plate Reissuance Project to begin April 1, 2010, and**

**WHEREAS: The fee to NYS motor vehicle owners will be \$25.00 for new plates per vehicle and an additional \$20.00 for those owners who wish to keep their same number, and**

**WHEREAS: NYS is in the 8<sup>th</sup> year of a License Plate Reissuance Project that began in 2001, and**

**WHEREAS: The previous License Plate Reissuance Project of 1986 lasted 15 years, and**

**WHEREAS: It appears the scheduled License Plate Reissuance Project is premature and unnecessary at this time, and**

**WHEREAS: The fee attached to the project becomes a financial burden to New Yorkers, and**

**WHEREAS: The New York State Association Of County Clerks unanimously adopted a resolution on September 28, 2009 opposing the project and recommending the NYS Legislature rescind this budgetary act, now therefore be it**

**RESOLVED: That the Tioga County Legislature opposes the NYS License Plate Reissuance Project scheduled for April 2010, and be it further**

**RESOLVED: That the Tioga County Legislature recommends the Governor and Legislature cancel the License Plate Reissuance Project**

**CARRIED**

**REFERRED TO:** ED&P COMMITTEE  
JOB TRAINING COMMITTEE

**RESOLUTION NO. 287-09** *AMEND TIOGA EMPLOYMENT  
CENTER BUDGET*

Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan.

**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 supplemental funds under the Workforce Investment Act Economic Stimulus Program Grant in the amount of \$40,590 for Dislocated Workers; therefore be it

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

**From:** CD4489 – Federal Aid-ARRA \$40,590

**To:** CD6293.40-190 – Federal Employment Program \$40,590

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** AGRICULTURE COMMITTEE

**RESOLUTION NO. 288-09** *APPOINT MEMBERS TO THE TIOGA  
COUNTY AGRICULTURAL AND FARMLAND  
PROTECTION BOARD*

Adoption moved by Legislator Sullivan,  
seconded by Legislator Monell.

**WHEREAS:** Two members' term representing expire as of December 31, 2009, and

**WHEREAS:** The Agricultural and Farmland Protection Board is desirous of filling these positions and has found Pam Moore (dairy) willing to serve another term and Kevin Perry (artificial inseminator) willing to serve in the agribusiness position; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints said members to the Agricultural and Farmland Protection Board for four-year terms of 1/1/10 – 12/31/13 as follows:

**Pam Moore – Active Farmer  
Kevin Perry replacing Richard VanScoy - Agribusiness**

**CARRIED**

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 289-09                      *APPOINT MEMBERS TO THE  
TIOGA COUNTY PLANNING  
BOARD***

**Adoption moved by Legislator Sullivan,  
seconded by Legislator McEwen.**

**WHEREAS:** Three Board members' terms expire as of December 31, 2009 and Mike Katchmir, alternate resigned months ago; and

**WHEREAS:** The Town of Nichols Board has re-nominated Pam Moore to serve and the Town of Owego Board has re-nominated Jason Rieg to serve, and the TCPB has found Nichole Leonard willing to serve an alternate, at-large position to fulfill the unexpired term of Mike Katchmir whose term also expires the end of this year, therefore be it

**RESOLVED:** That the Tioga County Legislature re-appoints Jason Reig and Pam Moore to serve three-year terms of 1/1/10 – 12/31/12; and be it further

**RESOLVED:** That the Tioga County Legislature also appoints Nichole Leonard as an alternate, to serve the remainder of Mike Katchmir's unexpired term from 11/11/09 - 12/31/09 as well as for the three-year term of 1/1/10 – 12/31/12.

**CARRIED**

**REFERRED TO**

**PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 290-09**

***ACCEPTANCE OF APPLICATION FOR  
OWEGO FIREFIGHTER DANIEL  
WOODY TO THE TIOGA COUNTY HAZ-  
MAT TEAM***

**Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Oberbeck.**

**WHEREAS: The Bureau of Fire provides high quality Hazardous Materials Team support to the Fire Service in Tioga County and adjacent Counties through the NYS Fire Mutual Aid Plan; and**

**WHEREAS: This service is provided by local, highly trained volunteers; and**

**WHEREAS: Campville Firefighter Richard Perkins has recently resigned from the Team; and**

**WHEREAS: Owego Firefighter Daniel Woody has applied for membership to the County Haz-Mat Team; and**

**WHEREAS: Firefighter Woody is currently trained to the New York State Office of Fire Prevention and Control Hazardous Materials Technician level on his own time; and**

**WHEREAS: Firefighter Woody would replace Firefighter Perkins as an active member of the Haz-Mat Team; therefore be it**

**RESOLVED: That Owego Firefighter Daniel Woody be added to the Tioga County Haz-Mat Team roster to replace Richard Perkins.**

**CARRIED**

**REFERRED TO:**

**PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 291 09**

***ALLOW THE COUNTY FIRE  
COORDINATOR TO APPLY FOR  
GRANT FUNDING UNDER THE 2009  
NYS HOMELAND SECURITY HAZ-  
MAT GRANT PROGRAM***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Monell.**

**WHEREAS: The New York State Office of Homeland Security is Offering a 2009 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 Scale 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 permitted to apply for Hazardous Materials Grant Funding under the currently available New York State Office of Homeland Security 2009 Haz-Mat Grant Program to provide needed equipment for the Tioga County Haz-Mat Team.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 292-09      *AUTHORIZE THE SUBMISSION OF GRANT APPLICATION-SHERIFF'S OFFICE***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.**

**WHEREAS: The NYS Office of Homeland Security has announced the FY' 09 State Law Enforcement Terrorism Prevention Program (SLETPP) for Tioga County Law Enforcement in the amount of \$38,000; and**

**WHEREAS: Applications for these monies must be received no later than November 30, 2009; 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:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE**

**RESOLUTION NO. 293-09      *AWARD PRINTING SERVICES***  
***CONTRACT EXTENSION***

**Adoption moved by Legislator Monell,  
seconded by Legislator Sauerbrey.**

**WHEREAS:** The Tioga County Legislature entered into a contract with Action Graphics Services on November 13, 2007 for the provision of printing services, which was to commence January 1, 2008 and expire on December 31, 2008; and

**WHEREAS:** Said contract provided for three one-year extensions; and

**WHEREAS:** The first one-year extension will expire on December 31, 2009; and

**WHEREAS:** Action Graphics Services has requested in writing a one-year extension of the printing services contract and is willing to provide the same service specified in the contract; therefore be it

**RESOLVED:** That the Tioga County Legislature agrees to a one-year extension of the Action Graphics Services printing services contract at the same terms and conditions as the November 13, 2007 contract, which extension shall commence on January 1, 2010 and expire December 31, 2010.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES  
FINANCE COMMITTEE  
INFORMATION TECHNOLOGY**

**RESOLUTION NO. 294-09      *AUTHORIZE CONTRACT FOR HIRE OF  
BROWN RIVER RECORDS PRESERVATION  
TO PERFORM WORK FOR COUNTY CLERK***

**Adoption moved by Legislator Sullivan,  
Seconded by Legislator Monell.**

**WHEREAS: The County Clerks office is responsible for the recording, filing and maintaining of public records for Tioga County; and**

**WHEREAS: The Tioga County Clerk was awarded a grant from New York State Archives Local Government Records Management to scan and index survey maps into our Electronic Document Management System (EDMS) to preserve these historic records for the public use; and**

**WHEREAS: Avalon Document Services was hired to perform this duty but was unable to scan all the survey maps due to the severe damaged condition of many of said survey maps; and**

**WHEREAS: Records Management has a balance of \$8,568.66 of grant funds to use on this restoration project for the County Clerks office; and**

**WHEREAS: Brown River Records Preservation Service has been contacted and has inspected the damaged maps and submitted a quote to restore the maps in order that they may be preserved for future use by the public and has agreed to restore maps in order to preserve the historic information for public use; be it therefore resolved**

**RESOLVED: That the Tioga County Legislature authorize the Tioga County Clerk to enter into a contract with Brown River Records Preservation Services to restore damaged survey maps on file with the Tioga County Clerks office with total payment of said services not to exceed \$8,568.66 and to be paid for from Records Management Account A1460.41-140.**

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED****REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 295-09**      *RENEW CONTRACT*  
*PARTNERS IN SAFETY, INC.*  
*(CDL DRUG & ALCOHOL TESTING)*

Adoption moved by Legislator Sauerbrey,  
 seconded by Legislator McEwen.

**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 which reflect a \$2.50 increase per employee per year and a \$5.00 increase for a drug test at walk in facilities and hospitals or for breath alcohol test at a lab or office of Partners in Safety;

**Complete DOT Random Testing Program      \$42.00 per employee per year**

**To Include:**

- Random Selection of Employees (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests
- Record Management
- Internet Resulting/Updating
- DOT Audit Assistance
- Regulatory Updates
- Blind Specimen Submissions
- MIS Reports
- 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: \$45.00 per test
- Drug Test at walk-in medical facilities or hospitals: \$70.00 per test
- DOT breath alcohol test at lab or office of Partners in Safety: \$40.00 per test
- DOT/19A Physicals at the office of Partners in Safety: \$45.00 per test
- Emergency Service: (for special situations requiring urgent on –site Collections or tests on nights, weekends or holidays) \$125 per test (minimum 2 hours plus the cost of test)
- Split Specimen Testing re-test of positive specimen by other SAMSHA 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).

and be it further

**RESOLVED:** That this contract shall be effective January 1, 2010 - December 31, 2010.

**Roll Call:**  
**Ayes 08**  
**Noes 00**  
**Absent 01**  
**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 296-09      *AUTHORIZE LETTER OF CREDIT FROM TIOGA STATE BANK***

**Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sullivan.**

**WHEREAS:** Tioga County contracts with Excellus Blue Cross Blue Shield of Central New York for health insurance coverage; and

**WHEREAS:** The County obtains on an annual basis a Letter of Credit from Tioga State Bank to provide “tail” coverage; now therefore be it

**RESOLVED:** That the Personnel Officer be and hereby is authorized and directed to obtain a Letter of Credit from Tioga State Bank in connection with the above contract in the amount of \$1,136,520 for the period January 1, 2010 through December 31, 2010; and be it further

**RESOLVED:** That the Personnel Officer is authorized and directed to sign and complete an application form for the bank, subject to review by the County Attorney.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 297-09** *RENEW CONTRACT WITH EXCELLUS BLUE CROSS/BLUE SHIELD TO ADMINISTER HEALTH INSURANCE BENEFITS*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.

**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, 2010 through December 31, 2010; and

**WHEREAS:** These are contractual benefits for Tioga County union employees; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer 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, 2010 through December 31, 2010.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**



**WHEREAS:** The Tioga County Sheriff's Department has advised administration at the Tioga County Health and Human Services complex that they can no longer provide security at the HHS complex effective January 1, 2010; and

**WHEREAS:** The need for ongoing security exists in the complex; therefore be it

**RESOLVED:** That effective January 1, 2010, Tioga County will contract with Securitas Security Services USA to provide unarmed security at the Tioga County Health and Human Services Complex at the rate of \$16.98 per hour per officer at an estimated annual expense of \$75,000; and be it further

**RESOLVED:** That said contract will be for the period 1/1/10 through 12/31/10.

**Roll Call:**

Ayes 08

Noes 00

Absent 01

**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 300-09** *RATIFY CONTRACT WITH  
TIOGA COUNTY CORRECTIONS  
ASSOCIATION (T.C.C.A)*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.

**WHEREAS:** The current collective bargaining agreement between Tioga County and the Tioga County Corrections Association (T.C.C.A.) expires December 31, 2009; and

**WHEREAS:** In anticipation of this, teams from both the County and T.C.C.A. have been meeting since March, 2009 to negotiate a successor agreement; and

**WHEREAS:** The T.C.C.A. voted on October 1 to approve a three-year proposal; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby ratifies a collective bargaining agreement with the T.C.C.A. for the term January 1, 2010 through December 31, 2012; and be it further

**RESOLVED:** That the Tioga County Legislature hereby authorizes the Budget Officer to appropriate funds in accordance with the terms of this agreement.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 301-09 AUTHORITY 2010 SALARIES  
BOARD OF ELECTIONS**

**Adoption moved by Legislator Sullivan,  
seconded by Legislator Sauerbrey.**

**WHEREAS: The salaries for employees of the Board of Elections are set by resolution; and**

**WHEREAS: No Non-Union staff are receiving salary increases in 2010; therefore be it**

**RESOLVED: That the 2010 rates of pay for Board of Elections staff shall be as follows:**

	<b><u>2010 pay:</u></b>
Commissioner (2)	\$ 34,000/year
Deputy Commissioner (2)	\$ 27,000/year

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**Legislator Huttleston spoke. "I brought up before that we did that this year and I want to go on record to make sure that in some cases we become firm but flexible. In other words, if there is some revenue producing areas or some people that are deprived of services because of the 60 day freeze we will look at it on a case-by-case basis. In some cases we have to be firm but flexible and I want to go on record to make sure that all the Legislators agree with that."**

**REFERRED TO:** FINANCE COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 302-09** *EXTEND 60-DAY HIRING DELAY  
THROUGH 2010  
ALL COUNTY DEPARTMENTS*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**WHEREAS:** Resolution 147-09 established a requirement that all vacancies remain vacant for at least 60 calendar days, allowing for certain exceptions; and

**WHEREAS:** The savings in County payroll for the period of April 2009-October 2009 was approximately \$60,000; and

**WHEREAS:** The Tioga County Legislature believes this is a cost-containing measure that should be continued for 2010; therefore be it

**RESOLVED:** That the terms of the 60-day Hiring Delay outlined in Resolution 147-09 shall be continued through December 31, 2010.

Roll Call:

Ayes 08

Noes 00

Absent 01

**CARRIED**

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

**RESOLUTION NO. 303-09** *CREATE AND FILL  
SEASONAL CLERK POSITIONS  
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Oberbeck.

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

**WHEREAS:** In the past, Tioga County has supported the creation of several temporary positions in various departments during the college Holiday break; and

**WHEREAS:** The intent of the County is to offer these positions, when possible, to Tioga County students pursuing a two or four year college education in order to provide those individuals with some earning potential; and

**WHEREAS:** The hiring of up to six (6) Seasonal Clerks will aid in workload coverage during the Holiday season; therefore be it

**RESOLVED:** That the Department of Social Services be hereby authorized to create and fill up to six (6) Seasonal Clerk positions at the rate of \$8.15 per hour (minimum wage, plus \$1) effective December 1, 2009 through January 31, 2010; and be it further

**RESOLVED:** That students who had previously worked for Tioga County as Seasonal Clerks and were compensated at the higher rate (20 cents per hour for each year of employment) be compensated the same.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES

**RESOLUTION NO. 304-09** *APPOINTMENT OF  
ADMINISTRATIVE CORONER*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.

**WHEREAS:** The Tioga County Coroners selected an Administrative Coroner for 2009; and

**WHEREAS:** Due to the passing of the Administrative Coroner it is necessary to appoint one of the other Coroners as Administrative Coroner until the end of 2009; and

**WHEREAS:** Such Administrative Coroner will perform the 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; and

**WHEREAS:** Thomas Hyde, Tioga County Coroner, has been selected by the three duly elected County Coroners to be designated as the Administrative Coroner; therefore be it

**RESOLVED:** That Thomas Hyde be designated Administrative Coroner for the remainder of 2009 retroactive to October 14, 2009 and be given the prorated annual stipend of \$3,000.00 for the remainder of 2009 as set forth in the County budget.

**Roll Call:**  
**Ayes 08**  
**Noes 00**  
**Absent 01**  
**CARRIED**

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

**RESOLUTION NO. 305-09** *AUTHORIZE HIRING WAIVER;  
 ADMINISTRATIVE ACCOUNTING  
 SUPERVISOR  
 PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,  
 Seconded by Legislator Oberbeck.

**WHEREAS:** Barbara Schrier, Public Health Administrative Accounting Supervisor, is on an unpaid leave of absence until her resignation on December 4, 2009; and

**WHEREAS:** This position of Administrative Accounting Supervisor carries the responsibility of the 'billing coordinator' for Nursing Services, and has not been paid since September 17, 2009; and

**WHEREAS:** Tioga County Legislature established a 60 day delay in backfilling vacant positions for the purpose of cost savings; and

**WHEREAS:** Public Health has been informed that per the wording of the resolution, the 60 day delay in backfilling would not start until the effective resignation date of December 4, 2009; and

**WHEREAS:** Public Health would like to backfill the position as early as December 7, 2009 to allow for the search of a qualified candidate to begin immediately; and

**WHEREAS: Public Health feels that the cost savings intent of the 60 day delay in backfilling will already have been achieved on November 17, 2009; therefore be it**

**RESOLVED: That the Public Health Director is hereby granted a waiver from the 60-day Hiring Delay for Ms. Schrier's position and is authorized to fill it as of December 7, 2009.**

**Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 306-09 APPOINT COUNTY CORONER**

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.**

**WHEREAS: One position of County Coroner has unexpectedly become vacant and needs to be filled until the next General Election in 2010; therefore be it**

**RESOLVED: That Warren Bennett be and hereby is appointed Tioga County Coroner until the next General Election to be held in 2010 to fill the vacant Coroner position.**

**CARRIED**

**Legislator Monell made a motion to bring forth the following late-filed resolutions, seconded by Legislator Sullivan and carried.**

**REFERRED TO: LEGAL COMMITTEE**

**RESOLUTION NO. 307-09 AUTHORITY CHAIR TO EXECUTE DOCUMENTS REGARDING GREATER CATSKILLS FLOOD REMEDIATION PROGRAM**

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.**

**WHEREAS: Tioga County applied for funds under the Greater Catskills Flood Remediation Program to purchase certain residential property which are prone to flooding; and**

**WHEREAS:** The program requires that the county provides assurances that the home will be condemned and the property will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, flood mitigation, or wetlands management practices; and

**WHEREAS:** The funding is now available; and

**WHEREAS:** The Towns in which the properties are located have agreed to accept title to these properties subject to the requirements set forth above; and

**WHEREAS:** The properties need to be contracted to and initially transferred to the County in order for the funding to be obtained; now therefore be it

**RESOLVED:** That the Chair of the Legislature, subject to County Attorney approval, is authorized to execute any and all documents to carry out and effectuate the terms and conditions of the grant, including the execution of all contracts, transfer documents and deeds.

On roll call vote on the above resolution, seven members voted Aye, Legislator Roberts voting no, Legislator Quinlan being absent, and the resolution was adopted.

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 308-09** *AUTHORIZE EXTENSION OF  
PART-TIME POSITIONS  
(BOARD OF ELECTIONS)*

Adoption moved by Legislator Sullivan,  
seconded by Legislator Monell.

**WHEREAS:** The Federal Help America Vote Act, HAVA, and enacted changes in the New York State Elections Laws, resulted in the mandated use of new voting machines; and

**WHEREAS:** The new voting machines require technical support to program, test, inspect, operate, and repair in accordance with NYS Board of Elections and manufacturer requirements; and

**WHEREAS:** Resolution 125-09 created two part-time Voting Machine Technician positions (one Democrat and one Republican) at a rate of \$11.00 per hour to work on an as-needed basis through December 31, 2009 to provide the technical support required on the new voting machines; and

**WHEREAS:** In order to continue to comply with the HAVA regulations and New York State Elections Laws, the Board of Elections Commissioners have budgeted for these positions in the 2010 Budget Request, and

**WHEREAS:** In order to continue to comply with the HAVA regulations and New York State Elections Laws, the Board of Elections Commissioners wish to have the two part-time positions extended through December 31, 2010; therefore be it

**RESOLVED:** That the Board of Elections Commissioners be authorized to continue the two part-time Voting Machine Technician positions through December 31, 2010, to work on an as-needed basis, at a rate of \$11.00 per hour, not to exceed the 2010 budgeted amount; and be it further

**RESOLVED:** That Voting Machine Technician positions will be reviewed prior to 12/31/10 in order for the Legislature to evaluate the continued need and use of said positions.

On roll call vote on the above resolution, five members voted Aye, Legislators McEwen, Oberbeck, and Roberts voting no, Legislator Quinlan being absent, and the resolution was adopted.

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 309-09 PURCHASE OF PRINTER  
REAL PROPERTY OFFICE**

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Monell.

**WHEREAS:** The current printer in the Real Property Office is beyond repair and there is a need for a new printer to be able to print tax bills and large jobs, and the equipment account does not have sufficient funds to cover this item, and

**WHEREAS:** The Information Technology Director has reviewed and approved the purchase of a printer in the amount of \$6,518.00, therefore be it

**RESOLVED:** That the Real Property Director be authorized to purchase a printer in the amount of \$6,518.00 and that the following sums be transferred:

<b>From: Assessment Account A1357.40-487</b>	<b>\$6,518.00</b>
<b>To: Assessment Account A1357.20-130</b>	<b>\$6,518.00</b>

**Roll Call:**

**Ayes 08**

**Noes 00**

**Absent 01**

**CARRIED**

**The Meeting adjourned at 2:09 pm.**

*Public Hearing*  
*2010 Budget*  
November 24, 2009

The Public Hearing on the 2010 Budget was called to order by the Chair at 6:04 P.M. Three Legislative members were present, Legislators Monell, Oberbeck, Quinlan, Roberts, Sauerbrey, and Sullivan being absent.

There were 15 people in attendance.

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

The Chair turned the meeting over to the Budget Officer, James McFadden.

James McFadden, County Budget Officer, spoke. “Thank you Mr. Chairman. I would like to welcome you all here tonight. This is addressed to the residents of Tioga County and the Honorable Tioga County Legislature.

“I present to you tonight the proposed County budget for 2010. As the national recession that started in December 2007 approaches a third year, many state and local governments nationwide have seen an erosion of their finances. As New York State slid into a recession the demand for government services such as unemployment benefits, social services, and Medicaid have increased. During this same period municipal revenue has decreased from less economic activity, job losses, and lower consumer spending. Tioga County has not been insulated from the effects of this recession. With this in mind, local officials have made prudent decisions formulating the 2010 county budget while still providing both valuable and mandated services for the citizens of our County.

“General Fund expenses have decreased from \$66,962,768 in 2009 to \$65,795,756 in the proposed spending plan. This represents a decrease of 1.74% or \$1,167,012. Significant operation cuts were required from all county departments including no pay increases for non-union workers, forfeiting of dental insurance, and elimination of ten positions. These measures were necessary to combat higher increases in employee health insurance and pension contributions.

“These reductions were offset by a decrease in General Fund Revenues of \$1,230,459 or 2.84% from \$43,392,898 in 2009 to \$42,162,439 in the 2010 proposal. We are anticipating lower sales tax collections and reduced state aid next year.

“There have been significant costs reductions in other areas of the budget, namely the Capital Fund. However, \$1.7 M in federal stimulus monies acquired this year has been dedicated to replace the East River Road Bridge in Nichols next year.

“Overall the total proposed spending plan of all funds is \$85,814,893, is a decrease of \$1,526,167 or 1.75% over the current year. It is proposed that a decrease of appropriated fund balance in the amount of \$800,000 be used to help offset the General Fund increase. This will bring the appropriated fund balance in the 2010 plan down to \$3,800,000 from \$4,600,000 this year.

“The county tax levy will increase \$863,447 or 4.55% to \$19,833,317, although tax rates vary from town to town and village to village due to the state established equalization rates. The composite tax rate for all taxing districts combined have decreased \$0.15 to \$13.63 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 \$796,594 to \$828,403, an increase of \$31,809 or 3.99% for 2010. Appropriations have decreased \$20,061 or 1.57% from 2009. However, revenues have also decreased \$51,870 or 10.7%. The proposed composite tax rate will drop from \$0.58 to \$0.57 per \$1000 of assessed value.

“I would like to thank the County Legislature, Department Heads, and all County Employees for working very diligently these past few months at helping formulate this 2010 budget.

“I would also like to point out that the projected tax levy may not increase after tonight’s hearing without an additional public hearing.”

The County Budget Officer then showed a slide presentation to go over some of the highlights.

George Penney spoke. “First I applaud the Legislature and the County Departments for decreasing county expenses by more than \$1,000,000, but I do not understand why it should now be necessary to raise property taxes in any amount and this at a time when increasing numbers of taxpayers are facing foreclosure. Thank you.”

Marilee Geibel spoke. “I live in the Town of Owego. This is my first time at attending a meeting. I do feel that I would not want to do your jobs, however I do have a lot of questions and I am not sure if I am limited to time. I saw in the paper where there were some new hires at Social Services and Law Enforcement was not going to be there, so that I believe would assume that we are going to pick up \$75,000 in cell phones, speeding, no stop signs because they are going to be out on the roads and highways I assume, the gentleman and ladies that were up there.

“The health insurance and dental insurance I am not sure where I can find the county employees pay for that. I understand that it is not a very large amount and that it has also not increased yearly for them as to what the rates go up. Say the rates are up 5%, I do not believe their portion goes up that amount of money. Real estate taxes bother me, the fact that there were six pages in the Pennysaver this week seemed absorbent to me. I did talk to Jim earlier and he said that is about what they normally are, but I feel the seniors are kind of maybe going to be pushed out of their homes. There is no social security increases this year and yet gasoline goes up, the fuel goes up, property taxes are going up, groceries are going up, and there is not going to be an increase from what I understand for the next two years, but all their expenses are going to go up.

“Is this a done deal, the budget?”

James McFadden, Budget Officer, spoke. “The Legislature will probably have at least one more meeting and then I believe it is two weeks from tonight it would have to be adopted by public resolution two weeks from tonight. Excuse me, three weeks from tonight there will be a night meeting where the final adoption and resolution is passed. They could make some changes, but I have not heard anything major.”

Marilee Geibel spoke. “So between now and December 15<sup>th</sup> there could be changes to this?”

Chair Weston spoke. “The budget cannot go up at this point unless we have another hearing. It does not look like it is going to go up. It can go down.”

Legislator Huttleston spoke. “This is a maximum when we have the public hearing. It cannot be raised, but we can lower it and I think in some years we have possibly done that. The only way you can lower it is money revenue that we did not know we had at this point or if we take some more out of surplus, but it cannot go up, but it can go down.”

Marilee Geibel spoke. “So the questions that I have presented, are they addressed, I mean what happens with the questions that I just asked this evening?”

Chair Weston spoke. “They will be discussed.”

Marilee Geibel spoke. “At your meeting or an open meeting?”

Chair Weston spoke. “Well if we have an open meeting, if that is the case.”

Bridget Kane spoke. "I am from the Village of Owego. I just have one question. In looking at the spending page where total decreases of \$1.16 M and it shows the largest decreases in general government, interfund transfer, and social services. Now social services decreased by \$450,000. General government, which I am assuming is every other department except social services. How many departments are included in general government? The reason why I am asking is because it just seems to me that social services has decreased more than half an amount than the general government. It just does not seem fair to me somehow. I mean I would expect the general government number to be higher or to be a lot higher, a lot higher than it is because there are more departments involved in general government. I would be interested to see a page here that shows the decreases that each and every department took. I think that would be helpful to the public. Thank you."

James McFadden, County Budget Officer, spoke. "I could try to answer her questions. Social services total spending plan, just social services alone, is a little over 20 million dollars. They are cutting by \$450,000 and actually it was even maybe a little bit more than that when you include fringe benefits and the like. I am sure they cut over 3% of their budget, so it is 20 million.

"General government is I guess you could say a little bit of everybody else, the Sheriff and Public Safety, and Public Works, Mental Health, Public Health, and those are the ones that the rest totaled \$817,000. The total spending once again the general fund spending is around \$62 million, so social services is about a third of that. There is the breakdown there. It is about a third, \$800,000 and \$450,000 is about a third. The interfund transfer is just a large chunk of money that on a yearly basis is transferred from the general fund to the capital fund to perhaps do a third bridge instead of two bridges, and that is the big change from last year is that we are only going to do two bridges next year I believe instead of a third one. We just wanted to give social services credit because they are the largest department and they did their fair share, they took a tough hit this year.

"The Sheriff's Department did eliminate I think three positions, maybe four, in the Sheriff's Road Patrol arena which is the reason why they removed two guards from Social Services. Corrections is difficult. How many people work in Corrections is pretty much set by the State and that is always a difficult area for them to go. Then last but not least there is a recession on and probably the crime rate is not going down is my guess too."

Bridget Kane spoke. "Is there a place on the Internet that we can see those cuts, like point by point, is that on the County website?"

**James McFadden, County Budget Officer, spoke. “In about two weeks from now when we adopt this full budget we are going to have everything on a website with about 70 pages worth of each department budgets and where the total spending plan is along with salaries, a list of salaries, so the total budget is over 100 pages and that will be on a website in about two and a half weeks.”**

**Legislator Huttleston spoke. “One thing that I am concerned about is not the County. I think the big thing that people got to be concerned about is the Federal Government. As far as I am concerned they are bankrupt or close to it, and the State Government is close to it. Fortunately the County ever since I have been on the Legislature have been very frugal, always stayed within their revenue and expenditures. All of our department heads have always done an excellent job of maximizing state aid and maximizing most revenue, and also third party pay and controlling expenditures, but the big problem that I am concerned, I think this whole Legislative body is concerned, is if the State pulls money away from us then they are going to hurt the county. It is going to go down to the Towns and it is going to go to the people. Like the lady just said, no social security increase. I appreciate that because you have to look at the revenue and when your expenditures exceed faster than your revenue you got some real problems. We are all aware of that and I am one that has never voted for a budget with increases.**

**“This year we had a tough time and I did say if we could get it within some kind of means I will probably vote for the budget. Next year it may be tougher and tougher, and I think the population in this country has got a put a lot of pressure on State and Federal Governments to start looking and cutting where they should be cutting. I think we have got to much government, to much expenses of government, and it should be cut, and hopefully I think the more people that can be vocal about it I think it will help, but I do think we have done a good job under the conditions we are working under and we are not a county that is in debt, which is good.”**

**There being no further comments, the hearing was adjourned at 6:38 P.M.**

*Twelfth Regular Meeting*  
December 15, 2009

The Twelfth Regular Meeting of 2009 was called to order by the Chair at 6:01 P.M. All Legislative members were present.

Chair Weston asked Legislator Monell to have a moment of prayer. “Lord, we thank you for the opportunity that we have to serve the County. We pray Lord that you would continue to bless as we endeavor to do the things that would be beneficial to the County and the people at hand. We pray Lord that you would continue to bless those that serve our Country overseas and here. Help us Lord to remember them throughout this Holiday Season as they are separated from their families. We pray Lord that you would bless this evening and all the business that we conduct.”

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

There were 33 people in attendance.

Denis McCann presented employee of the fourth quarter 2009 to Patricia Zorn of the Department of Motor Vehicles. “First of all I would like to thank the Legislature for again supporting the whole process of the Employee Recognition, not just in this award, but the annual events that occur in the Spring. I would like to call up the 4<sup>th</sup> Quarter Employee, Pat Zorn.

“Pat began her career with the County in early 1980 as a part-time secretary in the Legislative Office. She was hired full-time as a keypunch operator in Data Processing, now known as IT, in April of 1980. Eventually she transferred to Social Services as a data entry operator. Pat returned to the Legislative Office several years later working as a Deputy Clerk for Edward Hubbard and later for General Lyon. In 1986 Pat transferred to the Department of Motor Vehicles where she still works today.

“Pat was born and raised in Tioga County. Pat and her husband Brian reside in Tioga Center and they share a common love of NASCAR. Pat also enjoys playing pitch, working in her flower garden, and spending time with her 10 grandchildren and her newest addition a great granddaughter. She has three children from a previous marriage, Jennifer, Jeffery, and Nicole. She is a member of the Nichols American Auxiliary and of Nichols Methodist Church. Pat brings a human side to the negativity that has long been associated with the DMV. She has a positive work ethic, is very helpful, courteous, and patient with the public. Pat is always ready to give a helping hand to the public and to her coworkers. She also makes an excellent Mac and Cheese that she shares with her coworkers.”

Chris Anthony spoke. "Well every time I think of Employee of the Quarter I think that Pat has been here almost 30 years and I think she probably should have been Employee of the Quarter probably 30 times. Of the 30 I have worked with her 21 years and she has been a lot of help to me. We have been through a lot of changes in the Department. We have been through a lot of employees. We are the only two of the group from when I started there and there is a lot of things that she helps me with. We have such a small department that when you work with someone for 21 years you either love them or you hate them, and I love this girl."

Legislator Sullivan presented a plaque to Pat Zorn. "Pat, this is one of the pleasures of the job and this is just a memento of your accomplishment. I want to thank you for all you do on behalf of myself and the Legislature, well deserved. Thank you Pat."

Pat Zorn spoke. "Thank you everyone."

Chair Weston asked for a unanimous motion and second of the following four recognition resolutions.

Legislator Roberts read the following Recognition Resolution on Darrel French.

REFERRING TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 310-09

*RESOLUTION RECOGNIZING  
DARREL FRENCH'S 21 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY*

Adoption moved unanimously,  
seconded unanimously.

WHEREAS: Darrel E. French, was appointed to the position of HEO I on December 30, 1988; appointed to HEO II July 31, 1989; appointed to HEO III January 1, 1991; (this position is where he completed his employment); and

WHEREAS: Darrel E. French has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 21 years to the Department of Public Works/Highway. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. French will retire on December 31, 2009; 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 Darrel E. French for his 21 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, Darrel E. French.

**CARRIED UNANIMOUSLY**

Gary Hammond, Deputy Commissioner of Public Works, spoke. “Darrel is not retiring until December 31 and I will make sure that he gets this plaque and recognition resolution. He was going to be here this evening, but I guess he was not able to make it. Thank you.”

Chair Weston noted the following recognition on David Gannon.

**REFERRED TO: PUBLIC SAFETY**

**RESOLUTION NO. 311-09**      *RESOLUTION RECOGNIZING  
DAVE GANNON’S  
21 YEARS OF DEDICATED  
SERVICE TO TIOGA COUNTY*

Adoption moved unanimously,  
seconded unanimously.

**WHEREAS:** David Gannon was appointed as a Corrections Officer on December 3, 1988; and

**WHEREAS:** During his tenure, David Gannon has performed supervisory duties as a Sergeant in the Jail; and

**WHEREAS:** David Gannon has been dedicated in the performance of his duties and responsibilities during the past 21 years to the Sheriff’s Office; and

**WHEREAS:** David Gannon will retire from the Tioga County Sheriff’s Office on December 31, 2009; 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 David Gannon for his 21 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 employee, David Gannon.

**CARRIED UNANIMOUSLY**

Legislator Huttleston read and presented the following Recognition Resolution to Antonia (Toni Laman) Chattin.

**REFERRED TO** HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 312-09** *RECOGNITION OF  
ANTONIA S. CHATTIN'S 13 YEARS OF  
DEDICATED SERVICE TO THE TIOGA  
COUNTY HEALTH DEPARTMENT*

Adoption moved Legislator  
Seconded by Legislator

**WHEREAS:** Antonia (Toni Laman) Chattin, was appointed to the position of Account Clerk Typist on May 13, 1996 in the Tioga County Hospice Program; promoted to Executive Secretary on January 1, 1998; and promoted to Secretary to the Public Health Director on December 11, 2007; the position she still holds; and

**WHEREAS:** In January of 2001 Toni was honored as Employee of the First Quarter by her peers in Tioga County; and

**WHEREAS:** Toni Laman Chattin has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 13 years to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

**WHEREAS:** Ms. Chattin will retire on December 31, 2009; 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 Toni (Laman) Chattin for her over 13 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, Toni Laman Chattin.

**CARRIED UNANIMOUSLY**

Johannes Peeters, Public Health Director, spoke. “I just have a few things that I want to talk about on Toni. Since I came here Toni has been my right hand for about 11 years, so 11 of her 13 years she worked for me. I came to Tioga County not under the best of circumstances. There was some conflict between the old Public Health Director, then Environmental Health Director, and the Commissioner of Health & Human Services. Toni was my lifeline because she was aware of the surroundings in the Health & Health Human Services Department and kept me informed and up-to-date. I now need to thank her for that.

“Toni and I, like any relationship, has its ups and downs. I remember one year Toni got a few points knocked off of her evaluation from a previous year. When she worked at IBM, to her that usually meant the step towards the door. I did everything to indicate that she was doing her job well. I did, however, feel that it was something that made her uncomfortable because of her treatment at IBM. I am saying that not knowing all the facts. Today the evaluations that we have done are a pleasant event for both of us and a good discussion occurs on how we need to work together. When Toni left IBM she started to take exams for County positions and you can tell that she has been promoted up the chain.

“I wanted to thank the County for giving employees the opportunity for staff to advance themselves to improve their standings in the organization. I understand all the problems IBM had at one point with Toni and the problems, but she would always say when I was at IBM this is how we did things. I have to say now Toni that you have gotten where you are today not because of IBM, but because of the efforts that you did to improve your standings in the department and also including work with the Director in assisting him on several fronts. If you are not aware Toni took a lot of exams to get where she went. In public positions that is what you need to do and a lot of people do not understand that that they have to take exams to get promoted and that type of thing.

“Born overseas and not communicating in English until I was almost six years of age, my grammar and spelling and sentence structures left a lot to be desired. Toni seemed to have picked up my way of writing things and she now puts them together and corrects my spelling to make it a very useful and friendly letter or document. This is not something that you can learn as a college course. It is something that you learn by yourself and thank you Toni for that. It will be hard to break somebody in new to do all of that stuff.

“Another valuable trait of Toni’s is the communications that we share with one another. I have worked with Toni through some of our hard times and some of our good times. We seem to share information and consult one another. I will miss her providing me with some mental health counseling without charge. I can go on about all the things that we have done together, however she has decided to change her career track and will be working on putting a home together with her new

husband. I understand that she will be traveling and making a trip south for a visit with family. If you are not aware these changes came about rarely quickly. She got engaged, I think it was December 24, 2008 and got married shortly after New Year's of 2009. Shortest engagement I will ever remember. She has decided to settle down and start planning for her new home. All I can say is that I will miss her and she will leave a hole in my heart. I want to wish her the best in her new career."

Toni Chattin spoke. "Well, my biggest regret is that I did not come from high school and start with the County like some people did. I raised a family for 10 years and then went to IBM after two or three in between jobs. It was not my cup of tea. It was just a little bit more stressful than I was used to. As I said I wish I had come to the County because I could have had a better retirement. There is very little stress here in the County and I have enjoyed it. I have enjoyed working with Hans. He is a family oriented person and he is very understanding of people's problems and we got what he kind of reiterated a little bit about something early on, we had a little bit of a clash and we worked it out and we got to know each other. We have supported each other through our family problems on either side and I appreciate him. I appreciate the County. It has been a wonderful time, but as he said I have a new husband, new home we are about to move in to, and I will kind of have another job. Thank you very much."

Legislator Huttleston spoke. "I would just like to say one thing. Toni also once a month we have a Board of Health meeting at 7:00 a.m. and she usually gets there at 6:30 or 6:45 and I will say she is really just as beautiful early in the morning inside and outside, and I will miss you Toni and wish you a lot of luck."

Legislator Sauerbrey read and presented the following Recognition Resolution to Daryl Williams.

REFERRED TO:

PUBLIC SAFETY

RESOLUTION NO. 313-09

*RESOLUTION RECOGNIZING  
DARYL D. WILLIAMS' 13 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY*

Adoption moved unanimously,  
seconded unanimously.

WHEREAS: Daryl D. Williams was appointed Corrections Officer on 2/3/96; appointed Deputy Sheriff on 2/17/97; and

**WHEREAS: Daryl D. Williams has been dedicated and loyal in the performance of his duties and responsibilities during the past 13 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and**

**WHEREAS: Daryl D. Williams retired from the Tioga County Sheriff's Office on December 4, 2009; 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 Daryl D. Williams for his more than 13 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, Daryl D. Williams.**

**CARRIED UNANIMOUSLY**

**Bob Bell had privilege of the floor. Ladies and gentleman of the Legislature taxes are to high and the governments spend and waste to darn much money. I am a farmer and the town line goes through my farm so I receive tax bills from two towns, Barton and Tioga. This is my unpaid 2009 Barton town and county property tax bill. It is increased 118% from last year and I feel like a serf on my own land. Last month the bureaucrats in the Town of Barton passed their 2010 budget and they proudly brag there will be no tax increase. I certainly can understand why after raising people's property assessments last year between 2000 and 3,000%. Next year's Barton budget has increased spending of \$94,000.00. To me that kind of excessive spending is a tax increase. The bureaucrats in the Town of Tioga are just as bad. They granted 3% across the Board pay raises to all elected and appointed Town officials plus employees. Tioga also passed their budget last month with increased spending of \$49,000. So much for fiscal restraint on the part of Town Governments in a tough economy with double digit unemployment.**

**"Your proposed 2010 County budget will increase 4.5%, 4% for solid waste. I sincerely hope you do not pass this budget tonight because you can and should do better. Now I would like to make a couple of suggestions and the first one I will direct to Legislator McEwen. You sir know more about the finances of this County than anybody. I suggest you get a meat cleaver and trim the fat out of this budget until there is a 0% increase. The second suggestion I will direct to each of you nine people. I think it is time the Tioga County Legislature get a backbone and stand up against the tyranny that comes from Albany and Washington. Let's draw a line in the sand in this County and start to say the word no to any unfunded mandate directive from any Federal or State Agency. If the DEC wants help to enforce their new regulations on burning and natural gas drilling, the answer from Governments in this County should be no.**

**“Taxes are out of control. We are all riding on a financial titanic. The mountain of debt the democrats and republicans are piling up in Washington and Albany is incomprehensible and something has to be done. Now Governments work best when they are closest to the people. I am begging this Legislature to get a backbone and start to say the word no to more costly government. The citizens in this County will form an army behind you if push comes to shove from Washington and Albany because Tioga County will not bow to their decree. You are looking at one farmer whose pitchfork is sharpened. Believe me that jail up there will not be big enough to hold all of us who will create civil disobedience in support of your leadership. We Americans govern ourselves. We do not bow to a Queen and we do not salute a Dictator yet. The colonists fired the shots at Concord and Lexington over taxation by the British. It was the birth of America. Unless we get leadership against these out of control burdensome property taxes and fees that are constantly being placed on the residents of New York, we are all headed for serf.”**

**Joseph Albrecht had privilege of the floor. “Thank you for the privilege of being here this evening. I will reiterate a couple of ideas that I had presented before. One is to designate all residents of Tioga County LLC status because I think you pay less taxes under those conditions. I would like you to continue to explore the privilege of protecting family security patterned after the Oklahoma Make My Day Program.**

**“Relative to what the preceding speaker had to say I think it is significant to identify public service and social service expenditures, especially as they relate to skin in the game and I will leave this to your imagination, but if you have never earned the privilege of participating in the game why is it that you are at the concession stand? I think it is time to identify and quantify all unfunded mandates. Where do they come from? How much are they? What do we do about them and how many of the mandates that are extended to the County ultimately end up on towns and villages?**

**“I hope based on many of the things that have been said and the passion there is to spend money that we do not have yet that relates to the oil and gas leases, the mineral leases, that the public receive some kind of an education as to the fact that assessments went up in a number of places based on the idea that everybody gets \$1,000 an acre for their land. What many of the people who spend the money do not understand is that these leases are timed. They are either five year or seven year, and if in managing revenues and resources in the County you do not take into account the effect of the reduced value and you count on these expenditures, the money is going to disappear and your life is going to become significantly less pleasant, and I think a little bit of fore planning relative to the effects of the leases and how they affect the value of the property will be to everyone’s benefit.**

“I have to apologize for misrepresentation that I made, I said the law had been passed, it penalizes people for nonpurchase of health insurance. Apparently it is an IRS tax of 2.5% of adjusted gross income. If you fail to pay that then you are exposed to an IRS tax evasion prosecution that carries a fine of \$25,000 and a year in jail.

“I appreciate the time and the effort that you folks put in on my behalf for managing local affairs. I thank you very much and I wish you a very pleasant Christmastime and may you have a pleasant and positive next year. Thank you very much.”

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		654.60
A1165	District Attorney		1,938.74
A1172	Assigned Counsel		19,331.75
A1185	Medical Examiners/Coroners		3,375.55
A1325	Treasurer		10,617.50
A1355	Assessments		9,642.92
A1410	County Clerk		1,630.65
A1411	Department of Motor Vehicles		303.31
A1420	Law		206.04
A1430	Personnel		556.70
A1450	Elections		11,262.16
A1460	Records Management		2,447.96
A1490	Public Works Administration		200.86
A1620	Buildings	44.96	58,778.51
A1680	Information Technology		17,380.13
A2490	Community College Tuition		18,183.00
A2960	Education of Handicapped Children		78,813.72
A3020	Public Safety Comm E911 System		5,380.03
A3110	Sheriff	2,531.11	10,438.36
A3110.41	Sheriff-Court Attendants		2,027.54
A3140	Probation	98.00	11.00
A3146	Sex Offender Program		8,766.67
A3150	Jail		35,151.31
A3151	Jail-Alternatives Program		15.96
A3315	Special Traffic Programs	405.00	952.80
A3410	Fire		8,693.49
A3640	Emergency Mgmt Office		353.01
A3654	EMO Grant Buyout		2,080.00
A4010	Public Health Nursing		38,630.20
A4011	Public Health Administration		2,696.93
A4012	Public Health Education		1,160.88

A4042	Rabies Control	1,251.16
A4044	Early Intervention	38,097.48
A4047	Handicapped Education Admin	18.86
A4053	Preventive/Primary Health Services	141.80
A4054	Preventive Dental Services	924.83
A4062	Lead Poisoning Program	471.54
A4064	Managed Care-Dental Services	29,253.37
A4070	Disease Control	6,268.49
A4090	Environmental Health	1,378.64
A4210	Alcohol and Drug Services	12,114.30
A4211	Council on Alcoholism	21,122.66
A4309	Mental Hygiene Co Admin	4,067.48
A4310	Mental Health Clinic	67,816.30
A4315	Mental Retardation	621.24
A4320	Crisis Intervention Services	33,905.67
A4321	Intensive Case Management	2,455.15
A4333	Psycho Social Club	18,277.00
A6010	Social Services Administration	88,314.23
A6141	Energy Crisis Assistance Programs	23,902.00
A6422	Economic Development	390.31
A6510	Veterans' Service	700.00
A6610	Sealer Weights/Measures	219.55
A7310	Youth Programs	125.00
A7310.41	Youth Programs, Refundable	6,806.00
A8020	Planning	368.12
SOLID WASTE FUND		89,051.35
COUNTY ROAD FUND		65,182.02
SPECIAL GRANT FUND		40,855.97
CONSOLIDATED HEALTH FUND		767,176.82
CAPITAL FUND		212,826.04
LIABILITY INSURANCE FUND		68.50
WORKERS' COMP		<u>1,250.00</u>
GRANT TOTAL		\$ 1,890,183.23

Legislator Roberts made a motion to approve the minutes of November 10 and 24, 2009, 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.

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 314-09      *FIX TIME OF  
ORGANIZATIONAL MEETING***

**Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.**

**RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00  
A.M., Monday, January 4, 2010.**

**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 315-09      *ADOPT STATE EQUALIZATION REPORTS***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.**

**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.**

**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 316-09      *YEAR END TRANSFERS***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Sullivan.**

**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:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 317-09      *AUTHORIZE TREASURER TO  
ENCUMBER FUNDS***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.**

**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, 2009 to allow proper coding of bills for payment in January.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 318-09      *ADOPT COUNTY BUDGET FOR 2010,  
APPROPRIATIONS AND SALARY  
SCHEDULE***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.**

**RESOLVED:** That the tentative budget for Tioga County for the year 2010 submitted by the Budget Officer on November 13, 2009 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2010; 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, 2010; and be it further

**RESOLVED:** That the full time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2010.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 319-09 TOWN TAX LEVY**

Adoption moved by Legislator McEwen,  
seconded by Legislator Sullivan.

**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, 2010; 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	38,486.00	198,275.00
Newark Valley	-	-
Nichols	5,600.00	48,900.00
Owego	-	1,486,000.00
Spencer	36,488.00	322,409.00

**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:

<b>Town of Barton</b>	
<b>Halsey Valley Fire Protection</b>	<b>13,915.00</b>
<b>Lockwood Fire Protection</b>	<b>33,000.00</b>
<b>Waverly Joint Fire Protection</b>	<b>248,335.00</b>
<b>Town of Berkshire</b>	
<b>Berkshire Fire District</b>	<b>91,230.00</b>
<b>Town of Candor</b>	
<b>Candor Fire District</b>	<b>414,489.14</b>
<b>Town of Newark Valley</b>	
<b>Newark Valley Fire District</b>	<b>171,928.77</b>
<b>Town of Nichols</b>	
<b>Lounsberry Fire Protection</b>	<b>3,000.00</b>
<b>Nichols Joint Fire Protection</b>	<b>132,838.00</b>
<b>Town of Owego</b>	
<b>Apalachin Fire District</b>	<b>640,317.00</b>
<b>Owego Fire District</b>	<b>831,191.00</b>
<b>Newark Valley Fire District</b>	<b>25,071.23</b>
<b>Town of Richford</b>	
<b>Richford Fire District</b>	<b>86,955.00</b>
<b>Town of Spencer</b>	
<b>Spencer Fire Protection District</b>	<b>75,000.00</b>
<b>Town of Tioga</b>	
<b>Tioga Fire District</b>	<b>170,200.00</b>

**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	11,843.00
Water District No. 4/Ext. 15	7,568.00
Water District No. 4/Ext. 17	19,611.00
Water District No. 4/Ext. 20	17,975.00
Sewer District No. 2/Ext. 14	12,031.00
Sewer District No. 2/Ext. 15	11,708.00
Lighting District No. 1	5,409.00
Lighting District No. 2	12,034.00
Lighting District No. 3	10,505.00
Lighting District No. 4A	626.00
Lighting District No. 4B	1,964.00
Lighting District No. 5	6,396.00
Lighting District No. 6	15,966.00
Lighting District No. 7	2,041.00
Lighting District No. 8	1,324.00
Lighting District No. 9	609.00
Lighting District No. 10	854.00

**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 \$188,601.97; 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 \$13,358.98; 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 Newark Valley returned sewer and water rents in the amount of \$0; 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	184,000.00	418,400.00
Berkshire	79,755.00	320,000.00

Candor	412,718.00	675,775.00
Newark Valley	275,366.00	303,700.00
Nichols	125,742.00	222,800.00

Owego	726,000.00	-
Richford	106,609.00	373,184.00
Spencer	307,365.00	143,040.00
Tioga	222,057.00	480,400.00

**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:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 320-09** COUNTY TAX LEVY

Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.

**WHEREAS:** This Legislature by Resolution No. 318-09 dated December 15, 2009 adopted a Budget for the fiscal year 2010 and by Resolution No. 318-09 dated December 15, 2009 has made appropriations for the conduct of the County Government during said fiscal year and has by resolution No. 319-09 dated December 15, 2009 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	96,848.25
Berkshire	19,106.66
Candor	90,890.09
Newark Valley	56,045.69
Nichols	42,191.72
Owego	379,626.53

<b>Richford</b>	<b>15,586.24</b>
<b>Spencer</b>	<b>51,851.96</b>
<b>Tioga</b>	<b><u>76,255.86</u></b>

**Total**                    **828,403.00**

**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 \$19,833,317 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	456,247.16
For School Tax Returned	2,743,144.19
For Deficits from prior years' taxes	2.22
For Reimbursement of Erroneous taxes, etc.	24,271.34

All of the forgoing being subject to  
 Credit for excess collection the prior year of        **\$ 616.66**

**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. 319-09 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, 2009; and be it further

**RESOLVED:** That the tax rates for each of the Towns, excluding Solid Waste, are as follows:

<b>Barton</b>	<b>Out</b>	<b>7.744</b>
	<b>In</b>	<b>7.744</b>
<b>Berkshire</b>		<b>7.778</b>
<b>Candor</b>	<b>Out</b>	<b>119.201</b>
	<b>In</b>	<b>119.201</b>
<b>Newark Valley</b>	<b>Out</b>	<b>11.800</b>
	<b>In</b>	<b>11.800</b>

Nichols	Out	31.151
	In	31.151
Owego	Out	10.846
	In	10.846
Richford		5.501
Spencer	Out	40.264
	In	40.264
Tioga		119.632

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED****REFERRED TO:****FINANCE/LEGAL COMMITTEE****RESOLUTION NO 321-09**

***RESCIND ACCEPTANCE OF SALE  
FOR JOHN & BERTHA GROATS  
REAL PROPERTY ACQUIRED FOR  
NON-PAYMENT OF TAXES AND  
AUTHORIZE REFUND OF BID TO  
FRANCINE V. NOTTE***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Oberbeck.**

**WHEREAS: Property acquired by Tioga County for nonpayment of taxes in the Town of Owego, Tax Map# 175.00-2-51, was approved by the Legislature for sale at Public Auction, which was conducted on August 8, 2009; and**

**WHEREAS: At said Auction conducted on August 8, 2009, Francine V. Notte made a bid of \$26,000.00, which was accepted; and**

**WHEREAS: At that time, Francine V. Notte made a deposit on the property for \$5,300.00; and**

**WHEREAS: There is a boundary line discrepancy, which renders the property unmarketable as clear title to said property cannot be obtained; and**

**WHEREAS: Francine V. Notte has requested the deposit in the amount of \$5,300.00 be returned to her and her bid of \$26,000.00 rendered null and void; and**

**WHEREAS:** This body is agreeable to rescinding its acceptance for sale in the amount of \$26,000.00 and refund of deposit in the amount of \$5,300.00, made at Public Auction, as requested by bidder Francine V. Notte, as a boundary line discrepancy renders clear title for this property unobtainable, therefore unmarketable, rendering the property unavailable for re-sale by Francine V. Notte; be it therefore

**RESOLVED:** That the acceptance for Sale at Public Auction is rescinded and Refund of Deposit in the amount of \$5,300.00 approved for the property hereinafter identified be effective immediately: Town of Owego  
Tax Map # 175.00-2-51  
Assessed Owner: John & Bertha Groats  
Resolution Number

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

**RESOLUTION NO. 322-09** *RE- APPOINT MEMBERS TO THE TIOGA COUNTY EMPIRE ZONE ADMINISTRATIVE BOARD*

Adoption moved by Legislator Roberts,  
seconded by Legislator McEwen.

**RESOLVED:** That the following members be re-appointed to the Tioga County Empire Zone Administrative Board for a term of two (2) years from January 1, 2010 until December 31, 2011

<u>Appointee:</u>	<u>Representing:</u>	<u>Affiliation:</u>
LDC President	Community Organization	Tioga County Local Development Corp.
Wendy McBride-Solomon	Financial Institution	Tioga State Bank
Stephen Lounsberry	Local Business	Applied Technology Manufacturing Corp
Ray Avery	Local Business	Harvard Custom Manufacturing, Inc.

Michael McMahon      Education Institution

Waverly Central School District  
**CARRIED**

**REFERRED TO:**

**ED&P COMMITTEE**

**RESOLUTION NO. 323-09**

*APPOINT MEMBER TO THE  
TIOGA COUNTY EMPIRE ZONE  
ADMINISTRATIVE BOARD*

Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan.

**WHEREAS:** Janet Hertzog's term on the Tioga County Empire Zone Administrative Board expires on December 31, 2009; and

**WHEREAS:** Janet Hertzog currently represents Organized Labor through her affiliation with Broome Community College and does not wish to be re-appointed; and

**WHEREAS:** Tioga County Economic Development & Planning has found Laura St. George willing and able to fill the Organized Labor representative vacancy through her affiliation with Broome Community College; therefore be it

**RESOLVED:** That the Tioga County Legislature appoint Laura St. George as the Organized Labor representative on the Tioga County Empire Zone Administrative Board for a term of two (2) years from January 1, 2010 until December 31, 2011.

On roll call vote on the above resolution, six members voted Aye, Legislators Oberbeck, Roberts, and McEwen voting no, and the resolution was adopted.

**REFERRED TO:**

**ED&P COMMITTEE**

**RESOLUTION NO. 324-09**

*APPOINT MEMBER TO THE  
TIOGA COUNTY EMPIRE ZONE  
ADMINISTRATIVE BOARD*

Adoption moved by Legislator Monell,  
seconded by Legislator Sullivan.

**WHEREAS:** Jeffrey Barber's term on the Tioga County Empire Zone Administrative Board expires on December 31, 2009; and

**WHEREAS:** Jeffrey Barber currently represents Local Resident and does not wish to be re-appointed; and

**WHEREAS:** Tioga County Economic Development & Planning has found Kevin Millar willing and able to fill the Local Resident representative vacancy; therefore be it

**RESOLVED:** That the Tioga County Legislature appoint Kevin Millar as the Local Resident representative on the Tioga County Empire Zone Administrative Board for a term of two (2) years from January 1, 2010 until December 31, 2011.

On roll call vote on the above resolution, five members voted Aye, Legislators Oberbeck, Roberts, Sauerbrey, and McEwen voting no, and the resolution was adopted.

**REFERRED TO:** ED&P COMMITTEE

**RESOLUTION NO. 325-09** *APPOINT AT-LARGE MEMBER TO THE STERPDB REGIONAL BOARD*

Adoption moved by Legislator Monell,  
seconded by Legislator Sauerbrey.

**WHEREAS:** The by laws of the Southern Tier East Regional Planning Development Board (STERPDB) require the composition of the membership from each county to be 1) a county legislator, 2) a local elected official, another county legislator or a citizen at-large and 3) the county planning director, and

**WHEREAS:** Andrea Giovenco currently holds this at-large position; her term expires at the end of December and she does not wish to be re-appointed; and

**WHEREAS:** Tioga County ED&P has found Patty Porter willing and able to fill this position; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Patty Porter to Tioga County's at-large position on the Southern Tier East Regional Planning Development Board to a 4-year term of 1/1/2010 – 12/31/2013.

On roll call vote on the above resolution, six members voted Aye, Legislators Oberbeck, Roberts, and McEwen voting no, and the resolution was adopted.

**REFERRED TO:** ED&P COMMITTEE

**RESOLUTION NO. 326-09** *APPOINT MEMBER TO THE  
TIOGA COUNTY PLANNING  
BOARD*

**Adoption moved by Legislator Sullivan,  
seconded by Legislator Monell.**

**WHEREAS:** Dot Richter, an alternate member of the Tioga County Planning Board, has resigned; and

**WHEREAS:** The Tioga County Planning Board has found Patty Porter willing and able to serve Dot Richter's unexpired term, therefore be it

**RESOLVED:** That the Tioga County Legislature appoints Patty Porter as an alternate, to serve the remainder of Dot Richter's unexpired term from 12/16/09 – 12/31/10.

**On roll call vote on the above resolution, seven members voted Aye, Legislators Oberbeck and Roberts voting no, and the resolution was adopted.**

**REFERRED TO:** ED&P COMMITTEE

**RESOLUTION NO. 327-09** *APPOINT MEMBER TO THE  
TIOGA COUNTY LOCAL  
DEVELOPMENT CORPORATION*

**Adoption moved by Legislator Monell,  
seconded by Legislator Sullivan.**

**WHEREAS:** Peter Ward's term on the Tioga County Local Development Corporation expires as of March 31, 2010; and

**WHEREAS:** Peter Ward resigned from the Tioga County Local Development Corporation as of October 31, 2009; and

**WHEREAS:** The Tioga County Local Development Corporation Board of Directors has found Sandra Layman willing and able to fill said vacancy; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Sandra Layman to fill said vacancy and serve the remainder of Peter Ward’s unexpired term of 1/1/10 – 3/31/10; and be it further

**RESOLVED:** That the Tioga County Legislature hereby re-appoints Sandra Layman for the three-year term of 4/1/10 – 3/31/13.

Legislator Monell made a motion to amend the above resolution, seconded by Legislator Sullivan to change the word “re-appoints” in the last Resolved to “appoints”.

On roll call vote on the above resolution and amendment, seven members voted Aye, Legislators Oberbeck and Roberts voting no, and the resolution and amendment were adopted.

**REFERRED TO:** ED&P COMMITTEE

**RESOLUTION NO. 328-09**      *APPOINT MEMBER TO THE  
TIOGA COUNTY LOCAL  
DEVELOPMENT CORPORATION*

Adoption moved by Legislator Monell,  
seconded by Legislator Sullivan.

**WHEREAS:** Ralph Kelsey’s term on the Tioga County Local Development Corporation expires as of March 31, 2010; and

**WHEREAS:** Ralph Kelsey has expressed his desire to resign from the Tioga County Local Development Corporation as of December 31, 2009; and

**WHEREAS:** The Tioga County Local Development Corporation Board of Directors has found Marcia Kiechle willing and able to fill said vacancy; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Marcia Kiechle to fill said vacancy and serve the remainder of Ralph Kelsey’s unexpired term of 1/1/10 – 3/31/10; and be it further

**RESOLVED:** That the Tioga County Legislature hereby re-appoints Marcia Kiechle for the three-year term of 4/1/10 – 3/31/13.

Legislator Sauerbrey made a motion to amend the above resolution, seconded by Legislator Monell to change the word “re-appoints” in the last Resolved to “appoints”.

On roll call vote on the above resolution and amendment, seven members voted Aye, Legislators Oberbeck and Roberts voting no, and the resolution and amendment were adopted.

**REFERRED TO:** ED&P COMMITTEE

**RESOLUTION NO. -09** *APPOINT MEMBER TO THE  
TIOGA COUNTY LOCAL  
DEVELOPMENT CORPORATION*

Adoption moved by Legislator Roberts,  
seconded by Legislator Oberbeck.

**WHEREAS:** Aaron Gowan's term on the Tioga County Local Development Corporation expires as of March 31, 2011; and

**WHEREAS:** Aaron Gowan has expressed his desire to resign from the Tioga County Local Development Corporation as of December 31, 2009; and

**WHEREAS:** The Tioga County Local Development Corporation Board of Directors has found Bob Griffin willing and able to fill said vacancy; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Bob Griffin to fill said vacancy and serve the remainder of Aaron Gowan's unexpired term of 1/1/10 – 3/31/11.

Legislator Roberts made a motion to withdraw the above resolution, seconded by Legislator Oberbeck and carried.

**REFERRED TO:** ED&P COMMITTEE

**RESOLUTION NO. 329-09** *APPOINT MEMBER TO THE  
TIOGA COUNTY LOCAL  
DEVELOPMENT CORPORATION*

Adoption moved by Legislator Sullivan,  
seconded by Legislator Monell.

**WHEREAS:** William Caloroso's term on the Tioga County Local Development Corporation expires as of March 31, 2011; and

**WHEREAS:** William Caloroso has expressed his desire to resign from the Tioga County Local Development Corporation as of December 31, 2009; and

**WHEREAS:** The Tioga County Local Development Corporation Board of Directors has found Simon Caudullo willing and able to fill said vacancy; therefore be it

**RESOLVED:** That the Tioga County Legislature hereby appoints Simon Caudullo to fill said vacancy and serve the remainder of William Caloroso’s unexpired term of 1/1/10 – 3/31/11.

On roll call vote on the above resolution, six members voted Aye, Legislators Oberbeck, Roberts, and McEwen voting no, and the resolution was adopted.

**REFERRED TO:** ED&P COMMITTEE

**RESOLUTION NO. –09** *APPOINT TIOGA COUNTY REPRESENTATIVE TO FINGER LAKES TOURISM ALLIANCE*

Adoption moved by Legislator Roberts,  
seconded by Legislator Sullivan

**WHEREAS:** Bonnie Jensen’s, Legislative Representative to the Finger Lakes Tourism Alliance, term expires December 31, 2009; and

**WHEREAS:** The Tioga County Legislature would like to appoint Stella Reschke, Tioga County Tourism Director, as the Legislative Representative to the Finger Lakes Tourism Alliance, now therefore be it

**RESOLVED:** That the Tioga County Legislature does hereby appoint Stella Reschke, as its Legislative Representative to the Finger Lakes Tourism Alliance effective January 1, 2010 through December 31, 2012.

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

**REFERRED TO:** HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 330-09** *RESOLUTION REAPPOINTING MEMBERS TO COMMUNITY SERVICES BOARD*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Sauerbrey.

**WHEREAS:** Paula Guiles' and Vicki Comstock's appointments to the Community Services Board will expire on December 31, 2009; and

**WHEREAS:** The Community Services Board has recommended reappointment of these individuals; 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 Paula Guiles and Vicki Comstock be reappointed to the Community Services Board, each for a term starting January 1, 2010 and ending March 31, 2014.

**CARRIED**

**REFERRED TO:** HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 331-09** *APPOINTMENT EARLY INTERVENTION  
OFFICIAL DESIGNEE*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Roberts.

**WHEREAS:** Terms of office for the Early Intervention Official and Designees were set forth in Resolution #77-00; and

**WHEREAS:** Lindsey Cioci is no longer employed with the Tioga County Health Department; and

**WHEREAS:** Carrie Wilson has been selected to fill the position of Early Intervention Official Designee formerly held by Lindsey Cioci; and

**WHEREAS:** The Tioga County Legislature must approve any and all appointments; therefore be it

**RESOLVED:** That Carrie Wilson be appointed in Lindsey Cioci's place as Early Intervention Official Designee for a term of 12/15/09-Term of Office.

**CARRIED**

**REFERRED TO:** HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 332-09** *REAPPOINT MEMBER TO THE  
TIOGA COUNTY BOARD OF HEALTH*

**Adoption moved by Legislator Huttleston,  
seconded by Legislator McEwen.**

**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 Rani Kapur-Pado, MD, on the Board of Health expires 12/31/09; and**

**WHEREAS: Dr. Kapur-Pado has agreed to serve for another term; therefore be it**

**RESOLVED: That Rani Kapur-Pado, MD, be reappointed to the Board of Health for a term 1/1/10 - 12/31/15.**

**CARRIED**

**REFERRED TO: ADMINISTRATIVE COMMITTEE  
INFORMATION TECHNOLOGY**

**RESOLUTION NO. 333-09      *AUTHORIZE CONTRACT FOR HIRE OF  
RECORDFUSION TO PERFORM WORK FOR  
COUNTY CLERK***

**Adoption moved by Legislator Sullivan,  
Seconded by Legislator Monell.**

**WHEREAS: The County Clerks office is responsible for the recording, filing and maintaining of public records for Tioga County; and**

**WHEREAS: The Tioga County Clerk was originally awarded a grant for \$55,300 from New York State Archives Local Government Records Management to scan and index deeds, mortgages, assignment and discharge of mortgage documents into our Electronic Document Management System (EDMS) to preserve these records for public use; and**

**WHEREAS: New York State has notified the Tioga County Clerk's Office that their original grant award has been reduced by 12.5% with the possibility of future reductions; and**

**WHEREAS: RecordFusion has been contacted and has agreed to perform the required work needed to complete this task; be it therefore**

**RESOLVED:** That the Tioga County Legislature authorize the Tioga County Clerk to enter into a contract with RecordFusion to scan and index deeds, mortgages, assignment and discharge of mortgage documents into the Electronic Document Management System (EDMS) with the total payment of said services not to exceed \$55,300 or the final awarded amount.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** INFORMATION TECHNOLOGY  
FINANCE COMMITTEE

**RESOLUTION NO. 334-09** *AUTHORIZE CONTRACT TO IMPLEMENT  
CITRIX ACCESS GATEWAY APPLIANCE*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** Information Technology and Communication Services Department has determined that it is necessary to obtain professional assistance for implementing the Citrix Access Gateway appliance; and

**WHEREAS:** The Department after interviewing Consultants has determined Dox Electronics, Inc. as the most qualified and competitive; and

**WHEREAS:** The Department has budgeted sufficient funds; be it therefore

**RESOLVED:** That the Tioga County Legislature hereby authorizes Information Technology and Communication Services to retain Dox Electronics, Inc. for the above stated purpose for a fee not to exceed \$3,600.00 to be paid from Information Technology Account A1680.40-140.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** INFORMATION TECHNOLOGY  
FINANCE COMMITTEE

**RESOLUTION NO. 335-09**

***AUTHORIZE CONTRACT TO UPGRADE  
DISASTER RECOVERY SOFTWARE ON BOTH  
I5 SERIES MACHINES***

**Adoption moved by Legislator Monell,  
Seconded by Legislator Sullivan.**

**WHEREAS: Information Technology and Communication Services Department has determined that it is necessary to obtain professional assistance for upgrading the disaster recovery software on both i5 Series machines; and**

**WHEREAS: The Department after interviewing Consultants has determined Robideau & Associates Consulting as the most qualified and competitive; and**

**WHEREAS: The Department has budgeted sufficient funds; be it therefore**

**RESOLVED: That the Tioga County Legislature hereby authorizes Information Technology and Communication Services to retain Robideau & Associates Consulting for the above stated purpose for a fee not to exceed \$2,400.00 to be paid from Information Technology Account A1680.40-140.**

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:**

**ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE  
INFORMATION TECHNOLOGY**

**RESOLUTION NO. 336-09**

***AUTHORIZE TRANSFER OF FUNDS FOR  
PURCHASE OF EQUIPMENT FOR THE  
COUNTY CLERK'S OFFICE***

**Adoption moved by Legislator Monell,  
Seconded by Legislator Sullivan.**

**WHEREAS: The County Clerks office is responsible for the recording, filing and maintaining of public records for Tioga County; and**

**WHEREAS: The current printer is not operational and Information Technology Department is unable to repair it and has recommended replacement due to the age of the equipment; and**

**WHEREAS:** The Tioga County Clerk expense account does not have an existing account for the purchase of this equipment; and

**WHEREAS:** The Tioga County Information Technology Director has approved the purchase; be it therefore

**RESOLVED:** That the County Clerk be authorized to purchase a printer not to exceed \$2,346.00 and that the following sums be transferred:

<b>From:</b>	<b>County Clerk Account A1410.40-520</b>	<b>\$2,346.00</b>
<b>To:</b>	<b>County Clerk Account A1410.20-220</b>	<b>\$2,346.00</b>

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:** **PUBLIC WORKS COMMITTEE**  
**FINANCE COMMITTEE**

**RESOLUTION NO. 337-09** ***APPROPRIATION OF ADDITIONAL REVENUE***

**Adoption moved by Legislator Roberts,**  
**seconded by Legislator McEwen.**

**WHEREAS:** The fee revenue being collected during 2009 has exceeded the budget; and

**WHEREAS:** The cost of disposing of the additional tonnage has also increased proportionally; therefore be it

**RESOLVED:** That the sum of \$50,000.00 be appropriated to Solid Waste Account B8160.41-140 from the additional tipping fee revenue Account B1221.00.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 338-09      *APPROPRIATION OF ADDITIONAL  
REVENUE***

**Adoption moved by Legislator Monell,  
seconded by Legislator Roberts.**

**WHEREAS: The Hazardous Waste Program has been very successful and program during 2009 has exceeded the budget; and**

**WHEREAS: The cost of disposing of the additional amounts of hazardous waste and electronics due to increases in participation rates of the program which was particularly evident in the large bill for September; therefore be it**

**RESOLVED: That the sum of \$10,000 be appropriated from Solid Waste Contingency Account B1990.40-715 to Solid Waste Account B8160.42-261 to account for the additional amounts of hazardous waste and electronics in 2009.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**REFERRED TO: PUBLIC WORKS COMMITTEE**

**RESOLUTION NO. 339-09      *TRANSFER OF FUNDS BOILER FOR THE  
BARTON TRANSFER STATION***

**Adoption moved by Legislator Roberts,  
seconded by Legislator Monell.**

**WHEREAS: The Solid Waste Department needs to purchase a new boiler for the Barton Transfer Station; therefore be it**

**RESOLVED:** That the sum of \$2,000.00 be transferred from Solid Waste Account B8160.40-93 into Solid Waste Account B8160.20-130; and be it further

**RESOLVED:** That the Tioga County Legislature authorizes Ellen Pratt, Solid Waste Manager, to purchase a boiler from the Solid Waste Account B8160.20-130 at a cost not to exceed \$2,000.00.

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:** PUBLIC WORKS COMMITTEE

**RESOLUTION NO. 340-09**      *TRANSFER OF FUNDS  
 RECYCLING BINS FOR THE CURBSIDE  
 RECYCLING PROGRAM*

Adoption moved by Legislator Roberts,  
 seconded by Legislator Sauerbrey.

**WHEREAS:** The Solid Waste Department needs to purchase more recycling bins for the Curbside Recycling Program; therefore be it

**RESOLVED:** That the sum of \$7,300.00 be transferred from Solid Waste Account B8160.40-420 into Solid Waste Account B8160.42-640; and be it further

**RESOLVED:** That the Tioga County Legislature authorizes Ellen Pratt, Solid Waste Manager, to purchase recycling bins from the Solid Waste Account B8160.42-640 at a cost not to exceed \$7,300.00.

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:** ED&P COMMITTEE  
 FINANCE COMMITTEE  
 INFORMATION TECHNOLOGY COMMITTEE



**WHEREAS:** Funds are available in one of the Expense accounts; therefore be it

**RESOLVED:** That the following sums be transferred:

<b>From:</b> Workers' Compensation Account S1710.40 (450)	<b>\$50,000.00</b>
<b>To:</b> Workers' Compensation Account S1720.40 (370)	<b>\$50,000.00</b>

**Roll Call:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**REFERRED TO:**

**PERSONNEL COMMITTEE**  
**FINANCE COMMITTEE**

**RESOLUTION NO. 343-09**

***TRANSFER OF FUNDS***  
***CONSOLIDATED HEALTH***

**Adoption moved by Legislator McEwen,  
 seconded by Legislator Oberbeck.**

**WHEREAS:** Due to higher than anticipated health insurance bills a shortfall in the 2009 consolidated health budget is expected; and

**WHEREAS:** Funds are available in the appropriated reserves of the consolidated health insurance program; therefore be it

**RESOLVED:** That the following sums be transferred:

<b>From:</b> Appropriated Reserve CH 511	<b>\$578,399.00</b>
<b>To:</b> Consolidated Health Account CH 9060.81 (87)	<b>\$578,399.00</b>

**Roll Call:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**REFERRED TO:**

**HEALTH & HUMAN SERVICES COMMITTEE**  
**FINANCE COMMITTEE**

**RESOLUTION NO. 344-09            *TRANSFER OF FUNDS*  
*PUBLIC HEALTH***

**Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.**

**WHEREAS: Resolution 249-09 addressed the costs of the mandated Handicapped Education Program (3-5) and Early Intervention (EI) program; and**

**WHEREAS: In Resolution 249-09, Public Health did not request the entire amount projected as needed for the balance of 2009, with the intent of delaying the request of some of the needed funds until later in 2009; and**

**WHEREAS: Public Health has determined the amount of additional funding needed for both mandated programs through the balance of 2009; and**

**WHEREAS: The additional costs of the Handicapped Education and Early Intervention programs will result in additional revenue and state aid reimbursement, decreasing the amount needed from County contingency funds; and**

**WHEREAS: Transfer of funds requires Legislative approval, therefore be it**

**RESOLVED: That funds be transferred as follows:**

<b>From: A1610.16</b>	<b>Handicapped Education Fees</b>	<b>\$ 15,000</b>
<b>A1610.17</b>	<b>Early Intervention Fees</b>	<b>\$ 35,000</b>
<b>A3460.00</b>	<b>State Aid: Handicapped Education</b>	<b>\$ 157,550</b>
<b>A1990.40-715</b>	<b>County Contingency Account</b>	<b>\$ 152,450</b>

<b>To:    A2960.40-590</b>	<b>Handicapped Education- Contractual Services</b>	<b>\$ 290,000</b>
<b>A4044.40-140</b>	<b>Early Intervention- Contracting Services</b>	<b>\$ 70,000</b>

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

**REFERRED TO:            ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 345-09            *AMEND RESOLUTION NOS. 385-90,  
102-00, AND 150-07*  
*AMENDING FEES*  
*REAL PROPERTY OFFICE***

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Oberbeck.

**WHEREAS:** Resolution Nos. 385-90, 102-00, and 150-07 established and modified schedules of charges; and

**WHEREAS:** The cost of supplies and services have increased; and

**WHEREAS:** The Real Property Tax Service Agency has recommended that the fee schedules be revised and established for new services, be it therefore

**RESOLVED:** That Resolution Nos. 385-90, 102-00, and 150-07 be hereby amended and that the fees for Real Property Administrative services be and hereby are established and modified as follows:

Preparation of school district and village tax bills, per bill	.60
Tax map 30x42 all individuals, attorneys or private corporations	6.00
Tax map 30x42 Assessors, 1 <sup>st</sup> copy no charge, thereafter per copy	2.50
Tax map 30x42 all Village, Town & Schools per copy	2.50
Tax map 17x21 all individuals, attorneys or private corporations	4.00
Tax map 17x21 Assessors, per copy	.75
Mailing a single map	2.00
Assessment rolls & indexes printed, all towns other than Owego, per town	30.00
Assessment rolls & indexes printed, town of Owego	55.00
Assessment roll indexes, all towns other than Owego, per town	10.00
Assessment roll indexes, town of Owego	15.00
GIS map, 8 ½ x 11 (color)	2.50
GIS map, 8 ½ x 11 (blk & wht)	1.50
GIS digital maps on CD	600.00
Additional layers included on CD, per layer	50.00
RPS data files on CD or e-mailed, rps160d1, rps155p1, rps150p1, etc., per	50.00
Printed custom reports, minimum	15.00
Aerial photo or DOQQ, 8 ½ x 11 or Topo.	12.00
Aerial photo or DOQQ, 30x42	25.00
Printed address labels, per page of 30 (minimum)	2.00
RPS Database (scrubbed)	300.00
Screen prints, each	.30
.pdf tax map files, e-mailed, per map	1.00
.pdf tax map files, quantity, min of 3	2.00
Sales report (one year)	30.00
Area map with coordinates, up to 12 pts., 8 ½ x 11	4.00

Roll Call:

**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**REFERRED TO: INFORMATION TECHNOLOGY**

**RESOLUTION NO. 346-09**      ***AMEND POLICY 5***  
***FIXED ASSET INVENTORY***

**Adoption moved by Legislator Monell,  
Seconded by Legislator Sauerbrey.**

**WHEREAS: Policy 5 Fixed Asset Inventory needs to be amended to remove Purchasing Coordinator and change to Information Technology Department; therefore be it**

**RESOLVED: That Policy 5 Fixed Asset Inventory is amended to reflect the above change throughout the entire policy and is attached herewith.**

**FIXED ASSET INVENTORY**

Sec.

I. Fixed Asset Inventory (Rules & Regulations for Implementation and Maintenance)

**I. FIXED ASSET INVENTORY (RULES AND REGULATIONS FOR IMPLEMENTATION AND MAINTENANCE)**

- A. The County Legislature gives the Information Technology Department the responsibility not only to purchase, but also to inventory, dispose of and/or transfer supplies, materials and equipment.
- B. Each department head shall be responsible for designating one employee to be responsible for maintaining the fixed assets inventory for that department, (called Fixed Asset Steward), in accordance with rules and regulations as developed by the Information Technology Department, under the direction of the Information Technology Director, approved by the County Legislature and including reporting the acquisition or disposal of all fixed assets for the department. Necessary copies of acquisition or disposal forms as furnished by the Information Technology Department shall be completed in detail, signed by the Fixed Asset Steward and returned to the Information Technology Department for updating the official inventory.
- C. Minimum standards to be considered for inclusion in the fixed asset inventory are as follows:
  - 1. Only items costing two hundred and fifty dollars (\$250.00) or more will be inventoried with the exception of computer equipment. All computer

- equipment purchased through Information Technology will be inventoried regardless of cost.
2. All items under two hundred and fifty dollars (\$250.00) cost shall be considered supplies and inventory control managed within the department.
  3. Estimated useful life of the item(s) shall be one (1) year or more.
  4. The physical characteristics of the assets shall not be appreciably affected by use or consumption.
- D. Each department has an assigned Fixed Asset Steward who is responsible for tagging all new assets. Tags are necessary to provide positive identification of an asset; it also provides a quick and accurate method of identifying assets during the annual physical inventory. Upon receipt of an asset valued over \$250.00 or computer or computer-related equipment, the Information Technology Department will issue a numbered inventory tag that will be attached to the new asset. The department will receive a Tioga County Equipment Inventory Input Document form which must be completed and returned before receiving an inventory tag.. If a tag is lost or damaged the department Fixed Asset Steward should contact the Information Technology Department for a replacement tag.
- E. The only exception to this procedure will be for computer or computer related equipment that will be maintained and tagged by the Information Technology and Communication Department. Information Technology will track all computer or computer related items regardless of dollar value and maintain a database for all items including those awaiting assignment and disposal. Information Technology will record transfers of equipment and obsolete computer equipment shall be disposed of by the Information Technology Department.
- F. Each Department Head has the ultimate responsibility to conduct and maintain the individual inventory pertaining to that department. It is also the responsibility of the department head to evaluate on a continuing basis the suitability and need of materials, supplies and equipment. If they should become obsolete by reason of age, wear or technical advancement or should become surplus, unnecessary for the operation of his/her department, the department Fixed Asset Steward should complete a Tioga County Equipment Inventory Disposition Document and forward it to the Information Technology Department.
- G. On an annual basis, each department shall be furnished with an updated electronic inventory records spreadsheet for comparison to departmental records. All computer or computer-related equipment and only those non-computer fixed assets with a value of \$250.00 or more will be inventoried. It is the responsibility of the employee designated as Fixed Asset Steward to compare this spreadsheet with the department records and report any discrepancies to the Information Technology Department for adjustment.
- H. All forms and tags for maintaining the fixed asset inventory shall be supplied by the Information Technology Department.
- I. The Information Technology Department shall be responsible for generating the required State and local periodic reports.
- J. The Information Technology Department, under the direction of the Director of Information Technology, has the authority to develop additional rules and regulations necessary for the maintenance of the fixed asset inventory as the need arises.

**Roll Call:****Ayes 09****Noes 00****Absent 00****CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 347-09      *AMEND POLICY 11*  
*TRAVEL POLICY AND PROCEDURES***

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Sauerbrey.**

**WHEREAS: Policy 11 Travel Policy and Procedures Section VII. Meal Allowances needs to be revised; therefore be it**

**RESOLVED: That Policy 11 Travel Policy and Procedures Section VII. Meal Allowances be revised as follows:**

**VII. MEAL ALLOWANCES**

- A. The County will pay a total per diem including gratuity, only for travel requiring an overnight stay, based upon the General Services Administration travel reimbursement allowance chart as shall be in effect at the time of any authorized travel, for meals during travel outside of Tioga County. (The applicable GSA meal reimbursement allowance chart, as may be periodically updated by the GSA, will be provided by the Treasurer’s Office and be made available in the office of the Legislative Clerk.)**
  
- B. Based on GSA rates in effect at time of travel.**
  - 1. Meals will be allowed as follows:**
    - a. Breakfast – When the time of departure from home at the beginning of the trip necessarily occurs before 7:00 am.**
    - b. Lunch – When the employee is away from his/her office for more than one-half of the employee’s normal work day.**
    - c. Dinner – When the time of return home at the conclusion of a trip necessarily occurs after 7:00 pm.**
  
  - 2. Breakfast, lunch, and dinner under Section VII.B.1. will be reimbursed at an amount not to exceed the GSA rate.**

**Meal costs, which are part of a package conference fee, will be allowed even if they exceed these guidelines.**

- C. Extended training of five days or more – With the prior approval of the Legislative Chair special consideration may be made for extended training of five consecutive days or more, excluding modifications to the allowance rate.**
  
- D. Meals included in airline fare or conference registration fee must not be claimed a second time.**

**And be it further**

**RESOLVED:** That the remainder of Policy 11 Travel Policy and Procedures shall remain in full force and effect.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** PUBLIC WORKS COMMITTEE  
INFORMATION TECHNOLOGY COMM  
FINANCE COMMITTEE

**RESOLUTION NO. 348-09** *AMEND POLICY 23  
PROCUREMENT POLICY*

Adoption moved by Legislator Roberts,  
Seconded by Legislator McEwen.

**WHEREAS:** Policy 23 Procurement Policy needs to be revised; therefore be it

**RESOLVED:** That Policy 23 Procurement Policy be amended as follows:

**SECTION I – Procurement Procedures. Change the following sentence:**

“Pursuant to General Municipal Law 104-b (2) (f), Suzanne Horton, Information Technology Director, is the responsible person for overseeing the administrative details of Tioga County’s purchasing program.”

**SECTION IV – Determining the Necessity for Competitive Bidding. In the table change the following:**

Purchase and Contracts for Public Works – Change #3 from \$20,000 to “\$35,000”.  
Purchase and Contracts for Public Works – Change #4 from \$20,000 to “\$35,000”.

**SECTION V – Methods of Procurement not covered by Bidding. The whole table should be replaced with the following table:**

Procurements	Verbal Quotes		Written Quotes		RFP	Formal Bid	Other
	0	3	3	≥3*			
Commodities (Equipment, Materials & Supplies)							
\$500	X						
\$500 - \$1,499		X					
\$1,500 - \$4,999			X				
\$5,000 - \$9,999				X			
\$10,000 & over						X	
Public Works and Contracted Services							
\$10,000	X						
\$10,000 – \$19,999		X					
\$20,000 - \$34,999			X				
\$35,000 & over						X	
Over \$35,000 – sealed bids in conformance with GML, Section 103.						X	
Emergencies GML 103(4)							a.
Insurance							a.
Professional Services GML 104-b					X		
True Leases (other than school districts)				X			
Second-Hand Equipment from Other Governments							a.
Sole Source (i.e., patented or monopoly item)							a.

\*A minimum of 3 quotes are required but may be greater than 3 quotes as determined by the Information Technology Department.

(a) – Competitive bidding is not required based on Exceptions to the Requirements of GML, §103 and §104.

Verbal Quotes – use form 14.8F or equivalent; Originator Department to obtain quotes and submit with draft order.

Written Quotes – use form 14.9F or equivalent; Originator Department to obtain quotes and submit with draft order.

Formal Bids and RFP’s are issued by the Information Technology Department or the Originator Department; specifications are provided by Originator Department.

**SECTION V – Methods of Procurement not covered by Bidding. The following sentence “a” after the table should be deleted:**

a. The methods of solicitations for these types of procurements may vary depending on the circumstances encountered. Contact the Purchasing Coordinator for additional information.

and be it further

**RESOLVED:** That the remainder of Policy 23 Procurement Policy shall remain in full force and effect.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** FINANCE COMMITTEE  
PUBLIC WORKS COMMITTEE

**RESOLUTION NO. 349-09**      *AMEND POLICY 39  
ASSIGNMENT & USE OF  
COUNTY VEHICLES*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

**WHEREAS:** Policy 39 needs changes made to Section X Taxable Value; therefore be it

**RESOLVED:** That Policy 39 Assignment & Use of County Vehicles Section X Taxable Value be amended as follows:

### **TAXABLE VALUE**

- A. All employees assigned a County vehicle shall have the value for the commute use benefit reflected in the employee's gross pay accounting at the allowable rate of the IRS, except for those employees assigned a vehicle which is considered by the IRS to be a Qualified nonpersonal-use vehicle. See IRS Publication 15-B.

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:**  
**Ayes 09**  
**Noes 00**  
**Absent 00**  
**CARRIED**

**REFERRED TO: INFORMATION TECHNOLOGY**

**RESOLUTION NO. 350-09**      *AMEND POLICY 43*  
*TIOGA COUNTY’S NETWORK*  
*POLICIES AND PROCEDURES*

**Adoption moved by Legislator Roberts,  
Seconded by Legislator Monell.**

**WHEREAS: Policy 43 needs changes made to the section on Cellular Phones and other Wireless Devices; therefore be it**

**RESOLVED: That the section on Cellular Phones and other Wireless Devices be amended as follows:**

**CELLULAR PHONES AND OTHER WIRELESS DEVICES**

It is Tioga County’s policy to have employees use cellular phones as an effective communication tool which enhances the personal safety/security of field employees and carries the potential to enhance employee productivity by providing another communications link with County employees and customers.

Cellular phone service, like other means of communication, is to be used to support County business. Employees may use cellular telephones to communicate outside of the County government when such communications are related to legitimate business activities and are within their job assignments or responsibilities. Employees will not use cellular telephones for illegal, disruptive, unethical or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interest of Tioga County. Further, County issued cellular telephones may not be used for personal use. Department Heads are required to review all cellular telephone statements for compliance with this policy. Any use not in accordance with this policy may result in disciplinary action in addition to reimbursement to the County for any and all costs associated with non-compliance.

Cellular phones or other mobile devices should not be used while operating a motor vehicle.

And be it further

**RESOLVED:** That the remainder of Policy 43 Tioga County's Network Policies and Procedures shall remain in full force and effect.

On roll call vote on the above resolution, eight members voted Aye, Legislator Monell voting no, and the resolution was adopted.

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 351-09** *CREATE COUNTY POLICY 54:  
PURCHASE OF FOOD, BEVERAGE &  
SUPPLIES*

Adoption moved by Legislator Monell,  
seconded by Legislator Sullivan.

**WHEREAS:** In the absence of a policy, some County departments have utilized tax-payer dollars to purchase food items for staff with which the County Legislature was not in agreement; and

**WHEREAS:** There are certain occasions for which the County Legislature agrees it is appropriate for food and drinks to be provided and wishes to clarify those acceptable occasions; therefore be it

**RESOLVED:** That "County Policy 54: Purchase of Food, Beverages and Supplies" be adopted effective January 1, 2010; and be it further

**RESOLVED:** That County Policy 54 shall read as follows:

The purpose of this policy is to contain the spending of tax-payer dollars on food and beverages for County employees. In recognition of the time and effort devoted by volunteer members of Boards and Committees, food and beverages may be offered at scheduled meetings of those bodies; County employees present at such meetings are also welcome to imbibe. The parameters are to be applied to all local meetings which do not require travel and/or fall under County Policy 11.

**Events for which such purchases are allowable:**

- Recognition ceremonies organized by the County's Employee Recognition Program;
- Board of Health and Community Services Board meetings;

- Business meetings with non-County business associates;
- Foster Parent Training classes;
- Lunch during required all-day staff trainings.

**Events for which such purchases are prohibited:**

- Office luncheons
- Staff meetings
- Office coffee & supplies
- Staff birthdays
- “Working lunches” comprised of County staff
- Half-day trainings
  
- Employee picnics
- Employee Recognition ceremonies not a part of the County’s Employee Recognition Program
- Office drinking water (See also County Policy 51)
- “Team” meetings
- Extended work hours

Food/beverages for the above-listed “prohibited” events may be offered; however, *may NOT be purchased with tax-payer dollars.*

**Roll Call:**  
 Ayes 09  
 Noes 00  
 Absent 00  
**CARRIED**

**REFERRED TO:**

**PUBLIC SAFETY COMMITTEE  
 PERSONNEL COMMITTEE**

**RESOLUTION NO. 352-09**

***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***

**Adoption moved by Legislator Sauerbrey,  
 seconded by Legislator McEwen.**

**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 2010; 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 \$105,200 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 \$105,200 annually.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:** PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 353-09** *AUTHORIZE CONTRACTS FOR  
2010 SADD SCHOOL ASSOCIATES  
(STOP DWI Program)*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator McEwen.

**WHEREAS:** It is the desire of the STOP DWI program to appoint six SADD School Associates which are defined as independent contractors not entitled to County Employee benefits; and

**WHEREAS:** It is the desire to fill the six SADD School Associate positions for the calendar year 2010 with 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; Michelle McNamara to serve the Spencer VanEtten School District; Janice Barto to serve the Tioga Central School District and Katie Carter-Benetiz to serve the Waverly School District; 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 these six contracts for SADD School Associate work be authorized for the 2010 calendar year at a rate of One Hundred Dollars per month for ten months.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 354-09** *AUTHORIZE CONTINUATION OF HEALTH INSURANCE*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.

**WHEREAS:** County Policy 3, Section IV.B1f allows for the Legislature to waive the age 55 requirement for an employee retiring under Disability Retirement to continue health insurance into retirement; and

**WHEREAS:** Deputy Sheriff Daryl Williams has been approved for Disability Retirement by the NYS Retirement System; and

**WHEREAS:** The Tioga County Legislature wishes to allow Deputy Williams to continue his health insurance coverage despite not being 55 years of age; therefore be it

**RESOLVED:** That Daryl Williams will be allowed to continue carrying the County's health insurance following his retirement in December, 2009; and be it further

**RESOLVED:** That for the purpose of calculating what percentage of the monthly health insurance premium Daryl Williams is responsible for paying, Deputy Williams is considered to have completed 14 years of full-time service.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00

**CARRIED****REFERRED TO: PERSONNEL COMMITTEE****RESOLUTION NO. 355-09**      ***RENEW SPECIFIC EXCESS AND  
EMPLOYERS' LIABILITY  
INSURANCE FOR WORKERS'  
COMPENSATION PROGRAM***

**Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sullivan.**

**WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy through Safety National Casualty Corp expires December 31, 2009; and**

**WHEREAS: The Tioga County Self-Insurance Plan's employers' liability insurance policy through United States Liability Insurance Co. expires December 31, 2009; 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. is an A.M. Best rated "A (Excellent), IX" insurance company and United States Liability Insurance Co. is an A.M. Best rated "A++ (Superior), IX" insurance company and both are licensed in New York State; therefore be it**

**RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to purchase specific excess insurance from Safety National for the period of January 1, 2010 through December 31, 2010 to be paid for out of the 2010 Tioga County Self-Insurance budget account S1722.40; and be it further**

**RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to purchase employers' liability insurance from US Liability Insurance for the period of January 1, 2010 through December 31, 2010 to be paid for out of the 2010 Tioga County Self-Insurance budget account S1710.40-270**

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00  
CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 356-09      *AUTHORIZE PURCHASE OF SPECIFIC AND  
AGGREGATE STOP-LOSS FOR  
CONSOLIDATED HEALTH INSURANCE  
PROGRAM***

**Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sullivan.**

**WHEREAS: The Tioga County Consolidated Municipal Health Insurance Program's (TCCMHIP) specific and aggregate stop-loss policies expire December 31, 2009; 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 Personnel Officer to purchase specific stop-loss, subject to review by the County Attorney, with \$175,000 deductible and 125% aggregate stop-loss from First Great West Life & Annuity Insurance Company or from a company who can provide the same level of coverage at a better value but not to exceed a cost of \$345,000 dependent on enrollment, for the Tioga County Consolidated Municipal Health Insurance Program for the period of January 1, 2010 through December 31, 2010.**

**Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED**

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

**RESOLUTION NO. 357-09      *AMEND RESOLUTION 303-09  
SEASONAL CLERK POSITIONS  
SOCIAL SERVICES***

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Monell.

**WHEREAS:** The first “Resolved” of Resolution 303-09 entitled “Create and Fill Seasonal Clerk Positions” incorrectly states the rate of \$8.15 per hour for the Seasonal Clerk positions; and

**WHEREAS:** The correct rate is \$8.25 per hour; therefore be it

**RESOLVED:** That the first “Resolved” of Resolution 303-09 be amended to read “That the Department of Social Services be hereby authorized to create and fill up to six (6) Seasonal Clerk positions at the rate of \$8.25 per hour (minimum wage, plus \$1) effective December 1, 2009 through January 31, 2010.”

Roll Call:

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 358-09** *STAFF CHANGES FOR 2010  
(VARIOUS DEPARTMENTS)*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Sullivan.

**WHEREAS:** The Tioga County Legislature reviewed requests from various departments regarding staff changes for 2010; and

**WHEREAS:** These requests were considered during the 2010 Budget preparation process; and

**WHEREAS:** Departments were directed by the County Legislature to reduce their budgets by 3%, which necessitated staff changes in some departments; therefore be it

**RESOLVED:** That the following position changes are effective January 1, 2010 unless noted otherwise:

<b><u>Name:</u></b>	<b><u>Current Title/ Salary Grade:</u></b>	<b><u>New Title/ Salary Grade:</u></b>	<b><u>Budget Impact:</u></b>
<b><u>DEPARTMENT OF SOCIAL SERVICES</u></b>			
Vacant	Social Welfare Examiner (Grade 6)	Abolish	- \$25,480
Vacant	Account Clerk Typist (Grade 4)	Abolish	- \$22,375
K. Robinson	Account Clerk Typist (Grade 4)	Abolish	- \$22,375
Vacant	Caseworker (Grade 11)	Unfunded	- \$35,176
<b><u>DISTRICT ATTORNEY</u></b>			
D. Hines	Typist P.T.	Abolish	- \$ 2,500
<b><u>ECONOMIC DEVELOPMENT &amp; PLANNING</u></b>			
Vacant	Deputy Director (Non-Union)	Unfunded	- \$44,000
<b><u>INFORMATION TECHNOLOGY</u></b>			
A. Schrader	Purchasing Coordinator (Non-Union)	Abolish	- \$42,987
T. Stanton	Computer Maintenance Technician (Gr. 10)	Sr. Computer Maintenance Technician (Gr. 11)	+\$ 1,438
<b><u>LEGISLATIVE OFFICE</u></b>			
A. Howe	Deputy Clerk to the Legislature (Non-Union)	Reduced to P.T.	- \$16,706
<b><u>MENTAL HYGIENE</u></b>			
Vacant	Typist, P.T. (\$11.221/hr.)	Abolish	- 0
<b><u>PUBLIC HEALTH</u></b>			
Vacant	Dental Hygienist P.T. (\$16.239/hr.)	Abolish	- 0

New Position	Director of Administrative Services (Non-Union)	+ \$46,840
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New Position	Director of Dental Health Services (Non-Union)	+ \$42,000
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**PUBLIC WORKS**

Vacant	Working Supervisor (Grade 1)	Abolish	- \$37,887
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**REAL PROPERTY**

Vacant	Clerk (P.T.) (\$10.732/hr.)	Real Property Tax Service Technician (P.T.) (\$15.344/hr.)	+ \$ 4,077
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**SHERIFF'S OFFICE**

Vacant (4)	Deputy Sheriff	Unfunded	- \$154,000
K. Burrell	Clerk P.T.	Unfunded	- \$ 5,093
P. Whittemore	Clerk P.T.	Unfunded	- \$ 5,093

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED****REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 359-09**      *AMEND RESOLUTION 262-04 AS  
AMENDED BY RESOLUTION NO.  
206-04 TITLED A RESOLUTION TO  
DECLARE WORK DAY STATUS OF  
COUNTY LEGISLATORS FOR THE  
NEW YORK STATE EMPLOYEE'S  
RETIREMENT SYSTEM*

**Adoption moved by Legislator McEwen,  
Seconded by Legislator Sullivan.**

**WHEREAS:** Resolutions 206-04 and 262-04 reflected that the "work day" for members of the Tioga County Legislature for New York State and Local Retirement System/Employees' Retirement System purposes be found and determined to be six

hours, with approximately twelve such work days worked on the average month;  
and

**WHEREAS:** The New York State Retirement System requires that each Legislator be reported independently of the others based on hours reported by each member of the Tioga County Legislature; therefore be it

**RESOLVED:** That Resolutions 206-04 and 262-04 be hereby amended to reflect that the “work day” for members of the Tioga County Legislature for New York State and Local Retirement System/Employees’ Retirement System purposes be calculated according to New York State and Local Retirement System Regulation 315.4, and as such, it will be determined based on hours worked per Tioga County Legislator and that this resolution be effective January 1, 2010.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**The meeting was adjourned at 6:50 P.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 2009, 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 22, 2009**