

First Special & Organizational Meeting
January 2, 2020

The First Special and Organizational Meeting of 2020 was called to order by the Legislative Clerk at 9:01 A.M.

The following County Legislators were present:

DISTRICT 1
Clifford Balliet

DISTRICT 5
Dennis M. Mullen

DISTRICT 2
Martha C. Sauerbrey

DISTRICT 6
Dale N. Weston

DISTRICT 3
Michael Roberts

DISTRICT 7
William H. Standinger, III
Ed Hollenbeck

DISTRICT 4
Loretta A. Sullivan
Tracy Monell

There were 37 people in attendance.

The Clerk asked Legislator Hollenbeck to have a moment of Prayer.
“Dear God, please help us, the Legislature, make the best decisions for the upcoming New Year for the County of Tioga.”

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

The Clerk recognized and congratulated the County's newly elected officials for 2020: Coroner Ryan Kline, Coroner Robert Williams, County Clerk Andrea Klett, and County Sheriff Gary Howard.

County Clerk Andrea Klett swore in Sheriff Gary Howard, Undersheriff Wayne Moulton, and Coroner Robert Williams. Coroner Ryan Kline was unable to attend, therefore, will be sworn-in on a later date and County Clerk Klett was previously sworn-in by Judge Keene.

Sheriff Howard spoke. “I want to thank everyone, especially my biggest fan; my wife. I want to thank everyone who works at the Sheriff's Office. Without them we would not be safe, they are very dedicated and they love the Sheriff's Office and Tioga County as much as I do, so I want to thank you very much.”

Undersheriff Moulton spoke. "I would like to thank Sheriff Howard and the Legislature."

The Clerk announced that the first order of business for the Legislature was the election of Chair of the Legislature for 2020 for a one-year term. Legislator Sullivan nominated Legislator Sauerbrey, seconded by Legislator Hollenbeck. Legislator Sullivan moved to close the nominations, seconded by Legislator Mullen. On roll call vote, all members voted Aye, the Clerk cast one ballot, and Legislator Sauerbrey was appointed Chair of the Tioga County Legislature for a one-year term for 2020.

County Clerk Andrea Klett swore Legislator Sauerbrey in as Chair of the Tioga County Legislature for 2020.

Chair Sauerbrey spoke. "I am really proud to serve as a member of this Legislature and serve with all these great folks. I really appreciate your support as Chair of the Legislature. Over the holiday, I was thinking about all the years we have served on this Legislature and it seems like the majority of the time is spent addressing the new laws and mandates from the State that they send down to us. It takes away our focus and distracts us from the planning of our own future like upgrading communications systems. As we move forward and begin this New Year, it is important that we consider how to improve our systems and how best to run our government. Regarding space, the needs have stretched the planning for the future and that is a challenge for us. Happy New Year to everyone. This year will pass quickly and it will be time for all of us to consider running for office next year whether we decide to stay or step away, so let us make this year a year of progress for Tioga County and that we take ownership of our future. Thank you."

The Chair announced the next order of business is nominations for a First Deputy Chair for a one-year term. Legislator Monell nominated Legislator Hollenbeck, seconded by Legislator Mullen. Legislator Sullivan moved to close the nominations, seconded by Legislator Mullen. On roll call vote, all members voted Aye, the Chair cast one ballot, and Legislator Hollenbeck was appointed First Deputy Chair of the Tioga County Legislature for a one-year term for 2020.

The Chair called for nominations for a Second Deputy Chair for a one-year term. Legislator Hollenbeck nominated Legislator Weston, seconded by Legislator Mullen. Legislator Monell moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote, all members voted Aye and the Chair cast one ballot and Legislator Weston was appointed Second Deputy Chair of the Tioga County Legislature for a one-year term.

County Clerk Andrea Klett swore in Legislators Hollenbeck and Weston as First and Second Deputy Chairs of the Tioga County Legislature for 2020.

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

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

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

Legislator Hollenbeck stated, "I have nothing to disclose."

Legislator Monell stated, "I have nothing to disclose."

Legislator Mullen stated, "I have nothing to disclose."

Legislator Sauerbrey stated, "I have nothing to disclose."

Legislator Roberts stated, "I have nothing to disclose."

Legislator Standinger stated, "I have nothing to disclose."

Legislator Sullivan stated, "I have nothing to disclose."

Legislator Weston stated, "I have nothing to disclose."

Legislator Balliet stated, "I have nothing to disclose."

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 1-20 *TRIPS AUTHORIZED*

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

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 2-20 *DESIGNATION OF OFFICIAL DEPOSITORIES*

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

JP Morgan Chase Bank	\$30,000,000
Chemung Canal Trust Company	\$30,000,000
Community Bank, N.A.	\$30,000,000
Key Bank Corporation	\$30,000,000
M&T Bank	\$30,000,000
Tioga State Bank	\$30,000,000

National Bank and Trust Company, N.A.	\$30,000,000
M&T Securities, Inc.	\$30,000,000

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 3-20 *DESIGNATE OFFICIAL NEWSPAPERS*

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

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

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 4-20 *DESIGNATION OF NEWSPAPER FOR
REPUBLICAN PARTY*

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

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 5-20 *DESIGNATION OF NEWSPAPER FOR
DEMOCRATIC PARTY*

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

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 6-20 SET SALARY OF CHAIR

RESOLVED: That the salary of the Chair of the Tioga County Legislature be set at \$36,675.00 per year, which includes the salary received as County Legislator of \$11,341.00 and an additional \$25,334.00 to serve as Chair.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 7-20 FIX DATES AND TIMES OF TIOGA COUNTY LEGISLATIVE MEETINGS

RESOLVED: That the Tioga County Legislature during 2020 shall meet regularly in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York at 12:00 P.M. on the Tuesday following Committees which are held during the first full work week of the month; and be it further

RESOLVED: That the March, June, September and December 2020 Legislative meetings shall be held at 6:00 P.M.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, and Balliet

No – Legislators Hollenbeck, Monell, and Sullivan.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 8-20 ANNUAL REVIEW OF PROCUREMENT POLICY

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

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

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standingier, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 9:17 A.M.

*First Regular Meeting
January 14, 2020*

The First Regular Meeting of 2020 was held on January 14, 2020 and was called to order by the Chair at 12:01 P.M. Seven Legislative members were present with Legislators Sullivan and Weston being absent.

Chair Sauerbrey asked Legislator Hollenbeck to have a moment of prayer. "God Bless our men and women in the Armed Forces. Keep them in your prayer because we are the home of the free because of the brave."

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

There were five people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 9-20 *RECOGNIZE KANDI SAXTON'S
18 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY*

WHEREAS: Kandi began her career with Tioga County as a Social Work Assistant II for the Department of Mental Hygiene in October 2001. In January 2012, Kandi became a Caseworker for the Department of Social Services in the Children's Welfare Unit; and

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

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

WHEREAS: Kandi Saxton will retire on January 24, 2020; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Kandi Saxton

for her eighteen years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standing and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Sauerbrey asked Legislator Standing to read and present the following Proclamation on Winter Safety Month in Tioga County.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Winter storms and blizzards can bring extreme cold, freezing rain, snow, sleet, ice, and high winds across the entire United States lasting a few hours or several days; and

WHEREAS: Winter weather is associated with numerous health and safety impacts including a higher risk of car accidents, personal injury, hypothermia, frostbite, carbon monoxide poisoning, and heart attacks from overexertion; and

WHEREAS: Accumulations of snow and ice can isolate communities by way of road closures or blockages and communication services, and can knock out heat or power, posing a greater risk to older adults, young children, and immunocompromised individuals; and

WHEREAS: Sixty-six hundred United States residents died from exposure to excessive natural cold, hypothermia, or both between the years of 2006 and 2010; and

WHEREAS: Each year, 24% of weather-related vehicle crashes occur on snowy, slushy, or icy pavement and 15% occur during snowfall or sleet, resulting in at least 1,300 deaths and nearly 117,000 injuries annually; and

WHEREAS: Between 1950 and 2018 there were over 62 severe Winter Storm events significantly impacting Tioga County; costing taxpayers over \$595,000 in property damage; and

WHEREAS: Winter Storms have been identified as the fourth leading threat of natural disasters facing our community (according to the 2017 CEPA); and

WHEREAS: Tioga County Public Health encourages citizens to be situationally aware of anticipated winter weather by tuning into their preferred source for weather information; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of January 2020 as:

WINTER SAFETY MONTH IN TIOGA COUNTY

and urges all residents of our County to make preparations for winter storm situations, recognize the severity of extreme cold, check on their neighbors, and take caution while driving in winter weather so that we can protect the health and safety of our citizens.

Legislator Standinger spoke. "Anyone who has lived in this area for a while knows the potential always exists and to be aware of it is the proper way to go."

Public Health Educator/Preparedness Coordinator Katie Wait spoke. "I want to thank the Legislature for declaring January 2020 as Winter Safety Month in Tioga County.

As the Preparedness Coordinator and representative for Public Health, I want to remind Tioga County residents about the importance of being prepared for winter storm warnings by monitoring the media for weather alerts and information, stocking their homes and vehicles with emergency supplies, and informing themselves about the signs and symptoms of hypothermia and frostbite.

This month I have designed and assembled bulletin boards educating the public on winter safety. One of the bulletin boards is located right outside of the auditorium and I would encourage the Legislature to view it. Also, I have scheduled time to be present in the community to speak with the public about the importance of winter safety. As Legislator Standinger mentioned, it can be easy to forget we are in the midst of winter weather with all the nice weather recently, but it is even more reason to have this reminder that it is coming and we still are in the winter months. Thank you again for recognizing the importance of being prepared during winter months and the great impact that winter weather has."

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of December 10, 2019, seconded by Legislator Mullen and carried.

Chair Sauerbrey made the following appointment to the Cornell Cooperative Extension Board for a one-year term:

Legislator Cliff Balliet – 1/1/20-12/31/20

Chair Sauerbrey thanked Mr. Balliet for his willingness to serve, as well as Legislator Standinger for his previous service on this Board.

Chair Sauerbrey announced the following Standing Committees for 2020 noting there is no change from 2019:

STANDING COMMITTEES OF THE COUNTY LEGISLATURE OF THE COUNTY OF TIOGA FOR 2020

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

Chair Sauerbrey stated all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 10-20 *APPOINT DIRECTORS
SOIL & WATER CONSERVATION DISTRICT*

RESOLVED: That Legislators Dale Weston and Tracy Monell are hereby appointed Directors of the Tioga County Soil and Water Conservation District for a one-year term on January 1, 2020 through December 31, 2020.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 11-20 *APPOINT DIRECTOR SOIL & WATER
CONSERVATION DISTRICT*

WHEREAS: Robert Aman's term on the Tioga County Soil and Water Conservation District Board as the Tioga County Farm Bureau Representative expired on 3/31/19; and

WHEREAS: Tioga County Farm Bureau approved Tom Zorn to represent Farm Bureau on the Tioga County Soil and Water Conservation District Board at their November 14, 2019 meeting; therefore be it

RESOLVED: That Tom Zorn be appointed as the Tioga County Farm Bureau Representative to the Soil and Water Conservation District Board for a term of January 1, 2020 – December 31, 2022.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 12-20 *RE-APPOINT MEMBER TO THE TIOGA COUNTY
PLANNING BOARD*

WHEREAS: Grady Updyke's position on the Tioga County Planning Board representing the Town of Barton expired on 12/31/2019; and

WHEREAS: The Town of Barton Board has nominated Grady Updyke to serve another three-year term as their representative, and he is willing and able to do so; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Grady Updyke to the Tioga County Planning Board for another three-year term of 1/15/20 – 12/31/22.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 13-20 RE-APPOINT RALPH KELSEY TO THE TIOGA COUNTY PROPERTY DEVELOPMENT CORPORATION BOARD

WHEREAS: Ralph Kelsey, as a member of a County Agency, the Tioga County Industrial Development Agency, was appointed by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) for a three year term of 1/1/17-12/31/19; and

WHEREAS: Ralph Kelsey has resigned his position with the Tioga County Industrial Agency as of the end of his TCPDC three year term of 1/1/17-12/31/19; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms and this re-appointment is conditioned that a board member can be an At Large Representative within Tioga County as a resident of Tioga County; and

WHEREAS: Ralph Kelsey is willing and able to continue to serve in this At Large Representative position; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Ralph Kelsey, as an At Large Representative Board Member and resident of Tioga County, to the Tioga County Property Development Board Corporation for a three year term of 1/1/20 – 12/31/22.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 14-20 *RESOLUTION TO RENEW CONSULTANT CONTRACT
FOR HAZARD MITIGATION PLAN COORDINATOR
FOR 2020*

WHEREAS: Per resolution 193-12 and resolution 218-13, the Tioga County Legislature contracted with the Tioga County Soil & Water Conservation District to perform the Hazard Mitigation Plan Coordinator services based on a mutually agreeable work plan with specific tasks; and

WHEREAS: The Tioga County Planning Department still does not have the existing capacity to perform these FEMA-required services; and

WHEREAS: The Tioga County Planning Department has sufficient funds in the 2020 budget to cover these expenses, in the amount of \$20,000 from Planning Appropriation account A8020 540140; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the renewal of said contract with Tioga County Soil & Water Conservation District, to perform Hazard Mitigation Coordinator services from January 1 - December 31, 2020, not to exceed \$20,000 from Planning Appropriation account A8020 540140, and authorizes the Tioga County Legislative Chair to sign all related contract paperwork, contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 15- 20 *AUTHORIZATION TO ACCEPT AWARDED 2019 NEW YORK HOMES AND COMMUNITY RENEWAL FUNDING FOR \$250,000.00 FROM THE NEW YORK MAIN STREET PROGRAM FOR THE 2019 OWEGO – NORTH AVENUE REVITALIZATION PROGRAM AND REQUEST A 2020 BUDGET MODIFICATION AND BUDGET ADDITION AS NEEDED*

WHEREAS: Tioga County Economic Development and Planning (TCEDP) was approved by Resolution #179-19 to apply and administer a 2019 New York Main Street Program (NYMS) grant for the 2019 Owego – North Avenue Revitalization Program for up to \$500,000.00; and

WHEREAS: A 2019 New York Main Street grant for \$250,000.00 has been awarded; and

WHEREAS: The Tioga County Legislature must accept this grant award of \$250,000.00; and

WHEREAS: The modified Grant Award warrants 2020 budget modification increasing the amount to \$231,250.00 in Account #ORG CE8510, OBJ 439900, PROJ CE003; and

WHEREAS: In addition, a budget amendment must be made adding \$18,750.00 for 7.5% administrative fee to be received in the Economic Development Revenue Account A6422 OBJ 437170; therefore be it

RESOLVED: That the Tioga County Legislators accept the awarded 2019 New York Main Street Program total grant for \$250,000.00 to be administered by the Tioga County Economic Development and Planning Office; and be it further

RESOLVED: That the 2020 Budget be Amended and Modified as follows:

2020 Budget Modification:

Revenue Account #ORG CE8510 OBJ 4399001 CE003	\$231,250.00
Expense Account #ORG CE8510 OBJ 540487 CE003	\$231,250.00
Name:	North Avenue Main Street Grant

A1174 540320 Leased Services	\$ 200.00
A1174 540420 Supplies	\$ 1,550.00
A1174 540480 Postage	\$ 50.00
A1174 540550 Rent	\$ 2,500.00
A1174 540620 Software Expenses	\$ 30,000.00
A1174 540660 Phones	\$ 200.00
A1174 540733 Training/CLE	\$ 4,000.00
A1174 581088 Retirement	\$ 7,993.62
A1174 583088 Social Security	\$ 9,552.29
A1174 585588 Disability	\$ 151.80
A1174 584088 Workers Comp	\$ 6,636.70
A1174 586088 Health Ins/HRA	\$ 68,679.38
A1174 588988 EAP	\$ 60.29

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 17-20 *ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: An application for Corrected Tax Roll for the year 2020 indicates that parcel 61.14-1-17 Account #00000000059 in the Town of Candor assessed to Mirabito Holdings, Inc. on the 2020 tax roll of the Town of Candor is erroneous in that on December 24, 2019 Hon. Jeffery A. Tait ordered that the assessment for tax year 2019/2020 on the parcel be reduced from \$308,000 to \$254,500; therefore be it

RESOLVED: That a new tax bill for 2020 be issued to Mirabito Holdings, Inc. by the Tioga County Real Property Office as follows:

RESOLVED: That a new tax bill for 2020 be issued to James B. & Tammy Clearwater by the Tioga County Real Property Office as follows:

	Original Bill #	Corrected Bill #
County	\$ 759.72	\$ 603.71
Recycle	\$ 43.63	\$ 34.67
Town Wide	\$ 298.98	\$ 237.58
Barton Fire	\$ 97.87	\$ 77.77
Total	\$ 1,200.20	\$ 953.73

And be it further

RESOLVED: That the erroneous county tax of \$ 156.01 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous recycle tax of \$ 8.96 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous town tax of \$61.40 be charged back to the Town of Tioga; and be it further

RESOLVED: That the erroneous Tioga Fire tax of \$20.10 be charged back to the Tioga Fire Department.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 19-20 ERRONEOUS ASSESSMENT
TOWN OF TIOGA

WHEREAS: An application for Corrected Tax Roll for the year 2019 indicates that parcel 114.00-1-9 Account #00000000094 in the Town of Tioga assessed to James B. & Tammy Clearwater on the 2019 tax roll of the Town of Tioga is erroneous in

that a court judgement in 2001 removed 3.2 acres of land and a cabin from Mr. Clearwater's parcel thereby reducing the taxable value; and

WHEREAS: An application for Refund or Credit of Real Property Taxes was filed requesting a refund of property taxes levied by Tioga County and Town of Tioga for the years 2017-2019; therefore be it

RESOLVED: That a refund for the 2019, 2018, and 2017 taxes be issued to James B. & Tammy Clearwater by the Tioga County Treasurer's Office as follows:

2019 Town & Co Bill	Original Bill #	Corrected Bill #
County	\$ 734.72	\$ 583.84
Recycle	\$ 43.51	\$ 34.58
Town Wide	\$ 294.33	\$ 233.89
Barton Fire	\$ 102.98	\$ 81.83
Total	\$ 1,175.54	\$ 934.14

2018 Town & Co Bill	Original Bill #	Corrected Bill #
County	\$ 733.05	\$ 582.52
Recycle	\$ 39.52	\$ 31.41
Town Wide	\$ 288.40	\$ 229.18
Barton Fire	\$ 93.92	\$ 74.63
Total	\$ 1,154.89	\$ 917.74

2017 Town & Co Bill	Original Bill #	Corrected Bill #
County	\$ 688.45	\$ 547.07
Recycle	\$ 31.80	\$ 25.27
Town Wide	\$ 281.86	\$ 223.98
Barton Fire	\$ 84.54	\$ 67.18
Total	\$ 1,086.65	\$ 863.50

And be it further

RESOLVED: That the erroneous county tax of \$ 442.79 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous recycle tax of \$ 23.57 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous town tax of \$177.54 be charged back to the Town of Tioga; and be it further

RESOLVED: That the erroneous Tioga Fire tax of \$57.80 be charged back to the Tioga Fire Department.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 20-20 RE-ESTABLISH PRIOR YEAR 2019
CAPITAL PROJECTS AND BRIDGE PREVENTIVE
MAINTENANCE PHASE 5 FOR 2020 BUDGET

WHEREAS: Prior year Capital Projects and Capital Equipment Requests need to be re-established for the remaining unspent balance as of year-end 2019 for purchase or completion in 2020; therefore be it

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

<u>Bond Bridge Projects Reso 48-19; 221-19 PIN 9755.00</u>	<u>Amt to Establish</u>
H5110 540002 H1905 Halsey Valley Road Bridge	\$ 824,057.80
H5110 435020 H1905 Halsey Valley Road Bridge	\$ 250,000.00
<u>Non Bond Bridge Projects Reso 177-18; 178-18 BIN 3335360</u>	
H5110 540004 H1903 West River Drive	\$ 678,020.17
H5110 445020 H1903 West River Drive	\$ 644,119.16
H5110 540004 H1904 West Creek Road	\$ 1,890,250.12
H5110 445020 H1904 West Creek Road	\$ 1,856,110.00
<u>Capital Building Projects</u>	
H1620 520911 Renovations 56 Main Street	\$ 18,000.00
H1620 521988 Court House Renovations	\$ 21,487.00

Capital Equipment

H1620 520923 Standby Generator	\$	40,000.00
H1621 520929 Boiler HHS	\$	20,000.00
H5130 521943 Steamer – Roads	\$	10,000.00
H5130 521920 Bucket Loader Reso 224-19	\$	11,500.00
H1680 521090 SSG19 Computer	\$	69,933.14
H1680 430970 SSG19 State Aid Local Efficiency Grant	\$	69,933.14

Bridge Preventive Maintenance Program

D5110 540050 Bridge Projects Maintenance	\$	252,600.00
D5110 445020 Federal Aid Bridge Projects 80%	\$	202,080.00
D5110 435020 State Aid Bridge Project 15%	\$	37,890.00

And be it further

RESOLVED: That any applicable corresponding revenue sources or reserve account funds per prior Resolution shall also be re-established in the 2020 modified budget.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standing and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 21-20 RE-ESTABLISH PRIOR YEAR 2019
GRANTS FOR HHS FOR 2020 BUDGET

WHEREAS: Prior Year Grant Funds need to be re-established for the remaining unspent balance as of year-end 2019 for purchase or completion in 2020; therefore be it

RESOLVED: That the following HHS accounts and amounts be re-established and the 2020 budget be amended:

<u>MENTAL HEALTH – Reso 230-18 DFC Grant</u>	Amount to Re-Establish	
A4213 540590 Services Rendered	\$	16,119.90
A4213 444863 Federal Aid-DFC Grant	\$	16,119.90
<u>MENTAL HEALTH – Reso 343-19 Tele Health</u>		
A4312 540590 Services Rendered	\$	177,486.14
A4312 434900 State Aid Tele Health	\$	177,486.14
<u>PUBLIC HEALTH – Reso 301-19; 178-19 Cancer Prevention/Car Seats</u>		
A4053 540640 Health Education-Supplies	\$	25,223.72
A4053 422800 Community Grants	\$	27,425.00
<u>PUBLIC HEALTH – Reso 153-19 Healthy Neighborhoods</u>		
A4090 540595 Services Rendered	\$	14,493.86
A4090 434640 State Aid Environmental Health	\$	14,493.86
<u>PUBLIC HEALTH – Reso 154-19 Excellus Blue Cross Community Health</u>		
A4064 540640 Supplies (not office)	\$	16,500.00
A4064 422800 Dental Grants	\$	16,500.00
<u>TRANSPORTATION – Reso 159-18 Federal 5311 Funds</u>		
A5630 540140 Transportation-Contracting Services	\$	234,570.50
A5630 440900 Federal Aid – Transportation	\$	275,173.91
A5630 430900 State Aid –Transportation	\$	34,396.59
<u>DSS ADMIN – Reso 290-18; 124-19 SNAP Bonus Award</u>		
A6010 520090 Computer	\$	5,264.00
A6010 540487 Program Expense	\$	4,463.33
A6010 436100 State Aid-Social Service Admin	\$	4,863.67
A6010 446110 Federal Aid-Social Service SNAP	\$	4,863.66
<u>DSS ADMIN – Reso 220-19 Family First Transition</u>		
A6010 540487 Program Expense	\$	29,810.24
A6010 436100 State Aid-Social Service Admin	\$	29,810.24

And be it further

RESOLVED: That any applicable corresponding revenue sources or reserve account funds per prior Resolution shall also be re-established in the 2020 modified budget.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 22-20 RE-ESTABLISH PRIOR YEAR 2019
GRANTS FOR 2020 BUDGET

WHEREAS: Prior Year Grant Funds need to be re-established for the remaining unspent balance as of year-end 2019 for purchase or completion in 2020; therefore be it

RESOLVED: That the following accounts and amounts are re-established and the 2020 budget is amended:

<u>ILS - Reso 88-19; 25-19/Indigent Legal Services</u>	<u>Amount to Re-Establish</u>	
A1173 540040 Books	\$	5,026.50
A1173 540280 Investigations	\$	7,899.00
A1173 540320 Leased Services	\$	3.69
A1173 540620 Software	\$	7,888.68
A1173 540700 Transcripts	\$	1,500.00
A1173 540733 Training	\$	1,975.46
A1173 430260 State Aid Indigent Legal Service	\$	24,293.33
<u>ILS - Reso 87-19; 25-19/Hurrell & Haring</u>		
A1174 540280 Investigations	\$	905.86
A1174 540550 Rent	\$	1,250.00
A1174 540620 Software	\$	10,000.00
A1174 540733 Training	\$	2,821.61
A1174 430260 State Aid Indigent Legal Service	\$	14,977.47
<u>Sherriff – PTS Reso 276-19</u>		
A3110 433900 State Aid PTS Police Traffic Services	\$	16,650.00
A3110 510030 Overtime PTS Police Traffic Services	\$	16,650.00

Fire – IO18F Reso 44-19 Interoperable Grant		Amount to Re-Establish	
A3415	520230 IO18F Radio Equipment	\$	400,221.00
A3415	540140 IO18F Radio Equipment	\$	50,000.00
A3415	433063 IO18F State Aid -Interoperable Grant	\$	450,221.00
EMO – SHS18 Reso 226-18			
A3360	540140 SHS18 Contracted Services	\$	1,672.46
A3360	433567 SHS18 State Aid SHSP 18	\$	1,672.46
H3360	520060 SHS18 Car/Truck	\$	2,148.81
H3360	433567 SHS18 State Aid SHSP 18	\$	2,148.81
A3361	520215 SHS18 Personal Protective Gear	\$	406.00
A3361	433567 SHS18 State Aid SHSP 18	\$	406.00
EMO – SHS19 Reso 279-19			
A3360	520130 SHS19 Equipment (Not Car)	\$	22,654.73
A3360	540140 SHS19 Contracting Services	\$	26,500.00
A3360	433567 SHS19 State Aid SHS19	\$	49,154.73
A3361	520130 SHS19 Equipment (Not Car)	\$	17,495.00
A3361	433567 SHS19 State Aid SHS19	\$	17,495.00
EMO – HME19 Reso 277-19 Hazardous Material			
A3360	540140 HME19 Contracted Services	\$	6,465.00
A3360	433567 HME19 State Aid	\$	5,172.00
Information Technology – Reso 193-19			
A1680	540640- SSG19 Supplies Local Efficiency Grant	\$	2,476.00
A1680	540140- SSG19 Supplies Local Efficiency Grant	\$	58,361.00
A1680	430891- SSG19 Supplies Local Efficiency Grant	\$	60,837.00

And be it further

RESOLVED: That any applicable corresponding revenue sources or reserve account funds per prior Resolution shall also be re-established in the 2020 modified budget.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY
LEGISLATIVE WORKSESSION

RESOLUTION NO. 23-20 *AMEND RESOLUTION 36-17 "AUTHORIZE MULTI-YEAR PREPAYMENT OF MAINTENANCE AGREEMENTS TO ACHIEVE SAVINGS"*

WHEREAS: The County Information Technology and Communication Services Department regularly pays multiple service and maintenance contracts annually; and

WHEREAS: The ITCS Department has identified cost savings and discounts that are available if the County agrees to pre-pay these support agreements in advance; and

WHEREAS: The ITCS Department has identified a new category of support payment eligible; and

WHEREAS: The prior Resolution 36-17 "Authorize Multi-Year Prepayment of Maintenance Agreements to Achieve Savings" needs to be amended to add the following to the bulleted list of items eligible:

- Security Awareness Training

therefore be it

RESOLVED: That the Tioga County Legislature amends Resolution 36-17 as specified above.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 24- 20 APPOINTMENT OF
ADMINISTRATIVE CORONER

WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2020; 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

WHEREAS: That W. Stewart Bennett, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2020 and be given a stipend of \$5,000 as set forth in the County budget

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 25-20 AUTHORIZE APPOINTMENT OF
CIVIL SERVICE ASSISTANT
(PERSONNEL DEPARTMENT)

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

RESOLVED: That effective January 13, 2020, Tom Cline's annual salary as 2nd Assistant Public Defender shall be temporarily increased from \$66,625 to \$101,625 while covering CAP Court; and be it further

RESOLVED: That Tom Cline's salary shall be reduced to \$66,625 upon the filling of the vacant part-time Assistant Public Defender position.

ROLL CALL VOTE TO WITHDRAW

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION WITHDRAWN.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 26-20 *AUTHORIZE 2020 SALARIES/WAGES
(BOARD OF ELECTIONS)*

WHEREAS: The salaries for employees of the Board of Elections are set by resolution; and

WHEREAS: Non-Union staff and hourly employees have been authorized a salary increase for 2020; therefore be it

RESOLVED: That the 2020 rates of pay retroactive to January 1, 2020 for the Board of Elections staff shall be as follows:

	<u>2020 pay:</u>
Commissioners	\$ 44,749.00/yr.
Deputy Commissioners	\$ 36,235.00/yr.
Voting Machine Technicians	\$ 20.00/hr.
Election Workers	\$ 13.25/hr.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 27-20 APPROVE SALARY ABOVE HIRING
BASE FOR DEPUTY SHERIFF
SHERIFF'S OFFICE

WHEREAS: Tioga County resolution 211-99 requires legislative approval for any appointments made above an established base salary amount; and

WHEREAS: The Tioga County Sheriff's Office had a need to backfill a vacant full-time Deputy Sheriff position; and

WHEREAS: Jolene Payne, a transfer candidate with over 1.5 years of law enforcement experience, applied and was found both eligible and willing to accept a transfer from the Endicott Police Department to the Deputy Sheriff vacancy in Tioga County; and

WHEREAS: The Sheriff has received approval from the Tioga County Law Enforcement Union to hire a new Deputy Sheriff, who has successfully completed the basic Police Academy training, at an annual salary reflecting 1 year of experience per the current union contract, or \$53,947 and that said salary will step up to the two-year salary of \$57,459 after six months from the date of her appointment; therefore be it

RESOLVED: That the Sheriff is hereby authorized to hire Jolene Payne at an annual salary of \$53,947 retroactive to January 4, 2020, and that her salary will increase to \$57,459 on July 4, 2020.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 28-20 *AUTHORIZE CREATION AND FILL
ONE (1) FULL-TIME PUBLIC SAFETY
DISPATCHER/TRAINEE POSITION
SHERIFF'S OFFICE*

WHEREAS: Legislative approval is required in order to create any new or additional position within a Tioga County department or office; and

WHEREAS: Due to work assignments and staffing needs associated with New York State discovery laws of 2020, the Sheriff has a need to create an additional position within his office; and

WHEREAS: The Personnel Officer has reviewed the Sheriff's staffing needs and new position duties statement and has made a determination as to the appropriate classification to best accommodate the Sheriff's Office; therefore be it

RESOLVED: That one (1) full-time position of Public Safety Dispatcher / Trainee (CSEA SG VII) shall be created effective January 15, 2020, and to which the Sheriff be allowed to fill at his earliest opportunity from either a mandated eligible list, if available, or provisionally pending the next civil service examination; and be it further

RESOLVED: That the Sheriff's Office authorized full-time headcount figure shall increase from 106 to 107.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 29-20 *AUTHORIZE CREATION AND FILL OF
ONE (1) TEMPORARY, FULL-TIME
ACCOUNTING ASSOCIATE I POSITION
(SHERIFF'S OFFICE)*

WHEREAS: Legislative approval is required in order to create any new or additional position within a Tioga County department or office; and

WHEREAS: Due to staffing issues resulting from an ongoing leave of absence and possible retirement within his Records Division, the Sheriff has a need to create a temporary, full-time Accounting Associate I position; therefore be it

RESOLVED: That one (1), full-time Accounting Associate I position be created and filled for a temporary duration effective January 21 and until June 30, 2020, at an hourly rate of \$13.19; and be it further

RESOLVED: That said temporary position shall be filled from an appropriate eligible list in accordance with Tioga County civil service rules.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Balliet.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 30-20 *AUTHORIZE APPOINTMENT OF CHIEF ACCOUNTANT
(TREASURER'S OFFICE)*

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

WHEREAS: Due to retirement, the position of Chief Accountant will become vacant as of February 1, 2020, within the Treasurer's Office; and

WHEREAS: The Treasurer has conducted a recruitment search and has identified a desirable and qualified candidate; therefore be it

RESOLVED: That Stephanie Jerzak is provisionally appointed to the title of Chief Accountant, pending successful completion of civil service examination requirements, at an annual, non-union salary of \$64,000.00 effective February 3, 2020

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 31-20 *CONTRACT FOR ACCOUNTING CONSULTANT
SERVICES FROM FORMER EMPLOYEE*

WHEREAS: Legislative approval is required to contract for professional services from recently retired employees within Tioga County; and

WHEREAS: The Treasurer's Office has a need for training from the retiring Chief Accountant for her replacement; therefore be it

RESOLVED: That the County Treasurer be authorized to contract with Rita Hollenbeck as an Accounting Consultant at an established rate of \$75.00 per hour effective February 3, 2020 up to a maximum of \$20,000.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

Legislator Monell made a motion to have the following late-filed resolution considered, seconded by Legislator Mullen and carried with Legislators Sullivan and Weston being absent.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 32-20 *AMEND RESOLUTION 47-07*
MILEAGE REIMBURSEMENT RATE CHANGE

WHEREAS: The employee mileage reimbursement rate was last changed in 2007 by Resolution 47-07 indexing the mileage reimbursement rate for Tioga County to .05 cents below the Federal IRS standard annual rate; and

WHEREAS: The majority of county governments utilize the Federal IRS POV (Privately Owned Vehicle) mileage reimbursement rate; and

WHEREAS: The Tioga County Legislature has decided to amend Resolution 47-07 and follow the IRS standard annual mileage rate; and

WHEREAS: The IRS established mileage rate for 2020 is 57.5 cents; therefore be it

RESOLVED: That Resolution 47-07 be amended and effective immediately establish Tioga County's 2020 mileage reimbursement rate in accordance with the 2020 IRS standard annual rate of 57.5 cents; and be it further

RESOLVED: That Tioga County's annual mileage rate be set and followed in accordance with the established standard annual Federal IRS rate.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:18 P.M.

*Second Special Meeting
January 23, 2020*

The Second Special Meeting of 2020 was called to order by the Chair at 10:02 A.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Hollenbeck to have a moment of prayer. "God Bless our law enforcement. Keep their safety in your thoughts and prayers."

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

There were eight people in attendance.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 33-20 *TRANSFER GENERAL OPERATING FUNDS TO CAPITAL FUND AND FUND THE CAPITAL LAND, EQUIPMENT, AND INFRASTRUCTURE RESERVE*

WHEREAS: The Tioga County Legislature recognizes the importance of County Capital Infrastructure, Equipment, Computer Software and Hardware enhancements and established reserve funds for such needs in Resolution Nos. 320-13 and 19-13; and

WHEREAS: The Tioga County Legislature desires to replenish the Capital Land, Equipment, and Infrastructure Reserve through funds it receives from Gaming Casino Revenue as the host county for the Tioga Downs Casino; and

WHEREAS: Tioga County has receipted into the General Operating Fund State Aid Casino Revenue for the period of 01/01/2019 through 09/30/2019 in the amount of \$1,041,162.67 into account A1340 430160; and

WHEREAS: Tioga County Legislature anticipates State Aid Casino Revenue for future annual periods to exceed \$1,000,000.00 and intends to contribute the casino revenue each year up to a \$1,000,000.00 allowance to fund the Capital Land, Equipment, and Infrastructure Reserve from this revenue source; and

WHEREAS: Tioga County established the Capital Land, Equipment and Infrastructure Reserve specifically for construction, reconstruction, and acquisition

for the physical public betterment or improvement under NYS General Municipal Law Section 6-c; therefore be it

RESOLVED: That the Tioga County Treasurer transfer \$1,000,000.00 from the General Operating Fund to the Capital Fund for 2019 and fund the Capital Land, Equipment and Infrastructure Reserve; and be it further

RESOLVED: That the annual transfer and funding of the Capital Land, Equipment and Infrastructure Reserve using State Aid Casino revenue is included in the year-end closing process and 2019 entries are as follows:

FROM:	A1340 430160 State Aid Casino Revenue	\$1,000,000.00
TO:	A9950 593715 Transfer to Capital Fund	\$1,000,000.00
FROM:	H1340 450310 Inter Fund Transfer	\$1,000,000.00
TO:	H387807 Capital Equipment, Land & Infrastructure Reserve	\$1,000,000.00

And be it further

RESOLVED: That annually the Tioga County Legislature authorizes the Treasurer to transfer State Aid Casino Revenue funds from the General Operating Fund up to the allowable \$1,000,000.00 to the Capital Fund. If State Aid Casino Revenue falls below the \$1,000,000.00 allowance, the Legislature authorizes transfer of the full amount recorded as State Aid Casino and used to fund the Capital Land, Equipment and Infrastructure Reserve into the following accounts:

FROM:	A1340 430160 State Aid Casino Revenue
TO:	A9950 593715 Transfer to Capital Fund
FROM:	H1340 450310 Inter Fund Transfer
TO:	H387807 Capital Equipment, Land & Infrastructure Reserve

Legislator Sullivan spoke. "We have to purchase the new voting machines next year and, as you might recall, the last three years we set aside \$110,000 - \$120,000 to start building up the fund. The voting machines need replacement at least every ten years. The voting machines will cost the County \$360,000 in 2021 and we have saved all but \$10,000. However, knowing these machines need replacement every ten years, I recommend we set aside money from this funding source each year to support this purchase. For the voting machines alone, \$36,000 annually needs to be saved over the next ten years to support the purchase barring there is no price increase. We will need to remember this ten-year savings plan when discussing any other potential capital expenses".

process for a workers' compensation Third Party Administrator, to include draft of the Request for Proposal document, distribution and comparison of proposals, conducting interviews, and oversight of transition to new third-party administrator; and be it further

RESOLVED: That the cost of this contract will be paid out of the Tioga County Self-Insurance Fund.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, and Balliet.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:09 A.M.

Second Regular Meeting
February 11, 2020

The Second Regular Meeting of 2020 was held on February 11, 2020 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Monell to have a moment of prayer. "Lord, we thank you for this day that we can be together and discuss the issues we deal with in the County. We pray you would be with us as Legislators that we would do things the way that we should for our constituents. We pray you would bless this time together as we meet and make decisions."

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

There were 28 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the adoption of three recognition resolutions, seconded unanimously and carried.

The following recognition resolution for Rita E. Hollenbeck of the Treasurer's Office was noted. Ms. Hollenbeck was not in attendance.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 35-20 *RECOGNIZE RITA E. HOLLENBECK'S
31 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY*

WHEREAS: Rita E. Hollenbeck began her career with the Tioga County Department of Social Services as a Principal Account Clerk in September 1988. Rita was promoted to Supervising Principal Account Clerk in January 1992 and then to Accounting Supervisor Grade B in January 1997. After 26 years of dedicated service at the Department of Social Services, Rita joined the Treasurer's Office in July 2014 as the Chief Accountant and County Budget Officer; and

WHEREAS: In 2014 the County undertook a major upgrade to the County's financial system and Rita was very instrumental in implementing the new financial system from Tyler Technologies (Munis), which went live in 2015. This was a tedious

project and took many hours of time, which involved early mornings, late nights and weekends to see the implementation through; and
WHEREAS: Rita was instrumental in assisting the Treasurer in producing clean financial audits yearly, while pursuing FEMA reimbursements on 55 flood projects; and

WHEREAS: Rita has worked closely with all the Departments in Tioga County to assist with their accounting and budgetary needs; and

WHEREAS: Rita E. Hollenbeck has been a dedicated and loyal employee in the performance of her duties and responsibilities in the last 31 years thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Rita E. Hollenbeck has shown the highest levels of reliability, trust, loyalty and competence in the performance of her duties; and

WHEREAS: Rita E. Hollenbeck will retire on February 1, 2020; 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 Rita E. Hollenbeck for her 31 years of dedicated and loyal service to Tioga County and its citizens; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

The following recognition resolution for Margareta C. Olin of the Treasurer's Office was noted. Ms. Olin was not in attendance.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 36-20 *RECOGNIZE MARGARETA C. OLIN'S
20 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY*

WHEREAS: Margareta C. Olin began her career with the Tioga County Treasurer's Office as the Tax Roll Supervisor in August 1999. Margareta was appointed by Treasurer McFadden as the Deputy County Treasurer in June 2008, a position she has held for 12 years; and

WHEREAS: Margareta has worked closely with the State of New York Finance Office, as well as the Towns and Villages of Tioga County as both the Tax Roll Supervisor and the Deputy Treasurer; and

WHEREAS: Margareta has worked closely with all the Departments in Tioga County to assist with their financial needs; helping with both implementation and the on-going use of Munis, our current financial system, as well as monitoring the County's numerous financial accounts and State Aid collection; and

WHEREAS: Margareta has acted efficiently as the Treasurer's Office Chief Troubleshooter, Mandate Researcher, Treasury Manager, and Office Supervisor; and

WHEREAS: Margareta C. Olin has been a dedicated and loyal employee in the performance of her duties and responsibilities in the last 20 years thereby earning the respect of her colleagues and peers throughout Tioga County, as well as State and Local officials; and

WHEREAS: Margareta C. Olin has shown the highest levels of reliability, trust, loyalty and competence in the performance of her duties; and

WHEREAS: Margareta C. Olin will retire on February 29, 2020; 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 Margareta C. Olin for her 20 years of dedicated and loyal service to Tioga County and its citizens; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Sauerbrey spoke. “Although Ms. Hollenbeck and Ms. Olin are not in attendance today, the Legislature recognizes and appreciates their dedication and their hard work to Tioga County.”

Legislator Standing read and presented the following recognition resolution to Charisse R. Campbell of the Department of Social Services.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 37-20 *RECOGNIZE CHARISSE R. CAMPBELL
20 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Charisse began her career with the Tioga County Department of Social Services as a Caseworker from February 1987 through May of 1991. In September 2004, Charisse returned and was instated to her current position as Case Supervisor, Grade B; and

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

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

WHEREAS: Charisse Campbell will retire on March 2, 2020; now therefore be it

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

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

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standing spoke. "I thank you for your service."

Commissioner of Social Services Yetter spoke. "It's a true honor for me to be able to recognize Chari today for her 20 years of service to Tioga County on the event of a well-earned and well-deserved retirement.

As mentioned in the resolution, Chari actually did two stints with the Department working several years as a Caseworker in the late 1980's and then went off to do some work in the not-for-profit world and came back in 2004 to her current role of Grade B Supervisor. Her return is permanently etched in my memory because it happened shortly after I had just returned as Commissioner and one of our challenges at that time, and Gail can attest to this, was turnover in supervisory positions in the Services Division. It was a real good day when you agreed to come back to take that position, so I think I can speak on behalf of the entire Division about that.

During your 16 years as a supervisor, you led your staff with the highest levels of professionalism and caring. Your ability to train and nurture young new caseworkers will be missed, as will your ability to work with very difficult case situations that you and your staff encounter every day.

While with the Department, Chari was awarded Supervisor of the Year in 2009, as well as being recognized several times, especially as a team player in initiatives ranging from supporting cross function collaboration in the Department to more recently for her role in the successful implementation of the Northwoods platform.

Over the years, Chari has dealt with some very difficult cases and has always done so with the same professionalism she brings to everything and done so without complaint.

Chari, on behalf of the Department and the people of Tioga County that you have so compassionately and caringly served, we thank you and wish you the happiest and healthiest retirement."

Charisse Campbell spoke. "I wasn't going to say anything, but I feel like I should. The thing I think about the most is that so many people have asked me over the years what I do and when I say I am a CPS Supervisor they say, oh my God, I could never do that. I think that made me realize this is probably the toughest job I have ever had, but it is also the job that I absolutely love the most. I thank you for the opportunity to work for the community in Tioga County and to serve the residents of our County."

Chair Sauerbrey stated we have two Proclamations to present as follows:

Legislator Standinger read and presented the following Proclamation on Teen Dating Violence Awareness and Prevention Month in Tioga County to Laura Bennett, Public Health Educator.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Teen dating violence is a common problem faced by millions of teenagers in the United States every year. It can happen to any adolescent regardless of race, gender, religion, or sexual orientation; and

WHEREAS: Approximately 1 in 11 female and 1 in 15 male high school students report having been physically abused by an intimate partner in the last year, and 26% of women and 15% of men experience some form of dating abuse before the age of 18 and;

WHEREAS: Our local resource for intimate partner violence, A New Hope Center, served over 1,160 people in 2018 including teenagers; and

WHEREAS: The health implications of dating violence include, but are not limited to: drug use, eating disorders, risky sexual behavior, and suicidal ideation; and

WHEREAS: Adolescents in abusive relationships are likely to carry unhealthy patterns of abuse into adulthood and future relationships; and

WHEREAS: Tioga County Public Health encourages citizens to advocate for adolescents in unhealthy relationships and to be aware of the warning signs of teen dating abuse which include: physical violence, sexual violence, psychological aggression, and stalking; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of February 2020 as:

TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH IN TIOGA COUNTY

and urges all caregivers and advocates to speak with the children in their life about teen dating violence and the signs of an unhealthy relationship.

Legislator Standinger spoke. "Luckily, I am not too familiar with this teen dating violence. I have three daughters and I think that if it involved one of my daughters I would probably not be standing here. As a parent, it is our obligation to ensure our children are safe and if you observe anything that constitutes this type of abuse you should do whatever you can to prevent it from happening any further. Thank you."

Laura Bennett, Public Health Educator spoke. "Hi, my name is Laura Bennett and I am a Health Educator at the Public Health Department. I would like to thank our Legislature for declaring February 2020 as Teen Dating Violence Awareness Month. Dating violence and abuse is a topic that is uncomfortable for anybody to discuss, let alone teenagers who are already incredibly vulnerable. Raising awareness of this issue and supporting community resources focus on helping victims of dating abuse break the stigma surrounding teen dating violence and directs teens to the services they need to end the cycle of abuse. As the proclamation indicated, A New Hope Center and Public Health are just two of the agencies available for providing resources in our community. Once again, I would like to thank you for promoting healthy relationships and advocating for Tioga County's youth. "

Legislator Weston read and presented the following Proclamation on Agriculture Month to Farm Bureau President Frisbee and three students of the Newark Valley Future Farmers of America (FFA) Chapter.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: March signifies a national celebration of the importance of food and agriculture in the United States as it provides almost everything we eat and use each day. This month we recognize and celebrate the diversity and abundance provided by New York's farms and our growing food and agricultural sector and the contributions of Tioga County's family farmers; and

WHEREAS: There are 33,400 farms in New York State and 6,900,000 acres of operated farmland; and

WHEREAS: The agricultural industry in New York State contributed more than \$5.4 billion in agricultural economy sales to the New York economy each year; and

WHEREAS: With farmland occupying nearly one quarter of New York State's land area, agriculture also promotes New Yorker's quality of life in other ways, including providing access to fresh, locally sourced food, preserving open space, and enhancing communities through farmer's markets and other such activities; and

WHEREAS: Recognizing the month of March as Agriculture Month in Tioga County provides the opportunity for all residents of Tioga County and New York to better appreciate agriculture's breadth and beauty, how food and fiber products are produced, and the role agriculture plays in providing safe, abundant, and affordable products; and

WHEREAS: Commemorating Agriculture Month will build awareness of the benefits of the agricultural industry in Tioga County and encourage young people to consider agriculture as a career; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of March 2020 as:

AGRICULTURE MONTH

and urges all New Yorkers to join in recognizing the importance of our food and agriculture industry, to thank a farmer for providing the food we eat, and to help celebrate every month with meals made from a variety of New York State products.

Kevin (Cub) Frisbie, Tioga County Farm Bureau President spoke. "I would like to thank the Legislature for recognizing agriculture, as it is not that way in every county nor in every state. The fact is agriculture is an exciting time. We have all kinds of opportunities.

Back when I was in high school, the counselors did not push students into agriculture. They believed they needed to get a college degree. That still works, but some people are not fit for a four-year degree and they want to do other things in their life. We need those people. We need electricians, plumbers, and farmers. Everybody eats; everybody wears clothes.

Farmland generates less toxicity than forestland and people do not understand this, but there is less runoff on agricultural used land. We are good for the economy. Farmers take care of their land, as we are the closest ones to see the downside for not doing so and will be the first recipients of all the bad news. We take care of our land; we take care of our animals, and we do the best job we can. Unfortunately, New York State does not recognize that anymore.

We have the fight of our life. I am President of Tioga County Farm Bureau and that is why I am here. We have the fight of our life with the Legislative body in Albany, NY these days and we have downstate Legislators that we try to meet with on a regular basis to let them know farmers care about their land, they care about their animals, and they care about their employees. I am very happy that this Legislature recognizes that and we have a lot of work on our plate to get New York State to follow your lead. Thank you very much."

Chair Sauerbrey spoke. "Growing up, I went to Tioga Central High School and Future Farmers of America (FFA) was very active, but they were mostly all boys. It is nice to see young women involved. Last summer, I was able to meet with you at the Tioga County Fair, you did many presentations about your projects and what you were currently doing, and you are wonderful, upstanding citizens. Very proud to have you represent FFA for Tioga County."

Kevin Frisbee spoke. "Owego just had their Chapter adopted a month ago, so we are working on every school district. We just hosted 80 blue jackets in Spencer-Van Etten School over the weekend.

Back when I was on the school board, we had to eliminate our agricultural program in BOCES because we did not have 17 students going to the agricultural program. Fast-forward 20 years, there are now FFA Programs. I couldn't be happier."

There was no privilege of the floor.

Legislator Mullen made a motion to approve the minutes of January 2, 14, and 23, 2020, seconded by Legislator Sullivan and carried.

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 38-20

*SCHEDULE SECOND PUBLIC HEARING FOR
NEW YORK STATE COMMUNITY DEVELOPMENT
BLOCK GRANT*

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

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2020 on February 20, 2020 at 10:05 a.m. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 40-20 *RECOMMEND MEMBERS TO THE SUSQUEHANNA
HERITAGE AREA COMMISSION*

WHEREAS: Per resolution 25-16, the Tioga County Legislature resolved that the Economic Development and Planning Committee recommend designees for the Municipal Representative and also the Advisory Board Member on the Susquehanna Heritage Area (SHA) Commission for the term of office of the County Legislative Chair who appoints said persons; and

WHEREAS: Currently Rebecca Maffei, Tioga County Tourism Director, and Abbey Hendrickson, Community Development Specialist of Economic Development and Planning, have been serving as the two (2) SHA Commission members; and

WHEREAS: Rebecca Maffei, Tioga County Tourism Director, and Abbey Hendrickson, Community Development Specialist of Economic Development and Planning, are willing to serve as the two (2) Commission members; therefore be it

RESOLVED: That the Economic Development and Planning Committee recommend Rebecca Maffei, the Tioga County Tourism Director, continue to

serve as the Municipal Representative and Abbey Hendrickson, Community Development Specialist, continue to serve as the Advisory Board member on the Susquehanna Heritage Area Commission for the term of office of the County Legislative Chair who appoints said person.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 41-20 *ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

WHEREAS: An application for Corrected Tax Roll for the year 2020 indicates that parcel #68.07-1-26.10, Account #115 in the Town of Spencer assessed to Alexander Skoromink on the 2020 tax roll of the Town of Spencer is erroneous in that the Village of Spencer returned Bill #281 Account #115 to the County Treasurer as unpaid; and

WHEREAS: The County Treasurer's Office relieved the returned 2019 Village Tax on to the 2020 Tax Roll of the Town of Spencer; and

WHEREAS: Alexander Skoromink contested his 2020 Town and County bill, claiming he had paid his Village taxes to the Village of Spencer Clerk; and

WHEREAS: Alexander Skoromink and the Village of Spencer Clerk provided sufficient proof, in the form of a Village paid record; be it therefore

RESOLVED: That a new tax bill be issued to Alexander Skoromink as follows:

	Original Bill #	Corrected Bill #
County	920.27	920.27
Recycle	52.85	52.85

Town Wide	332.75	332.75
Return Village	364.57	0.00
Total	1,670.44	1,305.87

And be it further

RESOLVED: That the erroneous returned village tax of \$340.72 be charged back to the Village of Spencer; and it be further

RESOLVED: That the erroneous County Penalty of \$23.85 be charged back to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 42-20 *AUTHORIZE COUNTY CLERK
CONVEYANCE NOTICE FEE*

WHEREAS: NYS legislation has passed a law amending Real Property Law §291 to require that the County Clerk mail a written notice to the owner of record of a conveyance recorded in the Clerk's Office; and

WHEREAS: The law states that the clerk of the county is entitled to charge a reasonable fee to cover the cost of mailing; and

WHEREAS: In order to keep the fee charged consistent across the State, the New York State Association of County Clerks agree to recommend that the reasonable fee be charged at \$10.00 for the notice for each recording of a conveyance; now therefore be it

RESOLVED: That the County Clerk is authorized to charge the party seeking to record such conveyance a fee of \$10.00 to cover the cost of mailing a notice of such conveyance.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 43-20 *AWARD CONSTRUCTION
HALSEY VALLEY ROAD OVER TRIBUTARY
TO PIPE CREEK*

WHEREAS: Halsey Valley Road Bridge is a bridge that needs repair; and

WHEREAS: Funding is available for the repair of Halsey Valley Road Bridge; and

WHEREAS: The Commissioner of Public Works received sealed bids on January 29, 2020 and the bids came in as follows:

Silverline Construction	\$ 940,594.00
Economy Paving	\$1,009,650.90
Procon Contracting, LLC	\$1,034,000.00
R. DeVincentis Construction, Inc.	\$1,050,000.00
G. DeVincentis & Son Construction	\$1,249,000.00

and

WHEREAS: Hunt Engineers has completed the review of the bids and finds the low bidder Silverline Construction, Burdett, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Silverline Construction, Burdett, NY not to exceed \$940,594.00 to be paid out of the following account:

H5110.540002.H1905 – Halsey Valley Road Bridge \$940,594.00

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 44-20 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE ON
LSE PERSEUS LLC AND LSE PISCES LLC
PAYMENT IN LIEU OF TAX AGREEMENTS*

WHEREAS: LSE Perseus, LLC and LSE Pisces, LLC have submitted Notices of Intent to the Town of Nichols that they plan to build and operate “Solar Energy Systems” with an expected total capacity of approximately 4.0 Megawatts AC (Perseus) and 3.8 Megawatts AC (Pisces); and

WHEREAS: The project locations are 260 Hunt Creek Road, Town of Nichols, County of Tioga, State of New York (Perseus) and Smith Creek Road, Town of Nichols, County of Tioga, State of New York (Pisces); and

WHEREAS: The Taxing Jurisdiction is defined as the Town of Nichols, the Owego-Apalachin Central School District and the County of Tioga; and

WHEREAS: The Taxing Jurisdiction has not opted out of Real Property Tax Law (RPTL) Section 487; and

WHEREAS: The Taxing Jurisdiction has indicated its intent to require Payment in Lieu of Tax (PILOT) Agreements with LSE Perseus, LLC and LSE Pisces, LLC; and

WHEREAS: Pursuant to RPTL 487, the Taxing Jurisdiction has agreed to place the projects as exempt upon the assessment rolls of the Taxing Jurisdiction; and

WHEREAS: LSE Perseus, LLC and LSE Pisces, LLC have agreed to make annual lump sum payments to the Taxing Jurisdiction in lieu of real property taxes for a period of fifteen (15) consecutive fiscal tax years; and

WHEREAS: Such fifteen (15) year term shall commence on the first taxable status date selected by LSE Perseus, LLC and LSE Pisces, LLC following the

commencement of the construction of the projects, and shall end by the fifteenth fiscal year following; and

WHEREAS: The first annual payment shall be in the aggregate amount of \$3,500 per built out Megawatt AC of capacity, and thereafter annual payments shall escalate by one and one half (1.5 %) percent per year; and

WHEREAS: The annual payments for the Taxing Jurisdiction shall be made payable to the Town of Nichols and mailed to the Town of Nichols and are due no later than January 15th of each year; and

WHEREAS: The Town of Nichols shall be responsible for distributing the annual payments to the Owego-Apalachin Central School District and the County of Tioga; and

WHEREAS: County of Tioga has agreed that payments shall be disbursed to the County in the amount not less than thirty three percent (33%) of the lump sum payment; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the revised Payment in Lieu of Tax Agreements between LSE Perseus, LLC and LSE Pisces, LLC, the Town of Nichols, Owego-Apalachin School District and Tioga County reflecting not less than thirty- three percent (33%) of annual lump sum payment to the County of Tioga.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 45-20 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE
ON NY NEWARK VALLEY I, LLC
PAYMENT IN LIEU OF TAX AGREEMENT*

WHEREAS: NY Newark Valley I, LLC has submitted a Notice of Intent to the Town of Candor that they plan to build and operate a “Solar Energy System” with an expected total capacity of approximately 5.0 Megawatts AC; and

WHEREAS: The project location is 2453 West Creek Road, Town of Candor, County of Tioga, State of New York; and

WHEREAS: The Taxing Jurisdiction is defined as the Town of Candor, and the County of Tioga; and

WHEREAS: The Taxing Jurisdiction has not opted out of Real Property Tax Law (RPTL) Section 487; and

WHEREAS: The Taxing Jurisdiction has indicated its intent to require a Payment in Lieu of Tax (PILOT) Agreement with NY Newark Valley I, LLC; and

WHEREAS: Pursuant to RPTL 487, the Taxing Jurisdiction has agreed to place the projects as exempt upon the assessment rolls of the Taxing Jurisdiction; and

WHEREAS: NY Newark Valley I, LLC has agreed to make an annual lump sum payment to the Taxing Jurisdiction in lieu of real property taxes for a period of fifteen (15) consecutive fiscal tax years; and

WHEREAS: Such fifteen (15) year term shall commence on the first taxable status date selected by NY Newark Valley I, LLC following the commencement of the construction of the projects, and shall end by the fifteenth fiscal year following; and

WHEREAS: The first annual payment shall be in the aggregate amount of \$2,000 per built out Megawatt AC of capacity, and thereafter annual payments shall escalate by two (2.0 %) percent per year; and

WHEREAS: The annual payments for the Taxing Jurisdiction shall be made payable to the Town of Candor and mailed to the Town of Candor and are due no later than January 31st of each year; and

WHEREAS: The Town of Candor shall be responsible for distributing the annual payments to County of Tioga; and

WHEREAS: The Taxing Jurisdiction has agreed that said payments shall be disbursed to the Town of Candor in the amount of fifty percent (50%) of the lump sum payment, and to County of Tioga in the amount of fifty percent (50%) of the lump sum payment; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Payment in Lieu of Tax Agreements between NY Newark Valley I, LLC, the Town of Candor, and Tioga County.

WHEREAS: Tioga County and the TCIDA shall enter into a written Sub-Agreement stipulating that the TCIDA will be responsible for the Tioga County portion of the feasibility study, therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Southern Tier Broadband Coalition Inter-Municipal Agreement between Tioga, Schuyler, Steuben and Yates Counties upon approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 47-20 *AUTHORIZE CHAIR OF LEGISLATURE
TO SIGN APPLICATION FOR GRANT FUNDS
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Tioga County is submitting a request for grant funds to the NYSDOT, pursuant to Section 5311, Title 49 United States Code, for a project to provide Mobility Management Services for Tioga, Broome, Chenango, Delaware and Otsego Counties through an agreement with Rural Health Network of South Central New York for the 2020-2022 fiscal years and has committed the local share; and

WHEREAS: Tioga County and the State of New York have entered a continuing agreement which authorizes the undertaking of the project(s) and reimbursement of the Federal and applicable State Shares; and

WHEREAS: Tioga County is contracting with a third-party subcontractor for the project(s) described above; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of Tioga County to sign the application and progress and complete the above-named project(s); and be it further

RESOLVED: That the Chair of the Legislature is authorized to sign any contracts or agreements between Tioga County and any third-party subcontractor necessary to complete the public transportation project(s), subject to the approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE
RESOLUTION NO. 48-20	<i>FILING OF AN APPLICATION FOR STATE GRANT FROM DEC HOUSEHOLD HAZARDOUS WASTE (HHW) PROGRAM</i>

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

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

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

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

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 50-20 *RESOLUTION TO APPROVE A
CONTRACT BETWEEN THE TIOGA COUNTY
PROBATION DEPT. AND BUDDI US, LLC*

WHEREAS: The Probation Department is need of Electronic Monitoring Services to provide alternative to incarceration and alternative to detention services via Court order for Tioga County adults and juveniles; and

WHEREAS: Probation has been contracting with a company, Buddi, US, LLC that is willing to provide Electronic Monitoring Services to Tioga County Probation at the cost of \$3.80 per day, per unit; and

WHEREAS: The Tioga County Attorney has previously approved a contract with Buddi US , LLC that will charge the County \$3.80 per day, per unit with no fee for units on the shelf. Said contract includes a rollover clause that allows the contract to roll over year to year unless terminated by one of the parties; and

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services for 2020 in the amount of \$8,000 in account number A 3142-540140; therefore be it

RESOLVED: That Tioga County Probation Director is approved to contract with Buddi US., LLC to provide Electronic Monitoring hardware and internet accessible software for adults and juveniles to the Probation Department as part of the County's Alternative to Incarceration and Alternative to Detention programming.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 51-20 *RESOLUTION TO APPROVE A SOLE SOURCE CONTRACT AND MAINTENANCE AGREEMENT BETWEEN THE TIOGA COUNTY PROBATION DEPARTMENT AND AUTOMON, LLC TO PROVIDE SOFTWARE AND MAINTENANCE OF THE CASELOAD EXPLORER PRODUCT*

WHEREAS: The Tioga County Legislature has approved contracts between Tioga County Probation Department and AutoMon, LLC since 2008; and

WHEREAS: AutoMon, LLC has changed their contract status with New York State, the Tioga County Legislature is approving the Probation Department can contract with AutoMon LLC as a sole source provider of Caseload Explorer, a software program that meets the qualifications of 9 NYCRR 345, which mandates Probation Departments to use a software program that automatically sends Pre-sentence Investigation completed in the software program to the PSI Repository in Albany. Caseload Explorer software is the only software in New York State that meets this criteria; and

WHEREAS: AutoMon, LLC has submitted their yearly Maintenance Agreement to Tioga County Probation, which consists of the base charge of \$4,576.90, plus a fee of \$224.14 per user. Probation has 17 registered users of the software, so the total cost for basic software maintenance for 2020 is \$8,387.28; therefore be it

RESOLVED: That the Probation Director is approved to contract with AutoMon, LLC as a sole source provider for software and maintenance costs in 2020 for Caseload Explorer and Ce Assessments in the amount of \$8,387.28.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 52-20 *RESOLUTION TO APPROVE CONTINUED MOU
BETWEEN TIOGA COUNTY PROBATION
DEPARTMENT AND SMART START*

WHEREAS: The Tioga County Probation Department must supervise offenders who are sentenced to probation supervision by Tioga County courts for drink and driving behavior; and

WHEREAS: Many probationers divest themselves of their motor vehicles pre or post-sentencing so that they do not have to install an ignition interlock device (IID). The Smart Start company markets a hand held IID, similar to an IID, that will allow defendants to blow into the device at assigned times and have their BAC calculated, a photo taken and a GPS location established; and

WHEREAS: The Smart Start company has partnered with Tioga County since 2015 to provide these devices at the rate of \$3.10 per day via a MOU that is renewable automatically each year and would like to continue the program in 2020; and

WHEREAS: Tioga County Probation has budgeted funds for Alternatives to Incarceration Contracting line for testing of probationers in the amount of \$2,500 in account number A3142 540140 and 2020 STOP-DWI funding in the amount of \$2,227 for this service; therefore be it

RESOLVED: That Tioga County Legislative Chair is approved to contract with Smart Start to provide hand held alcohol testing devices for the year 2020, upon approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 53-20 *RESOLUTION TO APPROVE A CONTRACT BETWEEN THE TIOGA CO. PROBATION DEPT. & FAMILY COUNSELING SERVICES OF CORTLAND COUNTY, INC., FORMERLY THE FAMILY AND CHILDREN'S SOCIETY, TO PROVIDE ADULT & JUVENILE SEXUAL OFFENDER ASSESSMENT AND TREATMENT SERVICES*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult and juvenile sex offender treatment in 2020; and

WHEREAS: The Family and Children's Society is in the process of joining with Family Counseling Services of Cortland County, Inc. and they will continue to offer the same services for Tioga County Probation; therefore be it

RESOLVED: That the Probation Director, starting in February 2020, is approved to pay invoices to Family Counseling Services of Cortland County, Inc. to pay for adult sexual offender assessment and treatment, juvenile sexual offender assessment and treatment and educational sessions for adult supervisors and parent supervisors in the amount of \$123,840 annually.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 54-20 *RE-ESTABLISH PRIOR YEAR 2019 GRANTS FOR 2020 BUDGET OFFICE OF EMERGENCY SERVICES*

WHEREAS: Prior year grant funds need to be re-established for the remaining unspent balance as of year-end 2019 for purchase or completion in 2020; therefore be it

RESOLVED: That the following accounts and amounts are re-established and the 2020 budget is amended as follows:

Sen10 - Reso 278-19 Senator's Grant			Amount to Re-Establish	
A3410 521130	SEN10	Equipment (Not Car)	\$	15,000
A3410 433060	SEN10	State Aid Fire Grant	\$	15,000

SHS17 – Reso 109-18 State Homeland Security 17			Amount to Re-Establish	
H3360 520060	SHS17	Capital Car/Truck	\$	1,625.92
H3360 433567	SHS17	Capital Revenue SHS17	\$	1,625.92

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 55-20 *AUTHORIZE ACCEPTANCE OF STATEWIDE
INTEROPERABLE COMMUNICATIONS
"FORMULA" GRANT (SICG 19)
APPROPRIATION OF FUNDS &
MODIFY 2020 BUDGET
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Office of Emergency Management applied for and was awarded a Homeland Security Statewide Interoperable Communications "Formula" Grant 2019 in the amount of \$385,432. The grant will be used for upgrading the radio communications in the county with no local share associated with said grant; and

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

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

RESOLVED: That the 2020 budget be modified and funds be appropriated to the following accounts:

FROM: A3415 433063 IO19F – State Aid Interop Comm Grant \$385,432

TO: A3415 540140 IO19F Contracted Services \$364,607

TO: A3415 540180 IO19F Dues \$ 825

TO: A3415 520130 IO19F Equipment (Not Car) \$ 20,000

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 56-20 *RESOLUTION TO ACCEPT DONATION,
APPROPRIATE FUNDS AND
AMEND 2020 PROBATION BUDGET*

WHEREAS: The Tioga County Probation Department received a gift donation of \$2,000 for incentives for our Juvenile Delinquency Diversion programming from Adam Weitsman on January 3, 2020; and

WHEREAS: The Tioga County Legislature agrees to accept this generous donation; and

WHEREAS: The funding is specifically designated for the purchase of incentives for the youth in the Juvenile Delinquency Diversion Program; and

WHEREAS: Appropriation of Funds and Budget Amendments require Legislative approval; therefore be it

RESOLVED: That the Tioga County Probation Department is approved to accept the above-referenced donation, amend the 2020 budget, and appropriate funding as follows:

From:	A3140 427050	Gifts and Donations	\$2,000
To:	A3140 540487	Probation Program Expense	\$2,000

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 57-20 *APPROPRIATION OF FUNDS AND
AMEND 2020 BUDGET - SOCIAL SERVICES*

WHEREAS: Effective January 1, 2020 NYS has eliminated reimbursement of PINS foster care and detention placements; and

WHEREAS: Tioga County was selected to receive Enhanced STSJP Funds for preventive programming necessary to deter PINS placements; and

WHEREAS: Appropriation of funds and budget modifications requires Legislative approval; and

WHEREAS: There is a local share of \$30,758.00 associated with this funding; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A6010.436100 State Aid: Administration \$ 50,183.00

To: A6010.540140 Contracting Services \$ 80,941.00

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 58-20 *AMEND CAPITAL BUDGET AND TRANSFER
CONTINGENCY FUNDS FOR LARGE EXCAVATOR
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has budgeted for the purchase of a large excavator in 2020 for \$225,000.00; and

WHEREAS: The Commissioner of Public Works received proposals for the purchase of the large excavator which came in higher than anticipated; and

WHEREAS: Revenue in the amount of \$8,900.00 will be received for the sale of scrap beams sold at auction; and

WHEREAS: The \$8,900.00 revenue will go into the general fund; and

WHEREAS: Legislative approval is needed to amend 2020 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

regulations, and for the safety of staff and other occupants of Tioga County buildings and property.

PROCEDURE:

1. The ADA defines a service animal as any dog (or in certain circumstances a miniature horse) that is individually trained to do or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or any other mental disability. For purposes of this Policy and Procedure, only dogs will be discussed. If a miniature horse or other animal is purported to be a "service animal," a request for guidance shall immediately be made to the Legal Department.
2. **"Service animals"** are separate and distinct from **"emotional support animals."** Service animals are protected by the ADA and relevant NY statutes and are permitted in County buildings. **"Emotional support animals"** are protected by several federal statutes but these are not applicable to Tioga County at this time.
3. **Service animals** are not pets, but under the ADA, regardless of whether they have been licensed or certified by a state or local government, or other entity, these animals are trained to aid a person with disabilities in specific tasks.
 - a. The following are examples of, but are not exclusive, of these tasks:
 - i. Assisting with navigation, stability or balance
 - ii. Alerting to sounds
 - iii. Pulling wheelchairs
 - iv. Carrying items
 - v. Seizure assistance
 - vi. Interrupting impulsive or destructive behaviors
4. No individual assisted by a service dog satisfying the definition pursuant to the provisions of the Americans with Disabilities Act (ADA) will be denied access to any Tioga County facility to areas where the public is normally allowed access.
5. Service animals are required to be harnessed, leashed, or tethered, unless this device interferes with the service animal's work or the individual's disability prevents the use of such devices.
6. In the event it is not obvious what service the service animal provides, VERY limited inquiry is permitted before granting access. Staff may ask,
 - a. Is the service dog required because of a disability?
 - b. What work task is the dog trained to perform?

STAFF CANNOT:

- **(1) ask about the person's disability,**
- **(2) require medical documentation,**
- **(3) require a special identification card or training documentation for the dog, or**
- **(4) ask that the dog demonstrate its ability to perform the work or task.**

A person with a disability and with their service animal seeking access to a Tioga County facility cannot be denied entry, or asked or required to remove a service dog from the premises unless: (1) the dog is out of control or (2) the dog is not housebroken.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 62- 20 ABOLISH POSITION, INCREASE SALARY OF ONE
EMPLOYEE, AUTHORIZE TWO BACKFILLS
DISTRICT ATTORNEY'S OFFICE

WHEREAS: Legislative approval is required for abolishment of positions, Non-Union midyear salary adjustments, and for Non-Union hires; and

WHEREAS: Two Assistant District Attorneys have tendered their resignations; and

WHEREAS: The District Attorney consequently will be redistributing work amongst remaining staff; and

WHEREAS: The District Attorney has found a candidate to fill one of the resulting vacancies; and

WHEREAS: The District Attorney would like to compensate the remaining staff for taking on additional duties; and

WHEREAS: The District Attorney is willing to abolish the Chief Assistant District Attorney (PT) position to offset the salary increases; therefore be it

RESOLVED: That one part-time (2 days/week) position of Chief Assistant District Attorney (Non-Union salary range \$29,500 – 30,238) shall be abolished effective March 1, 2020; and be it further

RESOLVED: That Cheryl Mancini, 1st Assistant District Attorney, shall receive an annual salary increase of \$10,000 effective March 2, 2020, increasing her 2020 salary to \$86,875; and be it further

RESOLVED: That Torrance Schmitz, 3rd Assistant District Attorney, shall be promoted to 2nd Assistant District Attorney at an annual salary of \$78,000 effective March 2, 2020, and shall not be eligible for any additional increase in 2020 that may have been provided for in the Non-Union Benefits Policy; and be it further

RESOLVED: That the District Attorney is authorized to backfill the vacant full-time 3rd Assistant District Attorney position (Non-union salary range \$58,297-68,297) effective March 2, 2020 with the appointment of Lillian Hines at an annual salary of \$73,000; and be it further

WHEREAS: Margareta Olin, Deputy County Treasurer, has announced that her retirement and shall be effective February 29, 2020;

WHEREAS: The County Treasurer has an immediate need to appoint a replacement to the title of Deputy County Treasurer and he has identified his preferred candidate; therefore be it

RESOLVED: That the County Treasurer is authorized to appoint Katie Chandler to the title of Deputy County Treasurer at an annual non-union salary of \$47,000.00 effective March 2, 2020.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Roberts, Standinger and Balliet.

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to bring forth two late-file resolutions for Legislature consideration, seconded by Legislator Sullivan. Motion carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 64-20 *RESOLUTION OPPOSING THE GOVERNOR'S
PROPOSED MEDICAID COST-SHIFT AND
CALLING ON THE GOVERNOR AND NEW YORK
STATE LEGISLATURE TO PRESERVE THE ZERO
PERCENT MEDICAID GROWTH CAP*

WHEREAS: When created by the federal government in 1966, this health insurance program for the poor and disabled was intended to be funded by the Federal and State governments, but New York State opted to force counties to pay half the State's share; and

WHEREAS: The required County and New York City payment is now \$7.6 billion annually; and

WHEREAS: The local share of Medicaid funding paid in New York is the highest of any state in the country, and is more than what 43 individual states pay in state share for their Medicaid programs; and

WHEREAS: This large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS: In 2005, the Governor and legislative leaders recognized the fiscal burden the financing of Medicaid is for local taxpayers and initiated steps to relieve part of that burden by capping the growth in local costs in this program; and

WHEREAS: One of the most prominent property tax reduction and mandate relief initiatives in state history was Governor Cuomo's establishment of the zero percent Medicaid growth cap in 2015; and

WHEREAS: Due to rising costs of health services and pharmaceuticals, and due to New York State's expansion of Medicaid services and mandatory raises for health care workers, the Medicaid budget is facing billions of dollars in annual deficits over the next several years; and

WHEREAS: The Governor's Executive Budget Recommendation is proposing a variety of ways to address this fiscal shortfall, including cost-shifting the State's financial responsibilities onto county property taxpayers by:

- Taking county governments' federal enhanced Medicaid match savings;
- Forcing counties to pay for Medicaid growth if counties breach the state property tax cap;
- Shifting the local share of Medicaid growth above 3% to counties, if counties cannot contain costs under 3%; and

WHEREAS: Counties do not have the tools nor authority to control the Medicaid program growth; some of these limitations include:

- The ability to audit the Medicaid program;
- The ability to control the cost of prescription drugs;
- The ability to set provider reimbursement rates;
- The ability to modify eligibility and benefit levels for Medicaid recipients;
- The ability to control changing demographics across the state;
- The ability to control provider contracts; and

WHEREAS: If State experts in the Medicaid program are unable to develop solutions to control growth in the Medicaid program, it will be impossible for counties to do so, since they do not have this authority to control costs; and

WHEREAS: If enacted, the Governor's proposals will, in effect, nullify the property tax cap; therefore be it

RESOLVED: That the Tioga County Legislature opposes the cost-shifts and the taking of eFMAP federal funds for counties proposed by the Governor, and urges the Governor and legislative leaders to maintain the zero percent Medicaid growth cap for counties and New York City, as they address state budget shortfalls in order to keep downward pressure on the local tax burden; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John J. Flanagan, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader Will Barclay, Senator Fred Akshar, and Assemblyman Chris Friend.

Legislator Standinger spoke. "The Governor kicked a deficit down the road that created this issue – the urgency of it. At this point, it looks like he is trying to punish the counties to cover up his error. It is pretty frustrating when they cannot get their act together in Albany, NY and then they blame it on us. We pass our budget in the fall; they pass theirs in April. They end up dumping stuff on us after we have completed our budget and this is yet another example of that."

Chair Sauerbrey spoke. "The New York State Association of Counties (NYSAC) has taken on this cause to impress upon the Governor about what a poor decision this is. Counties across the State will be lobbying their Assemblymen and Senators tomorrow about the severity of this proposal, and to ask them to come up with other alternatives rather than passing them on to the counties."

Legislator Mullen spoke. "From the County Treasurer's report today, Tioga County sends New York State \$149,000 on a weekly basis already. This also does not relieve counties of staying underneath the two-percent (2%) tax cap. It literally nullifies the property tax cap if there is an increase of three-percent (3%) or more.

A study by the County's Social Services Department indicated that last year would have been a six-percent (6%) increase. Let's be honest, these costs are not going down.

I agree with Legislator Standinger that this is literally kicking the can down upon the counties and we have no authority to do anything about it except cough up the money. We cannot control costs; we cannot control providers or

anything. The County will pay the money and we will have to come up with it after our budget has been set.”

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 65-20 *HOME RULE REQUEST IN SUPPORT OF S7559/A9725: EXTENDING THE CURRENT AND IMPOSING ADDITIONAL SALES AND COMPENSATING USE TAXES BY THE COUNTY OF TIOGA*

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

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

RESOLVED: That the Tioga County Legislature hereby requests the enactment of Senate Bill number S7559 and Assembly Bill number A9725 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 until November 30, 2022”.

Chair Sauerbrey spoke. “This is an extension of the ongoing tax bill already established and is not a new tax.”

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:35 P.M.

Public Hearing
New York State Community Development Block Grant
February 20, 2020

The Public Hearing on New York State Community Development Block Grant regarding the project Tioga Mobile Dental Services was called to order by the Chair at 10:00 A.M. Seven Legislative members were present with Legislators Monell and Standinger being absent.

There were eight people in attendance.

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

Legislator Mullen spoke. "They did a fantastic job getting that done and it was something that was desperately needed. Thank you for your efforts. It is a massive improvement."

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

Public Hearing
Annual Agricultural District Inclusion
February 20, 2020

The Public Hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2020 was called to order by the Chair at 10:05 A.M. Eight Legislative members were present with Legislator Monell being absent.

There were eight people in attendance.

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

Megan Griffiths, Agricultural Development Specialist of the Economic Development & Planning Department spoke. "In 2020, at the end of the comment period on January 31st, we had two requests for addition to the North-Tioga Agricultural District. Both parcels are in the Town of Newark Valley totaling 110.8 acres and they have been determined to be viable agricultural land."

There being no further comments, the hearing was adjourned at 10:07 A.M.

WHEREAS: The County believes it is important and appropriate to support Deputy Election Commissioner Layman during this time; therefore be it

RESOLVED: That Deputy Election Commissioner Layman shall be required to liquidate all her accrued vacation time, which will be exhausted as of February 7, but then shall have access to vacation days donated by Board of Elections employees for some remaining portion of her absence from February 10, 2020 through approximately March 2, 2020; and be it further

RESOLVED: That in the event Deputy Election Commissioner Layman returns to work earlier than March 2, 2020, access to donated vacation days will end as of the date of her return.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 67-20 *APPROVE SALARY ABOVE HIRING BASE FOR
CORRECTION OFFICER
SHERIFF'S OFFICE*

WHEREAS: Tioga County resolution 211-99 requires Legislative approval for any appointments made above an established base salary amount; and

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a vacant full-time Correction Officer position; and

WHEREAS: Anthony Ormsby, a transfer candidate with over 18 years of Correction Officer experience, applied and was found both eligible and willing to accept a transfer from St. Lawrence County to the Correction Officer vacancy in Tioga County; and

WHEREAS: The Sheriff has received approval from the National Correctional Employees Union, Inc. (NCEU) to hire a Correction Officer, who has successfully completed the basic training, at an annual salary reflecting 18 years of experience per the current union contract, or \$49,208; therefore be it

RESOLVED: That the Sheriff is hereby authorized to hire Anthony W. Ormsby at an annual salary of \$49,208 effective February 29, 2020.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:16 A.M.

Third Regular Meeting
March 10, 2020

The Third Regular Meeting of 2020 was held on March 10, 2020 and was called to order by the Chair at 6:03 P.M. Seven Legislative members were present with Legislators Hollenbeck and Sullivan being absent.

Chair Sauerbrey asked Legislator Mullen to have a moment of prayer. “Lord, guide us in our decision-making for the services to our residents in Tioga County. Guide our State and National leaders in their handling of the Coronavirus outbreak and for people to stay calm and put things in perspective.”

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

There were 19 people in attendance.

Chair Sauerbrey noted we have five Proclamations for Women's History Month: 100th Anniversary of Passage & Ratification of 19th Amendment to the Constitution of the United States, Women Veteran's History Month, Welcome Home Vietnam Veteran's Day in Tioga County, Rabies Prevention & Awareness Month, and Public Health Week (4/6 – 4/12/2020). The first two proclamations will be read and presented and the remaining three will be noted.

Chair Sauerbrey read and presented the following Proclamation on Women's History Month: 100th Anniversary of Passage & Ratification of 19th Amendment to the Constitution of the United States to Julie Lovelass and Christina Knickerbocker, members of the 2020 Suffrage Committee.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Congress passed the 19th Amendment to the Constitution of the United States on August 18, 1920 to declare, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex”; and

WHEREAS: This amendment, which granted women the right to vote, was the culmination of a decades-long struggle by women's rights advocates across the United States and worldwide; and

WHEREAS: The women's suffrage movement has its origins in New York State at the Seneca Falls Convention of 1848, the first women's rights convention ever held in the United States; and

WHEREAS: In the following decades, women marched, protested, lobbied, and even went to jail in the fight for equal treatment under the law; and

WHEREAS: New York women were on the front lines in the fight for suffrage, including Susan B. Anthony, Alva Vanderbilt Belmont, and Carrie Chapman Catt; and

WHEREAS: Tioga County women were leaders in the suffrage movement, including Elizabeth B. Chatfield and Belva Lockwood; and

WHEREAS: The ratification of the 19th Amendment represented a major victory and a turning point in the women's rights movement, ensuring women could more fully participate in our democracy and fundamentally changing the role of women in the civic life of our nation; and

WHEREAS: This amendment changed the face of the American electorate forever and opened the door to women serving in local government; and

WHEREAS: August 26, 2020 marks the centennial of the 19th Amendment becoming a part of the United States Constitution, and this historical milestone is to be lauded and celebrated; therefore

THE NEW YORK STATE ASSOCIATION OF COUNTIES (NYSAC) along with THE TIOGA COUNTY LEGISLATURE celebrates the

**100th Anniversary of the Passage and Ratification of the
19th Amendment to the Constitution of the United States**

and that NYSAC and Tioga County Legislature honors those who played a role of the ratification of the 19th Amendment in further promoting the core values of our democracy as promised by the Constitution of the United States.

Chair Sauerbrey spoke. "This year, we are going to be celebrating all year long with activities going on throughout the County, especially in August."

Legislator Balliet read and presented the following Proclamation on Women Veteran's History Month to Bonnie Hand, Tioga County Veterans Service Officer.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: March is National Women's History Month; and

WHEREAS: As the role of women in the military continues to expand, so does the number of women currently serving on Active Duty, in the Guard and Reserve with numbers totaling about 359,315; and

WHEREAS: There are approximately 1.82 million women veterans nationwide, as well as approximately 470 women veterans residing here in Tioga County; and

WHEREAS: Women veterans and service members are not recognized or acknowledged for that service and the sacrifices they made; and

WHEREAS: To recognize women for their service, sacrifice, accomplishments and advancements in service to their country and to acknowledge that they are veterans; therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim

March as “Women Veteran’s History Month” in Tioga County

and encourages Tioga County citizens to honor, acknowledge and recognize all women who have served and continue to serve in our nation's Armed Forces.

Chair Sauerbrey spoke. “There will be a special event honoring women veterans and caregivers of the military on March 24, 2020 at the American Legion in Owego, NY.”

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: March 29, 2020 is National Vietnam War Veterans Day; and

WHEREAS: More than 9 million men and women served during the Vietnam War with 2.7 million serving in Vietnam itself, and with 58,272 giving the ultimate sacrifice for their Country. Tioga County has 4,623 veterans living here in Tioga County, many of whom are Vietnam Era veterans; and

WHEREAS: To recognize their service and sacrifice and the failure of our nation to offer them proper respect and gratitude when they returned home at the end of the Vietnam War; therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim

**March 29, 2020 as
“Welcome Home Vietnam Veterans Day” in Tioga County**

and encourages Tioga County citizens to honor Vietnam War Veterans Day in appreciation of our Tioga County Veterans who have served.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Rabies is a contagious and fatal virus that is spread among dogs, cats, bats, raccoons, foxes and other mammals, including humans; and if left untreated has a 100% fatality rate for humans; and

WHEREAS: It is vital to notify Tioga County Public Health of all animal bites and wild animal exposures, including bats, due to the potential risk of rabies; and

WHEREAS: In 2019, Tioga County Public Health tested a total of 48 animals for rabies and 9 tested positive including: 1 deer, 4 foxes, 3 raccoons, and a bat. Additionally, over 40 residents received preventative rabies treatment.

WHEREAS: With animal vaccination, rabies is preventable; and

WHEREAS: New York State law requires all dogs, cats, and ferrets get their first rabies vaccination no later than four months of age and their second rabies shot within one year. Thereafter, a booster shot is required every three years; and

WHEREAS: In 2019 Tioga County Public Health vaccinated over 1,000 animals at rabies vaccination clinics throughout the county; and

WHEREAS: Tioga County Public Health will be hosting their next rabies vaccination clinic on March 26, 2020 at the Waverly Village Barn; therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of March 2020 as

RABIES PREVENTION & AWARENESS MONTH

and urges all the citizens of Tioga County to vaccinate their pets against rabies.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: The people of Tioga County benefit every day from the efforts of the public health workforce when eating at restaurants, drinking tap water, and learning about prevention of deadly diseases; and

WHEREAS: Public health activities work to protect Tioga County residents from infectious and chronic diseases, environmental hazards, unintentional injuries and violence; and

WHEREAS: Educating people about the benefits of healthy behaviors is an essential element in attaining good health and preventing premature illness and death; and

WHEREAS: Public health efforts alone cannot accomplish the goal of a healthier Tioga without cooperation and partnership with communities and individuals; and

WHEREAS: Each of us needs to do our part by taking personal responsibility to improve behaviors by not using tobacco, making time for regular, safe physical activity and eating more fruits and vegetables in order to prevent disease; and

WHEREAS: National Public Health Week provides an opportunity for our county to learn about public health concerns, like Coronavirus, and success stories that are vital to healthy communities, such as immunizing against infectious disease, maintaining good nutritional standards, ensuring safe living conditions, preventing lead poisoning and providing good prenatal care; and

WHEREAS: The residents of Tioga County recognize the essential role public health plays in their everyday lives; therefore be it

RESOLVED: THE TIOGA COUNTY LEGISLATURE does hereby proclaim the week of April 6 – 12, 2020 as

PUBLIC HEALTH WEEK

and urges all residents to take steps to educate themselves, their families, and the community about the role of public health in our community.

Chair Sauerbrey presented the State of the County Address for 2019 as follows:

New York State Counties deliver vital programs and services to the people in their communities. They are at the heart of our state, working directly with and for their residents. However, over the past three years the direction has been diverted by the State of New York and by the mandated programs that are pushed down to the county.

In order to achieve the goals of delivering the quality public services demanded by taxpayers, counties rely on a strong and consistent fiscal partnership with the State however, recent changes in the legal system, laws and mandates have greatly affected Tioga County Government and specifically the workflow in the County Attorney's Office. In 2019, the County Attorney's Office worked on implementing a series of wide ranging Criminal Justice Reforms. These reforms have brought about great changes to both the adult and juvenile justice systems.

The 2019-2020 New York State Budget includes criminal justice reforms that limit bail, amend the discovery and speedy trial process, change civil asset forfeiture, and improve the community re-entry process.

Due to changes in the law, Tioga County has completely changed the arraignment process for criminal defendants. We created a new centralized arraignment court and holding facility. Law Enforcement is now able to drop off an arrestee at the public safety facility and held there until the next court session. This collective effort involved the County Attorney's Office, the Probation Department, Sheriff's Office, Public Defender's Office, local justice court officials and the NYS Office of Court Administration to get this Centralized Arraignment Part (CAP Court) program up and running.

Changes affect many departments across the county. Finding a solution for CAP Court (centralized arraignment part), required locating, planning and training staff for the new CAP Court at the Sheriff's Office. Implementation of new policies and training was required for the new Discovery Legislation along with extensive recordkeeping to insure the DA and Public Defender get accurate information.

Tioga County has been a front-runner in ensuring that defendants have counsel at each court appearance. Tioga was one of the first counties to provide counsel at all daytime arraignments and with the CAP Court has implemented what the NYS Office of Indigent Legal Services has called a model program to implement required changes to public defender services.

Changes in the law affect departments across the county. Buildings and Grounds created space within a space to facilitate current and new employees in the District Attorney's Office and the County Attorney's Office. The new hires are required because of mandates from New York State.

Unfunded mandates from New York State continued to affect the Tioga County Probation Department last year. Revenue from New York State remained flat for the seventh year in a row, with state funds covering only 9% of the Probation Department budget, the other 91% covered by Tioga County taxpayers.

Probation provided detailed investigations to 20 different courts in Tioga County prior to sentencing hearings. The Department also supervised almost 300 adults and juveniles who were court ordered to variable terms of supervision.

Using Raise the Age money, we were able to contract with an agency, Cayuga Counseling Services, to provide daily contact with schools and juveniles involved with the department. We initiated an evidence-based intervention program for juveniles called Decision Points.

The Governor's 2021 Executive Budget contains several proposals that will have a significant negative effect on local taxpayers. What is concerning about this is the modification of the existing local share Medicaid caps and the capping of Federal Affordable Care Act credit that flows to counties. These provisions lack clarity, a clear rationale, and do not solve the problems at the heart of the current \$4 billion Medicaid shortfall.

The local Medicaid cost cap remains the most important, meaningful property tax reduction, and mandate relief initiative enacted by the State in decades. Stepping back from this policy will threaten counties' capacity to stay within the property tax cap. In the future, this could affect our ability to fund outside agencies such as veterans services, libraries, and museums.

Mirroring the national trend, Tioga County continues to see an increasing number of youth and young adults with challenging behaviors, trauma, and mental health concerns, which significantly impacts the PINS (Persons in Need of Supervision) Diversion services. In addition, New York State ended funding for services for this population, increasing the challenge of meeting their needs.

The Department increased collaboration with multiple agencies including Veterans Services, Rehabilitation Support Services, Tioga County Law Department, and Tioga County Probation Department in a growing effort to better serve the families they are working with.

The average number of families in the Family Assistance caseload reached the lowest levels in decades. A low unemployment rate and job opportunities allowed our consumers to maintain gainful employment in record numbers.

The Mental Hygiene Department continues to offer a comprehensive range of care for citizens of Tioga County who have needs related to Mental Health, Substance Abuse, and/or Developmental Disabilities. They have been on the frontlines in dealing with the negative impacts of Opiate/Opioid addiction.

They are extremely proud of their two coalitions; Tioga Allies in Substance Abuse Prevention Services (ASP) and the Suicide Prevention Coalition they support that provide valuable service to Tioga County.

The new Dental Van “Tioga Smiles”, went into action in 2019 and in the first year provided about 2,000 dental screenings.

The Community Health Assessment (CHA) and Community Health Improvement Plan was completed which identified health behaviors and how they relate to poor or good health outcomes. Working with their partners, the goal is to make Tioga the healthiest county in NY.

Public Health hit the ground running this year as Coronavirus appeared, and continues to make headlines. Yes, COVID-19 is a threat, one of many that they continuously monitor and manage; be it disease outbreaks or environmental exposures. Public Health remains proactively engaged providing Tioga County with a robust public health presence focused on prevention, and when warranted, response, against both existing and emerging public health threats.

The Tioga Career Center continues to bring us good news. This week the sixth annual Job Fair was held on March 11 in Owego with about 90 businesses participating. In order to participate the businesses must have jobs and if anyone wants to work, there is a job for you. Our unemployment rate is down; jobs are plentiful.

Information Technology and Communication Services (ITCS Department) has been busy throughout the year gearing up for significant projects and making steady improvements to the County's technology infrastructure.

As part of a Shared Services Project, ITCS has been working with the Town of Owego, Village of Waverly, and Town of Barton. This will bring them valuable technical assistance and significant cost savings. The County is able to spread its existing cost structure across a larger base, resulting in net savings for all parties.

Looking into 2020, the department will continue onboarding the three shared services municipalities and integrating their operations into the County infrastructure.

Our Chief Information Officer is leading County efforts to facilitate additional construction of broadband to the rural or underserved areas of the County.

Last fall, the Personnel Department instituted an online application portal to allow applicants to apply for examinations and vacancies online, as well as pay application fees electronically.

The Institute for Advancement offered three additional advanced training sessions, which were Budget Preparation & MUNIS, Interviewing and Hiring, and Workplace Ethics.

As of October 1st, airline travelers will not be able to board a domestic flight without a REAL ID compliant identity document and visitors to Federal buildings and military bases will need a REAL ID for entry. The Tioga County DMV Office has been extremely busy meeting the demand for upgraded REAL ID driver's licenses to meet the October 1st deadline.

Counties play an important role in sustainable waste management in New York State. However, the future of these operations is threatened by global market volatility that has resulted in unsustainable cost increases. This along with the recent challenges has affected Tioga County as to how our recycling programs will look in the future. We are looking at better, more effective ways of recycling while educating the public how to reduce, reuse, and recycle.

2019 was an amazing year for the Veterans Service Agency. They were busy with continued outreach programs including informational sessions; specific programs remembering Vietnam Veterans, STOP 22, and Field of the Forgotten Fallen display. The Annual Veterans Expo brings together many programs and people that are beneficial to our veterans and their families. March is a busy month with special events throughout the month including the first recognition event of Women Veterans as we celebrate Women's' History Month.

More Good News: Under Economic Development and Planning.

The newly created Tioga County Property Development Corporation (Land Bank) was successful in demolishing seven properties in the Village of Waverly and three properties in the Village of Owego that were considered blighted properties. Additionally, two properties in the Village of Waverly were readied for renovation.

A new company arrived - Voight and Schweitzer New York Galvanizing broke ground and completed construction on their \$15.5 million steel galvanization plant in the Town of Owego. It is expected V&S will employ close to 60 people once running at full capacity.

The Workforce Pipeline Strategy remains in the forefront of our activities by identifying priorities and actions needed to help employers attract and develop talent for today and for the future. The goal is to connect local school districts and higher learning institutions with employers to create a highly qualified and skilled workforce pipeline for Tioga County.

Groundwork was laid for a successful 2020 Census with numerous outreach efforts to make residents aware of the importance of participating in the Census. Tioga Counts!

The Real Property Office works in conjunction with the County's GIS Mapping Technician in the maintenance of the County tax map, which is extremely important when it comes to the Census.

Work in partnership with the Village of Owego is ongoing, as ED&P is working with the Village for the 32 upcoming Downtown Revitalization Initiative projects that will be in position to move forward in 2020.

The end of the decade brought more than fifty statewide Election Law changes, updated regulations, and new procedures to the Board of Elections. The most prominent change was the implementation of Early Voting. For the first time in New York State, every county offered voters an opportunity to vote early for nine days prior to the General Election.

Upgrading our Emergency Communications System has been a key focus and after several years of research, a plan is in place to replace the current radio system. Upgrades will be made to the 911 Dispatch Center, increasing the number of radio towers and upgrading our radio equipment. This will allow interoperable communications between police, fire, EMS, and local government, as well as making it possible for our emergency service agencies to be able to communicate with surrounding counties. This is a multi-year program and will be a major improvement for the safety of Tioga County residents.

It is important that you learn about the projects and the challenges we face on a daily basis. If you followed the presentation you heard me mention numerous times that our Legislators and employees work together to solve issues and make improvements. That is how it works around here. We work together to meet the challenges to serve people of Tioga County. We will continue to do so no matter the challenge.

There was no Privilege of the Floor.

Legislator Roberts made a motion to approve the minutes of February 11 and 20, 2020, seconded by Legislator Standinger and carried.

Chair Sauerbrey stated all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 68-20 RE-APPOINT MEMBER
BOARD OF ETHICS

WHEREAS: Barbara Crannell's term on the Board of Ethics expires as of March 31, 2020; and

WHEREAS: Barbara Crannell has expressed an interest and willingness to serve another term on the Board of Ethics; therefore be it

RESOLVED: That Barbara Crannell is hereby re-appointed to the Board of Ethics for a term of April 1, 2020 through March 31, 2023.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 69-20 RE-APPOINT MEMBER
BOARD OF ETHICS

WHEREAS: Joan Case's term on the Board of Ethics expires as of March 31, 2020; and

WHEREAS: Joan Case has expressed an interest and willingness to serve another term on the Board of Ethics; therefore be it

RESOLVED: That Joan Case is hereby re-appointed to the Board of Ethics for a term of April 1, 2020 through March 31, 2023.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 70-20 APPOINT MEMBERS TO
TRAFFIC SAFETY BOARD
STOP DWI

WHEREAS: The terms of the Traffic Safety Board members will expire April 1, 2020; and

WHEREAS: Michael Jackson has been found willing and able to fill the term currently held by James DeVita; therefore be it

RESOLVED: That the following members be appointed to the Traffic Safety Board for a term as follows:

TITLE	TERM
Michael Jackson	4/1/20-3/31/23
Tioga County STOP DWI Coordinator or Designee	4/1/20-3/31/23
Tioga County Fire Coordinator or Designee	4/1/20-3/31/23

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 71-20 *APPOINT MEMBERS ALTERNATIVES TO INCARCERATION ADVISORY BOARD*

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

	TERM
Ex-Offender	4/1/20-3/31/21
Crime Victim	4/1/20-3/31/21
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/20-3/31/21

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO 72-20 *AUTHORIZE 2020 REQUESTS FOR INCLUSION OF LANDS IN AGRICULTURAL DISTRICTS*

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

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts located within the North Tioga Agricultural District totaling 110.8 acres, and prepared the required report listing these requests; and

WHEREAS: The County Legislature has indicated its desire to be designated lead agency for SEQR (State Environmental Quality Review) requirements; and

WHEREAS: Tioga County Planning has found this plan to have “little likelihood of significant adverse environmental impact...” via completion of the SEQR Short Environmental Assessment Form, which is consistent with the programmatic review of environmental effects of agricultural districting by the New York State Department of Agriculture & Markets; 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 makes a SEQR Negative Declaration and approves the 2020 requests for inclusion of land listed in said report into the North Tioga Agricultural District; 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; and be it further

RESOLVED: That it is the intent of this body, upon approval by the Commissioner of NYS Department of Agriculture & Markets, to make these inclusions to the North Tioga Agricultural District effective immediately.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 73-20 *AUTHORIZE CONTINUED MAINTENANCE AND SUPPORT AGREEMENT BETWEEN TIOGA COUNTY BOARD OF ELECTIONS AND NTS DATA SERVICES, LLC*

WHEREAS: The Tioga County Board of Elections manages voter registrations and candidate petitions using TEAM, Suite, IMS, and PACETS software systems provided, maintained, and supported by NTS Data Services LLC.; and

WHEREAS: The term of the previous five-year Maintenance and Support Agreement with NTS expired on December 31, 2019; and

WHEREAS: A new Maintenance and Support Agreement with NTS is required for the Board of Elections to continue using and receiving maintenance and support of NTS software systems; and

WHEREAS: The new five-year Maintenance and Support Agreement between the Board of Elections and NTS has been approved as to form by the Tioga County Law Department; and

WHEREAS: The Board of Elections includes payment for software expenses to NTS in their budget on an annual basis; therefore be it

RESOLVED: The Board of Elections is authorized to enter into the new five-year Maintenance and Support Agreement with NTS Data Services, LLC, as approved by the Tioga County Law Department, for the term of January 1, 2020 through December 31, 2024, and a total contract cost of \$191,700.00 to be remitted to NTS by Tioga County in five annual payments of \$38,340.00.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

Temporary and Disability Assistance and the Office of Children and Family Services for approval; and it is further

RESOLVED: That the Budget Officer is authorized to make estimated budget increases at year end from discretionary savings as needed to reflect the budgeted amounts in the ITCS cooperative agreements with DSS, PH, and MH as follows:

Account:	Amount (Increase):
Social Services A6010.530100	\$12,184.06
Mental Hygiene A4309.530100	\$10,102.82
Public Health A4011.530100	\$11,132.14

And it is further

RESOLVED: That the Budget Officer is authorized to make an estimated budget increase at year end from discretionary savings as needed to reflect the budgeted amount in the Sheriff cooperative agreement with DSS as follows:

Account:	Amount (Increase):
Social Services A6010.530100	\$20,000.00

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 75-20 *AUTHORIZATION TO ENTER INTO A RETAINER AGREEMENT WITH NAPOLI SHKOLNIK, PLLC TO PROVIDE REPRESENTATION REGARDING GENERIC DRUG LITIGATION*

WHEREAS: The Tioga County Legislature understands that the County may have a legal claim against manufacturers of generic pharmaceuticals and/or their executives based upon their actions in fixing prices, allocating markets, and

engaging in other antitrust violations or other wrongdoing with respect to generic pharmaceuticals; and

WHEREAS: The Tioga County Legislature desires to retain the services of Napoli Shkolnik, PLLC to represent the County in the prosecution of any such claim; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes Legislative Chair Martha Sauerbrey to execute a Special Counsel Agreement with Napoli Shkolnik, PLLC to provide the services set forth in said agreement.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 76-20 *AUTHORIZE INCREASE IN ADMINISTERING
MORTGAGE TAX BY THE TIOGA COUNTY CLERK AS
APPROVED BY NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE*

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

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

WHEREAS: The Tioga County Clerk's office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$139,440.00 per year; and

WHEREAS: The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to increase the mortgage expense to be

RESOLVED: That the 2020 Planning budget be amended and modified as follows:

2020 Budget Modification:

Revenue Account #A8020 439893 Planning State Aid Census	\$69,880.00
Expense Accounts #A8020 540140 Contracted Services	\$56,880.00
#A8020 540590 Services Rendered	\$13,000.00

2020 Budget Addition:

Revenue Account #A8020 437170	\$ 3,000.00
Name: State Aid 2020 Census Outreach Admin Fee	

and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the contract with Tioga Opportunities, Inc. for said grant project, contingent upon review and approval by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 78-20 RE-ESTABLISH PRIOR YEAR 2019
UNSPENT FUNDS FOR 2020 BUDGET
SOCIAL SERVICES

WHEREAS: NYS has not billed the Department of Social Services for the local share of Secure Detention Services for 2015 through 2019; and
WHEREAS: The Department of Social Services has estimated the amount of unbilled services to be \$189,769; and

WHEREAS: Re-establishment of prior year funds requires Legislative approval; therefore be it

RESOLVED: That the following account and amount are re-established and the 2020 budget is amended

A6010.540487 JD Program Expense \$ 189,769.00

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 79-20 TRANSFER OF FUNDS
2020 BUDGET MODIFICATION
SOCIAL SERVICES

WHEREAS: Approved Raise the Age (RTA) foster care placements are reimbursed with 100% state funds; and

WHEREAS: The funds budgeted for 2020 A6123 JD RTA placements will be exceeded by expenses in March 2020; and

WHEREAS: The funds budgeted for 2020 A6119 Foster Care RTA placements is available for transfer; and

WHEREAS: Transfer of funds and budget modifications requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A6119.436190 State Aid: FC-RTA	\$ 150,000.00
To: A6123.436230 State Aid: JD-RTA	\$ 150,000.00
From: A6119.540487 Program Expense-RTA	\$ 150,000.00
To: A6123.540487 Program Expense-RTA	\$ 150,000.00

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 80-20 AMEND BUDGET AND TRANSFER
CAPITAL RESERVE FUNDS
PUBLIC WORKS

WHEREAS: The current 2002 Volvo Tractor is in need of a new engine and the Commissioner of Public Works has deemed that the tractor should be replaced and not worth fixing. The 2002 Volvo Tractor was due to be replaced next year; and

WHEREAS: The Commissioner has received a proposal for a new Peterbuilt Tractor in the amount of \$119,931, and there are leftover funds available from the Tandem Axle Truck account budgeted this year; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H5130.521908	Tandem Axle Truck	\$40,000
H.387807	Land, Infrastructure and Equipment Capital Reserve	\$80,000
To: H5130.521944	Tractor	\$120,000

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

DIRECTOR OF EMERGENCY SERVICES AND DEPUTY DIRECTOR
DIRECTOR OF EMPLOYMENT & TRANSITIONAL SUPPORT
DIRECTOR OF INFORMATION TECHNOLOGY & COMMUNICATION SYSTEMS & DEPUTY
DIRECTOR OF REAL PROPERTY TAX SERVICES
DIRECTOR OF VETERANS' SERVICE AGENCY
DIRECTOR OF WEIGHTS & MEASURES I
DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
DEPUTY DIRECTOR ECONOMIC DEVELOPMENT
DISTRICT ATTORNEY AND ASSISTANTS
ETHICS BOARD MEMBERS (ALL)
FIRE COORDINATORS (ASSISTANTS)
HISTORIAN
INDUSTRIAL DEVELOPMENT AGENCY MEMBERS (ALL)
INFORMATION SECURITY OFFICER
LEGISLATORS (ALL)
LOCAL DEVELOPMENT CORPORATION AGENCY MEMBERS (ALL)
PERSONNEL OFFICER
PLANNING BOARD MEMBERS (ALL)
PROPERTY DEVELOPMENT CORPORATION (ALL)
PROBATION DIRECTOR
PUBLIC DEFENDER AND ASSISTANTS
PUBLIC HEALTH DIRECTOR AND DEPUTY DIRECTOR
RECORDS MANAGEMENT OFFICER
SAFETY OFFICER
SUSTAINABILITY MANAGER
TIOGA TOBACCO ASSET SECURITIZATION CORP. BOARD MEMBERS (ALL)
YOUTH BUREAU DIRECTOR
YOUTH BUREAU MEMBERS (ALL)

And be it further

RESOLVED: That the remainder of Tioga County Employee Handbook shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

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

RESOLUTION NO. 82-20 *APPROPRIATION OF FUNDS FOR OPERATION OF A CHILD ADVOCACY CENTER (CAC); AUTHORIZE CREATION OF CASE SUPERVISOR GRADE B POSITION DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Tioga County has received from the Office of Children and Family Services an initial allocation of \$150,000 and an additional commitment of \$100,000 for both a second and third year, for the implementation and operation of a Child Advocacy Center (CAC) in Tioga County; and

WHEREAS: Safe Harbor NY funding of \$52,020 has been awarded to Tioga County Department of Social Services from the Office of Children and Family Services to raise awareness about sexually exploited youth; and

WHEREAS: A CAC will provide advocacy, support and referral services to every family and child in need of accessing services surrounding the issues of sexual and physical abuse, including access to medical resources, mental health services and court rights and information; and

WHEREAS: The Department of Social Services, in coordination with the District Attorney's Office and the Sheriff's Office, will be the lead agency for the implementation of the CAC; and

WHEREAS: The Department of Social Services has determined that the implementation of the CAC and oversight of Safe Harbor program activities will require initial staffing of one (1) Case Supervisor Grade B to serve as coordinator; and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.436100 State Aid Admin:	\$ 202,020.00
To: A6010.510010 Full-Time:	\$ 38,684.00
To: A6010.540487 Program Expense:	\$ 163,336.00

and be it further

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

WHEREAS: Since February 14, 2020, the position of Deputy Director of Public Health has been vacant due to resignation; and

WHEREAS: The Director of Public Health has an immediate need to appoint a replacement to said vacancy and has identified a candidate who is both qualified and willing to accept this appointment; therefore be it

RESOLVED: That the Director of Public Health is authorized to provisionally appoint Heather Vroman to the title of Deputy Director of Public Health at an annual non-union salary of \$65,000.00 effective March 14, 2020, pending successful completion of civil service examination requirements.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 86-20 *AUTHORIZE POSITION RECLASSIFICATION
PUBLIC WORKS*

WHEREAS: Legislative approval is required for any position reclassification; and

WHEREAS: On December 10, 2019, the Personnel Department received a position description questionnaire from Lynn Quick, Accounting Associate II (CSEA SG V, \$29,918), who works within the Department of Public Works; and

WHEREAS: A desk audit resulted and involved the review of work tasks performed by the employee within said department; and

WHEREAS: The Personnel Officer has made a final determination that due to the type of work assigned to Ms. Quick and her level of autonomy in carrying out those

assignments demonstrates sufficient justification to reclassify her title in order to accurately reflect the work performed; therefore be it

RESOLVED: That Lynn Quick's position, Accounting Associate II (CSEA SG V, \$29,918), shall be reclassified to Accounting Associate III (CSEA SG VII, \$36,622) effective retroactive to December 10, 2019; and be it further:

RESOLVED: That Ms. Quick shall be appointed from an appropriate eligible list and shall receive an annual salary adjustment of \$6,508 from December 10, 2019 – December 31, 2019; and be it further:

RESOLVED: That Ms. Quick shall receive an annual salary increase of \$6,704 added to her current annual salary effective retroactive to January 1, 2020.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 87-20 CREATE AND FILL HIGHWAY WORKER
(SEASONAL) POSITION
PUBLIC WORKS

WHEREAS: There will be a need for the Highway Department to employ one seasonal Highway Worker (Seasonal) for 2020; and

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

RESOLVED: That the Commissioner of Public Works is hereby authorized to create and fill one (1) temporary full-time Highway Worker (Seasonal) position effective April 1, 2020 through October 9, 2020 at an hourly rate of \$11.80 (minimum wage), however no more than 847 hours may be worked April 1, 2020 – October 9, 2020.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 88-20 *RESCIND RESOLUTION #67-20*

WHEREAS: Resolution #67-20 authorized a salary above base for a prospective new hire in recognition of his years of service in the field; and

WHEREAS: The candidate, Anthony Ormsby, is not transferring to Tioga County Sheriff's Office; therefore be it

RESOLVED: That Resolution #67-20 is hereby rescinded.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

Legislator Monell made a motion to bring forth one late-file resolution for Legislature consideration, seconded by Legislator Mullen. Motion carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 89-20 *AMEND RESOLUTION 65-20
HOME RULE REQUEST IN SUPPORT OF
S7559/A9725: EXTENDING THE CURRENT AND
IMPOSING ADDITIONAL SALES AND
COMPENSATING USE TAXES BY THE COUNTY OF
TIOGA*

WHEREAS: The Tioga County Legislature adopted Resolution 65-20 on February 11, 2020 requesting the enactment of Senate Bill Number S7559 and Assembly Bill Number A9725 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 until November 30, 2022"; and

WHEREAS: The New York State Senate and Assembly are in agreement to extend the expiration date to November 30, 2023 with amended Bills S7559-A/A9725-A; 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; therefore be it

RESOLVED: That Resolution 65-20 be amended and that the Tioga County Legislature hereby requests the enactment of amended Senate Bill Number S7559-A and Assembly Bill Number A9725-A 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 until November 30, 2023".

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Weston, Balliet, and Monell.

No – None.

Absent – Legislators Hollenbeck and Sullivan.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:36 P.M.

Fourth Special Meeting
 March 17, 2020

The Fourth Special Meeting of 2020 was held on March 17, 2020 and was called to order by the Chair at 10:02 a.m. Seven Legislative members were present with Legislators Monell and Standingr being absent.

Chair Sauerbrey asked Legislator Mullen to have a moment of prayer. “Dear Lord, we ask for your guidance in these unprecedented times we are facing. We ask for the grace of wisdom, compassion, and charity toward our fellow man, as we make decisions that affect us all and affect the least of our brothers. Guide us today, tomorrow, and in the future.”

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

There were seven people in attendance.

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

REFERRED TO:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 90-20	<i>AMEND BUDGET AND TRANSFER CAPITAL FUNDS PUBLIC WORKS</i>

WHEREAS: The Commissioner of Public Works has received an initial proposal for a new Peterbuilt Tractor in the amount of \$119,931; and

WHEREAS: The initial proposal did not include locking rear differentials which have been quoted in the amount of \$1,012.00; and

WHEREAS: Locking rear differentials are beneficial to the effective operation of this vehicle; and

WHEREAS: There are leftover funds available from the Tandem Axle Truck account budgeted this year; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H5130.521908	Tandem Axle Truck	\$2,000
To: H5130.521944	Tractor	\$2,000

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – Legislators Monell and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

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

WHEREAS: The Tioga County Self-Insurance Plan's current third-party administrator, UMR Risk Management, is getting out of the workers' compensation business; and

WHEREAS: UMR requires that claims transition to a new administrator by April 30, 2020 and a new administrator requires thirty days for the program take-over; and

WHEREAS: Tioga County worked with ONEGROUP on the Request for Proposal process to find a new third-party administrator; and

WHEREAS: Six companies submitted proposals which were reviewed and narrowed down to two companies who conducted formal presentations to a workers' compensation sub-committee comprised of county and municipal representatives; and

WHEREAS: The sub-committee recommends Triad Group as the new third-party administrator; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a three year contract with Triad Group, subject to review by the County Attorney, to be the third-party administrator for the Tioga County Self-Insurance Plan for the period of May 1, 2020 through April 30, 2023; and be it further

RESOLVED: That the cost of this contract will be paid out of the Tioga County Self-Insurance Fund.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – Legislators Monell and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 92-20

RESOLUTION TO TEMPORARILY SUSPEND
IN-PERSON AND HOME CONTACTS AT THE
PROBATION DEPARTMENT DUE TO COVID-19

WHEREAS: The Tioga County Legislature recognizes that COVID-19 has interrupted the normal course of business in the County; and

WHEREAS: The Probation Department has statutory mandatory contact requirements with adult and juvenile probationers both in the office and in the field, however, the health and safety of all county citizens is the priority of the County Legislature; therefore be it

RESOLVED: That the Probation Director is approved to suspend in person and/or home contacts with probationers and to suspend all treatment and group meetings conducted in the Probation workspace for an initial period of thirty days. The suspension situation will be reviewed for possible extension or termination at that point.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – Legislators Monell and Standinger.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:04 A.M.

Fourth Regular Meeting
April 14, 2020

The Fourth Regular Meeting of 2020 was held on April 14, 2020 and was called to order by the Chair at 12:00 P.M. In light of the COVID-19 pandemic, this Legislative meeting was a Zoom phone conference with eight Legislative members participating with Legislator Monell being absent.

Chair Sauerbrey asked Legislator Roberts to have a moment of prayer. "Heavenly Father, we come to you this hour asking for your blessing and to help us as we are gathered together. We pray for guidance in the matters at hand and ask that you would clearly show us how to conduct our work with a spirit of joy and enthusiasm. Give us the desire to find ways to excel in our work."

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

In addition to the Legislators, there were six people participating on the Zoom phone conference.

Chair Sauerbrey noted we have one Proclamation recognizing April as Child Abuse Prevention Month that will be noted in the minutes.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: The Tioga County Department of Social Services received 1,257 reports of alleged abuse/neglect involving 2,770 children in 2019; and

WHEREAS: Child abuse is a community problem and finding solutions depends on the involvement among people throughout the community; and

WHEREAS: The effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS: Effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS: Programs like Cornell Cooperative Extension, Lourdes PACT, Catholic Charities, Hillside's Regional Permanency Center, and Finger Lakes Parenting Network offer support and educational services to families so

families can help their child achieve his/her full potential within the community; and

WHEREAS: 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 2020 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 ensure that all children are raised in safe, nurturing families, thereby strengthening the communities in which we live.

There was no Privilege of the Floor.

Legislator Mullen made a motion to approve the minutes of March 10 and 17, 2020, seconded by Legislator Standing and carried.

Chair Sauerbrey stated, in lieu of the Legislative Committees meeting this month, Departments submitted written status reports to the Clerk of the Legislature.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 93-20	<i>AUTHORIZE THE SUBMISSION OF HOMELAND SECURITY GRANT APPLICATION (SHSP20) OFFICE OF EMERGENCY SERVICES</i>

WHEREAS: The Office of Homeland Security has issued a grant of \$66,824 to the Tioga County Office of Emergency Services. 25% of the monies will be appropriated to the Sheriff's Office (\$16,706) and 75% to Emergency Management (\$50,118); 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 apply for this grant application.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 94-20 *AWARD SALT STORAGE BUILDING
REPLACEMENT AT DPW*

WHEREAS: The Commissioner of Public Works has budgeted for the replacement of the salt storage building at the DPW Facility; and

WHEREAS: The Commissioner of Public Works received sealed bids on March 13, 2020; and

WHEREAS: The bids were received as follows:

Eagle Associates of Cazenovia	\$ 96,890.00
Hybrid Building Solutions	\$162,211.00
Legacy Building Solutions	\$142,976.00
Bulk Storage Inc.	\$140,528.00

And;

WHEREAS: The Deputy Commissioner of Public Works reviewed the bids and determined that Eagle Associates of Cazenovia bid is acceptable; therefore be it

RESOLVED: That the Tioga County Legislature award the replacement of the Salt Storage Building to Eagle Associates of Cazenovia LLC, Cazenovia, NY not to exceed \$96,890.00 to be paid out of H1620.520994.BG002.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 95-20 *MODIFY 2020 BUDGET AND
TRANSFER FUNDS FROM CONTINGENCY FOR
COVID19 EXPENSES
OFFICE OF EMERGENCY SERVICES*

WHEREAS: Due to the costs associated with the unforeseen Coronavirus Outbreak in Tioga County, the Emergency Services A3640 account does not have sufficient funds in its 2020 budget for necessary supplies and equipment to ensure the safety of its first responders and community; and

WHEREAS: It will be necessary to replenish account A3640 with contingency money to purchase said supplies and equipment; therefore be it

RESOLVED: That the 2020 budget be modified and a transfer of funds be made as follows:

<u>FROM:</u>		
A1990.540715	Contingency	\$50,000
<u>TO:</u>		
A3640.540640.COVID19	Supplies not Office	\$35,000
H3640.520130.COVID19	Equipment (Not Car)	\$15,000

Legislator Mullen spoke. "The Supplies not Office line is the purchase of a room sanitizing machine that will be able to disinfect up to 5,000 sq. ft., which will be helpful especially if there is a situation in the jail."

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

Development, to be used for the establishment of the COVID-19 Emergency Relief Loan Program; and be if further

RESOLVED: That the Tioga County Legislature authorizes the TCIDA to administer said program on behalf of the County as outlined in the COVID-19 Emergency Relief Loan Program Scope of Work.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 97-20 TRANSFER OF FUNDS
SOCIAL SERVICES

WHEREAS: Resolution 78-20 re-established prior year funds in the amount of \$189,769 to account A6010.540487 Program Expense; and

WHEREAS: It was determined that the funds should have been re-established to A6123.540487 JD Program Expense; and

WHEREAS: Transfer of funds and budget modifications requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A6010.540487 Program Expense	\$ 189,769.00
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To: A6123.540487 JD Program Expense	\$ 189,769.00
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ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 99-20 *AUTHORIZE APPOINTMENT OF
COMMISSIONER OF PUBLIC WORKS
GARY HAMMOND*

WHEREAS: Gary Hammond served for one year as interim Commissioner of Public Works; and

WHEREAS: Resolution 106-16 appointed Gary Hammond Commissioner of Public Works for the balance of four-year term; and

WHEREAS: That term will expire on May 13, 2020; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the appointment of Gary Hammond, Commissioner of Public Works for a five-year term effective May 13, 2020 through May 12, 2025; and be it further

RESOLVED: That Mr. Hammond's salary for 2020 shall remain at his current annual rate.

Chairwoman Sauerbrey spoke. "Mr. Hammond has done an excellent job and he is very much appreciated by the Legislative Office."

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 100-20 *AUTHORIZE APPOINTMENT OF
BUDGET OFFICER (PT)
LEGISLATIVE OFFICE*

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

WHEREAS: Due to retirement, the part-time position of Budget Officer within the Legislative Office has been vacant since February 1, 2020; and

WHEREAS: The Legislative Chair has conducted a recruitment search and has identified a desirable candidate; therefore be it

RESOLVED: That Jackson Bailey is appointed to the unclassified title of Budget Officer (PT), at an annual non-union salary of \$22,000 retroactive to April 13, 2020.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 101-20 *AUTHORIZE POSITION RECLASSIFICATION
SHERIFF'S OFFICE*

WHEREAS: Legislative approval is required for any position reclassification; and

WHEREAS: On February 13, 2020, the Personnel Department received a position description questionnaire from Kara Chiarello, Accounting Associate I, who works within the Sheriff's Office, Records Division; and

WHEREAS: A desk audit resulted and involved the review of work tasks performed by this employee and her co-workers within the Records Division; and

WHEREAS: The Personnel Officer has determined that the appropriate classification reflective of the work performed and responsibility assigned to Ms. Chiarello and subordinate staff within the Records Division is consistent with the Office Specialist series; therefore be it

RESOLVED: That Kara Chiarello's position, Accounting Associate I (CSEA SG IV, \$28,352), shall be reclassified to Office Specialist III (CSEA SG VII, \$36,622), appointed from an appropriate civil service eligible list, and receive an annual salary adjustment of \$8,270 effective retroactive to February 13, 2020; and be it further

RESOLVED: That upon vacancy of the permanent positions titled Data Entry Machine Operator (CSEA SG IV, \$28,352) and Accounting Associate I (CSEA SG IV, \$28,352) within the Sheriff's Office Records Division, these positions shall both be reclassified to the title of Office Specialist II (CSEA SG IV, \$28,352) and filled from the appropriate civil service eligible list.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 102-20 *AUTHORIZE INCREASE OF HOURS AND CHANGE
JOB TYPE OF VACANT PART-TIME PUBLIC HEALTH
NURSE POSITION
PUBLIC HEALTH DEPARTMENT*

WHEREAS: Legislative approval is required for an increase in hours for a position from part-time to full-time thus causing a change in job type; and

WHEREAS: A part-time Public Health Nurse position has been vacant since February 18, 2020, within the Public Health Department; and

WHEREAS: Due to anticipated staff resignations over the next few months and current and future needs of the agency, the Public Health Director has a need to increase the current vacant part-time Public Health Nurse to full-time; and

WHEREAS: Public Health has the funds available in their 2020 budget due to position vacancies; therefore be it

RESOLVED: One vacant part-time Public Health Nurse position shall be increased to full-time hours at an annual salary of \$55,917 (CSEA SG XV) effective April 15, 2020 with permission to fill; and be it further

RESOLVED: That the Public Health Department's authorized part-time and full-time headcount figures shall be adjusted by one to reflect said change.

Legislator Standinger spoke. "These Public Health Nurses have done a great job during this situation with COVID-19. This is in anticipation of movement within that area of Public Health."

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Mullen.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting adjourned at 12:12 P.M.

Fifth Regular Meeting
May 12, 2020

The Fifth Regular Meeting of 2020 was held on May 12, 2020 and was called to order by the Chair at 12:01 P.M. with eight Legislators and Legislator Roberts joining the conference call at 12:05 p.m. In light of the COVID-19 pandemic, this Legislative meeting was a Zoom phone conference.

Chair Sauerbrey asked for a moment of prayer. "Heavenly Father we pray for protection for all of us and our County. We pray for peace amongst the land and good decision-making as we move forward out of the current situation. We pray that the pathway would be smooth to get businesses and organizations back running, getting the economy going, but also behaving carefully to keep lives safe."

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

In addition to the Legislators, there were seven people participating on the Zoom phone conference.

Chair Sauerbrey noted we have three Proclamations recognizing Foster Care Recognition Month, Elder Abuse Prevention Month, and Mental Health Awareness Month & Children's Mental Health Week for May that will be noted in the minutes.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

FOSTER CARE RECOGNITION MONTH PROCLAMATION

WHEREAS: The Tioga County foster family serves as a source of safety, love, self-esteem and support for children in Tioga County; and

WHEREAS: There are 31 children in foster care in Tioga County, 22 of these children are in foster homes, with 7 being in relative foster home placements; and

WHEREAS: We have 17 certified foster homes in Tioga County with 5 of them being approved relative homes; 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 hereby proclaims May 2020, 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.

**COUNTY OF TIOGA
EXECUTIVE 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 or financial exploitation 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 2020 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.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

Mental Health Awareness Month & Children's Mental Health Week

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

WHEREAS: Mental Health is essential to everyone's overall health and well-being; and

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

WHEREAS: Mental illness in adults and serious emotional and mental health disorders in children and youth are real and treatable; and

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

WHEREAS: Children and youth with mental health challenges, along with their families, deserve access to services and supports that are family driven, youth guided and culturally appropriate; and

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

WHEREAS: Tioga County has made a commitment to a community-based system of care that promotes values of acceptance, dignity and social inclusion for individuals of all ages; therefore

THE TIOGA COUNTY LEGISLATURE does hereby ask all residents of our county to join in declaring **May 2020 as Mental Health Awareness Month** and **May 3rd – 9th, 2020 as Children's Mental Health Week** in Tioga County.

There was no Privilege of the Floor.

Legislator Monell made a motion to approve the minutes of April 14, 2020, seconded by Legislator Mullen and carried.

Chair Sauerbrey stated, in lieu of the Legislative Committees meeting this month, Departments submitted written status reports to the Clerk of the Legislature.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO: 103-20 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period October 1, 2019 to March 31, 2020 be and it hereby is accepted; therefore be it 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:

Barton (Town)	\$ 21,442.01
Berkshire (Town)	7,049.71
Candor (Town)	16,886.92
Candor (Village)	3,571.97
Newark Valley (Town)	13,514.17
Newark Valley (Village)	5,260.45
Nichols (Town)	5,228.21
Nichols (Village)	2,094.29
Owego (Town)	89,683.59
Owego (Village)	7,877.37
Richford (Town)	4,002.78
Spencer (Town)	14,825.48
Spencer (Village)	2,087.63
Tioga (Town)	23,000.55
Waverly (Village)	<u>23,568.10</u>
	\$240,093.23

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

No – None.

Absent – Legislator Roberts

RESOLUTION ADOPTED.

Legislator Roberts joined the meeting via phone conference at 12:05 p.m.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE

RESOLUTION NO. 105– 20 *AUTHORIZE CONTRACT WITH
ACCUMEDIC COMPUTER SYSTEMS, INC.
FOR MENTAL HYGIENE ELECTRONIC
HEALTH RECORDS SYSTEM*

WHEREAS: Mental Hygiene has been utilizing Accumedic Computer Systems software for its Electronic Health Records System (EHRS) at the current cost of \$31,705.34 per year; and

WHEREAS: Accumedic offers a Cloud based version of its Accumedic software which the County wishes to continue using for its EHRS and to facilitate its data sharing requirements under the Affordable Care Act and Medicaid Redesign Team programs; and

WHEREAS: Required products and services include the one-time installation of the AccuMed SaaS Edition on redundant cloud servers at a cost of \$4,000 and an ongoing monthly 'Hosting, Software and Support' fee of \$75 per user at an approximate cost of \$3,375 per month/\$40,500 per year for the County's current 45 end users. The initial term of the agreement would be five years at an approximate total cost of \$206,500 which may be extended thereafter for additional one year periods; and

WHEREAS: The cost of the EMHR is being partially underwritten by Care Compass for the first year in the amount of approximately \$40,000 with additional underwriting possible in the following years; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign a contract with Accumedic Computer Systems, Inc. to provide the services outlined in the proposal.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 106-20 APPROVE CARES ACT GRANT TO REIMBURSE
TIOGA COUNTY FOR ELECTION EXPENSES
INCURRED DUE TO COVID-19

WHEREAS: The federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), enacted March 27, 2020, includes \$400 million in new Help America Vote Act (HAVA) funds, made available to states to prevent, prepare for, and respond to the coronavirus for the 2020 Federal election cycle; and

WHEREAS: Tioga County is and will continue to be incurring many unanticipated costs due to the coronavirus response, including unanticipated election expenses such as postage and paper for absentee mailings, cleaning supplies, and other expenses; and

WHEREAS: On May 5, 2020, the Tioga County Board of Elections received from the New York State Board of Elections a proposed grant contract for the funding amount of \$64,618.62 for federal elections in 2020; and

WHEREAS: Tioga County will have a federal primary election for the 22nd Congressional District on June 23, 2020 and a county-wide federal election on November 3, 2020; and

WHEREAS: The executed contract is due back to the NYS Board of Elections by May 20, 2020; therefore be it

RESOLVED: That the Tioga County Board of Elections is approved to execute the aforementioned grant and submit the completed paperwork to the NYS Board of Elections, in order for Tioga County to be eligible for reimbursement of the aforesaid amount.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE/LEGAL COMMITTEE
RESOLUTION NO. 107-20	<i>ESTABLISH AND FUND UNEMPLOYMENT INSURANCE RESERVE IN GENERAL OPERATING FUND</i>

WHEREAS: Tioga County established an Unemployment Insurance Reserve per Resolution 243-78 with the intent of the Legislature that the reserve be maintained in an expendable Trust Account TE15 for unemployment claims; and

WHEREAS: Tioga County authorized and directed the County Treasurer to transfer into the reserve the unexpended unemployment insurance fringe (A9050-585088) at the end of each fiscal year; and

WHEREAS: Tioga County established a ceiling of \$150,000.00 and then adjusted the ceiling to \$100,000.00 per Resolution 112-91 for the Unemployment Insurance Reserve; and

WHEREAS: The current balance of the Unemployment Trust Account (TE15) is \$69,070.03; and

WHEREAS: Legislative approval is needed to establish and fund a reserve; therefore be it

RESOLVED: The Unemployment Insurance Reserve be established and funded through a transfer of unexpended funds as follows:

FROM:	TE 201500	Unemployment Insurance Reserve	\$69,070.03
TO:	A 388906	Unemployment Insurance Reserve	\$69,070.03

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 108-20 TRANSFER OF UNEMPLOYMENT INSURANCE
RESERVE FUNDS TO UNEMPLOYMENT FRINGE

WHEREAS: The Unemployment Insurance Reserve has a current balance of \$69,070.03; and

WHEREAS: Unemployment claims for year to date 2020 total \$31,743.01 and have exceeded the 2020 budgeted amount by \$1,743.01; and

WHEREAS: Legislative approval is needed to expend funds from a reserve account; and

WHEREAS: Legislative approval is needed to modify the 2020 Budget and transfer funds; therefore be it

RESOLVED: A standing approval be given for future draws from the Unemployment Insurance Reserve as needed for over budget line items; and be it further

RESOLVED: That \$30,000.00 be expended from the Unemployment Insurance Reserve and transferred as follows:

FROM: A 388906	Unemployment Insurance Reserve	\$30,000.00
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TO: A9050 585088	Unemployment Insurance Fringe	\$30,000.00
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ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 109-20 TRANSFER FUNDS/
FUND SELF-INSURANCE PLAN RESERVE

WHEREAS: Tioga County Local Law No. 2 of 2015 established a Contributed Reserve cap of \$6,000,000 for the Tioga County Self Insurance Plan; and

WHEREAS: Tioga County Local Law No. 2 of 2015 allows for the transfer of surplus funds from the fund balance to the reserve; and

WHEREAS: The 2019 Tioga County Self Insurance operating budget had surplus funds of \$681,700.60 in the fund balance; and

WHEREAS: The December 31, 2019 Tioga County Self Insurance Plan Fund Balance is \$1,708,118.21; and

WHEREAS: The December 31, 2019 Tioga County Self Insurance Contributed Reserve Fund is \$3,076,405.07; therefore be it

RESOLVED: That the Tioga County Treasurer is authorized to transfer funds as follows:

From: Self-Insurance Fund Balance S 390900	\$ 681,700.60
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To: Self-Insurance Contributed Reserve Fund S 375300	\$ 681,700.60
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ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 110-20 TRANSFER OF FUNDS
BUDGET MODIFICATION
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) is required to pay a portion of the costs for the treatment of Tioga County residents that have been assigned Criminal Psychiatric services by the NYS Court system; and

WHEREAS: TCMH has received notice that Tioga County residents were assigned these services, along with the required payment amount; and

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

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

RESOLVED: That the Mental Hygiene budget be modified and funds be transferred as follows:

From: A4310 510010 Full Time	\$12,473.56
To: A4390 540590 Criminal Psychiatric: Services Rendered	\$12,473.56

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 111-20 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO: 113-20 REQUEST FOR CONTINGENCY FUND
TRANSFER TO DMV

WHEREAS: Motor vehicle sales tax for the month of March 2020, in the amount of \$69,336.14, was due the first week of April by the Tioga County DMV to the New York State Department of Taxation and Finance; and

WHEREAS: The COVID-19 shutdown resulted in a lack of revenue in the Motor Vehicles checking account at Chemung Canal Trust; and

WHEREAS: There is an existing deficiency in the Motor Vehicles checking account at Chemung Canal Trust due to a discrepancy traced back to November 2013. The discrepancy is still being explored; and

WHEREAS: The loss of revenue due to the shutdown and the existing deficiency resulted in a shortfall of \$8,579.00 for the sales tax payment due to New York State; and

WHEREAS: The County Clerk has requested that funds in the amount of \$8,600.00 be made available for use by the DMV to cover the shortfall so that the March sales tax can be remitted to New York State; now, therefore be it

RESOLVED: That a check in the amount of \$8,600.00 be drawn from the Tioga County Treasurer's contingency account and be made payable to the Tioga County Clerk for deposit to the Motor Vehicles checking account at Chemung Canal Trust.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 114-20 *AUTHORIZE EXCEPTION TO
EMPLOYEE HANDBOOK SECTION IV.
PERSONNEL RULES - SUBSECTION J;
NON-UNION VACATION*

WHEREAS: The Employee Handbook Section IV. Personnel Rules - Subsection j. Non-Union Vacation Policy dictates the rules regarding vacation accruals and carry-over for Non-Union staff; and

WHEREAS: The Policy allows for carry-over of 20 days of vacation from one anniversary to the next; and

WHEREAS: The Legislative Office experienced a staffing issue on September 14, 2019 when the Deputy Legislative Clerk position was vacated and not filled until December 1, 2019; and

WHEREAS: The newly appointed Deputy Legislative Clerk resigned effective March 13, 2020 and the position remains vacant; and

WHEREAS: The Legislative Clerk has been unable to utilize her vacation time due to the current staffing issue and is in jeopardy of losing earned vacation days; therefore be it

RESOLVED: That the County Legislature hereby authorizes an exception to Employee Handbook Section IV. Personnel Rules - Subsection j. Non-Union Vacation Policy due to the current staffing issue, for Cathy Haskell to cash-in three weeks of vacation in Payroll #11 (5/9 – 5/22/2020), which exceeds the allowable 20-day carryover to her August 9, 2020 anniversary; and be it further

RESOLVED: That following the vacation payout in Payroll #11, Cathy Haskell will have four remaining vacation days to use before her August 9, 2020 anniversary and will also carry over 20 days of vacation; and be it further

RESOLVED: That should the Legislative Office budget have insufficient 2020 funds to cover the requested vacation payout, another resolution may be presented to transfer funds.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen and Roberts.

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

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

ROLL CALL VOTE

Unanimously Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

There was no privilege of the floor.

Legislator Roberts made a motion to approve the minutes of May 12, 2020, seconded by Legislator Weston and carried.

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 117-20 RE-APPOINT DIRECTOR
SOIL & WATER CONSERVATION DISTRICT

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

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

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

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

“SECTION 1: Imposition of general sales and compensating use taxes. There are hereby imposed in this county and there shall be paid all of the sales and compensating use taxes described in Article Twenty-nine of the New York Tax Law as authorized by subdivision (a) of section twelve hundred ten of the Tax Law, at the rate of three percent. In addition to those taxes imposed at the rate of three percent, there are hereby imposed in this county and there shall be paid such sales and compensating use taxes at the additional rate of one percent for the period commencing December 1, 2015, and ending November 30, 2023”; and be it further

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 119-20 AUTHORIZATION TO CONTRACT
WITH NYSTEC - RADIO CONSULTING
STATE INTEROPERABLE 18 GRANT

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

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

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

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 120-20 *AWARD BRIDGE PREVENTATIVE MAINTENANCE
PHASE VI PIN 9754.30 CONSTRUCTION CONTRACT*

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

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

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

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

And;

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

PERSONNEL COMMITTEE

RESOLUTION NO. 121-20

*AMEND RESOLUTION 91-20 TO AUTHORIZE
CONTRACT WITH TRIAD GROUP FOR WORKERS'
COMPENSATION ADMINISTRATION*

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

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

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 122-20 RE-AUTHORIZE CONTRACT WITH ACARA
TIOGA CAREER CENTER

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

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

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

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

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

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 123-20 *AUTHORIZE BOARD OF ELECTIONS TO ENTER INTO PURCHASE AGREEMENT FOR CLEARCOUNT BALLOT SCANNING SYSTEM AND AMEND BUDGET*

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

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

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

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

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

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

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

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

- (1) Enter into a purchase agreement with Clear Ballot to purchase the ClearCount/ClearAudit solution, pending approval by the County Attorney, for the cost of \$52,260; and
- (2) Create a project code of CC20 under the following 2020 budget accounts for the listed amounts, in order to facilitate the proposed purchase and reimbursement:
 - H1450 440890 (Federal Aid-HAVA Revenue) – proj. CC20 - \$52,260.00
 - H1450 520490 (Capital Election Expense) – proj. CC20 - \$52,260.00

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 124-20

*EXECUTE LEASE FOR OFFICE SPACE
BETWEEN TIOGA COUNTY AND
TIOGA TOBACCO ASSET SECURITIZATION
CORPORATION*

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

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

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 125-20 *AUTHORIZE APPOINTMENT OF
CAPTAIN – OPERATIONS OFFICER
SHERIFF'S OFFICE*

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

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

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

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 126-20

*AUTHORIZE APPOINTMENT OF
UNDERSHERIFF
SHERIFF'S OFFICE*

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

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

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

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 127-20 *EXTEND DURATION OF TEMPORARY
ACCOUNTING ASSOCIATE 1 POSITION
SHERIFF'S OFFICE*

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

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 128-20 *STANDARD WORK DAY AND
REPORTING RESOLUTION*

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for

elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
County Clerk	Andrea Klett	7	01/01/20 – 12/31/23	N	21.47

I, Cathy Haskell, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 9th day of June, 2020 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this 9th day of June, 2020.

Tioga County Legislative Clerk

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

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

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to bring forth two late-file resolutions for Legislature consideration, seconded by Legislator Roberts. Motion carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 129-20 *RESOLUTION CALLING ON THE
STATE OF NEW YORK TO RELEASE ENHANCED
FEDERAL MEDICAID MATCHING FUNDS TO
COUNTIES*

WHEREAS: In response to the COVID-19 pandemic, Congress has enacted extraordinary measures to help states and localities with increased costs and lost revenue; and

WHEREAS: A key action enacted by the federal government was a 6.2 percent increase in the federal medical assistance percentage (FMAP); and

WHEREAS: Congress has used this mechanism to provide fiscal relief to states and their local government Medicaid funding partners to reduce the financial burden they often experience in an economic downturn; and

WHEREAS: We understand the State of New York has already drawn down about \$2.5 billion for the period January 1, 2020 through June 30, 2020; and

WHEREAS: Under federal law a portion of these funds are required to be passed through to counties; and

WHEREAS: We estimate the local share is about 20 percent; and

WHEREAS: Counties are struggling with higher costs associated with responding to COVID-19 and experiencing extensive revenue declines due to the shutdown of large swaths of the economy; and

WHEREAS: In addition to mounting losses in local revenues, counties are also expecting significant cuts in state aid; and

WHEREAS: Many counties have enacted plans to reduce non-mandated expenses to the degree they can without sacrificing public health and safety; and

WHEREAS: These expense reductions also require a review of the workforce, including layoffs; and

WHEREAS: We project that each quarter of enhanced FMAP funding is worth hundreds of millions of dollars for counties; and

WHEREAS: The State has been holding three years of similar enhanced FMAP payments owed to counties under the Affordable Care Act that are worth hundreds of millions of dollars; therefore be it

RESOLVED: That the County of Tioga is requesting that the State immediately release the first quarter of enhanced Medicaid federal matching funds for the pandemic response to Tioga County to provide some partial fiscal relief to the current conditions; and be it further

RESOLVED: We request that the State provide a timeline to all counties on the release of the enhanced federal Medicaid matching funds related to the Affordable Care Act that have been withheld for years and the likely mechanism on how these funds will be delivered to counties; and be it further

RESOLVED: We understand the State is experiencing severe fiscal stress, as well, and we want to work cooperatively with the State to develop a plan on the release of the withheld federal enhanced Medicaid funds due to counties under the Affordable Care Act and future pandemic FMAP increased funding; and be it further

RESOLVED: That this resolution be sent to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Congressional Delegation, the New York State Association of Counties, and all others deemed necessary and appropriate.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
 RESOLUTION NO. 130-20 ERRONEOUS ASSESSMENT
 TOWN OF TIOGA

WHEREAS: An application for Corrected Tax Roll for the year 2020 indicates that parcel #106.00-1-2.20 Account #2050 in the Town of Tioga assessed to Ray L Wiggins on the 2020 tax roll of the Town of Tioga is erroneous in that the Owego Apalachin Central School District returned an unpaid school bill that was protected by bankruptcy; therefore be it

RESOLVED: That a new tax bill be issued to Ray Wiggins as follows:

	Original Bill #	Corrected Bill #
County	\$922.52	\$922.52
Recycle	\$52.98	\$52.98
Town Wide	\$363.04	\$363.04
School	\$1,798.52	\$0.00
Fire	\$118.84	\$118.84
Total	\$3,255.90	\$1,457.38

and be it further

RESOLVED: That the erroneous school tax of \$1,680.86 be charged back to the Owego Apalachin Central School District; and be it further

RESOLVED: That the Tioga County Treasurer's penalty of \$117.66 be charged to the proper account in the records of the County Treasurer's Office.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Balliet, Hollenbeck, Mullen, Roberts, and Sauerbrey.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting adjourned at 6:08 P.M.

Seventh Regular Meeting
July 14, 2020

The Seventh Regular Meeting of 2020 was held on July 14, 2020 and was called to order by the Chair at 12:00 P.M. with all Legislators being present.

Chair Sauerbrey asked Legislator Sullivan to have a moment of prayer. "Heavenly Father, we ask that you remain through us especially during the time of this virus. We want to thank all of our employees who have really stepped up to the plate and did everything they could to manage the situation and keep our residents safe. We especially want you to pour your blessings down upon those employees who we are recognizing today for all their years of service. And, for those who are retiring from service to Tioga County that they may be able to adjust to a completely different lifestyle especially during this pandemic."

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

There were 47 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following five recognition resolutions, seconded unanimously and carried.

Legislator Standinger read and presented the following recognition resolution to Jean Slocum, Office Specialist II, of the Department of Mental Hygiene.

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

REFERRED TO	HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 131-20	<i>RECOGNITION OF JEAN SLOCUM'S 30 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY</i>

WHEREAS: Jean Slocum was hired as a temporary Clerk Typist at the County Clerk's Office on July 6, 1989 and within a few months was hired into a permanent Typist position with them. Then after three years of dedicated service at the County Clerk's Office, Jean joined the Department of Mental Hygiene in February of 1992 as a Typist and was promoted to Senior Typist in January 1994. Her title changed in 2017 to Office Specialist II; the position she still holds; and

WHEREAS: Jean Slocum has been an extremely dedicated and loyal employee in the performance of her duties and responsibilities for the last 30 years thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Jean Slocum will retire on July 31, 2020; 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 Jean Slocum for her 30 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standingier spoke. "Thank you for your service. I appreciate it."

Chris Korba, Director of Administrative Services for Mental Hygiene spoke.

"Jean Slocum started working for Tioga County on July 6, 1989 for the Tioga County Clerk's Office as a temporary Clerk-Typist and within a few months she was hired into a permanent Typist position with them. In February 1992, Jean found her career path when she joined the Department of Mental Hygiene as a Typist and was promoted to Senior Typist in January 1994. In 2017, her title was changed to Office Specialist II.

"Mental Hygiene is a very busy department that requires balancing clients and counselors needs while handling medical billing, but Jean manages all the demands and is always courteous to the customers and considerate of her co-workers. The work can change on a daily basis and Jean can easily adapt from working independently, taking ownership of her work to recognize and address the problems that need immediate attention to ensure any crisis is handled in the proper manner. Jean is always flexible with her schedule to ensure that all staff requirements are met.

"Jean lives in Owego, NY close to her family and friends. She likes helping her mom when she needs it, taking care of her neighbor's cat, eating at the Olive Garden, and going to movies.

“Congratulations Jean on your 30 years of service and thank you for helping the residents of Tioga County.

“I would like to personally thank you for being such an outstanding employee all these years and all your service. As you can see, Jean is a very emotional employee. She has a warm, infectious smile. She greets all the clients that come into the clinic with such a beautiful, warm smile. When she goes on vacation, the clients will say ‘where is Jean and that smile’ and they miss her so much when she is on vacation. You have made my job an easier job throughout these years I have been here and I really appreciate all your work. Thank you, Jean.”

Jean Slocum spoke. “I have really enjoyed my time with the County and I love Mental Hygiene like you wouldn’t believe. I love having the clients come in and being able to socialize and talk with them. My bosses have all been amazing to me and you have always helped me and always listened to me whenever I needed someone and I want you to know that I really, really appreciate it. I loved working there and it is hard for me to do this, but I think it is time. I can tell you that I enjoyed every minute of it. I really, really appreciate it.”

Legislator Mullen read and presented the following recognition resolution to Steve DuVarney, Sergeant/Chief Public Safety Dispatcher, of the Sheriff’s Office.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 132-20	<i>RESOLUTION RECOGNIZING STEVE DUVARNEY’S 32 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY</i>

WHEREAS: Steve DuVarney was appointed as a Sergeant/Chief Public Safety Dispatcher on January 2, 1988; and

WHEREAS: Steve DuVarney has been dedicated and loyal in the performance of his duties and responsibilities during the past 32 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Steve DuVarney retired from the Tioga County Sheriff’s Office on June 26, 2020; 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 Steve DuVarney for his

more than 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, Steve DuVarney.

ROLL CALL VOTE

Unanimously Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Mullen spoke. “This is something that is pretty different for me because I get to call Steve DuVarney into action instead of the other way around.

“Some of you do not know that I am a retired State Trooper working 17 ½ years out of the Owego barracks. The State Police get all their 911 calls dispatched through Tioga County Sheriff’s Department.

“One of the things I want to pass on personally about Steve is that there are many times when you get a call to answer a complaint and if Steve was supervising you would also get a click on the radio from him saying ‘Hey, call the office’. He would go above and beyond giving you other information that was crucial to the officer’s safety.

“For those who do not know, on any given shift, there are two or three Sheriff patrols and maybe two or three State Police patrols out covering 572 square miles of Tioga County. That’s it besides the Owego and Waverly Police Departments. So, your backup might be 60 miles away and Steve always provided the additional information related to previous complaints to the same residence. This is the kind of thing that you cannot train; it comes from a personal integrity and officer’s safety.

“So, personally I want to thank you for the number of times that I got those calls in the middle of night or a Saturday afternoon saying to call the office and he would always pass on additional information making it nicer to go into the complaint with that little bit of extra knowledge. That is truly appreciated.”

Steve DuVarney spoke. “I just want to thank Sheriff Howard, all the Sheriff’s before him, all the administrators, Lieutenants, Captains, Sergeants, and Dispatcher’s I worked with over the years. I also need to thank Sue.”

Legislator Mullen read and presented the following recognition resolution to Susan Fortier, Data Machine Entry Operator, of the Sheriff's Office.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 133-20 *RESOLUTION RECOGNIZING
SUSAN FORTIER'S 32 YEARS OF
DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Susan Fortier was appointed as a Data Entry Machine Operator on April 4, 1988; and

WHEREAS: Susan Fortier has been dedicated and loyal in the performance of her duties and responsibilities during the past 32 years to Tioga County, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Susan Fortier retired from the Tioga County Sheriff's Office on April 29, 2020; 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 Susan Fortier for her more than 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, Susan Fortier.

ROLL CALL VOTE

Unanimously Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Mullen spoke. "Thank you. Knowing some of these guys up there for the past 30 years, I know it wasn't easy. God bless you. Enjoy your retirement".

Susan Fortier spoke. "I just wanted to say a couple of things. First of all, believe it or not, I amongst my grumblings have actually been happy to be here. I feel very grateful to have had this job and certainly grateful to have had it for so long. I have enjoyed working with a lot of the people and there have been a lot of experiences that I had working there that probably would not have happened anywhere else. It has been great. Although I am actually back working two days a week, it was time to hang up the full-time after over 30 years. Thank you."

The following recognition resolution for Judy Keil, part-time Cook, of the Sheriff's Office was noted. Ms. Keil was not in attendance.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 134-20 *RESOLUTION RECOGNIZING
JUDY KEIL'S 19 YEARS OF
DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Judy Keil was appointed as a part-time Cook on March 13, 2001; and

WHEREAS: Judy Keil has been dedicated and loyal in the performance of her duties and responsibilities during the past 19 years to Tioga County, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Judy Keil retired from the Tioga County Sheriff's Office on June 28, 2020; 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 Judy Keil for her more than 19 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, Judy Keil.

ROLL CALL VOTE

Unanimously Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

The following recognition resolution for Paul Garlitz, Deputy Sheriff, of the Sheriff's Office was noted. Mr. Garlitz was not in attendance.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 135-20 *RESOLUTION RECOGNIZING
PAUL GARLITZ'S 18 YEARS OF
DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Paul Garlitz was appointed as a Deputy Sheriff on June 10, 2002; and

WHEREAS: Paul Garlitz has been dedicated and loyal in the performance of his duties and responsibilities during the past 18 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Paul Garlitz retired from the Tioga County Sheriff's Office on June 10, 2020; 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 Garlitz for his 18 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 Garlitz.

ROLL CALL VOTE

Unanimously Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingger.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Sheriff Howard spoke. "Those four employees who have retired represent just over a 100 years of experience with the Sheriff's Office. Of this number, 64 years of service is represented here today.

“As I was sitting here, I was thinking that Steve DuVarney started back in 1988 in basically a 12x15 foot room that was the whole communication system and to spiff it up and make it really nice, we had Building & Grounds come down and put shag carpeting on all the walls to keep it quieter from outside noise. And, there were no windows in this room. To the point where we are today, we are in a state-of-the-art room bigger than the old communications room just for our radio and telephone equipment. That is how far we have come and Steve was a major component of making that happen by telling us what we needed to get the 911 system for the County. That was down at the old building on the corners of Court and Main Streets. There are only two people left in the Department now that worked downtown.

“Sue also started back in 1988. The Data Entry Machine Operator was at a time when the Records Department was on 3x5 index cards and if we wanted to know something, we had to go through all the index cards. We were changing over to computers in 1988 so we needed someone’s expertise to work on that and Sue was brought in to work on this transition. Today, of course, you come to our office and everything is computerized. There are people walking around with computers in their hands, laptops, etc. so we have come a long way.

“As I stated, 64 years of service and experience is sitting here today and with the help of the Legislature both of them are coming back to work part-time. In doing so, this helps with my overtime budget and our part-time budget by volunteering to come back in and work part-time to fill some gaps. They are deeply appreciated and their expertise, of course, is valuable to the transition of new people coming in and will be of tremendous help. Thank you, Steve and Sue.”

Chair Sauerbrey noted the following Proclamation on Lyme Disease Awareness Month.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Public Health reminds you that as the weather gets warmer, outdoor activities begin taking place in areas where ticks are found, such as tall grass, bushes, and leaf piles; and

WHEREAS: The Black-legged tick, also known as a Deer tick, carries the bacteria *Borrelia Burgdorferi* that causes Lyme disease; and

WHEREAS: Lyme disease can be spread to humans and other mammals as ticks feed off their blood, with an increased risk of the bacteria being spread after feeding for 48 hours; and

WHEREAS: From 2014 -2019 there were over 250 confirmed cases of Lyme disease in Tioga County, along with many probable and suspected cases, and more that were undiagnosed; and

WHEREAS: Preventing Lyme disease can be done by wearing insect repellent, covering up when outdoors, showering soon after coming inside, and completing daily tick checks on yourself and your pets; and

WHEREAS: By knowing the signs of Lyme disease, treatment can be started to avoid long-term complications of Lyme disease; and

WHEREAS: The residents of Tioga County recognize the threat that Lyme disease has on them and their family; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of
July as:

LYME DISEASE AWARENESS MONTH

And urges all residents to take steps to protect themselves, their families, and pets from Lyme disease and to take immediate action if Lyme disease is suspected.

Chair Sauerbrey reported the next Proclamation is for Employee Recognition and Appreciation Week (July 13th – 17th). On behalf of the Legislature, Chair Sauerbrey thanked the employees and acknowledged appreciation of their service.

Chair Sauerbrey reported Steven Palinosky, Employee Recognition Committee member, will be the emcee for today's presentation recognizing the County's employees who have attained 25 and 30 years of service and will read and present the following Proclamation.

Steven Palinosky spoke. "Good Afternoon Chair Sauerbrey, County Legislators, Department Heads, Supervisors, Co-workers, Family, Friends, and most importantly today's Employee Recognition honorees. My name is Steve Palinosky and I will be the emcee for the recognition portion of today's meeting.

"To begin, I would like to read the following proclamation from the Legislature.

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 and 30 years since last year's ceremonies:

Name	Department	Years
Anne Davis	Law	30
Tracy Hill	Social Services	30
Jean Slocum	Mental Hygiene	30
Anita Teed	Social Services	30
Julie Whipple	Social Services	30
Elaine Jardine	Economic Development	25

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the week of July 13th – July 17th, 2020 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.

“As it is stated in the Proclamation, today we will honor our employees who have reached the 25 and 30 years of service milestones in Tioga County. As most of you may know, normally we do this at a nice black tie affair, well a nice luncheon in May, but like everything else this year, COVID-19 has forced us to make some adjustments. But, we would have been remiss if we did not conduct an official public acknowledgement of the many years of hard work and loyalty shown by these individuals.

“Before we commence with the recognition, I would like to ask the Chair of the Legislature Martha Sauerbrey to offer some remarks.”

Chair of the Legislature Martha Sauerbrey spoke. “Thank you, Steve. I am just going to speak from here and congratulate all of you and thank you again for your service. As Steve mentioned, normally we would all be sitting at a lovely lunch, you

would have guests, there would be gifts, there would be lengthy speeches, and we would basically party all afternoon. Not quite, but we absolutely wanted to honor you and recognize all of you this year, so this is the perfect opportunity. We certainly never would have dreamt we would be doing this under these circumstances, but we are making something out of nothing. So, again congratulations to all of you and we will just have to wait to see what your Department Heads have to say about you and I am sure there will be some good stories."

Steve Palinosky spoke. "Thank you, Chairwoman Sauerbrey. So, today we are here to honor those among us who have served the County and its residents for 25 years (one individual) and 30 years (five individuals), which adds up to 175 cumulative years of service. As you listen to the individual bios, I am sure you will marvel at the breadth of expertise and accomplishments these honorees represent.

"We will begin with our employee who has reached 25 years of service.

"For a little perspective, there are a few things that happened 25 years ago. Now, if you were at the luncheon last year, I mentioned there was a famous low-speed chase involving a white Ford Bronco. Well, in 1995, the glove did not fit so the jury acquitted O.J. Simpson, Java script was introduced for all the computer geeks out there, and EBay started. The shuttle Atlantis docked with the Russian Mir space station, and a domestic terrorist set off a truck bomb outside the federal building in Oklahoma City.

"Our newest member of the Quarter Century Club is Elaine Jardine from Economic Development and Planning. Here to read her bio and give remarks is LeeAnn Tinney, Director of Economic Development and Planning."

LeeAnn Tinney spoke. "Thank you, Steve. To give a little background on Elaine and what she has accomplished over these past 25 years, she has worked in the fields of Planning and Geographic Information Systems (GIS) for 30 years. For the last 25 years, she has worked as the County Planning Director in the Tioga County Department of Economic Development & Planning.

"I have had the honor of working with Elaine for 23 of those 25 years.

"Some of Elaine's responsibilities include performing all State-mandated planning duties, oversight of the NYS Agricultural District Reviews, providing planning and technical assistance to municipalities in the County, supporting economic development activities, writing and administering grant projects and implementation of Geographic Information Systems (GIS) mapping in Tioga County. She has led the development of countywide plans and studies such as the

County's Comprehensive Plan, 2020 Strategic Plan, Agricultural Farmland Protection Plan, Countywide Code Enforcement Feasibility Study, and assistance with the Countywide Housing Study, among others.

"Elaine serves on various Boards Committees, Coalitions, and Associations.

"Elaine lives in Owego, NY with her husband, Dan and son, Jordan.

"You are not able to accomplish economic development without planning. So, if I have learned anything in 23 years of working with Elaine Jardine, I think I learned that. I think I could speak on behalf of all of Team Tioga to say we rely very heavily on Elaine's history with the County, her expertise, her knowledge across many facets, and we appreciate very much everything that she brings.

"It has been a pleasure and an honor working with you over the past 23 years. She works as a wonderful mentor to our younger staff people and has a done a wonderful job. This is very much appreciated.

"I just want to say that we cannot do what we do without Elaine Jardine as the Director of our Planning Department. Thank you, Elaine."

Elaine Jardine spoke. "Thank you very much. I want to thank the County Legislature for supporting Planning since 1972 and to this Legislature for supporting our Economic Development & Planning Department. I have been through many iterations of Economic Development & Planning Department and this current one is just a superlative team. It takes a lot of people to do what we do in Economic Development & Planning and move Tioga County forward in a sustainable, economic, and viable manner. Thank you very much, Team Tioga. Thank you."

Steve Palinosky spoke. "Now, we will move on to our 30 year honorees.

"For a little perspective, here are a few things that happened 30 years ago. A proposal was published for this thing called the World Wide Web, the Hubble telescope was launched into orbit, and the Simpsons debuted on TV. In world politics, Nelson Mandela was released from prison in South Africa, Margaret Thatcher resigned as Prime Minister of England, and Boris Yeltsin was elected President of Russia. East and West Germany were reunited, and Iraq invaded Kuwait.

"We have five employees today who have reached 30 years of service, of whom four are in attendance.

"Our first 30 year honoree is Anne Davis from the Law Department. Here to read her bio and give remarks is Assistant County Attorney John VanWert."

John VanWert spoke. "Good Afternoon, everyone. I have had the fortune of working with Anne for the past 13 years and I would like to read her biography.

"In September of 1989, Anne started her career with Tioga County as a Senior Typist in the Probation Department. On September 14, 1994, she was promoted to Secretary to the Director of Probation, Halbert Brink. Mr. Brink was very impressed with Anne's abilities as his secretary and had a lot of nice comments about Anne, including that she was a pleasant and cooperative employee who was willing to learn new things. In a short timeframe, he described Anne as energetic, a take-charge personality, and I can attest to that, and commendable in many areas; an asset to the Department who is relied upon by management and staff. Mr. Brink also indicated that Anne is always willing to help where needed and she later transferred to the Law Department, which was our great fortune.

"In the Law Department, some of Anne's responsibilities include scheduling the attorneys, preparing the attorney's for court, corresponding with other agencies, and she is a manager of a fairly hectic office. She is a quick learner and self-motivated individual, she is probably one of the most compassionate, and thoughtful individuals you will come across. She is always looking out for the welfare of her co-workers, as well as members of the public.

"We recently had some personnel changes in the office, which created a significant amount of extra work for Anne because we happened to poach one of the other attorneys from another County Department, which is an adversarial office most of the time for our office. This created many issues with conflicts of interest. Anne called through the client lists and schedules, was able to compile a workable solution to having the new member of the office fit in and have the office run smoothly.

"Over the years, Anne's assistance has made a lasting impact on all of her co-workers and she is a tremendous value to the office beyond her professional skills. Her compassion, thoughtfulness, and genuine regard for the well-being of her co-workers is demonstrated on a daily basis.

"In addition to her work in the office, she served on the United Way Committee for Tioga County and in the past, she has also taken on the responsibility of training guide dogs for individuals who have visual impairments.

"Anne is a wonderful wife and mother to her children and grandmother to her grandchildren, Harper, Scarlett, and Everly.

"On behalf of the Law Department, myself, co-workers, and Tioga County, I wish to congratulate and thank Anne for her 30 years of service".

Anne Davis spoke. "I just want to say thank you to everyone and I have really enjoyed my time with the County. I think I will continue for a few more years."

Steve Palinosky spoke. "Our next 30-year honoree is Jean Slocum from Mental Hygiene".

Director of Community Services Lori Morgan spoke. "I just want to say that it has been a pleasure to work with you for as long as I have. I think that you are an amazing person and you are one of the nicest people I have ever met. I know our staff and people we serve would agree. We wish you an amazing retirement".

Steve Palinosky spoke. "Our next 30 year honoree is Anita Teed from Social Services. Here to read her bio and give remarks is Commissioner of Social Services Shawn Yetter".

Commissioner of Social Services Shawn Yetter spoke. "Thank you to the Legislature for continuing to support this program. It means a lot to us, as both Department Heads and employees. It is a great way to recognize hard work and longevity that is really important.

"Anita began her employment with Tioga County on August 21, 1989 as a Social Welfare Examiner in the Department of Social Services. In June 2001, Anita was promoted to Child Support Investigator in the Child Support Collection Unit and in July 2019 was promoted to Senior Support Investigator.

"Anita has served on the Working on Wellness Committee and the Tioga County Employee Recognition Committee.

"Anita and her husband, Dale, have been married for thirteen years and currently reside in Owego, NY. She has a daughter, Rebekah and son-in-law, Benjamin; four stepchildren, Garrin, Miranda, Doug, and Moriah; and two grandchildren, Amelia, age eight, and Nathan, age three. Anita also has a son in Heaven, Nathan Meyers, who passed away in 2005 at age 17. Her daughter, Rebekah, named her son after him.

"Anita is active in church at Triumphant Life Church in Endwell, NY. She and her husband served as Youth Group Leaders and Children's Church. They are currently on the prayer ministry team and work in the church nursery.

"In her spare time, Anita enjoys playing with her grandchildren, reading, and going for walks. She and her husband like to travel, hike, and spend time with family and friends.

"We congratulate Anita on her 30 years of employment with Tioga County and her service to the residents of Tioga County.

“When Anita started back in 1989 we were still in the A-frame on Route 38 and was known as the Income Maintenance Unit, another antiquated term. When she was with the Child Support Collection Unit, she ended up at 231 Main Street, affectionately referred to as the Pink Prison to take on her role as Support Investigator. Once again, she had to physically move to the Court Street Annex and just recently had to move spaces within the Annex because of swapping spaces with the District Attorney’s Office. However, I know this last move came with your own office with a window, so hopefully that is a little perk for all the moves.

“There is no complaining in general from Anita. She is well known as being quiet and unassuming. Nevertheless, her co-workers are quick to point out that she has a great sense of humor and does a great job of lightening the mood when things get stressful.

“Anita apparently has her own method of dealing with stress at the office. Anita is very health conscious. One of the ways she takes care of herself is to eat well and is gluten-free, but she has been known to dive into the regular cookies and snacks if the situation warrants.

“Her soft-spoken demeanor does not mean that she is not well-versed in all things involving Support Collection. Next to her Supervisor, Support Collection Unit Coordinator, Chris Kallin, she has the longest tenure with the Unit and she is currently part of the leadership for advancement programs sponsored by the County with a focus on succession planning.

“Anita, I will just say one more time what a pleasure your personality and demeanor is to the Department, your knowledge is exemplary, and again we thank you very much for your 30 years of service”.

Anita Teed spoke. “Thank you. I am just very grateful for the job and getting to know all the people I have worked with over the years. They have been great and I have had great supervisors and staff to work with. Sometimes it has been stressful, but we have all worked together and I appreciate that and all the people I work with. Thank you”.

Steve Palinosky spoke. “Our final 30 year honoree is Julie Whipple from the Department of Social Services. I will ask Commissioner of Social Services Yetter to do the honors again”.

Commissioner of Social Services Shawn Yetter spoke. “Thank you, Steve.

“Julie began her employment with the Tioga County Department of Social Services as a Clerk-Typist in November 1989. Julie was promoted to Senior Typist in November 1990 and then appointed as an Account Clerk-Typist in May 1992. In

October 1992, Julie was appointed to Social Welfare Examiner. Julie was promoted in February 2001 to her current position as Principal Social Welfare Examiner.

“In the Food Stamp Medicaid Unit, Julie was responsible for auditing SNAP and Medicaid cases while assisting in the processing of the Chronic Care caseload. Julie’s in-depth knowledge of the SNAP and Medicaid programs made her a great resource for her staff and co-workers.

“In 2018, Julie became the HEAP Supervisor and quickly came up to the speed on the policies. By the 2019-2020 HEAP season, she had successfully mastered the operation of the program while retaining Food Stamp Medicaid Unit knowledge.

“Julie resides in Waverly, NY with her husband, Mark, and her son, Mark, Jr. Her daughter, Emily, is a self-employed photographer. Her daughter, Amy, is an Ophthalmic Assistant at Guthrie Clinic and Mark, Jr. will soon be entering the job market.

“Julie is a very active member of the Lounsberry United Methodist Church. In her free time, she enjoys camping and spending time with her family, especially her granddaughter, Addyson.

“Congratulations, Julie and thank you for your 30 years of dedicated service to Tioga County and its residents.

“Julie and I have worked together for a long time. In 2018, Julie went back to her roots because she actually started as a temporary Clerk-Typist in HEAP so becoming the HEAP Supervisor was coming full circle for her. She did not miss a beat and HEAP is an incredibly busy and stressful Department, especially in the height of HEAP season. She continued to provide SNAP and Medicaid backup to those who needed it.

“She immediately became a constructive supervisory resource to the energy unit staff, as well as efficiently managing the hiring and training of our usual seasonal HEAP employees. She seemed un-phased by the influx of 400 walk-ins, 2000 phone calls, and 1200 applications in the first three weeks of the HEAP season. Or, at least it appeared that way.

“With the stress of being the supervisor new to the Unit, along with the staff during the hectic busy season, Julie maintained an encouraging environment and positive morale. Julie continued to assist her Food Stamp and Medicaid co-supervisors in case auditing or new employee training, as needed.

“Now, there are three supervisors in the Food Stamp Medicaid Energy Unit and they would all agree that Julie is the one most likely to temper her reactions

and is more contemplative when issues arise. Although she is never shy about speaking her mind. Her co-supervisors also believe she would be considered the most nurturing of the three, which a staff poll might show. I also have learned that the same poll would show you make the best macaroni and cheese.

“In recognition of her work, Julie was named Employee of the 2nd Quarter 2000 and Supervisor of the Year 2018. She is also currently part of the leadership for advancement program sponsored by the County with a focus on succession planning.

“Above all, Julie knows her stuff and she is invaluable to the agency. She knows the ins and outs of everything; SNAP, Medicaid, Chronic Care, HEAP, and beyond. There are truly not many people in our organization that we can say that about. If there is something she does not know, she figures it out.

“Julie, thank you so much for your 30 years of dedicated service to the County and the people we serve”.

Julie Whipple spoke. “As always I will be a woman of very few words in this setting. I do appreciate, as others have said, the time given to this. But, I will save the big speech for my retirement in 5 years, 3 months, and 7 days”.

Steve Palinosky spoke. “Ladies and Gentlemen, this concludes our Employee Recognition Ceremony. Please join me in a final round of applause for our honorees and retirees. Thank you for coming and have a wonderful day”.

There was no Privilege of the Floor.

Legislator Monell made a motion to approve the minutes of June 9, 2020, seconded by Legislator Hollenbeck and carried.

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 136-20 RE-APPOINT MEMBER TO THE TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member, Lisa Engelbert, expired on March 31, 2020; and

WHEREAS: Lisa Engelbert has expressed a desire for re-appointment to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Lisa Engelbert for another three-year term of 4/1/2020 – 3/31/2023.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 137-20 *SET PUBLIC HEARING FOR THE
OWEGO-NICHOLS EIGHT-YEAR AGRICULTURAL
DISTRICT REVIEW*

WHEREAS: The Tioga County Legislature is reviewing a proposed plan for continuation with modifications of the Owego-Nichols Agricultural District, which is comprised of enrolled and proposed new parcels in the Towns of Owego and Nichols; 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 Legislature's Office at 56 Main St. in Owego; therefore be it

RESOLVED: That a public hearing will be held on Monday, July 27, 2020 at 1:00 pm in the Town of Owego Hall, 2534 State Route 434, Apalachin, NY. All interested parties will be heard by the Tioga County Legislature at this hearing.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 138-20 AMEND ERRONEOUS ASSESSMENT
TOWN OF TIOGA

WHEREAS: An erroneous application for Corrected Tax Roll for the year 2019 indicated that parcel 114.00-1-9 Account #00000000094 in the Town of Tioga assessed to James B & Tammy Clearwater on the 2019 tax roll of the Town of Tioga was erroneous in that a court judgement in 2001 removed 3.2 acres of land and a cabin from Mr. Clearwater's parcel thereby reducing the assessment; and

WHEREAS: A new tax bill for 2020 was issued to James B & Tammy Clearwater by the Tioga County Real Property Office and the erroneous tax was charged to the proper account in the records of the County Treasurer; and

WHEREAS: It was discovered during settlement with the Town of Tioga that the parcel was not erroneously assessed but apportioned, creating two tax bills that equaled the original tax bill, and that there was in fact no change to the warrant. Since there was no change to the warrant no erroneous taxes exist and should not be reflected in the accounts; therefore be it

RESOLVED: That the erroneous resolution 18-20 be null and void, and the accounts in the Office of the County Treasurer be corrected.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 139-20 *HOME RULE REQUEST IN SUPPORT OF S7618/A10713: AMEND COUNTY LAW AND TAX LAW, IN RELATION TO AUTHORIZING THE COUNTY OF TIOGA TO IMPOSE AN ADDITIONAL SURCHARGE TO PAY FOR COSTS ASSOCIATED WITH UPDATING THE TELECOMMUNICATION EQUIPMENT AND TELEPHONE SERVICES NEEDED TO PROVIDE AN ENHANCED 911 EMERGENCY TELEPHONE SYSTEM AND PROVIDING FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF*

WHEREAS: The current County of Tioga Enhanced 911 Emergency Telephone System is in need of updating; and

WHEREAS: State Legislative authority is needed to amend the current County Law by adding section 337 authorizing and empowering Tioga County Legislature to adopt, amend or repeal local laws to impose an additional surcharge per access line for the costs associated with obtaining, operating and maintaining an enhanced 911 system; and

WHEREAS: State Legislative authority is needed to amend Section 186-g of the Tax Law, paragraphs (b) and (c) of subdivision 2, as separately amended by chapters 120 and 711 of the laws of 2019, to impose a surcharge on each wireless communications device; and

WHEREAS: The additional imposed surcharges will pay for costs associated with obtaining, operating, and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve Tioga County; therefore be it

RESOLVED: That the Tioga County Legislature hereby requests the enactment of Senate Bill number S7618 and Assembly Bill number A10713 entitled "An Act to amend the County Law and the Tax Law, in relation to authorizing the County of Tioga to impose an additional surcharge to pay for the costs associated with updating the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such county; and providing for the repeal of such provisions upon expiration thereof.

Legislator Roberts spoke. "I would like to say just remember when you are looking at your cell phone bill and its \$39.95 and then its \$100.00 now this is why. Not this particular one is going to raise it that much, but these are all the additional fees on your bill. Thank you".

Legislator Standinger spoke. "I would like to say that I am against any tax increase, but given the circumstances of 911 and the need to streamline the process here, I will bite my tongue and vote yes".

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED: ED&P COMMITTEE

RESOLUTION NO. 140-20 *RESOLUTION AUTHORIZING AN EXTENSION OF ADMINISTRATIVE SERVICES AGREEMENT BETWEEN TIOGA COUNTY ECONOMIC DEVELOPMENT AND PLANNING WITH THE TIOGA COUNTY PROPERTY DEVELOPMENT CORPORATION (TCPDC) FOR THE PERIOD THROUGH JUNE, 2021*

WHEREAS: The Director of TCED&P requested an authorization to accept a CRI Program Grant in the amount of \$500,000.00 and enter into an agreement with TCPDC for the period January 1, 2019 through December 31, 2020, through Resolution No. 273-18; and

WHEREAS: Additional funds have been granted through the CRI 4.2 Modified Program Grant extending the original contract in the amount of \$560,000.00 for the period to June 30, 2021; and

WHEREAS: Said program grant will provide funding towards the cost of administration, office space and equipment for use by Tioga County Economic Development staff to perform the duties of the Land Bank Director of the TCPDC; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes and approves acceptance of \$16,266.24 from the TCPDC, 56 Main Street, Owego, New York 13827 to provide funding towards the cost of administration, office space and equipment for use by Tioga County Economic Development and Planning to perform the duties of the Land Bank Director of the TCPDC for the additional period through June 30, 2021; and be it further

RESOLVED: That the Chair of the Legislature or her duly authorized representative (including County Treasurer and/or Budget Director), is hereby authorized to make any transfers of funds required within this grant budget.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 141-20 *AUTHORIZE CONTRACT WITH INTELLINX FOR THE
TIOGA COUNTY ASSIGNED COUNSEL PROGRAM
CASE MANAGEMENT SYSTEM*

WHEREAS: The Assigned Counsel Administrator's Office has budgeted, and NYS has appropriated \$39,500.00 in its 2020 NYS Hurrell-Harring Grant budget for a new Case Management Software System; and

WHEREAS: Intellinx offers such software which the County wishes to use to track and accumulate data to be used in completing NYS mandatory reports, assist with budgeting for the Assigned Counsel Program which the County is mandated to fund, and provide ability for e-vouchering when fully implemented; and

WHEREAS: There is a one-time Installation Fee of \$12,500.00, one-time Data Migration Fee of \$5,500.00, and Annual Licensing Fee of \$9,500.00, all of which are fully covered by the NYS Hurrell-Harring Grant; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign a contract with Intellinx to provide the services outlined in the proposal and to authorize payment.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 142-20 EXECUTE LEASE WITH MCP ENTERPRISES, INC.
FOR CHILD ADVOCACY CENTER

WHEREAS: The Department of Social Services has appropriated funding to establish a Child Advocacy Center in Tioga County; and

WHEREAS: The space needs of the center necessitate the leasing of space; and

WHEREAS: MCP Enterprises, Inc. has appropriate space available at 6 McMaster St. Owego; therefore be it

RESOLVED: That the Chair of the Legislature is authorized and directed to sign said lease with MCP Enterprises, Inc. for space at 6 McMaster St., Suite #3, Owego, NY for a 1-year lease term with the option of an additional two-year term commencing on August 1, 2020 at the monthly rate of \$850.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 143-20 *AUTHORIZE CHAIR OF LEGISLATURE TO SIGN THE FEDERAL TRANSIT OPERATING ASSISTANCE AGREEMENT FOR THE CORONA VIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT APPROPRIATION OF FUNDS AND AMEND 2020 BUDGET DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Based on a recommendation by the New York Department of Transportation, the Federal Transit Administration has designated Tioga County as eligible for supplemental rural transit operating assistance of \$340,978 under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020; and

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

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of Tioga County to sign the Federal Transit Operating Agreement for the Coronavirus Aid, Relief, and Economic Security (CARES) Act (No. C004202) and any contracts or agreements between Tioga County and any third-party subcontractor necessary for the use of these funds, subject to the approval of the County Attorney; and be it further

RESOLVED: That funding be appropriated as follows:

From: A5630.440900-CARES Federal Aid: Transportation	\$ 340,978.00
To: A5630.540140-CARES Contracting Services	\$ 340,978.00

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 144-20 *APPROVE SUPPLEMENTAL AGREEMENT
FOR WEST RIVER DRIVE BRIDGE – CONSTRUCTION
SUPPORT SERVICES*

WHEREAS: Tioga County was awarded funding through NYSDOT 2018 Bridge NY program for a bridge project, West River Drive over Parks Creek, BIN 3335400; and

WHEREAS: McFarland Johnson Engineers was awarded the design services on Resolution 28-19; and

WHEREAS: There is a need for Construction Support Services to provide Engineering Services for the project, along with unforeseen extra design costs; and

WHEREAS: McFarland Johnson, Binghamton, NY has submitted a supplemental proposal of \$9,646.00; therefore be it

RESOLVED: That the Tioga County Legislature approve the Supplemental Agreement for Delta Engineers, Endwell, NY to provide Construction Support Services and additional design services not to exceed an extra \$9,646.00, for a new total of \$131,486.00 to be paid out of the following account:

H5110.540004.H1903 – West River Drive Bridge – BIN 3335400

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 145-20 AWARD WEST RIVER DRIVE OVER PARKS CREEK
 BIN 3335400 PIN 9754.81
 CONSTRUCTION CONTRACT

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

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

WHEREAS: The Commissioner of Public Works received sealed bids on June 18, 2020 and the bid results were as follows:

Procon Contracting, LLC	\$577,000.00
Silverline Construction Inc.	\$589,376.00
Slate Hill Constructors Inc.	\$666,311.75
Vector Construction Corporation	\$674,119.50

WHEREAS: McFarland Johnson has completed the review of the bids and finds the low bidder Procon Contracting, LLC meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Procon Contracting, LLC, not to exceed \$577,000.00 to be paid out of the following account: H5110.540004.H1903 – West River Drive.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 146-20 *AWARD BID FOR ELLIS CREEK ROAD
PAVEMENT OVERLAY*

WHEREAS: The Commissioner of Public Works appropriated funds in the 2020 budget for this project; and

WHEREAS: On July 1, 2020, the Department of Public Works received sealed bids from the following contractors:

Lancaster Development Corp., Richmondville, NY	\$ 913,024.89
Dalrymple Gravel and Contracting, Elmira, NY	\$ 941,940.00
Broome Bituminous, Vestal, NY	\$ 948,700.00
Bothar Construction, Binghamton NY	\$1,164,790.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Lancaster Development Corp., Richmondville, NY not to exceed \$913,024.89 to be paid out of Ellis Creek Road Paving Account H5110.540001.H200.

Legislator Roberts spoke. "It may seem that we are spending money with a freeze basically, but these are things that were pre-budgeted, so we are not on a spending spree".

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 147-20 AMEND BUDGET
PUBLIC WORKS

WHEREAS: The Ellis Creek Road Paving Project 2020 budget amount is insufficient to complete the project; and

WHEREAS: Corporate Drive requires rehabilitation; and

WHEREAS: There are funds available in our NYS CHIPS Funding and Pave NY Funding and EWR Funding; and

WHEREAS: Budget Amendments require Legislative approval;

Therefore be it

RESOLVED: The Tioga County Legislature hereby approves to amend the Budget and appropriate additional funds from Capital Fund; and be it further

RESOLVED: That the expense account for Ellis Creek Road Paving is increased \$150,000.00 for a total of \$2,000,000.00; and be it further

RESOLVED: That the expense account for Corporate Drive Rehabilitation is established and increased for a total of \$555,330.50; and be it further

RESOLVED: That the CHIPS revenue account be increased \$705,330.50:

To:	H5110.540001.H2001	Ellis Creek Road Paving	\$150,000.00
	H5110.540001.H2004	Corporate Drive Pavement Rehab	\$555,330.50
	H5110.435010	CHIPS (Ellis Creek)	\$150,000.00
	H5110.435010.H2004	CHIPS (Corp. Dr.)	\$146,001.07
	H5110.435020.H2004	State Aid – County Road & Bridge	\$409,329.43

Legislator Sullivan spoke. "Mike, in a nutshell what happened here."

Legislator Roberts spoke. "This is CHIPS money we already set aside from a prior year."

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 149-20 CONTINGENCY REQUEST AND
AMEND 2020 BUDGET –
COVID19 STOCKPILE
EMERGENCY SERVICES

WHEREAS: The Tioga County Office of Emergency Services desires to order a stockpile of COVID19 supplies so they are prepared in the event Tioga County gets a future outbreak of the coronavirus; and

WHEREAS: There is insufficient funds to cover such costs for said supplies in the 2020 budget; therefore be it

RESOLVED: That the following contingency funds be appropriated and the 2020 budget be amended as follows:

From: A1990.540715	Contingency	\$70,000
To: A3640.540640.COVID19	Supplies not Office	\$70,000

Legislator Mullen spoke. “First, I would like to thank the Legislature in difficult fiscal times to agreeing to this resolution. This is going to allow the County to stockpile Personal Protection Equipment (PPE) that we so desperately needed at the beginning of this pandemic, especially in our nursing homes and other emergency services. Relying on the State was a boondoggle at best in the beginning. It is a lot of money, but it is for the good of the people in the County, so I appreciate the Legislature’s support”.

Legislator Standinger spoke. “One of the things in Emergency Management is you plan for the worst and you pray for the best, so this is planning for the worst. It makes sense to have a reserve, so I think it is a great thing to do”.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 150-20 *TRANSFER FUNDS SELF-INSURANCE
PLAN ADDITIONAL STOP LOSS PREMIUM*

WHEREAS: The Tioga County Self-Insurance Plan has received notification from Midwest Employers Casualty Company that an audit of the payroll figures for the period of January 1, 2019 through January 1, 2020 submitted for workers' compensation Specific Excess Insurance has resulted in additional premium due in the amount of \$7,050.00; and

WHEREAS: The account used to pay the premium only has a balance of \$5,089.00; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1720.40 (540380)	\$1,961.00
To: Workers' Compensation Account S1722.40 (540270)	\$1,961.00

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
RESOLUTION NO. 151-20 AMEND EMPLOYEE HANDBOOK;
COMPREHENSIVE INFORMATION SECURITY POLICY

WHEREAS: The Comprehensive Information Security Policy needs to be amended in whole due to numerous updates and changes; and

WHEREAS: The Information Security Officer reviewed the Comprehensive Information Security Policy and made recommendations that the policy should be amended in its entirety and replaced; therefore be it

RESOLVED: That the Comprehensive Information Security Policy be amended in its entirety and replaced as follows:

Comprehensive Information Security Policy



Tioga County, New York

Comprehensive Information Security Policy

Policies, Procedures, and Standards for Information Security

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II. Purpose

The purpose of the Tioga County Comprehensive Information Security Policy is to protect the confidentiality, integrity, and availability of all information that County Agencies, towns and villages and employees, create, receive, maintain or transmit.

It is to provide a security framework that will ensure the protection of Tioga County information from unauthorized access, loss or damage while supporting the open, and information-sharing needs of our county. This information may be verbal, digital, and/or hardcopy, individually-controlled or shared, stand-alone or networked. Failure to comply with this policy may subject you to disciplinary action up to and including termination.

This document is organized by audience to assist in clearly defining the responsibilities required for different roles.

III. General Provisions

A. Definitions

- Breach
A security incident, in which sensitive protected or confidential data is copied, transmitted, viewed, stolen or used by an individual unauthorized to do so.
- Business Associates
Is an organization or individual that performs services for a covered entity (healthcare organization) that has access to protected health information (PHI).
- Confidential Data
Protected information that is not available to the general public.
- Covered Entities
Any organization or corporation that directly handles Personal Health Information (PHI) or Personal Health Records (PHR).
- Data Custodian
The individual or group who has responsibility for maintaining the tools necessary for storing of data by the data owners. Ex: ITCS maintains servers that a department's software program runs on. ITCS is the data custodian as the maintainer of the server\data storage infrastructure.
- Data Owner
The individual who is responsible for the maintenance and safekeeping of data, whether it be electronic or physical.
- End User
Individuals performing work for Tioga County, whether they are employees or contractors.
- Information Security Officer
An individual named by the County Legislature to function as a point person for ensuring compliance with the details of this policy.

- Phishing
The attempt to acquire sensitive information such as usernames, passwords, and credit card details, often for malicious reasons, by masquerading as a trustworthy entity in an electronic communication (email, website etc.).
- Protected Health Information (PHI)
Any **information** in a medical record that can be used to identify an individual.
- Public Data
Information that may be freely disseminated is considered to be *Public* data. However, even though the data may be freely disseminated to the public, the integrity of the data must be protected.
- Ransomware
A type of malware that restricts access to an infected computer system in some way, and demands that the user pays a ransom to the malware operators to remove the restriction.
- Spear Phishing
An email-spoofing attack that targets a specific organization or individual, seeking unauthorized access to sensitive information.
- Social Engineering
The art of manipulating people so they give up confidential information.
- Super Users
Users who are granted additional authority for specific functions on the data network.

B. Breach Policy for High Risk and Confidential Data

Any breach of High Risk and Confidential Data must be reported to your supervisor who will report it to the Information Security Officer and the County Attorney immediately for investigation. The County Attorney and Information Security Officer shall investigate the matter and recommend further action to ensure compliance with applicable statutory requirements and County Policy provisions.

C. Facility Security Plan

Access to every office, computer room, and work area containing High Risk or Confidential information will be physically restricted.

Visitors and other third parties must not be permitted to use employee entrances or other uncontrolled pathways leading to or through areas containing High Risk or Confidential information.

Identification badges, keys and physical access cards that have been lost or stolen – or are suspected of being lost or stolen – must be reported to the department head or designee, who will notify Buildings and Grounds, or any other appropriate entity, immediately. Likewise, all computer or communication system access tokens that have been lost or stolen – or are suspected of being lost or stolen – must be reported to the Department Head or supervisor immediately.

Each person must present his or her badge to the badge reader before entering every controlled door within Tioga County premises. Before proceeding through every controlled door, each

person must wait until the reader indicates that they have permission to enter the area. Workers must not permit unknown or unauthorized persons to pass through doors, gates, and other entrances to restricted areas at the same time when authorized persons go through these entrances.

Whenever controlled doors are propped open (perhaps for moving supplies, furniture, etc.) the entrance must be continuously monitored by an employee or guard.

Tioga County workers must not attempt to enter restricted areas in Tioga County buildings for which they have not received access authorization.

D. Contingency Operations

In the event that primary facility access controls are not functional or unable to be utilized, the Buildings and Grounds department shall keep as part of the County's Disaster Plan the backup or secondary methods for facilities access. This includes consideration for ensuring data is secured in the event a primary security control (e.g. electronic door lock) is non-operational.

E. Data Security Policy

County Information Assets shall be handled in accordance with their Data Classification and in accordance with appropriate federal and state statutes and regulations.

Tioga County employees may be in a position to receive confidential information during the performance of their duties. County employees shall never use information obtained confidentially for any non-business related purpose and shall respect the privacy of individuals. Since public access of information varies, employees should consult with their supervisor/department head regarding the dissemination of High Risk or Confidential information. Violations of this confidentiality requirement may be grounds for disciplinary action, up to and including termination.

F. Data Classification Policy

It is essential that all County data be protected. However, there are gradations that require different levels of security. All data should be reviewed on a periodic basis by the Data Owner and classified according to its use, sensitivity, and importance. Tioga County recognizes four classes of data: Public, Internal, Confidential, and Restricted Use.

Public Classification is any data that may be disclosed to the public. An example may be an announcement or general information.

Internal Classification is sensitive information that is not shared with the public. An example may be some memos, contact lists and procedures.

Confidential Classification is secure data that needs protection. This data would have limited access. An example may be HIPAA data.

Restricted Use Classification is highly sensitive information and should be limited on a need-to-know basis. An example of this would be passwords.

Data Owners and their supervisors must determine the data classification and must ensure that the data custodian is protecting the data in a manner appropriate to its classification.

IV. Audience – **Legislature**

A. General

The Legislature holds responsibility to adopt any changes to the Information Security Policy as necessary, and create and appoint members as necessary to a Data Disaster Recovery Workgroup.

B. Evaluation

The Tioga County Legislature shall receive, review, and adopt the following:

- Risk Assessment Report every two years (Section VII)
- Risk Mitigation and Management Plan every two years (Section VII)
- Disaster Testing and Revision Analysis annually (Section VII.F)
- Data Criticality Analysis annually(Section VI.G)

V. Audience – **End User**

A. Sanction Policy

Failure to comply with any of the policies contained in this document may result in disciplinary action up to and including termination of employment.

B. Expectation of Privacy

All County information resources, including but not limited to equipment, documents, data, information, records and software are the property of Tioga County. Users have no expectation of privacy in their use of County computer and information resources. County equipment, data, records, software and connections are County property, provided for County purposes only. Software and systems that can monitor use may be used. Use of County computer systems and networks constitutes consent to such monitoring.

C. Intellectual Property - Legal Ownership

With the exception of material clearly owned by third parties, Tioga County is the legal owner of all business information stored on or passing through its systems. Unless a specific written agreement has been signed with the Legislature, all business-related information, including but not limited to copyrights and patents, developed while a user is employed by Tioga County is Tioga County property.

D. Passwords

Passwords will be changed once every calendar year. They will be at least twelve characters long. There will be a history of eight (8). Which means the end user will not be able to use the same password for 8 calendar years.

E. Acceptable Use - General

It is the user's responsibility to utilize Information and Information Technology resources appropriately and ensure their security. Users shall not use County Information or County IT

systems for purposes other than those that support official County business or as defined in this policy.

Except when in the process of conducting law enforcement activities, users shall not use County IT systems to intentionally obtain or generate information containing content that may be reasonably considered offensive or disruptive. Offensive content includes, but is not limited to images, or comments of a sexual nature, racial slurs, gender offensive comments, or any comments that would offend someone on the basis of age, sexual orientation, gender identity, religious or political beliefs, national origin, or disability.

The provisions, terms, and rules for acceptable use apply to the use of all County systems and equipment whether in a County Building, remote site, or when working from home or any other location using County resources.

Incidental personal use of any of the below listed tools is permissible so long as: (a) it does not consume more than a trivial amount of resources, (b) does not interfere with worker productivity, and (c) does not preempt any business activity. Users are forbidden from using Tioga County electronic communications systems for charitable endeavors, political campaigns, private business activities, or amusement/entertainment purposes. The use of County resources, including electronic communications should never create either the appearance or the reality of inappropriate use.

F. Acceptable Use – e-mail

As a productivity enhancement tool, Tioga County encourages the business use of electronic communications. Electronic communications systems, including backup copies, are considered to be the property of Tioga County. Tioga County cannot guarantee that e-mail communications will be private. All e-mail communications may be stored and archived by ITCS for 7 years. E-mail messages are considered to be “documents” and are subject to all statutory and legal compliance, particularly in reference to Schedule CO-2 published by the New York State Archives. E-mail items that are not “official documents” as described by the New York State Archives should be deleted as soon as they are no longer needed. E-mail items that do fit the definition of “official documents” should be stored in a permanent archive or other appropriate medium for the period of time defined by regulation or statute. See your department’s record officer for more information on this.

Sending high or moderate risk information outside of our County email system must be encrypted. This is done by selecting the ENCRYPT icon at the top of the Outlook NEW EMAIL screen.

County employees are prohibited from using personal e-mail to conduct County business.

It is the responsibility of the individual user to manage and maintain their e-mail mailbox. ITCS may employ quotas on mailbox size to enforce compliance. Messages no longer needed for business purposes must be periodically purged by users from their email system mailbox. After a certain period – generally six months – e-mail messages stored on the email server may be automatically deleted by ITCS staff.

It is the policy of Tioga County not to regularly monitor the content of electronic communications. However, the content of electronic communications may be monitored and the usage of electronic communications systems will be monitored to support operations, maintenance, auditing, security, and investigative activities. Users should structure their electronic communications in recognition of the fact that Tioga County will from time to time examine the content of electronic communications.

It may be necessary for ITCS personnel to review the content of an individual employee's communications during the course of problem resolution. ITCS personnel may not review the content of an individual employee's communications out of personal curiosity or at the behest of individuals who have not gone through proper approval channels.

Misrepresenting, obscuring, suppressing, or replacing a user's identity on an electronic communications system is forbidden. The user name, e-mail address, organizational affiliation, and related information included with e-mail messages or postings must reflect the actual originator of the messages or postings.

Workers must not use profanity, obscenities, or derogatory remarks in electronic mail messages discussing employees, constituents, or others. Such remarks may create legal problems such as libel and defamation of character.

Message Forwarding: Some information is intended for specific individuals and may not be appropriate for general distribution. Users should exercise caution when forwarding messages. Tioga County High Risk and Confidential information must never be forwarded to any party outside the County unless the message is encrypted and/or Department Head approval has been obtained.

G. Acceptable Use – Internet

All Internet users are expected to be familiar with and comply with this policy. Violations of this policy can lead to revocation of system privileges and/or disciplinary action up to and including termination. Tioga County users have no expectation of privacy in Internet usage.

Access to the internet will be provided to those Tioga County employees who have need for such access for the performance of their official County duties. Upon recommendation of the Department Head, users may be granted either unrestricted or restricted access to the Internet. Should a user require unrestricted access, ITCS must be informed in writing, by the Department Head, in either a service ticket or e-mail.

Tioga County employees should realize that their communications are not automatically protected from viewing by third parties. Unless encryption is used, workers must not send information over the Internet if it is classified as High Risk or Confidential information.

Tioga County routinely logs websites visited, files downloaded, time spent on the Internet, and related information. Department Heads may receive reports of such information and use it to determine what types of Internet usage are appropriate for their department's business activities.

Tioga County routinely uses technology to prevent users from connecting to certain non-business web sites. Workers using Tioga County computers who discover they have connected with an

inappropriate web site that contains sexually explicit, racist, violent, or other potentially offensive material must immediately disconnect from that site. The ability to connect with a specific web site does not in itself imply that users of Tioga County systems are permitted to visit that web site.

Tioga County strongly supports strict adherence to Intellectual Property rights, copyright law, and software vendors' license agreements. Download and use of copyrighted software in a manner that violates the license agreement and without permission are prohibited. Tioga County employees should assume that all materials on the Internet are copyrighted unless specific notice states otherwise. When information from the internet is integrated into internal reports or used for other purposes, all material must include labels such as "copyright, all rights reserved" as well as specific information about the source of the information (author names, URL's dates, etc.). Reproduction, forwarding, or in any other way republishing or redistributing words, graphics, or other materials must be done only with the written permission of the author/owner.

H. Acceptable Use – VPN (Virtual Private Network) or other Remote Access

VPN access may be provided to employees, contractors, business partners, and members of other agencies based on demonstrated need and job function as approved by the Department Head. VPN Access is to be used only to support County government business and all the general provisions of the General Acceptable Use policy stated above apply to all VPN use. VPN Access will be granted by ITCS upon written memo from the Department Head. Employees may be granted VPN access during business hours if they are working from a remote site, such as a school or conference.

I. Acceptable Use – Cellular Phones and Other Wireless Devices

Tioga County may provide employees with cell phones, smart phones and other appropriate mobile and wireless devices, when necessary for the performance of their County duties.

Cellular phone service, like other means of communication, is provided for the sole purpose of supporting County business operations

Employees are required to reimburse the County for personal use. Employees must understand that unreimbursed personal use of County Cell Phones may be audited by the IRS and be reportable as income.

Employees shall 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.

Department Heads must review all cellular telephone statements for compliance with this policy. Any use not in accordance with this policy may result in disciplinary action, up to and including termination of employment, in addition to reimbursement to the County for all costs associated with non-compliance.

Cellular phones or other mobile devices shall not be used while operating a motor vehicle.

Smartphones and other mobile devices will be password protected.

J. Working from Home or Other Remote Sites

The scope of this section does not indicate working from home is authorized for any particular employee, and only discusses the precautions and steps that must be employed if authorization is given or allowed through a separate policy.

Laptop computers and mobile devices such as tablets, smart phones or other devices, hereafter referred to as mobile devices, as well as Remote Desktop access services may be provided to employees based on demonstrated need and job function as approved by the Department Head. This includes but is not limited to employees whose positions involve on-call duties, employees who during the normal course of employment perform their duties away from their assigned workspace, and employees who have demonstrated a need to be in contact with their office via email and other communication interfaces. County business should always be conducted on County-issued computers or devices approved for use by ITCS. Users should never use personal computers to conduct County business except through County authorized tools or mechanisms.

Mobile devices, like other means of communication, are to be used only to support County government business. Employees may use mobile devices 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 shall not use mobile devices for illegal, disruptive, unethical or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interests of Tioga County.

User identification and passwords must be enabled and used on all Mobile devices and mobile computing devices in accordance with County policy. Access codes must be protected and will be required to be changed in accordance with Tioga County's Password Policy. Mobile devices will be either turned off or locked when not in use.

Users shall avoid leaving mobile devices in situations that increase the risk of theft and never leave mobile devices unattended or unsecured. If the mobile device is stolen, you must immediately report this to your supervisor who will inform the appropriate Department Head, ITCS and appropriate law enforcement authorities.

Mobile devices will not be used while operating a motor vehicle. Employees must take every effort to ensure the safe usage of mobile devices.

Employees must take every effort to ensure the security, safety and maintenance of the mobile device. Any unreasonable use, abuse, neglect, or alterations of mobile device equipment may result in the loss of computing privileges. Misuse of mobile devices will result in appropriate disciplinary action up to and including termination of employment.

Users are required to immediately report any problems with their mobile devices to Information Technology Helpdesk at extension 8294. Any attempt by employees to dismantle or repair their machines or to install modifications themselves may invalidate the manufacturer's warranty.

It is mandatory for all County users of mobile devices to copy or move all data files stored on the hard drives to the network so they will be backed up according to the critical nature of the data. It

is the policy of the County that no user or County data be stored on mobile devices, and instead be stored and accessed from County servers. An exception shall be made for circumstances such as travel outside the County network where access to specific local files is necessary (e.g. presentation on mobile device for out of area court appearance.) Upon return, the user must delete those locally stored files from the computer.

No personal hardware or software is allowed to be loaded on the Mobile Device. All equipment and software of any kind is the sole property of Tioga County.

Failure to comply with this policy may result in discipline, up to and including termination.

K. Remote Office Security

Before approval for working at home or telecommuting is granted, a user's Department Head must review the security environment of the proposed working environment through employee interview or onsite evaluation. If the user works with sensitive information, a shredder must be employed. If sensitive information will be stored in paper form, locking furniture or a safe must be available. Users must also make sure that their files will be remotely backed-up over the network or that they will have appropriate remote systems to perform their own backups.

The security of Tioga County information and physical property at remote locations is just as important as it is in the office. All the same security requirements apply at remote locations, although they may be implemented in different ways. For example, paper-based Confidential and High Risk information must be locked up when not in active use. In Tioga County offices, a file cabinet might be used, but on the road, or at home, a locking briefcase might be employed.

L. Handling of Sensitive Information

In general, sensitive (Confidential, High or Moderate Risk) information, regardless of whether it is in paper or electronic form, should not leave Tioga County offices. If it is necessary to remove sensitive information from Tioga County offices - e.g., a court hearing - this information must be protected as appropriate for the type of media. Sensitive data may only be removed from County premises when it is encrypted and securely locked.

M. Security Incident Reporting Procedure

Users shall report all suspicious activities, social engineering attempts, anomalous behavior of equipment, systems or persons, virus activity, and any unusual occurrences to their department supervisor immediately. The department supervisor shall report this information to the ITCS department and the County Information Security Officer. The Information Security Officer and the ITCS department will conduct an investigation as required by the nature of the incident and will document their findings and report back to the department supervisor within ten business days. ITCS and the Information Security Officer will contact law enforcement agencies if their investigation warrants it.

N. Workstation Security

1. General

Workstations are a gateway to secure network storage, printing, applications and other services. Data shall never be stored on individual workstations. Workstations are not backed

up and may be removed, replaced or erased and reconfigured at any time by ITCS without prior notice. End users are responsible for ensuring that all data resides on appropriate network resources and that no data is stored on their individual computer. All data must be stored on either Home Folders, Shared Folders, or other applicable network storage devices.

No network devices, including but not limited to computers, hubs, switches and routers, and wireless devices shall be attached to the Tioga County network unless they have been approved in writing by the ITCS department. Moreover, only members of the ITCS department or approved contractors may attach network devices to the Tioga County Network. Users may not bring workstations or other devices from home and attach them to the network unless approved in writing by the ITCS department.

All workstations must have county-approved virus protection software on them, configured in accordance with the current Malicious Software Policy.

Workstations shall be stored in controlled access areas, or in areas where there is minimal probability of unauthorized personnel viewing screens or data. When workstations must be stored in public areas, screens shall be turned away from public view. When this precaution is not possible, covers will be installed in order to preclude passerby access to High Risk and Confidential information. When a user leaves his or her work area or office for any period of time, the user must place the desktop in a password-protected "locked" state.

2. Removable Media

Considering federal and state regulations on information security, use of rewritable media including but not limited to flash drives, diskettes, DVDs and CDs is strongly discouraged. Users shall not utilize personal removable media devices in County computer systems.

Media not intended for redistribution must be formatted before being discarded according to applicable regulations.

3. Media Disposal

Media containing County Information Assets, including but not limited to floppy disks, CDs, hard drives, flash drives, and other removable media will be treated in accordance with applicable state and federal statute or regulation. When media is no longer required, it will be turned over to ITCS for proper disposal.

Hard drives from workstations must be turned over to Buildings and Grounds/Public Works by ITCS to go through a certified, approved destruction process. ITCS shall document and maintain a record of receipt and disposition and will provide copies to the responsible parties.

4. Media Reuse

If media is to be reused or redistributed, the user or ITCS must repartition and format the media. If a department has determined a need for the use of rewritable media and the media is coming from a source outside the County network, the media must be scanned for malware prior to using any information on the media.

5. Data Backup and Storage

Before being edited, or before performing upgrades, or before moving County equipment that holds County data, all data shall be backed up in order to create and preserve a retrievable, exact copy of the data.

O. Printing

When users are printing High, Moderate risk or Confidential data they shall take precautions to ensure that their privacy and security are protected. Examples of this include:

- Stand by the printer while the job is printing.
- Immediately remove the documents from the printer.
- Print to a printer/copier mailbox and release the print job when standing at the printer/copier.
- Print to a printer/copier in a secure area.
- Lock file cabinets and records rooms that contain High Risk and Confidential Data when unattended and/or during non-business hours.

P. Data Restoration

End users who require restoration of data shall inform their supervisor and the ITCS department immediately. They will provide ITCS with as much information about the data, including the location and the approximate date and time of deletion. Depending on the circumstances, the data may or may not be available for restoration.

VI. Audience – Department Heads \ Supervisors

A. Authorization and Supervision

Department Heads are responsible for the authorization and supervision of employees who work with High and Moderate Risk or Confidential information within their departments. Department Heads must ensure that the relevant procedures described in this policy are followed in order to mitigate the risk of unauthorized use or release of High and Moderate Risk or Confidential Data.

B. Workforce Clearance Procedures

The County shall conduct background checks, of the following current and prospective County employees:

- All full-time and part-time employees, except elected officials and employees of the Tioga County Board of Elections, hired after 1/1/2016.
- All temporary and seasonal employees, except employees of the Tioga County Board of Elections, hired after 1/1/2016 who may have access to High Risk or Confidential Information.
- All current employees of the Personnel and ITCS Departments, except employees hired before 1/1/2016 who are represented by CSEA.

Nothing in subparagraph (1) above shall preclude a Department Head from conducting such other background checks of current and prospective County employees as may be required by law or internal department policy.

C. Termination \ Separation Procedures

The Department Head shall notify the Personnel Office when an employee is to be terminated or otherwise separated from County employment. Upon receipt of such notification, the Personnel Office shall notify ITCS. ITCS shall secure the employee's data by whatever means necessary and appropriate under the circumstances, including moving the data, locking or deleting the employee's system accounts, redirecting or deleting the employee's phone extension and voice mail, and/or securing or deleting the employee's email box. The Department Head may request specific actions be taken via a service ticket.

D. Access Authorization, Establishment & Modification

The access authorization process for employees and contractors will be initiated by an employee's department in a service ticket or e-mail describing the level of access, group membership, and other appropriate information needed to grant access. Authorization will be granted by the department head or alternatively by the ITCS Director. The privileges granted remain in effect until the worker's job changes or the worker leaves Tioga County, or until the department otherwise notifies ITCS of a change. If any of these events takes place, the department head must immediately notify the ITCS Department.

E. Departmental Security Training

Each County Department is required to hold, at a minimum, annual training for their users concerning the management of Information Security. It is the responsibility of the individual Department Head to ensure that this training takes place and records are maintained concerning the scope of the training as well as documentation of those employees that attended the training.

ITCS shall sponsor County-wide annual security training for the County Staff that employees are required to complete once per calendar year. Attendance at this training can be used as proof of compliance with the departmental security training requirements.

F. Business Associate Agreement

All Covered Entities and Business Associates (as the terms are defined by HIPAA) within the County are required to have in place a current, HIPAA compliant Business Associates Agreement (BAA) with any and all vendors, contractors, subcontractors, consultants, non-county agencies or other service providers who are their Business Associate. The BAA must address specific compliance issues in keeping with all New York and Federal statutes, rules and regulations. Each BAA must be approved by the County Attorney prior to execution. Department Heads shall consult with the County Attorney to ascertain whether their department is a Covered Entity or Business Associate.

In some instances, County Departments are Business Associates (defined in Definitions above) of Non-County Covered Entities. In the event a County Department is asked to enter into a BAA with a Non-County Covered Entity, the BAA must be reviewed and approved by the County Attorney prior to execution.

Any County Department that is either a Covered Entity or Business Associate, as those terms are defined by HIPAA, shall maintain a current list of all BAAs entered into by their department and shall ensure that said BAAs are kept current.

It is the responsibility of the Department Head of the County Covered Entity or Business Associate to ensure that the requirements of this section are met.

G. Application Level Authentication, Logging and Integrity Controls on High Risk Data
Individual department heads with applications that contain or store High Risk data are responsible for monitoring the security and logs of their applications and must record and document these activities. All department level applications must be password protected at the user interface and must have password protection at the database and file level. Departments with such application must have a written policy on log monitoring and management and must monitor the logs on a regular basis. This responsibility may be assigned to a staff member(s) who will take responsibility for the task. Department Heads must ensure that the data has not been altered by unauthorized personnel. All the policies that apply to the County network apply to individual applications.

H. Keys and Swipe Cards

Each Department Head shall determine the level of access, via key or swipe card, that each employee within his/her department may have to County facilities within the Department Head's authority and control. NOTE: Certain County employees/contractors, such as IT, Buildings and Grounds and cleaning Staff and the Tioga County Safety Officer, are entitled to such access to County facilities as is required to perform their job functions.

Upon an employee's separation from County employment, the Department Head shall:

- collect all swipe cards and keys issued to the employee; and
- return all keys to the Buildings and Grounds Department; and
- terminate swipe card system access.

Each department shall maintain a written record of the names, dates and times of all swipe card assignments and changes in access permissions.

The Buildings and Grounds Department shall maintain a written record of the names, dates, and times of all key assignments, the changes to all locks and the repairs to all doors.

I. Solicitation

Solicitation is any form of requesting money, support or participation for products, groups, organizations or causes. Tioga County employees, contractors and volunteers are not allowed to use any electronic device, network or social media owned by Tioga County. The exception is any pre-approved solicitation such as United Way.

VII. Audience – ITCS Department

A. Data Network Configuration

1. Firewalls

All county-owned computers and networks shall be protected by a physical or virtual network firewall to prevent intrusion, theft, or breach.

2. Time Synchronization

All network devices and phones attached to the Tioga County network shall have their internal clocks synchronized with a single time source, maintained by ITCS.

3. Passwords

Passwords shall be at least 8-12 characters in length consisting of upper and lower case alphabetic characters, numbers, and punctuation characters. Where systems support it, this minimum length shall be enforced automatically. Passwords shall be changed at a minimum of every 365 days and the password history shall be maintained for the last 8 passwords.

4. Automatic Logoff & Screensavers

Screen Savers shall be configured to activate after 10 minutes of inactivity so that High Risk and Confidential information is not visible during periods of user inactivity. System policy shall be configured to automatically log-off users after 8 hours of inactivity, when possible.

5. Login Banners

When logging in to a workstation or any other Information Systems device in Tioga County, the device will display a login banner reminding users of their responsibilities to be familiar with County Information Security Policies and of their responsibility to help maintain the security of Tioga County's information assets, if supported by the device. The banner states: *Computer Systems Access This device is a part of the Tioga County, New York computer network. Usage of this device is governed by the Comprehensive Information Security Policy, found in Section VIII of the County Employee Handbook. Unauthorized use prohibited.*

6. Protection from Malicious Software

All Tioga County devices are required to have appropriate protection from Malware installed and configured for centralized management and reporting. Tioga County ITCS shall provide and configure network-level software and policies that monitor malware.

7. Login Monitoring

Login banners shall display Last Login information whenever a user logs into a County device when possible.

8. Server and Network Infrastructure Device Security

Servers shall be placed in locked rooms that have access limited to authorized personnel only. Administrative access to servers will be strictly limited to members of the ITCS department, approved contractors, software vendors, and in rare cases, super users in individual departments. When possible, servers will be placed so that only ITCS members and IT contractors have access to them. Because of privacy and security requirements, users who are

neither ITCS members nor approved contractors will not receive administrative-level permissions.

Server desktops shall remain logged out at all times unless a member of the ITCS staff or a contractor is working on the server. When administrative tasks are complete, the operator will log out immediately.

When remote access to servers is required, members of the ITCS Department will use only approved, encrypted communications for these sessions. Approved, encryption methods include the use of the Cisco Any Connect Client and RDP access to County facilities from remote sites.

9. Server File System Security

With the exception of HOME folders, only Active Directory Domain Global Groups shall be used to apply security to server resources on Tioga County servers. Individual user objects shall never be assigned access to any folders or other shared server resources.

10. Workstation System Security

User privileges on a workstation shall be assigned at the lowest level possible. Initially, the user's workgroup shall be assigned *Domain User* access. However, some applications will not work properly unless the user has a higher level of privileges. If this has been demonstrated to be the case, the user shall be granted the lowest level required for applications to work properly. At the discretion of the Department Head and with authorization from the Director of ITCS, users may be assigned administrative privileges to their workstations.

Workstations shall be configured to allow Remote Desktop and Virtual Network Computing (VNC) access to the workstation and shall be configured so that authorized support personnel can login in order to provide technical support.

B. Network Folder Configuration

1. Home Folders

Users who are assigned network accounts will receive a HOME directory (folder) for storage of their daily work. Only the individual user and the ITCS department will have access to HOME folders.

2. Shared Folders

Users shall be assigned access to shared folders in accordance with departmental or workgroup requirements as directed by the user's supervisor. Shared folders are for the purpose of allowing entire workgroups or departments to share data. Requests for special workgroups or cross-departmental workgroups should be referred to the ITCS department.

3. Application Folders

Users shall be assigned access to shared folders in accordance with departmental or workgroup requirements as directed by the user's supervisor.

C. Network Intrusion, Virus or Malicious Software Outbreak

Should a network intrusion, virus or malicious software outbreak be suspected, ITCS will take the following steps:+

- Record and Capture any necessary system information
- Backup, isolate, and shut down (if necessary) the compromised system
- Search other systems for signs of intrusion or infection
- Secure and examine logs
- Identify how the intruder gained access, if applicable
- Identify what the intruder did, if applicable
- Collect and preserve evidence
- Contact Law Enforcement (if necessary)
- Identify and implement new security features or procedures to protect from a recurrence of a similar intrusion
- Provide a ~~post-mortem~~ report to the Information Security Officer that details the identified issue, what steps were taken to address it, and progress on eliminating the threat from the network until completion

D. Data Backup Plan

End users are responsible for ensuring that all County data is stored on county file servers. The ITCS Department is responsible for backing up and restoring data on servers and is responsible for ensuring the confidentiality, integrity, and availability of the County data that is stored on servers. To that end:

- All servers shall be fully backed up at least once a week and backup images will be maintained for at least 30 days.
- All servers shall be incrementally backed up every business day. However, daily full backups are preferred, when possible.
- At least two sets of full backups shall be maintained off-site and rotated weekly.
- An ITCS staff member shall review all server backup logs daily and will record the status of backups on a daily checklist/report.
- At least once a quarter, a member of the ITCS staff will perform a random test restoration of data from backup media in order to ensure the integrity of the backups.
- For automated backups, a backup user will be created. Backups will not be performed under the Administrator account.
- A record of backups will be kept by ITCS for review.

Backups of data must be handled with the same security precautions as the data itself. When systems are disposed of, or repurposed, data must be certified deleted or disks destroyed consistent with industry best practices for the security level of the data.

E. Disaster Recovery and Emergency Mode Operation Plans

The Tioga County Emergency Management Office maintains a County-wide disaster recovery document, known as a Continuity Of Operations Plan (COOP.) The COOP plan covers key elements of physical disaster recovery operations for County departments including:

- How the department will conduct business during an emergency.
- The key resources that are required for emergency operations and enumerate how those resources will be provided.
- The backup location(s) where the department will conduct operations.
- How the department will contact key personnel in an emergency.
- How the department will disseminate information during an emergency.
- Enumerating a timeline for the reconstruction of normal operations

The ITCS Department maintains a Data Disaster Recovery Plan that addresses the following IT and data-specific disaster needs:

- Identifying the configurations of key County IT infrastructure.
- Enumerating and ranking the most likely failures or disasters that can occur.
- Documenting action plans for mitigating the identified potential disasters.

The Director of ITCS will be provided with a County-wide master key that allows access to all facilities with IT assets that may require physical access or intervention by an IT staff member.

F. Disaster Testing and Revision Procedure

Tioga County shall establish a Data Disaster Recovery Workgroup consisting of, at minimum, representative(s) from ITCS, the Information Security Officer, and representative(s) from the Emergency Management Office. This group shall annually conduct a review, with key departments, of the processes the County intends to follow in a disaster. This group is responsible for annual testing and review of the Data Disaster Recovery Plan no later than March 15th. A report of the testing and review, along with recommended remediation shall be presented to the County Legislature no later than June 30th. The group is responsible for ensuring that all remediation is performed no later than December 31st annually.

During testing of the Data Disaster Recovery Plan, the Data Disaster Recovery Workgroup will annually review processes and procedures taking into consideration the relative importance of critical systems and data.

G. Determining Data Criticality

Tioga County shall have a formal process for defining and identifying the criticality of its computing systems and the data contained within them. The responsibility for this process lies with the Disaster Recovery Workgroup. The prioritization of Tioga County information systems must be based on an analysis of the impact to Tioga County services, processes, and business objectives if disasters or emergencies cause specific information systems to be unavailable for particular periods of time. The criticality analysis must be conducted with the cooperation of the Legislature, department heads, and owners of Tioga County information systems and business

processes. The criticality analysis must be conducted as part of the annual disaster testing and revision procedures

At a minimum, this process will include:

- Creating an inventory of interdependent systems and their dependencies.
- Documenting the criticality of Tioga County's information systems (e.g. impact on users of Tioga County services).
- Identifying and documenting the impact to Tioga County services, if specific Tioga County information systems are unavailable for different periods of time (e.g. 1 hour, 1 day).
- Identifying the maximum time periods that County computing systems can be unavailable.
- Prioritizing County computing system components according to their criticality to the County's ability to function at normal levels.

H. Critical Systems, Applications and Data

1. General

During an emergency, operations and data should be restored within 72 hours.

ITCS will utilize the following classifications and definitions to identify other critical systems, application and data:

a) Safety Critical Systems & Applications (SCS)

A Safety Critical System or application is a computer, electronic or electromechanical system whose failure may cause injury or death to human beings. Downtime is unacceptable and appropriate measures, such as redundant systems are required.

During an emergency, these systems will receive the highest priority and will be restored as quickly as possible.

These systems shall maintain uptime of 99.7% or better.

b) Mission Critical Systems & Applications (MCS)

A computer, electronic, or electromechanical system whose failure would cause grave financial consequences is considered to be a *Mission Critical System or Application*. Downtime during general business operations is unacceptable. However, downtime during an emergency or disaster is acceptable if the system resumes operations within a period of 48 hours after the emergency is over.

These systems shall maintain uptime of 99% or better.

c) Core Systems & Applications (CS)

A computer, electronic, or electromechanical system whose failure would cause operational difficulties, increased workload, and inconvenience to staff and clients.

These systems shall maintain uptime of 98% or better.

d) Standard Systems and Applications (SS)

During an emergency, standard systems and applications should be restored within 96 hours.

2. Emergency Access Procedures for Critical Systems and Data

ITCS shall maintain a database of all applications in use by Tioga County employees and rate the applications according to the priority of restoration that will be required in the case of a disaster or interruption of operations.

Table of County Systems and Classifications

Type of System	System or Application
Safety Critical Systems (SCS)	911 Center Telephone Systems and Radio System
Mission Critical Systems (MCS)	I5 Series, Accounting and Financial Systems, Core Network Equipment
Core Systems (CS)	Infrastructure devices and systems
Standard Systems	County File Servers

I. Maintenance Windows

ITCS requires a maintenance window on all equipment that it maintains. The maintenance window will be in keeping with the system uptime standards. Routine maintenance will be announced and coordinated with the affected department.

J. Access Control

± User Identification (User IDs)

Each User shall be assigned their own unique userid id. This userid follows an individual as they move through the County. It shall be permanently decommissioned when a user leaves Tioga County; re-use of userids is not permitted. Userids and related passwords must not be shared with any other individual (Users should instead utilize other mechanisms for sharing information such as electronic mail, shared folders, etc.). Userids are linked to specific people, and are not associated with computer terminals, departments, or job titles. Anonymous userids (such as *guest*) are not permitted unless mitigative controls are in place.

2. Encryption

Electronic High Risk data must be encrypted whenever being transported outside of County facilities on removable media.

K. Audit Controls

All County file servers and core network devices such as firewalls and routers shall have logging enabled and the logs shall be sent to a central log server maintained by ITCS. At a minimum, the following types of events shall be logged:

- Logon/Logoff Events
- Account Lockouts
- Logon/Logoff Exceptions
- Authority and Permission Changes
- Privilege use and elevation.

ITCS shall monitor the logs daily and will immediately report anomalous behavior to the Information Security Officer.

L. Data Transmission & Encryption Policy

High Risk and Confidential data must be encrypted during transmission over non-secure channels, abiding by the following definitions and conditions:

- A non-secure channel is defined as any public network, including but not limited to the Internet.
- The Public Switched Telephone Network is considered to be a secure medium (i.e. faxing and telephone calls on a landline).
- Tioga County Employees are not permitted to encrypt or apply passwords to data unless it is for the purpose of transmission over a non-secured channel.

Tioga County ITCS will provide services and training to end users for the secure, encrypted transmission of data and will provide detailed documentation for these services to County employees.

M. Information Retention

County Information Assets, including archival backups, must be retained in accordance with applicable federal and state statute, including the *Records Retention and Disposition Schedule CO-2, Section 185.13, 8NYCRR (Appendix J)*. Where permitted by statute, documents will be scanned, indexed, and retained in electronic format as a substitute for original documents. Document imaging will be performed in accordance with the *New York State Archives Imaging Production Guidelines (2014)*.

N. Security Training

Annual Security Training (as referenced in section VI (E)) shall be performed by members or designees of the ITCS department. ITCS shall maintain responsibility for the content and coordination of these training sessions each year.

O. Policy Changes

ITCS department will notify all users, including employees and shared services, of any policy and training changes or notifications.

VIII. Audience – Information Security Officer

A. Duties and description of an Information Security Officer

The County shall appoint an Information Security Officer (not a member of ITCS) who is responsible for implementing and monitoring a consistent data security program. The Information Security officer shall:

- Review the Information Security Policy on an annual basis for both accuracy and to ensure continued HIPAA compliance. If changes in policy are necessary, those changes shall be submitted for review and approval by the Legislature with the report.
- Coordinate every two years a Risk Assessment that may be conducted by an external consultant. The Risk Assessment will review current security policies, the County's compliance therewith and identify any deficiencies. The results of the Risk Assessment will be used to create a Risk Assessment Report that shall be submitted to the Legislature for review and approval. The assessment will be conducted every two years and results will be presented to the Tioga County Legislature about twelve weeks after.
- Create a *Risk Mitigation and Management Plan* from the results of the Risk Assessment and present to the Legislature for review on or about 16 weeks from the date of the Risk Assessment. This plan will suggest remedies and solutions for deficiencies identified in the Risk Assessment. These deficiencies will be remedied or a Legislature-approved plan prepared to address the deficiency by, on or about 24 weeks from the date of the Risk Assessment. The Information Security Officer is responsible for ensuring that risk mitigation is assigned to appropriate parties and completed within a reasonable amount of time.
- Take responsibility for the prevention, detection, containment, correction and any and all reporting protocols, including any applicable statutes.
- Participate in tabletop Emergency Response exercises as outlined in this policy.
- Work with the County Attorney to investigate information security breaches; ensure compliance with any and all reporting protocols required by the applicable statutes, rules and regulations and County policies; ensure that corrective measures and procedures to prevent, detect and contain future information security breaches are implemented. Monitor information security activities and oversee the application of specified security procedures.
- Assist personnel in assessing data to determine classification level.
- Ensure the County conducts annual information security training for all departments.

Legislator Sullivan spoke. "I just want to say this is a fairly new policy. The Information Security Officer was put in place to manage this activity. We went through our first audit two years ago and we expected this policy would continue to change. This is the first big reiteration of the policy since that audit and the other things we put in place as a result of the audit findings."

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 152-20 *RATIFY COLLECTIVE BARGAINING AGREEMENT
(TCCA/NCEU)*

WHEREAS: Tioga County and the Tioga County Corrections Association/National Corrections Employees Union have been negotiating a successor agreement to the 2017-2019 collective bargaining agreement; and

WHEREAS: The parties reached agreement on a contract for the period June 24, 2020 - December 31, 2022; and

WHEREAS: The TCCA/NCEU members ratified the agreement at a vote on July 7, 2020; therefore be it

RESOLVED: That the County Legislature hereby ratifies the 2020-2022 collective bargaining agreement; and be it further

RESOLVED: That the Chair of the Legislature, along with the Sheriff, is authorized to sign the Agreement as a joint employer; and be it further

RESOLVED: That the County Legislature does hereby agree to implement the funds necessary to carry out the terms and provisions of said contract.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 153-20 *CREATE AND FILL POSITION
PART-TIME PUBLIC SAFETY DISPATCHER
SHERIFF'S OFFICE*

WHEREAS: Legislative approval is required for the creation of new positions and position reclassifications; and

WHEREAS: The Sheriff has identified a need to create and fill a part-time Public Safety Dispatcher to help curtail overtime costs incurred due to staff turnover; and

WHEREAS: There is sufficient funds in account A3110.510020 to fund this position; therefore be it

RESOLVED: That the Sheriff be authorized to create and fill one part-time Public Safety Dispatcher position at a rate of \$17.40/hour effective July 15, 2020; and be it further

RESOLVED: Said position will increase the part-time headcount from 7 to 8.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 154-20 STANDARD WORK DAY AND
REPORTING RESOLUTION

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
Appointed Officials						
Assistant Public Defender	Brad Helmetsie	7	01/13/20 – 12/31/21	N	6.88	

I, Cathy A. Haskell, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the fourteenth day of July, 2020 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this fourteenth day of July, 2020.

Tioga County Legislative Clerk

Affidavit of Posting: I, Cathy A. Haskell, being duly sworn, depose and say that the posting of the resolution began on July 14, 2020 and continued for at least 30 days. That the resolution was available to the public on the

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

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting adjourned at 12:59 P.M.

Fifth Special Meeting
July 16, 2020

The Fifth Special Meeting of 2020 was held on July 16, 2020 and was called to order by the Chair at 11:00 a.m. Seven Legislative members participated with Legislators Balliet, Sauerbrey and Standinger present and Legislators Hollenbeck, Mullen, Sullivan, and Weston participating via Zoom call with Legislators Monell and Roberts being absent.

Chair Sauerbrey asked Legislator Sullivan to have a moment of prayer. “Dear Lord, we thank you for all the blessings you have given us and to all our residents. We ask that you continue to watch over all of us and guide us in all we do, especially in times of difficulties and challenges.”

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

There were two people in attendance.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 155-20

*AMEND RESOLUTION NO. 139-20;
HOME RULE REQUEST IN SUPPORT OF
S.7618-A/A.10713-A: AMEND COUNTY LAW AND
TAX LAW, IN RELATION TO AUTHORIZING THE
COUNTY OF TIOGA TO IMPOSE AN ADDITIONAL
SURCHARGE TO PAY FOR COSTS ASSOCIATED
WITH UPDATING THE TELECOMMUNICATION
EQUIPMENT AND TELEPHONE SERVICES NEEDED
TO PROVIDE AN ENHANCED 911 EMERGENCY
TELEPHONE SYSTEM AND PROVIDING FOR THE
REPEAL OF SUCH PROVISIONS UPON EXPIRATION
THEREOF*

WHEREAS: The Tioga County Legislature approved the Home Rule Request in support of Senate Bill S7618 and Assembly Bill A10713 with Resolution No. 139-20 adopted on July 14, 2020; and

WHEREAS: Resolution 139-20 needs to be amended due to technical corrections of the 911 Bill; and

WHEREAS: Said amendment calls for the creation of new Bill numbers; Senate Bill S.7618-A and Assembly Bill A.10713-A; and

WHEREAS: The remainder of Resolution No. 139-20 remains intact as follows, reflecting the new Bill numbers:

WHEREAS: The current County of Tioga Enhanced 911 Emergency Telephone System is in need of updating; and

WHEREAS: State Legislative authority is needed to amend the current County Law by adding section 337 authorizing and empowering Tioga County Legislature to adopt, amend or repeal local laws to impose an additional surcharge per access line for the costs associated with obtaining, operating and maintaining an enhanced 911 system; and

WHEREAS: State Legislative authority is needed to amend Section 186-g of the Tax Law, paragraphs (b) and (c) of subdivision 2, as separately amended by chapters 120 and 711 of the laws of 2019, to impose a surcharge on each wireless communications device; and

WHEREAS: The additional imposed surcharges will pay for costs associated with obtaining, operating, and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve Tioga County; therefore be it

RESOLVED: That the Tioga County Legislature hereby requests the enactment of Senate Bill number S.7618-A and Assembly Bill number A.10713-A entitled "An Act to amend the County Law and the Tax Law, in relation to authorizing the County of Tioga to impose an additional surcharge to pay for the costs associated with updating the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such county; and providing for the repeal of such provisions upon expiration thereof.

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Mullen, Sauerbrey, and Standingier.

No – None.

Absent – Legislators Monell and Roberts.

RESOLUTION ADOPTED.

The meeting adjourned at 11:02 A.M.

times, installation of various Plexiglas barriers between slot machines, upgrading their air filtration system, limiting hours and entrances, reducing capacity by 50% or more, temporarily eliminating table games, regular testing for employees, and more; and

WHEREAS: Tioga Downs Casino Resort and Vernon Downs have been closed and employees furloughed since mid-March 2020 creating an economic challenge for sustainability and a crippling economic impact on Tioga and Oneida Counties; and

WHEREAS: The owner of Tioga Downs Casino Resort and Vernon Downs issued a Worker Adjustment and Retaining Notification (WARN) indicating the closure of these businesses and termination of over 900 employees effective October 1, 2020 unless the State allows for re-opening; and

WHEREAS: Tioga Downs Casino Resort has generated over \$30 million each year in tax revenue for public schools and local governments over the last several years and over \$25 million each year for statewide school aid and millions more for Tioga County, the Town of Nichols and surrounding counties, including Broome County; and

WHEREAS: The Tioga County Legislature believes Tioga Downs Casino Resort and Vernon Downs will rise to the challenge, successfully thrive, and maintain all outlined precautionary measures upon State's approval for re-opening; and

WHEREAS: Tioga Downs Casino Resort is committed to supporting community non-profits through the creation of Tioga Downs Regional Community Foundation funded solely by owner, Mr. Gural, and serves Tioga, Broome, Chemung, and Bradford Counties with awarding \$1 million dollars annually to local not-for-profit organizations; and

WHEREAS: Mr. Gural believes strongly in the importance of giving back to the community, especially in times of need. Mr. Gural, along with Tioga Downs' employees, delivered food, water, and worked tirelessly to help families near the facility with cleanup efforts during the 2011 Flood. Most recently, contributing to those in need during the COVID-19 pandemic through the partnership with other local businesses providing meals to those in the Owego, Waverly, and Towanda areas all while his business remained shuttered; and

WHEREAS: Tioga Downs Casino Resort and Mr. Gural are part of our community and now is our opportunity to return the support to him and his businesses; and

WHEREAS: The Tioga County Legislature strongly supports Mr. Gural, Tioga Downs Casino Resort, and Vernon Downs Casino; therefore be it

RESOLVED: The Tioga County Legislature urges Governor Andrew M. Cuomo to re-open the NYS casino industry and allow Tioga Downs Casino Resort and Vernon Downs to re-open under the guidance of their submitted plan in an effort to preserve the local economy and workforce of these businesses; and be it further

RESOLVED: That this resolution be sent to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Congressional Delegation, the New York State Association of Counties, and all others deemed necessary and appropriate.

Chair Sauerbrey spoke. “We are well aware that the Governor’s hands are very busy working on opening schools. Schools are very important and we absolutely want our schools to open, but in the meantime, we want to draw the attention of the Governor that we need our casino to open. We are talking about hundreds of jobs; over 600 jobs at Tioga Downs and, including Vernon Downs, it is 900 jobs. We would like to get that part of our economy up and running because that benefits our schools, our sales tax income, and benefits the individuals who work there. That is the reason we are presenting this resolution today along with other community leaders across the Southern Tier.”

Legislator Sullivan spoke. “As I said in my opening prayer, we need to try and ensure public health and try to ensure that this County and this nation moves on. We have been very fortunate in Tioga County with the number of Coronavirus positive cases and the number of deaths and it is akin to a typical Influenza season. In reading through the steps that Tioga Downs has taken to social distance, etc. and, as the Chair of the Legislature has stated the importance of Tioga Downs in our County, for not only jobs, but also local economy revenue, I am definitely in favor of this resolution. Certainly, steps can be taken and if they do not work out they can be reversed, so I am going to support this resolution.”

Legislator Mullen spoke. “You look at the Governor’s states that he is not allowing people to travel to New York State without being quarantined for 14 days; I believe yesterday we were up to 31 states. Well, if we are doing so well in Upstate New York, people need some form of entertainment and these two casinos are in Upstate New York. We have 18 million people in New York State; let them vacation up here, let them come to Upstate New York and go to the racino. I know that at Tioga Downs when they opened the hotel the first year, Mr. Gural let his waterslide and pool area be open to the public for free so families could bring their children at no charge. That is the kind of individual we are talking about here. If you look at the numbers, \$ 30 million for tax revenue, \$25 million for school aid, these numbers are not easy for Tioga, Broome, Chemung, and Schuyler Counties to overcome. We are talking tens of millions of dollars for every single county and 900 jobs. I am very, very, supportive of this resolution and I am going to quote President Ronald Reagan ‘the best social welfare program is a

good paying job'. Put people back to work. That is what is needed. We can keep people safe, we can socially distance. The disease is real, but we also cannot let the cure be worse than the disease and we are teetering at that brink in Upstate New York."

Legislator Weston spoke. "If we qualify by what they say, I am all for it. He has done a good job up there at this particular time of getting us down off the top of the apex down to where we are. Somewhere that has to change in the favor of whomever is involved with it. I am in favor of this resolution for the County and everything else, but it is not really our decision. I hope that the decision he makes will go in our favor."

ROLL CALL VOTE

Yes – Legislators Sullivan, Weston, Balliet, Hollenbeck, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Monell, Roberts, and Standingger.

RESOLUTION ADOPTED.

The meeting adjourned at 10:08 A.M.

Public Hearing
Owego-Nichols Agricultural District #2
July 27, 2020

The Public Hearing on review of a proposed plan for continuation with modifications of Agricultural District #2 in the Towns of Owego and Nichols was called to order by Deputy Chair Hollenbeck at 1:20 P.M. Legislative members Hollenbeck, Roberts, Sauerbrey, Standinger, and Weston were present with Legislators Balliet, Monell, Mullen, and Sullivan being absent.

Staff members Megan Griffiths, Agricultural Development Specialist, Bill Ostrander, GIS Manager, and Cathy Haskell, Legislative Clerk were present.

There were no members of the public in attendance.

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

Megan Griffiths, Agricultural Development Specialist spoke. "This is the eight-year anniversary of the Owego-Nichols Agricultural District. This process started back at the end of February/beginning of March 2020 and, between Tioga County ED&P and GIS, outreach was done to all potential farmers and anyone who owns agricultural land in the District. Tioga County ED&P sent letters to all affected landowners regarding this public hearing.

"As of today, the number of acres in the District is 27,444. The number of acres in farms is 26,082, which is approximately 95% of the agricultural parcels in the District. There are 243 farms and the number of acres owned by farmers is 25,175. The number of acres of non-farmers is 903.

"Since the last review in 2012, there has been an addition of 1,158 acres and none were removed this year. There is an increase of 686 farms, as a result of adding five farming enterprises in the District.

"Maps are available here today with all the parcels from previous years with the addition of this year's information".

There being no public comments, the hearing was adjourned at 1:23 P.M.

Eighth Regular Meeting
August 11, 2020

The Eighth Regular Meeting of 2020 was held on August 11, 2020 and was called to order by the Chair at 12:00 P.M. Eight Legislative members were present with Legislator Sullivan being absent.

Chair Sauerbrey asked Legislator Weston to have a moment of prayer. "Dear Lord, we ask in your name to please slow down the four horsemen of the apocalypse and allow us time to help solve the quandary of problems that beset the world at this particular time."

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

There were 22 people in attendance.

Legislator Standinger read and presented the following Proclamations on Breastfeeding Awareness Month and Tioga County Public Health Employee Appreciation Day.

COUNTY OF TIOGA
EXECUTIVE PROCLAMATION

WHEREAS: Breastfeeding provides infants with a healthy start to life that lasts a lifetime; and

WHEREAS: Breast milk is known as the perfect food for infants, containing vital nutrients that protect against multiple diseases including, asthma, childhood leukemia, childhood obesity, and type II diabetes; and

WHEREAS: Research shows that if 90% of families exclusively breastfed during the first six months of life, nearly 1,000 infant deaths could be prevented annually; and

WHEREAS: According to 2018-2019 data, 17.2% of WIC infants were breastfed exclusively at least six months of age in Tioga County; and

WHEREAS: Most mothers want to breastfeed, but stop early due to lack of family support and resources including unsupportive workplace policies and cultural norms; and

WHEREAS: Acknowledging barriers faced by mothers that prevent them from breastfeeding is an important first step towards increasing rates in Tioga County and improving the health outcomes of our children; and

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of August as:

BREASTFEEDING AWARENESS MONTH

And urges families to seek support from community resources, such as Tioga County WIC and Tioga County Public Health, if they are struggling to breastfeed.

Legislator Standinger spoke. "With that being said, I would like to say that having three daughters they all are healthy and were healthy when they were young as a result of breastfeeding, I am sure. Maybe their dad helped a little bit, but it was their mom that made them healthy, so I think it is a good thing."

Laura Bennett, Public Health Educator spoke. "I would like to thank the Legislature for declaring August as Breastfeeding Awareness Month. Exclusively, breastfeeding is recommended for the first six months of a child's life and while we recognize that breastfeeding is not an option for every family, advocating for breastfeeding education and awareness is in the best interest of Tioga County's children. We can advocate for breastfeeding by normalizing the practice of it to show support for mothers, as well as referring them to community resources like WIC. So, once again, thank you for recognizing the importance of breastfeeding and the positive impact it has on maternal and child health."

Legislator Standinger spoke. "I am very happy to read this proclamation. All you folks out in the audience are primarily from the Public Health Department and I believe this is the result of your actions and ability to step up to the plate concerning this current pandemic. I do not agree with the way government has taken care of this situation, but nonetheless we have to abide by the rules that are dictated to us and I know you all have done that."

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: The first case of COVID-19 in New York State was confirmed on March 1, 2020 and the State quickly became the epicenter of the pandemic; and

WHEREAS: Tioga County, in conjunction with the Tioga County Public Health Department, declared a State of Emergency effective March 14, 2020 in response to the first positive case of COVID-19 identified in Tioga County; and

WHEREAS: Tioga County Public Health Department has taken aggressive steps to curb the spread of this virus by keeping our citizens well-informed and educated on the safety protocols; and

WHEREAS: Tioga County Public Health has worked tirelessly serving the citizens of Tioga County since the onset of this virus by monitoring and managing caseloads, working with families exposed or diagnosed with COVID-19, and contact tracing; and

WHEREAS: The citizens of Tioga County benefit from the knowledge, expertise, commitment, and dedication of the Tioga County Public Health Department that is working seven days a week to keep them informed and safe; and

WHEREAS: Public Health efforts alone cannot accomplish the goal of maintaining a healthier community without the cooperation of community partnerships and individuals doing their part by practicing social distancing, good hygiene, and wearing masks when social distancing cannot be attained; and

WHEREAS: Tioga County Legislature does publicly recognize, commend, and thank all the Tioga County Public Health Department employees for their swift responsiveness and tireless efforts to go above and beyond during the COVID-19 pandemic for the well-being of our citizens; therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate on behalf of Tioga County and its citizens August 11, 2020 as

TIOGA COUNTY PUBLIC HEALTH EMPLOYEE APPRECIATION DAY

in the County of Tioga, New York, and call upon all of its citizens to join with us in recognizing this Department's outstanding efforts during the COVID-19 pandemic.

Legislator Standinger spoke. "I know this is the first time we have had a pandemic with an illness, so it is a learning experience for everybody. I know the State and the Federal government have not done the right things as it came along, but I am assured that all of you did. You operated under conditions that were not ideal and you stepped up to the challenge. As Chair of the Health and Human Services Committee, I certainly appreciate the fact that everyone stepped up with grace and hard work and this is recognition for those efforts."

Lisa McCafferty, Public Health Director spoke. "I just want to say to everyone these are the folks behind all of this. These are the ones who have

made it happen for better or worse. They have some war stories they could share with you or not. I just want to give a big shout out to everyone. I cannot say enough for everything everyone here, and those who are not here with us today, have done on behalf of addressing this global pandemic.

Several of you recognize Kylie, as you see her all the time, but this is Jessica. You may or may not know, but Barb Bilbrey opted to go to Savannah, Georgia. Do not ask me why. But, these are the two gatekeepers of all this. Everything you have seen and heard is gone through Barb and Jessica. I just want to give a shout out and big round of applause to everybody in the audience.”

Kylie Holochak, Senior Public Health E spoke. “Good Afternoon, so as Lisa said, I am Kylie Holochak. I think most of you know me. I want to thank you for recognizing us today. I think I speak for the whole team when I say we really appreciate being recognized. It is hard to believe that it has been five months of this, but we truly are fortunate for the team we have and, again thank you so much for your support today.”

Chair Sauerbrey spoke. “So, before we move on to other business, I would like you all to stand together for a photo for Facebook. We have to let the community know how much we appreciate you.

But, let me just add this is an amazing team of people. Since March 14, 2020, when we were trying to figure out do we do a State of Emergency, do we close the schools, we had no idea what was going to happen. But, you all have done an amazing, amazing job and for a while, you were all working seven days a week. I just want you to know how much I appreciate all that you have done. I talk to one of you usually every day for one reason or another, but you are on the money and you respond quickly and I really appreciate it because you have done an amazing job.

Never having been through a public health emergency, been through two floods, which is a different kind of emergency that I received training, but never have I received training on a public health emergency. Everyone has done a great job and I learned a lot. Thank you very much.”

There was no privilege of the floor.

Legislator Roberts made a motion to approve the minutes of July 14, 16, 23, and 27, 2020, seconded by Legislator Mullen and carried.

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 157-20 *SET PUBLIC HEARING FOR
AGRICULTURAL DISTRICT #1
EIGHT-YEAR REVIEW FOR TOWNS OF
BARTON, CANDOR, SPENCER AND TIOGA*

WHEREAS: The Tioga County Legislature is reviewing a proposed plan for continuation with modifications of Agricultural District #1, which is comprised of enrolled and proposed new parcels in the Towns of Barton, Candor, Spencer, and Tioga; 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 Legislature's Office at 56 Main St. in Owego; therefore be it

RESOLVED: That a public hearing will be held on Tuesday, August 25, 2020 at 1:00 pm in the Town of Candor Hall, 101 Owego Road, Candor, NY. All interested parties will be heard by the Tioga County Legislature at this hearing.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING
COMMITTEE

RESOLUTION NO. 158-20 *SEQRA CONSIDERATION FOR NEW YORK STATE
OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION 2020-2021 SNOWMOBILE TRAILS
GRANT-IN-AID PROGRAM, PHASE II APPLICATION*

WHEREAS: All new or modified snowmobile trails must have a SEQRA Determination approved; and

WHEREAS: The trail changes for upgrades/reroutes to both segments of S21 and S57, for the Tioga Ridge Runners Snowmobile Club, as presented to NYSOPRHP are an Unlisted Action requiring Tioga County to consider the environmental significance of these changes; and

WHEREAS: A Short Form Environmental Assessment Form has been prepared for review by the Tioga County Legislature; now therefore be it

RESOLVED: That the Tioga County Legislature does hereby declare itself to be the Lead Agency and that it will undertake an uncoordinated review of the project; and be it further

RESOLVED: That the Tioga County Legislature has reviewed the Short Form Environmental Assessment Form, including the impact assessment, and has determined, based on the information and analysis set forth therein that the proposed action WILL NOT result in any significant adverse environmental impacts; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair to execute the Impact Assessment and the Determination of Significance of the Short Form Environmental Assessment Form and a Notice of Determination of Non-Significance (a Negative Declaration) in a manner consistent with this determination.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingger.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 159-20

*AUTHORIZE ACCEPTANCE OF FEDERAL CARES
ACT REIMBURSEMENT FOR BOARD OF ELECTIONS
AND AMEND BUDGET*

WHEREAS: The Tioga County Legislature in May 2020 authorized the Board of Elections to enter into a federal grant reimbursement contract for up to \$64,618.62 through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and Help America Vote Act (HAVA); and

WHEREAS: The contract was executed by all parties and a copy was received by Tioga County Board of Elections on June 29, 2020; and

WHEREAS: A revenue fund for Federal Aid-HAVA/COVID-19 must be created in the Board of Elections 2020 Budget to receive reimbursements from this grant; therefore be it

RESOLVED: That the Tioga County Board of Elections is authorized to accept up to \$64,618.62 reimbursement from the executed CARES Act/HAVA contract; and

RESOLVED: That funding be appropriated as follows:

From: A1450 440890-COV19 Federal Aid-Hava/COVID19 \$64,618.62

To: A1450 540490-COV19 Election Expense/ COVID19 \$64,618.62

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 160-20 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded additional funding from NYSDOH; and

WHEREAS: The funding is specifically designated for Public Health efforts toward COVID-19 in Tioga County; and

WHEREAS: The budget accounts will utilize Munis project codes for county-wide reporting of COVID-19 expenses and revenues; and

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

RESOLVED: That funding be appropriated as follows:

From: A4011 434011-COV19 Public Health: State Aid/COVID19 \$255,487

To: A4011 540487-COV19 Public Health: Supplies/COVID19 \$255,487

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 161-20 AMEND RESO 95-20
MODIFY 2020 BUDGET AND
TRANSFER FUNDS BACK TO
CONTINGENCY FOR COVID19
EMERGENCY SERVICES

WHEREAS: Resolution #95-20 requested a transfer of funds from the contingency account to the Emergency Services equipment account in the amount of \$15,000 for the purchase of equipment needed due to the Coronavirus Outbreak in Tioga County; and

WHEREAS: Said equipment totaled \$14,661.45 and will be reimbursed by Schuyler County through the HazMat Consortium Grant; therefore be it

RESOLVED: That the 2020 budget be modified to transfer funds back to the contingency account as follows:

FROM:	H3640.520130.COVID19 Equipment (Not Car)	\$15,000
TO:	A1990.540715 Contingency	\$15,000

And be it further

RESOLVED: That the 2020 budget be modified and funds be appropriated to the following accounts:

Expense Account	H3640.520130.COVID19 Equipment (Not Car)	\$14,661.45
Revenue Account	H3640.443050.COVID19 Federal Aid - DHSES	\$14,661.45

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE COMMITTEE LEGISLATIVE WORKSESSION
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RESOLUTION NO. 162-20	<i>BUDGET MODIFICATION OF 2020 ORIGINAL APPROPRIATIONS IN RESPONSE TO COVID-19 PANDEMIC</i>
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WHEREAS: In direct response to the COVID-19 pandemic and the State of Emergency declared in New York State, and the NY-Pause gubernatorial executive order designed to maintain social distancing and stop the spread of coronavirus, many businesses and entities have been closed for a prolonged period of time; and

WHEREAS: The closure of these business and entities have caused a situation in which Tioga County and other municipalities are experiencing significant

decreases in the amount of anticipated revenues for the 2020 Budget year from Sales Tax, Gaming Revenues, Occupancy Tax, State Aid, and other local fees for service; and

WHEREAS: The Tioga County Treasurer's Office and the Tioga County Budget Officer have estimated a potential loss of revenue between \$5 million and \$8 million for 2020 based on current revenue projections and impact report estimates from NYSAC and the New York State Comptroller's Office; and

WHEREAS: The 2020 Original Budget was already considered to be in deficit prior to the Coronavirus Pandemic, with the Tioga County Legislature authorizing \$2,977,482.82 to be earmarked as appropriated fund balance to close the budget gap for 2020; and

WHEREAS: On May 18th, 2020 the Budget Officer issued a COVID-19 Financial Response Plan to all Directors & Elected Officials and proceeded with an across the board Budget Cut of 10% of Original 2020 appropriations, not including Salary, Fringe, Mandated Services, or expenditures considered reimbursable by State and/or Federal Aid, and to submit said reductions to their office by June 5th, 2020 for review; and

WHEREAS: It is clear that Tioga County will face against significant and ongoing fiscal challenges due to the COVID-19 pandemic and loss of revenues, for which the Tioga County Legislature, Chair, Legislative Clerk, Treasurer, Budget Officer, and all Directors have worked tirelessly to keep aware of any and all new financial challenges that the County may face;

therefore be it

RESOLVED: That the Budget Officer for Tioga County shall make a one-time Budget Modification transferring budgeted appropriations out of the 2020 Budget for the total amount of \$1,552,210.91 and moving funds to newly established Contingency lines; and be it further

RESOLVED: That the amount of the Budget Cut will not include benefit reductions as Departments cannot access benefit lines and reductions in benefits related to reductions in salary amounts will be adjusted and reconciled at year-end by the Tioga County Treasurer's Office; and be it further

RESOLVED: That the amount of the Budget cut will be held in Contingency accounts tracked separately from Operating Contingency with a COV19 project code, and will allow at year end the amounts cut to drop back into fund balance, alleviating some of the burden of the Deficit Budget for 2020 and negative financial impacts associated with the COVID-19 pandemic; and be it further

RESOLVED: That the Chief Accountant for Tioga County shall create 4 new contingency accounts for each Fund being reduced so that the funds can not only be tracked, but with Legislative approval be drawn back out to cover necessary shortfall that departments may encounter within 2020:

A1990 540715 COV19	Contingency Transfers
B1990 540715 COV19	Contingency Transfers
D1990 540715 COV19	Contingency Transfers
H1990 540715 COV19	Contingency Transfers

And be it further

RESOLVED: That the following budgetary lines be modified and transferred to the appropriate contingency line as detailed:

FROM:

A1010 510010	Full Time	\$38,500	Legislative
A1165 540700	Transcripts	\$9,324	District Attorney
A1170 540140	Contracting	\$3,660	Public Defender
A1185 540390	Mileage	\$500	Medical Examiner
A1325 510010	Full Time	\$12,000	Treasurer
A1325 540140	Contracting	\$20,000	Treasurer
A1355 540180	Dues	\$140	Assessments
A1355 540731	Training/State	\$400	Assessments
A1355 540733	Training/Other	\$1500	Assessments
A1410 540320	Leased/Equip	\$600	County Clerk
A1410 540390	Mileage Expense	\$10	County Clerk
A1410 540420	Office Supplies	\$246	County Clerk
A1410 540480	Postage	\$200	County Clerk
A1410 540485	Printing/Paper	\$100	County Clerk
A1410 540520	Recording/Micro	\$150	County Clerk
A1410 540733	Training/Other	\$200	County Clerk
A1411 540320	Leased/Equip	\$125	DMV
A1411 540390	Mileage Expense	\$5	DMV
A1411 540420	Office Supplies	\$80	DMV
A1411 540480	Postage	\$325	DMV
A1411 540485	Printing/Paper	\$27.50	DMV
A1411 540733	Training/Other	\$100	DMV
A1420 520200	Office Equipment	\$200	Law
A1420 520210	Other Furniture	\$250	Law
A1420 540010	Advertising	\$200	Law
A1420 540040	Books	\$450	Law
A1420 540180	Dues	\$406	Law
A1420 540330	Legal Fees	\$3,232.50	Law

A1420 540390	Mileage Expense	\$100	Law
A1420 540420	Office Supplies	\$204	Law
A1420 540485	Printing/Paper	\$100	Law
A1420 540731	Training/State	\$300	Law
A1430 540140	Contracting	\$40,000	Personnel
A1430 540733	Training/Other	\$2,038.01	Personnel
A1450 520090	Computer	\$2,000	Elections
A1450 520130	Equip. (Not Car)	\$5,000	Elections
A1450 540733	Training (Other)	\$1,000	Elections
A1460 540390	Mileage Expense	\$40	Records Mgmt
A1460 540420	Office Supplies	\$50	Records Mgmt
A1460 540480	Postage	\$20	Records Mgmt
A1460 540485	Printing/Paper	\$25	Records Mgmt
A1460 540595	Services Rend.	\$100	Records Mgmt
A1620 540231	Heating Fuel	\$5,000	Buildings
A1620 540591	Sewer	\$3,000	Buildings
A1621 540443	Parking Lot Maint.	\$5,000	Buildings
A1680 540040	Books	\$275	Information Technology
A1680 540070	Car Maintenance	\$250	Information Technology
A1680 540140	Contracting	\$18,000	Information Technology
A1680 540180	Dues	\$150	Information Technology
A1680 540390	Mileage Expense	\$150	Information Technology
A1680 540480	Postage	\$50	Information Technology
A1680 540733	Training/Other	\$3,500	Information Technology
A2960 540590	Services Rend.	\$50,000	Handicapped Education
A2960 540710	Transport	\$200,000	Handicapped Education
A3110 510010	Full Time	\$14,176	Sheriff
A3110 540220	Automobile Fuel	\$17,850	Sheriff
A3140 520070	Chairs	\$400	Probation
A3140 520215	PPE	\$1,000	Probation
A3140 540070	Car Maintenance	\$1,050	Probation
A3140 540080	Clinic Supplies	\$900	Probation
A3140 540220	Auto Fuel	\$750	Probation
A3140 540220 RTA	Auto Fuel	\$730	Probation
A3140 540340	Literature	\$1,553.99	Probation
A3140 540360	Meals/Food	\$977.02	Probation
A3140 540390	Mileage Expense	\$78	Probation
A3140 540480	Postage	\$423.75	Probation
A3140 540590	Services Rend.	\$1,265	Probation
A3140 540630	Stationary	\$1,000	Probation
A3140 540731	Training/State	\$7,000	Probation
A3142 540140	Contracting	\$6,500	Alt. to Incarceration
A3142 540140 RTA	Contracting	\$1,908	Alt. to Incarceration
A3150 540360	Meals/Food	\$17,600	Jail

A3410 510020	Part Time	\$5,000	Fire
A3410 540144	EMS Instructors	\$2,500	Fire
A3640 540360 CO	Meals/Food	\$398	EMO
A4011 510010	Full Time	\$80,491	Public Health Admin
A4044 540487	Program Expense	\$46,000	Early Intervention
A4210 510010	Full Time	\$86,212	Alcohol & Drug
A4309 510010	Full Time	\$29,611	Mental Health Admin
A4310 510010	Full Time	\$202,614	Mental Health Clinic
A6010 510010	Full Time	\$65,000	Social Services Admin
A6010 520070	Chairs	\$463	Social Services Admin
A6010 520090	Computer	\$7,250.48	Social Services Admin
A6010 540010	Advertising	\$200	Social Services Admin
A6010 540070	Car Maintenance	\$2,000	Social Services Admin
A6010 540190	Ed. Reimburse.	\$1,500	Social Services Admin
A6010 540220	Auto Fuel	\$4,500	Social Services Admin
A6010 540350	Off. Eq. Maint	\$170	Social Services Admin
A6010 540360	Meals/Food	\$271.96	Social Services Admin
A6010 540370	Medical Expense	\$100	Social Services Admin
A6010 540390	Mileage Expense	\$150	Social Services Admin
A6010 540420	Office Supplies	\$4,000	Social Services Admin
A6010 540485	Printing/Paper	\$500	Social Services Admin
A6010 540640	Supplies (Not Off)	\$300	Social Services Admin
A6010 540733	Training/Other	\$5,000	Social Services Admin
A6510 540340	Literature	\$400	Veterans
A6510 540420	Office Supplies	\$291	Veterans
A8020 540140	Contracting	\$7,193.50	Planning
B8160 540140	Contracting	\$7,150.20	Refuse & Garbage
D5110540260	Hgwy Supplies	\$6,500	Road Maintenance
H1620 520994 BG001	Trk Wash Bldg	\$245,000	Buildings
H1620 520994 BG002	Salt Storage	\$100,000	Buildings
H1620 521941	Fork Lift	\$15,000	Buildings
H1621 520931	Carpeting-HHS	\$15,000	Buildings
H1680 520620	Software Exp	\$10,000	Information Technology
H1680 512090	Computers	\$12,000	Information Technology
H5130 521943	Steamer-Roads	\$10,000	Road Machinery
H6010 521060	Car/Truck	\$75,000	Social Services Admin
Total Modification		\$1,552,210.91	

TO:

A1990 540715 COV19Contingency	\$1,056,560.71
B1990 540715 COV19Contingency	\$7,150.20
D1990 540715 COV19Contingency	\$6,500
H1990 540715 COV19Contingency	\$482,000
Total Modification	\$1,552,210.91

Chair Sauerbrey spoke. "I just want to say that we had gone to the Departments and asked them to cut 10% of their 2020 budget, which they did and this is the mechanism to pull the funds to the appropriate line items. I would like to thank all the Departments for doing this."

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 163-20 APPROVE FUNDING
2020 SUMMER YOUTH EMPLOYMENT
PROGRAM FUNDING

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Summer Youth Employment Programs; 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:

From: A6010.446100 Federal Aid: Administration	\$105,194
To: A6010.540140 Contractual	\$ 95,194
A6010.540487 Program Expense	\$ 10,000

Chair Sauerbrey spoke. "Even though we are in a pandemic, we were able to work with some youths and give them valuable experience through County experience and I thank Shawn and his folks for that."

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingr.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 164-20 ABOLISH VACANT FULL-TIME
COMMUNITY SERVICES WORKER AND
CREATE FULL-TIME OFFICE SPECIALIST I
SOCIAL SERVICES

WHEREAS: Legislative approval is required to abolish or create any position within Tioga County employment; and

WHEREAS: One (1) full-time Community Services Worker (CSEA SG IV - \$28,352) position has been vacant within the Department of Social Services since June 30, 2020; and

WHEREAS: Upon review of the department's staffing needs, the Commissioner of Social Services has determined that the vacancy would be better utilized if downgraded to that of an Office Specialist I (CSEA SG III \$26,779); therefore be it

RESOLVED: That the vacant full-time Community Services Worker position shall be abolished and a full-time Office Specialist I position shall be created effective August 12, 2020.

Legislator Standingr spoke. "This resolution is the result of the Commissioner of Social Services who constantly examines the Department staff and whether or not it is suitable to the tasks at hand. This resolution is a result of that identification."

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Standingier moved for the adoption of the following resolution, seconded by Legislator Weston.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 165-20 *CREATE AND FILL SEASONAL SOCIAL WELFARE EXAMINER POSITION AND SEASONAL OFFICE SPECIALIST I POSITIONS FOR THE HEAP PROGRAM DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin outreach in mid-August and be in full season on November 2, 2020; and

WHEREAS: The Social Services budget allows for the hiring of the following staff for the HEAP Program:

Two, full-time, seasonal Social Welfare Examiners for the period September 28, 2020 through February 26, 2021 at the starting salary of \$15.03 per hour, and

One, full-time seasonal Office Specialist I for the period October 13, 2020 through March 26, 2021 at the starting salary of \$12.46 per hour, and

Two, full-time, seasonal Office Specialist I for the period October 26, 2020 through February 26, 2021 at the starting salary of \$12.46 per hour, and

One, full-time, seasonal Office Specialist I for the period October 26, 2020 through January 29, 2021 at the starting salary of \$12.46 per hour; and

WHEREAS: The NYS Minimum Wage is scheduled to increase on December 31, 2020 to \$12.50 per hour and Tioga County intends to pay at least minimum wage

so the hourly rates for Office Specialist I positions will be adjusted accordingly as of December 31, 2020; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal HEAP positions listed above and where required, appoint from the appropriate eligible list.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingger.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 166-20 *AUTHORIZE CONTINUANCE OF
FULL-TIME HIGHWAY WORKER
(SEASONAL) POSITION
PUBLIC WORKS*

WHEREAS: Resolution 87-20 authorized the creation and filling of a full-time, Highway Worker (Seasonal) position (\$11.80/HR) in the Tioga County Department of Public Works for a temporary duration from April 1, 2020 – October 9, 2020; and

WHEREAS: Due to a vacant Motor Equipment Operator II position (\$15.046/HR; CSEA Grade 8) within the Highway Department, the Commissioner of Public Works would like to extend the duration of the temporary position in order to adequately staff his department; and

WHEREAS: Due to said vacant position, there are sufficient funds within the department's budget to cover an extension; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the continuance of full-time, Highway Worker (Seasonal) position Public Works for maximum of 1500 hours through December 31, 2020.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 167-20 *AUTHORIZE DONATION OF VACATION DAYS
(MOTOR VEHICLE BUREAU)*

WHEREAS: Shannon Holcomb, a recently hired Motor Vehicle License Clerk, has recently had a medical absence for which she has inadequate leave time to cover; and

WHEREAS: Joyce Costantini is interested in donating 4 days of her vacation time to Ms. Holcomb to use; and

WHEREAS: The County believes it is important and appropriate to support Ms. Holcomb during this time; therefore be it

RESOLVED: That Shannon Holcomb shall be required to liquidate all her accrued Sick and Vacation time, but then shall have access to the 4 vacation days donated by Joyce Costantini.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 168-20 STANDARD WORK DAY AND
REPORTING RESOLUTION

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
Appointed Officials						
Budget Officer (PT)	Jackson Bailey	6	04/13/20 – 12/31/2021	N	12.10	

I, Cathy A. Haskell, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the eleventh day of August, 2020 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this eleventh day of August, 2020.

Tioga County Legislative Clerk

Affidavit of Posting: I, Cathy A. Haskell, being duly sworn, depose and say that the posting of the resolution began on August 11, 2020 and continued for at least 30 days. That the resolution was available to the public on the

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

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

Legislator Monell made a motion to bring forth two late-file resolutions for Legislature consideration, seconded by Legislator Hollenbeck. Motion carried.

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

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 169-20	<i>SUPREME COURT ORDER</i> <i>TOWN OF OWEGO</i>

WHEREAS: The Supreme Court of the State of New York has rendered an Order in the matter of Southern Tier Hotel, LLC v. Town of Owego Assessor, Board of Assessment Review of the Town of Owego, and the Town of Owego, County of Tioga, New York, and issued Stipulation of Settlement and Order, indicating a reduction of assessment as decided by the parties involved, and filed on July 28, 2020; and

WHEREAS: The Court Stipulation of Settlement and Order reduces the assessment of Southern Tier Hotel's parcels 129.11-1-13.2 and 129.11-1-14.2 for the tax years of 2017/2018, 2018/2019, 2019/2020, and 2020/2021; and

WHEREAS: The 2017/2018 taxes were paid to the Tioga County Treasurer for both subject properties, and the order stipulates a refund shall be issued according to the reduced assessment; and

WHEREAS: The 2018/2019 and 2019/2020 taxes remain unpaid at the Office of the Tioga County Treasurer for both subject properties, and the order stipulates new tax bills shall be generated according to the reduced assessment; and

WHEREAS: The 2020/2021 tax bills have not been issued yet, and the order stipulates the tax bills shall be generated according to the reduced assessment; therefore be it

RESOLVED: That a refund be issued to Southern Tier Hotel, LLC by the Tioga County Treasurer for tax year 2017/2018 and the erroneous amounts be charged back to the proper accounts in the records of the Tioga County Treasurer's Office; and be it further

RESOLVED: That new bills for the unpaid 2018/2019 and 2019/2020 tax years for both subject properties be issued by the Tioga County Treasurer's Office as stipulated by the Order and the erroneous amounts be charged back to the proper accounts in the records of the Tioga County Treasurer's Office; and be it further

RESOLVED: That the 2020/2021 tax bills for both subject properties be issued with the reduced assessment as stipulated by the Order, and be it further

RESOLVED: That the combined assessment of the subject properties be \$1,496,000 for the tax years 2021/22, 2022/23, and 2023/24.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 170-20

*AUTHORIZE EXCEPTION TO EMPLOYEE
HANDBOOK SECTION IV. PERSONNEL RULES –
SUBSECTION J: NON-UNION VACATION*

WHEREAS: Public Health has experienced significant and ongoing staffing coverage issues working seven days a week throughout the COVID-19 pandemic; and

WHEREAS: The Employee Handbook Section IV. Personnel Rules - Subsection J. Non-Union Vacation Policy dictates the rules regarding vacation accruals and carry-over for Non-Union staff; and

WHEREAS: The Policy allows for carry-over of 20 days of vacation from one anniversary to the next; and

WHEREAS: Due to the responsibilities related to the ongoing response, two TCPH non-union staff have been unable to utilize their vacation time and are in jeopardy of losing earned vacation days; and

WHEREAS: Public Health requests that during this unique and exceptional pandemic circumstance these two employees be granted exception and to cash-in the vacation days in jeopardy of being lost; and

WHEREAS: Funds for this "cash-in" are available in the 2020 Public Health budget and are fully reimbursable without any County cost; therefore be it

RESOLVED: That the County Legislature hereby authorizes an exception to Employee Handbook Section IV. Personnel Rules – Subsection J. Non-Union Vacation Policy due to the current and ongoing pandemic, for Heather Vroman (60.5 hours) and Lisa McCafferty (130 hours) to cash-in the earned vacation days that are in excess of the allowable 20-day carryover on their employee anniversary dates at a combined amount not to exceed \$9,000.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

The meeting adjourned at 12:22 P.M.

*Public Hearing
Agricultural District #1
(Towns of Barton, Candor, Spencer, & Tioga)
August 25, 2020*

The Public Hearing on review of a proposed plan for continuation with modifications of Agricultural District #1, which is comprised of enrolled and proposed new parcels in the Towns of Barton, Candor, Spencer, and Tioga was called to order by Deputy Chair Hollenbeck at 1:00 P.M. Legislative members Balliet, Hollenbeck, Standinger, Sullivan, and Weston were present with Legislators Monell, Mullen, Roberts, and Sauerbrey being absent.

Staff members Megan Griffiths, Agricultural Development Specialist, Bryan Goodrich, GIS Technician, and Cathy Haskell, Legislative Clerk were present.

There were five members of the public in attendance.

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

Megan Griffiths, Agricultural Development Specialist spoke. "This is the anniversary of the eight-year review of the Spencer Agricultural District. The anniversary will be January 13, 2021. The review of the District is a 300-day process, which started in April 2020. Tioga County ED&P and GIS have done an extensive outreach and data collection to farmers and owners of potential agricultural land in the Towns of Spencer, Candor, Barton, and Tioga and we are now nearing the end of the review process. Tioga County ED&P sent letters to all affected landowners on the maps provided here today regarding the public hearing.

"As of today, the number of acres in the District is 49,711. The number of acres in farms is 29,663, which is approximately 60% of the agricultural parcels in the District. There are 105 farms and the number of acres owned by farmers is 30,442. The number of acres rented from non-farmers is 2,221.

"Since the last review, there has been an addition of 3,142 acres with none being removed, as there were no requests for removal during the process so far. There is an increase of 3,194 acres in farms, as a result of adding 19 farms in the District.

"Maps are on display today; Spencer, Candor, Barton, and Tioga individually with the new parcels highlighted in green that have been added this year.

“The next step in the 300-day review process is approval of the modifications by the Tioga County Agricultural & Farmland Protection Board on September 9, 2020 followed by adoption by the Tioga County Legislature at their October 13, 2020 meeting.”

There being no public comments, the hearing was adjourned at 1:04 P.M.

Ninth Regular Meeting
September 15, 2020

The Ninth Regular Meeting of 2020 was held on September 15, 2020 and was called to order by the Chair at 6:06 P.M. Seven Legislative members were present with Legislators Monell and Mullen being absent.

Chair Sauerbrey asked Legislator Balliet to have a moment of prayer. "Our Heavenly Father, we give thanks for your guidance and inspiration during these difficult times in our County. We ask that you be in our hearts and minds as we do our best to support our citizens and deal with the effects of the Coronavirus pandemic on all of our lives."

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

There were five people in attendance.

Chair Sauerbrey asked for a unanimous motion for the adoption of one recognition resolution, seconded unanimously and carried.

The following recognition resolution for Bernadette Poppert of the Department of Social Services was noted. Ms. Poppert was not in attendance.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 171-20 *RECOGNIZE BERNADETTE POPPERT'S
13 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Bernadette began her career with Tioga County as a Caseworker January 2, 2007 for the Department of Social Services in the Children's Welfare Unit; and

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

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

WHEREAS: Bernadette Poppert retired on August 31, 2020; 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 Bernadette Poppert for her thirteen years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Sauerbrey noted we have a special presentation at the request of Veterans' Service Agency Director Michael Middaugh.

Veterans' Service Agency Director, Michael Middaugh spoke. "We originally scheduled to do this surprise presentation for John Holton at the Welcome Home Vietnam Veterans Day in March 2020, but as with everything else with the Coronavirus pandemic this event was cancelled. With things starting to settle down a little bit we wanted to make sure that we did this before too much time had passed. We thought it fitting originally, John, that we would do it at the Vietnam Veterans Day because being a Vietnam War veteran we thought that would be an appropriate event to honor you.

"On behalf of Tioga County, Tioga County Legislature, and the Veterans' Services Agency, we would like to present you with a small token of our appreciation. This is in appreciation and recognition for your outstanding services as a veteran of the United States Navy during the Vietnam War and while serving as Director of the Tioga County Veterans' Service Agency and supporting its veterans. We would like to thank you for your service to the County.

"I personally would like to thank you for allowing me the privilege of working for you and giving me the freedom to do my job and take the Department forward."

John Holton spoke. "It is an honor to have worked side-by-side with you. Whatever I did, I did not do alone. Just like in the military, there were good people

at my side, good support, good support among you people, and we are all a team in this. I accept this on behalf of everybody who had any part in my career.

“I am grateful for having been allowed to serve. It was really a cool ride. Peg spent many nights waiting for me to come home from Albany, Buffalo, and Orleans County, but I am grateful for everybody who had a part in it and for that I want to thank you personally. Thank you.”

Chairwoman Sauerbrey spoke. “John, you and your leadership transformed the Veterans’ Service Agency to what it is today. You transformed the office, made it new, vitalized it, hired an amazing person to follow in your footsteps and we want to thank you for that.”

Legislator Standinger spoke. “John, you did a pretty good job for a Navy guy.”

Chair Sauerbrey noted the following three proclamations on National Preparedness Month, National Suicide Prevention Awareness Month, and National Alcohol Substance Abuse Recovery Month.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: September is recognized as National Preparedness Month; and

WHEREAS: Tioga County Public Health is currently responding to the COVID-19 pandemic; and

WHEREAS: The World Health Organization declared COVID-19 as a Public Health Emergency as of January 30th, 2020; and

WHEREAS: New York State has seen over 430,000 cases of COVID-19; and

WHEREAS: New York State has lost over 25,000 lives to COVID-19; and

WHEREAS: Tioga County has seen over 200 cases of COVID-19 and has lost 25 lives to COVID-19; and

WHEREAS: Tioga County Public Health urges all residents to continue practicing social distancing, washing their hands frequently and thoroughly, and to wear a mask when out in public; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of September 2020 as:

NATIONAL PREPAREDNESS MONTH

and urges all citizens of our County to become more involved in preparing together as a community. Disasters don't plan ahead, but you can.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: The citizens of Tioga County value the overall health and well-being of all the residents of Tioga County and are proud to support the observance of National Suicide Prevention Awareness Month; and

WHEREAS: Suicide is the 12th leading cause of death in New York State; and

WHEREAS: Suicide is the second leading cause of death for ages 15-34 and third leading cause of death for ages 35-54; and

WHEREAS: Almost six times as many people died by suicide in New York in 2019 than in alcohol related motor vehicle accidents; and

WHEREAS: Suicide claimed the lives of over 1,723 New Yorkers in 2019, or an average of one person died of suicide every five hours in the state; and

WHEREAS: The total deaths to suicide reflect a total of 34,563 years of potential life lost before age 65; and

WHEREAS: Stigma works against Suicide Prevention by discouraging persons at risk from seeking lifesaving help; and

WHEREAS: Most suicides are preventable; and

WHEREAS: Tioga County Suicide Prevention Coalition's mission is to increase awareness, provide education, training, resources and coordinate community services to the public; and

WHEREAS: Tioga County is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, and parents, as partners in supporting our community in simply being available to one another; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of September 2020 as:

NATIONAL SUICIDE PREVENTION AWARENESS MONTH IN TIOGA COUNTY

Legislator Standinger spoke. "Everybody has seen the flags out front that Veterans' Service Agency Director Middaugh put together representing the 22

veterans that commit suicide a day. That is one-month worth of suicides represented by those flags. I thank you for doing that, Mike.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

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: 9.2 million adults have a co-occurring mental health and substance use disorder; and

WHEREAS: Of the 19.3 million adults in the United States with a substance use disorder, 47.7% also have a co-occurring mental health disorder; 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 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: CASA - Trinity 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 31st anniversary of National Alcohol and Drug Addiction Recovery Month; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of September 2020 as:

NATIONAL ALCOHOL SUBSTANCE ABUSE RECOVERY MONTH IN TIOGA COUNTY

There was no privilege of the floor.

Legislator Roberts made a motion to approve the minutes of August 11 and 25, 2020, seconded by Legislator Sullivan and carried.

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 172-20 *APPOINT MEMBER TO
BOARD OF ETHICS*

WHEREAS: A vacancy exists on the Board of Ethics; and

WHEREAS: Peter Fitch, a resident of the Town of Candor has agreed to serve on the Board of Ethics; now therefore be it

RESOLVED: That Peter Fitch be and hereby is appointed to the Board of Ethics for a retroactive term beginning April 1, 2020 through March 31, 2023.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 173-20 APPOINTMENT OF TIOGA COUNTY
VETERAN SERVICES' AGENCY DIRECTOR
AS THE VETERAN INDIGENT BURIAL DESIGNEE
FOR TIOGA COUNTY

WHEREAS: The Tioga County Legislature is required, in accordance with New York State General Municipal Law, Article 7-a, Section 148, to appoint an appropriate designee to arrange and/or pay for indigent burials and headstones relative to veterans; and

WHEREAS: According to said New York State General Municipal Law Section 148, this is to ensure that the person appointed by the Legislature is not the same as the person appointed for all other indigent burials; and

WHEREAS: The Director of Tioga County Veteran Services' Agency shall be responsible for compiling an annual report to the Tioga County Legislature that encompasses the mandates of New York State General Municipal Law Section 148(3); therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints the Tioga County Veteran Services' Agency Director as the Veteran indigent burial designee for the County of Tioga.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 174-20 *ADOPT THE OWEGO-NICHOLS AGRICULTURAL DISTRICT (#2) AS MODIFIED AND SUBMIT SAME TO THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR APPROVAL*

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 Owego-Nichols Agricultural District (#2) 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: 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 that results in expanding the Owego-Nichols Agricultural District to a total of 27,491 acres with 26,386 acres in farms, including 7 added farms; and

WHEREAS: By unanimous resolution the Agricultural and Farmland Protection Board did adopt said proposed plan for modification of the Owego-Nichols Agricultural District; and

WHEREAS: A public hearing was held on July 27, 2020 where the District map and findings along with the proposed modifications 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; therefore be it

RESOLVED: That based upon Tioga County Planning's review of the above as outlined on the SEQR Short Environmental Assessment Form, the Tioga County Legislature make a SEQR Negative Declaration regarding said modifications to the Owego-Nichols Agricultural District; and be it further

RESOLVED: That the Tioga County Legislature does hereby approve said proposed plan to modify the Owego-Nichols Agricultural District, and directs the Planning Department to prepare a submission package as required by the NYS Department of Agriculture and Markets describing this proposal, along with the associated SEQR Environmental Assessment Form, 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 Owego-Nichols District modification effective immediately.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 175– 20	<i>AUTHORIZE THE SUBMISSION OF THE 2020-21 NYS STOP DWI CRACKDOWN APPLICATION</i>

WHEREAS: The NYS STOP-DWI Foundation Board secured funding from the Governor's Traffic Safety Committee for crackdown enforcement during the grant cycle of October 1, 2020 – September 30, 2021 with \$15,000 in funding set for Tioga County; 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 Legislature authorizes the Sheriff's Office to apply for this grant.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 176-20 APPROVE 2021 STOP DWI PLAN

WHEREAS: The New York State Governor’s Traffic Safety Committee (GTSC) requires counties to submit an annual STOP DWI Plan by October 1st, for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2021 STOP DWI Plan to the Tioga County Legislature for approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the 2021 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$ 6,000
Prosecution Related	\$ 1,000
Probation	\$16,200
Rehabilitation	\$ 1,000
PI&E	\$14,000
Administration	<u>\$ 5,450</u>
	\$43,650

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 177-20 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2021 County taxes among the several Towns are hereby established as follows:

Town of Barton	78.00
Town of Berkshire	94.00
Town of Candor	93.00
Town of Newark Valley	66.00
Town of Nichols	26.00
Town of Owego	68.00
Town of Richford	92.00
Town of Spencer	100.00
Town of Tioga	5.90

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
 RESOLUTION NO. 178-20 *APPROVE CHANGE ORDER FOR BRIDGE PREVENTATIVE MAINTENANCE PROJECT PHASE VI*

WHEREAS: The award for Bridge Preventative Maintenance Phase VI project was awarded to R. DeVincentis Construction, Inc. on Resolution 120-20; and

WHEREAS: A change order was submitted due to additional work that was unforeseen; therefore be it

RESOLVED: That the Tioga County Legislature authorize additional funds to be appropriated for this change order not to exceed \$3,100 to be paid out of the following account D5110.540050 – Bridge Projects.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
 RESOLUTION NO. 179-20 *AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS*

WHEREAS: A project for the Tioga County Bridge Preventative Maintenance Program Phase VI (FFY 2020), PIN 9754.30 (the Project) 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 80% Federal Funds and 20% non-Federal Funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering/Design and Construction and Construction Supervision and Inspection work.

NOW, THEREFORE, the Tioga County Legislature, duly convened does hereby

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED: That the Tioga County Legislature hereby authorized the County of Tioga to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Construction and Construction Supervision and Inspection work for the Project or portions thereof; and it is further

RESOLVED: That the sum of \$194,000 is hereby appropriated from account D5110.540050 and made available to cover the costs of participation in the above phase of the Project; and it is further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and it is further

RESOLVED: That the Chair of the Tioga County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding 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 it is further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED: This Resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 180-20

AUTHORIZING THE IMPLEMENTATION AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE-AID, OR REIMBURSED FROM BRIDGE NY FUNDS

WHEREAS: A project for the Rehabilitation of BIN 3335400, West River Drive over Parks Creek, PIN 9754.81 (the Project) 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 95% Federal Funds and 5% non-Federal Funds; and

WHEREAS: The County of Tioga will design, let and construct the Project; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the costs of the work for the Project, or portions thereof.

NOW, THEREFORE, the Tioga County Legislature, duly convened does hereby

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED: That the Tioga County Legislature hereby authorized the County of Tioga to pay 100% of the costs of the Construction and Construction Supervision and Inspection work for the Project or portions thereof, with the understanding that qualified costs may be eligible for Federal-aid, State-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED: That the sum of \$600,640 is hereby appropriated from H5110.540004.H1904 and made available to cover the costs of participation in the above phase(s) of the Project; and it is further

RESOLVED: That the Tioga County Legislature hereby agrees that the County of Tioga shall be responsible for all costs of the Project which exceed the amount of Federal-aid, State-aid, or Bridge NY funding awarded to the County of Tioga; and it is further

RESOLVED: That in the event the Project costs not covered by Federal-aid, State-aid, or Bridge NY funding exceed the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and it is further

RESOLVED: That the County of Tioga hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED: That the Chair of the Tioga County Legislature be and is hereby authorized to execute on behalf of the County of Tioga all necessary Agreements, certifications or reimbursement requests for Federal-aid and/or State-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Tioga's funding 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 it is further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED: This Resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

Legislator Weston introduced Local Law Introductory No. A of 2020.

County of Tioga

Local Law No. XX of the Year 2020.

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

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

SECTION 1: TITLE

This Local Law shall be known as the “Hotel/Motel Tax Law”.

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL/MOTEL - Any facility or a portion thereof providing lodging on an over-night basis in exchange for any consideration, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

PERMANENT RESIDENT - A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

PERSON – An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT – The consideration received for occupancy valued in money, whether received in money or otherwise.

RETURN – Any return filed or requested to be filed as herein provided.

SECTION 4: TAX

(A) A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County,

provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

(B) Said tax shall be paid by the person occupying the room who shall be liable therefore to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied. Said tax shall be paid for and on account of the County of Tioga.

(C) Such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax. Such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to non-payment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge; provided, however, that the Tioga County Treasurer shall be joined as a part in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(D) The filing of returns and the payment of the tax shall be paid to the Tioga County Treasurer on a quarterly basis by such means and in such manner as may be directed by the Tioga County Treasurer.

SECTION 5: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Tioga County Treasurer on the date due in the amount of ten (10%) per cent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 6: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or

educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 7: JUDICIAL REVIEW

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

(A) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(C) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Tioga County Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and

that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 8: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 9: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 10: EFFECTIVE DATE

This local law shall become effective December 1, 2020 and shall remain in effect until November 30, 2023.

SECTION 11: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

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

REFERRED TO: ED&P COMMITTEE
RESOLUTION NO. 181-20 SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. A of 2020

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2020 A Local Law providing for the collection of a hotel and motel tax in Tioga County in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Wednesday, September 23, 2020 at 6:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

Legislator Roberts introduced Local Law Introductory No. B of 2020.

County of Tioga

Local Law No. XX of the Year 2020.

A Local Law establishing the Tioga County Mandatory Source Separation Law and repealing Local Law No. 2 of the Year 1992 entitled Tioga County Recycling and Source Separation Law.

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

SECTION 1: TITLE

Local Law No. 2 of the Year 1992 entitled Tioga County Recycling and Source Separation Law is hereby REPEALED and REPLACED with the establishment of Local Law No. XX of the Year 2020 entitled Tioga County Mandatory Source Separation Law.

SECTION 2: PURPOSE

The purpose of this article is to encourage, facilitate, and mandate the source separation of recyclable materials on the part of each and every household, business, and institution within Tioga County. The Tioga County Legislature acknowledges that control of the collection, transportation, disposal of solid waste and recycling with emphasis on source reduction and reuse in the county is essential to the economy and general welfare of the citizens of Tioga County. The current version is intended to replace Local Law No. 2 of 1992 entitled Tioga County Recycling and Source Separation Law.

SECTION 3: AUTHORITY

This Local Law is hereby enacted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law and Section 120-aa of the General Municipal Law of the State of New York.

SECTION 4: DEFINITIONS

- A. Terms as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined in Title 6 Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.
- B. As used in this article, the following additional terms shall have the meanings indicated:

MATERIALS RECOVERY FACILITY (MRF) – A facility approved by the New York State Department of Environmental Conservation for receiving and processing recyclable materials into marketable commodities.

PUBLIC FACILITY — Any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools and churches.

SOURCE SEPARATION — That recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

SOLID WASTE - All materials discarded as being spent, useless, worthless or in excess to the owners at the time of discard or rejection, including but not limited to garbage or refuse, but shall not include Recyclables, Yard and Garden Waste, human wastes, rendering wastes, major appliances, regulated medical waste, construction and demolition wastes, residue from incinerators or other destructive systems for processing waste, junked automobiles, pathological, toxic, explosive, liquid, radioactive material or other waste material which, under existing or future federal, state or local laws, require special handling in its collection or disposal.

SUSTAINABILITY MANAGER - The manager of the Solid Waste Department appointed by the Commissioner of Public Works and/or the Tioga County Legislature.

WASTE COLLECTION SERVICES – Any person, company partnership or other entity providing collection or transfer of refuse and/or solid waste to a solid waste management facility.

WASTE HAULER – Any person, company, partnership or other entity engaged in the business of providing Collection Service pursuant to any contract, agreement, or other arrangement with any Waste Generator, where Solid Waste is collected for disposal at a permitted solid waste disposal or transfer facility, or a municipal department or other governmental division responsible for collection of Solid Waste from some or all Waste Generators in Tioga County.

SECTION 5: SOURCE SEPARATION REQUIREMENT

- A. Every Waste Generator shall Source Separate, which means the segregation of County Recyclable Materials from non-recyclable Solid Waste at the point of generation by Waste Generators, and the placement of County Recyclable Materials into Recycling Receptacles for collection and delivery to a Materials Recovery Facility or Recycling Facility.
- B. Materials that must be source separated include paper, corrugated cardboard, glass, metals, plastics, leaves, yard wastes, tires, batteries (wet and dry cell) and household hazardous waste. A detailed published list of materials to be curbside recycled will be on file with the Tioga County Legislature and may be updated from time to time.
- C. For the purpose of this article, the term "recyclable material" shall mean those materials that must be source-separated, as defined in B, with the exception of household hazardous waste.
- D. Each and every waste hauler, public and private, providing waste collection services in the County of Tioga shall be required to provide curbside collection of source-separated recyclables for all units serviced by the hauler.
- E. All public and private haulers are prohibited from commingling source-separated recyclables with solid waste.
- F. Every Waste Generator shall deliver or arrange for the delivery of County Recyclable Materials to a Recycling Facility or make source-separated County Recyclable Materials available for collection by a Waste Hauler/Recyclables Collector and ultimate delivery to a Materials Recovery Facility or Recycling Facility.

SECTION 6: PREPARATION OF RECYCLABLES AND OTHER SOURCE SEPARATED MATERIALS FOR CURBSIDE COLLECTION

- A. Nothing in this article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collection of recyclables.
- B. From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by a waste hauler, those recyclable materials shall be considered the property of the waste hauler. No other person shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article.
- C. In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street in accord with the provisions of this article.
- D. Placement of Recyclables
 - 1. Recyclable materials shall be placed separately from any non-recyclable solid waste placed for collection. Recyclable materials should be prepared in conformance with County practices and standards established pursuant to this section.
 - 2. No person shall place any recyclable materials at or near any curb, sidewalk or street for purposes of collection unless the materials are prepared in conformance with County practices and standards established pursuant to this section.
 - 3. The Tioga County Sustainability Manager is hereby authorized and directed to designate, by written statement, from time to time, the practices and standards for preparation of recyclables for collection. Such written designation shall be filed with the Clerk of the County Legislature and shall become effective 90 days after filing. The Tioga County Sustainability Manager may solicit information and input from solid waste collectors, solid waste management facility operator, and other concerned parties prior to designating revised rules for preparation of materials.
- E. Waste haulers shall not be responsible for collection of waste materials, which have not been placed or prepared in accord with this article. In the event of non-collection of waste or recyclable materials, the hauler shall provide written notification of reason for non-collection.
- F. The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition or reimburse the County or other municipal entity for the same.

Multifamily buildings and complexes.

- A. Apartment complexes, condominium complexes, cooperative apartments, hotels, motels and bungalow or resort colonies shall be required to establish a private drop off program for the source separation of recyclable materials for collection and transportation to a recycling facility where curbside collection is not practiced or desired.
- B. The owner and/or manager of every multifamily apartment building or condominium within the County shall provide and maintain, in a neat and sanitary condition, recycling drop off(s) to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling drop off(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the drop off(s) in the manner prescribed by facility management.
- C. The owner or manager of every multifamily building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

Residential/commercial (institutional) and industrial waste and recyclables.

- A. All residential solid waste collected by either municipal or private haulers shall be source-separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- B. All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source-separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- C. All recyclable commercial/industrial/institutional by-products shall be source-separated and delivered to an appropriate facility for the express purpose of processing for sale to a secondary materials market. Nothing in this section shall prevent waste generators from marketing these materials directly to an end-use market, secondary materials market or secondary materials broker.

SECTION 7: PENALTIES**Penalties for Waste Generators.**

- A. Failure to comply with this article by any person shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source separation or proper preparation

- on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material, which clearly states the reason for non-collection.
- D. Individuals convicted of a first offense under this article shall be subject to a fine of not less than \$25 and not more than \$50. Conviction of a second offense within one year of the first offense shall be punishable by a fine of not less than \$50 and not more than \$100. Conviction of subsequent offense(s) within one year of the first offense shall be punishable by a fine of at least \$100 and not more than \$200. In addition to the penalties listed above, anyone convicted of an offense under the provisions of this article shall be subject to a civil penalty to recover cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup cost, if applicable.
- E. Any company, partnership, corporation, municipality or entity other than an individual person convicted of a first offense as provided for by this article shall be subject to a fine of not less than \$200 and not more than \$1,000. Conviction of subsequent offenses shall be punishable by a fine of not less than \$1,000 and not more than \$2,000. Any such entity convicted of an offense under the provisions of this article shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup costs, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Tioga County in a court of competent jurisdiction to compel compliance with or to restrain by injunction such violation.

Penalties for Waste Haulers.

- A. Failure of any hauler to comply with this article shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. Violation of any section of this article shall be punishable by a fine not in excess of \$1,000. In addition, the violation of any section of this article shall be subject to a civil penalty imposed by the County to recover cost associated with enforcement and prosecution, including but not limited to reasonable attorneys' fees, court costs and site cleanup costs, if applicable. And, in addition, Tioga County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

SECTION 8: SOLID WASTE DISPOSAL ON PUBLIC FACILITIES AND PROPERTY

- A. All public facilities within Tioga County shall provide public refuse receptacles for solid waste disposal by facility users and employees. These receptacles shall only be utilized for solid waste generated onsite.
- B. There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked RECYCLE, and a list of recyclable items shall

accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable materials in order to facilitate recycling. These receptacles shall only be utilized for recyclables generated onsite.

C. All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from non-recyclables shall be placed on the facility user.

1. Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing recyclables from the park and disposing of them in accordance with this article

2. Notwithstanding the provisions of the subsection, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform to this section.

D. It shall be a violation of this article for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.

E. It shall also be a violation of this article for any person to place or to cause to be placed any recyclable material in or near a public refuse receptacle designated for non-recyclable materials.

F. Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to \$50 or community service.

G. The proprietor of any public facility convicted of a violation of this section shall be subject to a fine of up to \$200 or community service. Each day of violation shall constitute a separate offense.

SECTION 9: ENFORCEMENT

All provisions of this article shall be enforced by a municipal code enforcement official or other appropriate enforcement agencies.

SECTION 10: REPORTING TO TIOGA COUNTY SUSTAINABILITY MANAGER

A. All waste haulers, and any other person or entity that collects, transports and/or markets recyclables, must maintain monthly records of all recyclable material. These records must include the following:

1. The total tonnage, by material, of recyclable material collected.

a) The total tonnage, by material, of recyclable material delivered to each and every materials recovery facility, secondary materials market, secondary materials broker or end-use market.

- b) Weight slips from the broker or end-use market will fulfill this requirement.
- B. Reports containing the information required in this section shall be compiled and delivered to the Sustainability Manager on an annual basis. Reports shall be filed with the Sustainability Manager no later than January 31 of the subsequent year of filing.
- C. Each waste hauler shall retain for no less than five years the records and documents required pursuant to this article and shall make such documents available upon the request of the Sustainability Manager or law enforcement officers.

SECTION 11: PRIORITY

Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the State, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County.

SECTION 12: EFFECTIVE DATE

This Local law shall take effect January 1, 2021.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 182-20 SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. B OF 2020

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2020 A Local Law establishing the Tioga County Mandatory Source Separation Law commencing January 1, 2021 and repealing Local Law No. 2 of the Year 1992, enacted on August 1, 1992, entitled Tioga County Recycling and Source Separation Law in the Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Wednesday, September 23, 2020 at 6:05 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 183-20 *AUTHORIZE CONTRACT WITH SHELTERPOINT LIFE
INSURANCE COMPANY FOR
SHORT-TERM DISABILITY*

WHEREAS: Tioga County 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 Guardian with an annual renewal date of October 1; and

WHEREAS: The 2018-2020 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 received a one-year rate quote from ShelterPoint Life Insurance Company that will be a savings of \$3.78 per covered employee per month; and

WHEREAS: ShelterPoint is one of New York's largest statutory disability carriers, and New York State disability has been one of their core products for over 45 years; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with ShelterPoint, subject to review by the County Attorney, to administer short-term disability for those covered employees effective October 1, 2020 through September 30, 2021.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
RESOLUTION NO. 184-20 *AUTHORIZE CONTRACT WITH THE HARTFORD
TO ADMINISTER MEDICARE ELIGIBLE RETIREE
HEALTH INSURANCE*

WHEREAS: Effective January 1, 2014 Tioga County implemented The Hartford Medicare Supplemental Plan F coupled with a Medicare Part D drug plan for Medicare eligible retirees and retirees' spouses; and

WHEREAS: This Medicare plan continues to provide optimal coverage to Medicare eligible retirees at a lower cost to Tioga County than previous coverage offered; and

WHEREAS: The Hartford has submitted a new contract to administer the Medicare Supplemental Plan F and Medicare Part D drug plan for the period of January 1, 2021 through December 31, 2021; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with The Hartford, subject to review by the County Attorney, to administer these insurance benefits for Tioga County for the period January 1, 2021 through December 31, 2021.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standing, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
RESOLUTION NO. 185– 20 *BROOME-TIOGA STORMWATER
COALITION AGREEMENT*

WHEREAS: Broome County and Tioga County are responsible for coordination of water quality management activities in their Counties through the Broome and Tioga County Water Quality Coordinating Committees; and

WHEREAS: The Phase II Federal Stormwater Regulations require that small municipal separate storm sewer systems must be authorized in accordance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems; and

WHEREAS: Municipalities recognize that, because watersheds and separate storm sewer systems cross municipal boundaries and because there are opportunities to save time, money, and energy by working collaboratively, the municipalities should work together to identify and analyze options for meeting the requirements of the Phase II Federal Stormwater Regulations; and

WHEREAS: Counties, Towns, Villages and City have an interest in protecting water quality and have been participating in or following the work of the Broome-Tioga Stormwater Coalition; and

WHEREAS: Towns, Villages, City and the Counties of Broome and Tioga recognize the benefits of cooperating to achieve improved water quality and flood control; and

WHEREAS: Broome-Tioga Stormwater Coalition started and has been holding meetings since January of 2003 to identify and analyze options for pooling resources to meet the requirements of the Phase II Federal Stormwater Regulations; and

WHEREAS: The Broome-Tioga Stormwater Coalition provides participating MS4 communities with access to public education programming, public participation events, training opportunities, collaborative annual reporting, and mapping services; therefore be it

RESOLVED: That the Tioga County Legislature agrees to the following:

1. To continue participation as formal members of the Broome-Tioga Stormwater Coalition.

2. To contribute a local match of \$2,200 toward the implementation of Broome-Tioga Stormwater Coalition Asset Mapping Project to be submitted by May 1st annually starting in 2020 and not to be extended past May 2023, to the Southern Tier East Regional Planning Development Board, per their role in BTSC administration.

3. Each municipal corporation will contribute and provide to the Southern Tier East Regional Planning Development Board, copies of any and all geospatial datasets, and copies or access to any and all site plans, maps, plats, or other descriptions or depictions, that will aid in the development of any geospatial datasets that are to be developed, as per the objectives of the Asset Mapping Project grant.

4. To authorize the work of the Broome-Tioga Stormwater Coalition whose purpose it is to cooperatively implement the MS4 Stormwater Management Plans required by the DEC's Phase II Stormwater Regulations and thereby oversee the utilization and expenditure of funds received on behalf of the Coalition for said purpose.

5. This Agreement may be modified or amended only in writing duly executed by all parties, which shall be attached to and become a part of this Agreement.

6. Each municipal corporation shall, to the extent of its general commercial liability insurance, indemnify and hold harmless the other municipal corporations, its officers, agents and assigns for all liability arising as a result of its own acts and omissions regarding the activities under this Agreement. It is understood and agreed that no municipal corporation shall indemnify any or all of the other municipal corporations for liability arising as a result of the acts or omissions of another municipal corporation who is a party to this Agreement.

7. The Agreement shall be governed by and construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principles.

8. This agreement shall become effective upon the municipal corporation's execution of the Agreement. In the event that not all of the municipal corporations identified in the initial paragraph of this Agreement execute the Agreement, the municipal corporations executing the Agreement agree that it shall be binding as to them.

9. Any municipal corporation may withdraw from this Agreement upon sixty (60) days written notice to the other municipal corporations who are parties to the Agreement. The withdrawal of one or more municipal corporation shall not result in the termination of this Agreement and its provisions shall continue to be applicable to the municipal corporations remaining parties to the Agreement.

10. This Agreement may be terminated upon the written consent of a majority of the municipal corporations who are parties to this Agreement at the time of the proposed termination.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 186-20 AWARD CONSTRUCTION
DEAN CREEK ROAD BRIDGE
BIN: 3334840 SCOUR REPAIR

WHEREAS: Dean Creek Road Bridge BIN 3334840 is a bridge that needs repair due to an inspection by NYSDOT; and

WHEREAS: Funding is available for the repair of the Dean Creek Road Bridge BIN: 3334840; and

WHEREAS: The Commissioner of Public Works received sealed bids on September 9, 2020 and the bids came in as follows:

Procon Contracting	\$101,000.00
Gorick Construction	\$117,000.00
Silverline Construction	\$118,401.00
LCP Group	\$182,355.00
Wenzel Landscaping	\$283,495.83

WHEREAS: Tioga County DPW has completed the review of the bids and finds the low bidder Procon Contracting, Vestal NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Procon Contracting, Vestal NY not to exceed \$101,000.00 to be paid out of the following account:

D5110.540050 – Bridge Projects

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE
RESOLUTION NO. 187-20	<i>AWARD DOOR REPLACEMENT CONTRACT – HHS BUILDING</i>

WHEREAS: Tioga County Public Works solicited proposals for the replacement of entrance doors at the HHS Building; and

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: The Commissioner of Public Works received three proposals as follows:

Assa Alboy, Syracuse, NY	\$33,600.00
Imperial Doors, Tonawanda, NY	\$48,000.00
Lee General Contracting, Carlisle PA	\$43,600.00

WHEREAS: Tioga County DPW completed the review of the proposals and finds the lowest proposer, Assa Alboy, Syracuse, NY meets all of the qualifications of the specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the contract to Assa Alboy, Syracuse, NY not to exceed \$33,600.00 to be paid out of the following account:

H1621.520933 – Exterior Doors HHS

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

2020 Budget Modification:

Revenue Account #A8020 439893 Planning State Aid Census \$35,440.00

Expense Accounts #A8020 540140 Contracted Services \$27,440.00

#A8020 540590 Services Rendered \$ 8,000.00

2020 Budget Addition Modification:

Revenue Account #A8020 437170 \$1,000.00

Name: State Aid 2020 Census Outreach Admin Fee

and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the contract with Tioga Opportunities, Inc. for said grant project, contingent upon review and approval by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 189-20 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded funding from New York State Association of County Health Officials (NYSACHO); and

WHEREAS: The funding is specifically designated for Public Health efforts toward COVID-19 in Tioga County; and

WHEREAS: The funding has already been received and receipted into the below revenue account; and

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

RESOLVED: That funding be appropriated as follows:

From: A4053 422800	Public Health: Grants	\$ 6,785
To: A4053 540595	Public Health: Services Rendered	\$ 6,785

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE
	FINANCE COMMITTEE

RESOLUTION NO. 190-20	<i>TRANSFER OF FUNDS</i>
	<i>SOCIAL SERVICES</i>

WHEREAS: Resolution 82-20 appropriated funds to A6010 for the operation of a Child Advocacy Center; and

WHEREAS: After consultation with the Budget Officer and Chief Accountant it was determined that account A6050 be added to the Social Services budget to more accurately track and claim these funds; and

WHEREAS: Transfer of funds and budget modifications requires Legislative approval; therefore, be it

RESOLVED: That funding be transferred as follows:

From: A6010.436100	State Aid Admin	\$ 108,675.00
To: A6050.436100	CAC Revenue	\$ 108,675.00

From: A6010.510010 Full time	\$ 42,312.00
To: A6050.510010 Full time	\$ 42,312.00
From: A6010.540487 Program Expense	\$ 66,363.00
To: A6050.510030 Overtime	\$ 450.00
To: A6050.520070 Chairs	\$ 1,320.00
To: A6050.520090 Computer	\$ 9,100.00
To: A6050.520210 Other furniture	\$ 4,380.00
To: A6050.520220 Printer	\$ 488.00
To: A6050.540180 Dues	\$ 369.00
To: A6050.540191 Electric Utility	\$ 810.00
To: A6050.540420 Office Supplies	\$ 2,000.00
To: A6050.540487 Program Expense	\$ 4,300.00
To: A6050.540550 Rent	\$ 5,100.00
To: A6050.540640 Supplies Not Office	\$ 551.00
To: A6050.540660 Telephone	\$ 350.00
To: A6050.540733 Training/All Other	\$ 9,900.00
To: A6050.581088 State Retirement Fringe	\$ 5,403.00
To: A6050.583088 Social Security Fringe	\$ 2,585.00
To: A6050.584088 Workers Compensation Fringe	\$ 605.00
To: A6050.585588 Disability Insurance Fringe	\$ 1,085.00

To: A6050.586088 Health Insurance Fringe \$ 17,567.00

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 191-20 *APPROPRIATION OF FUNDS AND
AMEND 2020 BUDGET
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Approved Raise the Age (RTA) foster care placements are reimbursed with 100% State funds; and

WHEREAS: The funds budgeted for 2020 JD RTA placements will be exceeded by expenses in September 2020; and

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

RESOLVED: That funding be appropriated as follows:

From: A6123.436230 State Aid: JD-RTA	\$ 290,000.00
To: A6123.540487 Program Expense-RTA	\$ 290,000.00
From: A6070.436700 State Aid: Serv for Recipients-RTA	\$ 10,200.00
To: A6070.540487 Program Expense-RTA	\$ 10,200.00

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 193– 20 *CHANGE ALLOCATION OF FUNDING
FOR IT SHARED SERVICES GRANT
AND MODIFY 2020 BUDGET*

WHEREAS: The Tioga County Legislature recognizes the need to improve services and save costs by supporting shared services with other municipalities; and

WHEREAS: The Information Technology and Communication Services Department has applied for and received a Local Government Efficiency reimbursable grant from the New York State Department of State in the amount of \$210,258.39; and

WHEREAS: This grant covers many costs to implement shared services with the Town of Owego, Village of Waverly, Village of Nichols and Town of Barton; and

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

WHEREAS: The Information Technology and Communication Services Department needs to change the allocation of funds awarded in this grant after receiving approval from the Department of State, which does not change the total amount awarded; therefore be it

RESOLVED: That the following funds be transferred and the 2020 budget be modified as follows:

FROM: H1680 521090 SSG19 Capital Computer	\$ 11,000.00
TO: A1680 540140 SSG19 Contracting Services	\$ 11,000.00

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 194-20 *RESOLUTION AUTHORIZING THE SALE AND TRANSFER OF 112 LIBERTY STREET, OWEGO, NY (TAX MAP NO. 128.08-7-81) FROM TIOGA COUNTY TO THE TIOGA COUNTY PROPERTY DEVELOPMENT CORPORATION*

WHEREAS: Per Resolution No. 265-16, the Tioga County Legislature authorized application to the NYS Urban Development Corporation to establish the Tioga County Property Development Corporation (TCPDC), A New York Land Bank; and WHEREAS: Said application was approved for the mission to foster economic and community development by acquiring, holding, managing, developing and marketing distressed, vacant, abandoned and underutilized residential and commercial properties; and

WHEREAS: The TCPDC's authority to acquire properties through a variety of means including the conveyance of property directly by the foreclosing government unit as part of a tax foreclosure, purchase of the property or purchase the tax lien on a property; and

WHEREAS: Tioga County has set aside 112 Liberty Street, Owego, NY from the 2018 tax foreclosure process for the specific purpose of acquisition by the TCPDC to meet their mission; and

WHEREAS: Awarded funds will allow for administration and the necessary anticipated environmental assessment/remediation and the subsequent demolition and rehabilitation of this property; and

RESOLVED: That if a position is vacated during the probationary period; another 90-Day Delay is not required before backfill is allowed; and be it further

RESOLVED: That if a Department loses an employee to another Department which already satisfied the 90-Day Delay, no 90-Day Delay shall be required for the new vacancy; and be it further

RESOLVED: That any other exception shall require a resolution approved by the full Legislature; and be it further

RESOLVED: That the 90-Day Hiring Delay shall remain in effect until suspended via resolution.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 196-20 *AMEND EMPLOYEE HANDBOOK;
FIXED ASSET INVENTORY POLICY*

WHEREAS: The Fixed Asset Inventory Policy needs to be amended in whole due to numerous updates and changes; and

WHEREAS: The Chief Accountant reviewed the Fixed Asset Inventory Policy and made recommendations that the policy should be amended in its entirety and replaced; therefore be it

RESOLVED: That the Fixed Asset Inventory Policy be amended in its entirety and replaced as follows:

**FIXED ASSET POLICY
FOR TIOGA COUNTY**



Prepared July, 2020

Tioga County Treasurer's Office

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FIXED ASSET PROGRAM POLICY AND PROCEDURES

The intent of this document is to state the purpose and policy for the implementation of a Fixed Asset Program, to define the various elements of the policy, to describe the roles of various departments key to the implementation and maintenance of the program, and to define procedures and delegate responsibilities to all County departments necessary to insure a continuing credible database. This policy will be effective September 15, 2020.

I. POLICY STATEMENT

It shall be the policy of the County Legislature that a record of fixed assets owned by the County shall be established and maintained. The valuation of fixed assets shall be based on an historic cost and shall meet generally accepted accounting principles. Department Directors and Elected Officials shall be responsible to charge the acquisition cost to the proper account, to maintain accurate and current records of existing assets, to record the disposition of assets leaving their area of responsibility, and to cooperate with the annual audit and inventory.

II. PURPOSE OF THE FIXED ASSET PROGRAM

There are four basic premises to the Fixed Asset Policy for Tioga County. The first premise is an acknowledgment that Tioga County, as a business entity, should manage its financial affairs in a manner consistent with established business practices whenever practical, including compliance with Generally Accepted Accounting Principles (GAAP). Basic to this concept is the duty to publicly recognize and value assets owned by the County. It is the intent of the management of Tioga County to demonstrate accountability and stewardship of tax dollars used to fund capital transactions by maintaining records of Fixed Assets.

The second premise is recognition that governmental accounting (NCGA Statement No. 1) requires fixed assets to be recorded at their historical cost. The additional stipulations of GASB Statement 34 require the county to track and depreciate capital assets.

The third premise is a desire to establish internal controls for the purchase, tracking, and disposition of all owned material and equipment. However, the desire for internal controls must necessarily be tempered in recognition that the cost of implementing controls should not exceed the value of implementation.

To that end, Department Directors and Elected Officials are responsible for items of lesser value.

The fourth premise is to account for all fixed assets if there is a disaster that results in the loss or damage of county assets. The fixed asset records have to be maintained for insurance purposes. Tioga County procures and maintains insurance consistent with prudent practices to protect the County's fixed assets.

Pursuant to the adoption of this Policy, in accordance with the statements above, the capitalization threshold for capital assets as defined in Section III of this Policy is hereby established at \$5,000, infrastructure values as defined in Section III will be tracked for projects with a cost of \$25,000 or greater, and a process to depreciate capital items will be established.

III. ACCOUNTING BASIS AND OPERATIONAL PRINCIPLES

Tioga County has adopted a Fixed Asset Program in accordance with the principles established by the Governmental Accounting Standards Board (GASB) Statements Nos. 1 and 34.

OFFICE OF RECORD

The Treasurer's Office shall be the official office of record for all capital asset purchases, improvements, additions, and disposals. The Treasurer's Office will have the sole responsibility of establishing and determining useful life and depreciation.

The Information Technology (IT) Department shall be the official office of record for all non-capital asset purchases, improvements, additions, and disposals.

DEFINITIONS AND CLASSIFICATION GUIDELINES

This section will establish guidelines to be used by purchasing when classifying and valuing purchased items. Asset acquisition must be classified within one of the following categories:

CAPITAL ASSET – A Capital Asset as defined by this Policy is a fully functioning unit, which has an acquisition cost of \$5,000, or greater, and a useful life of at least 2 years. All capital assets shall be recorded in a manner consistent with the provisions of GASB Statement 34, by classification, and further in conformance with requirements set forth in "Governmental Accounting, Auditing and Financial Reporting" (GAAFR) guide issued by the Government Finance Officers Association.

In accordance with Generally Accepted Accounting Principles, all costs associated with bringing a capital asset to working condition will be recorded as a cost of the capital asset. This includes any costs related to design including engineering, architecture, and site preparation, freight, and other labor or consulting fees associated with the preparation of a capital asset for public use.

NON-CAPITAL ASSET- An asset, which has an acquisition cost of less than \$5,000, and a useful life of at least one year.

- Only items costing one thousand dollars (\$1,000.00) or more will be inventoried with the exception of computer equipment and other miscellaneous items so designated.
- All computer equipment purchased through IT will be inventoried regardless of cost.

CONSUMABLES (SUPPLIES OR DISPOSABLES) - Are items which, regardless of cost, are neither Capital Assets nor inventory items; they have a useful life of less than one year. These items will not be recorded as a Capital Asset nor will they be inventoried and will not receive a Property Record Tag.

INFRASTRUCTURE - Are assets that are defined as Capital Assets that are immovable and of value only to the governmental unit and include such things as sidewalks, roads, and utility lines. Accordingly, and in conformance with GASB Statement 34, Tioga County will include these values for items with an acquisition or appraised value of \$25,000 or greater in the Capital Asset System.

CLASSIFICATION GUIDELINES:

ORDINARY REPAIRS - Repairs made to keep an asset in good working condition, regardless of cost, are ordinary repairs and shall not be recorded in the Capital Asset System. Ordinary repairs for a building include such things as repainting, and repairing a roof. Ordinary repairs for equipment and vehicles include replacing small parts or other maintenance items.

EXTRAORDINARY REPAIRS/IMPROVEMENTS - Major repairs made not just to keep an asset in good working condition, but also to extend its useful life beyond that originally estimated, are extraordinary repairs and shall be recorded in the Capital Asset System. A replaced roof would be an example of an extraordinary repair. Improvements involve modifying an existing asset to make it more efficient or productive, usually by replacing part of the asset with an improved or superior part, and shall be recorded in the Capital Asset System.

ADDITIONS TO EXISTING CAPITAL ASSETS - Which have an acquisition cost of at least \$5,000, shall be assigned to and increase the value of the Property Record of the existing item and shall be considered a Capital Asset Addition. The Useful Life of Extraordinary Repairs and Improvements will be determined by the number of years the useful life is extended. Additions to Existing Capital Assets will be capitalized according to the Useful Life guidelines below.

SOFTWARE - Will be subject to the threshold above with the exception of software upgrades and maintenance costs. Upgrades and maintenance will not be recorded in the Capital Asset System. (NOTE: An exception may exist if a significant upgrade is acquired which will be determined at that time.) Software purchases greater than \$5,000 that result in a new license will be recorded in the Capital Asset System and will be assigned a property tag, which must be maintained in a log in the department wherein it resides.

HARDWARE - Components that are stand-alone units, and will not be installed internally to an existing computer, will be subject to the existing threshold of \$5,000 when determining whether it is a capital asset.

USEFUL LIFE – All Capital Assets except land will be assigned a useful life appropriate to that asset. Land has an unlimited useful life and will not be subject to the provisions of this paragraph. The cost of an asset will be capitalized using the **straight-line** method over the useful life of the asset. Useful life is obtained using the Capital Assets Policy and Procedure Manual provided by the New York State Office of General Services.

IV. FIXED ASSET PROCEDURES

Attached to this policy is a section entitled Fixed Asset Procedures, which details the procedures that must be followed by departments when purchasing, transferring, or disposing of a Fixed Asset or an asset carrying a Property Record Tag. This section is hereby incorporated into this policy statement but may be amended from time to time as necessary. Amendments shall be incorporated into a new Fixed Asset Procedure Manual and shall occur either at the discretion of the Treasurer's Office or the Information Technology Department.

V. DEPARTMENTS' RESPONSIBILITIES

A. DEPARTMENT DIRECTORS

It shall be the responsibility of every department head and elected office holder to control and record the acquisition and disposition of infrastructure, capital and non-capital assets (as defined in Section III) within their department. These

numbers, values, and locations are recorded in the Capital Asset Module of the MUNIS Software and will be updated by the Treasurer's Office and the Information Technology (IT) Department with each new acquisition, disposal or transfer. The following procedures are hereby established to insure a continued accurate inventory of these items:

PROCUREMENT

1. The responsibility of record keeping begins with the decision to purchase an item. The item must be included in the approved Capital Budget for that year and procurement of the item must comply with the County's Purchasing Policy.
2. The Department must complete the requisition (if appropriate) and purchase order in Munis. The Capital Asset box should read (Y) when entering in the line items for capital assets. Individual lines need to be entered for multiple items if more than one item per line was entered. It is the responsibility of the Department to enter recordable items properly into the Requisition and Purchase Order fields.
 - a. Note- Certain accounts are flagged and reviewed for asset recording purposes.
3. Invoices received for all assets purchased will be processed through Accounts Payable. The Department will attach any necessary information needed for the maintenance of the Capital Asset database to Finance. The Treasurer's Office will be the official "office of record" for capital asset purchases. IT will be the official "office of record" for non-capital asset purchases.

PROPERTY TRANSFER AND DISPOSITION

Each responsible department will record property transfers.

1. The Department Head or designee shall be responsible for the care and safekeeping of all assets recorded in the Munis system, which were purchased by their department. When departments are finished actively utilizing an asset, it will be turned over to the Department of Public Works (DPW) or IT.
2. Items must be tracked as long as the County maintains custody, regardless of whether they are fully depreciated. Departments must insure that as these items are moved or disposed of; their status is tracked in Munis.
3. At the time of inventory, all recorded items must be located. Notice of disposition must be provided to the Treasurer's Office and IT if any item

recorded is not located. Items located but not valued or recorded must at that time be entered into the system.

4. All assets not in active use will be turned over to either the DPW or IT.
5. At any time when a recorded item is sold or otherwise disposed, the Treasurer's Office and IT will receive a written notification (Tioga County Equipment Inventory Disposition Document) of property disposition from the department disposing the item. Finance will record the final disposition of the capital asset and remove its value from the system.
6. On or around January 1 of each year, the Treasurer's Office will submit a complete list of all **capital assets** to all departments. Each department will then be required to review the list and alert the Treasurer's Office regarding any discrepancies to the list that may exist. The absence of an alert will indicate the department head's concurrence that the list accurately reflects all existing items.

B. TREASURER'S OFFICE

The Treasurer's Office will be the office of record and is responsible to insure that all Capital Asset items are properly classified and are charged to the correct account. In addition, they must conduct overall program reviews from time to time to insure consistency and integrity. They will review the following information:

- The classification and useful life of the item/items based on the nature and value of the item is reasonable and proper, and;
- The object account is proper based on the classification.

A report will be prepared by the Treasurer's Office for the Legislature that details the results of the annual inventory and any pertinent findings. The Treasurer's Office, as part of their audit responsibilities, may visit any department as part of their normal audit schedule and conduct an audit of the inventory.

C. DEPARTMENT OF INFORMATION TECHNOLOGY

The Information Technology Department (IT) will be responsible to approve all requests for data processing related asset purchases including all hardware and software. Annual appropriations for all computer related assets may reside within the IT budget or within respective departments as will be determined annually.

Computer hardware and software that qualify as assets regardless of cost will be recorded in the Capital Asset System in accordance with this policy. The IT Department is primarily responsible to advise departments and to approve requested purchases when purchased through the IT Department. Record of all such items will be maintained by the IT Department after delivery/installation.

Upon receipt of an asset valued over \$1,000.00 or computer or computer-related equipment and other miscellaneous items so designated, the IT Department will issue a numbered inventory tag that will be attached to the new asset.

The IT Department will work with the Treasurer's Office for acquiring and disposing of fixed assets.

D. DEPARTMENT OF PUBLIC WORKS

The Department of Public Works (DPW) will be responsible to approve all requests for building and furniture related asset purchases. Annual appropriations for all DPW related fixed assets may reside within the DPW budget or within respective departments as will be determined annually.

Building and furniture items that qualify as fixed assets will be recorded in the Capital Asset System in accordance with this policy. DPW is primarily responsible to advise departments and to approve requested purchases when funded from the DPW budget. Record of all such items will be maintained by the DPW after delivery/installation.

In addition to maintaining the inventory for their items, DPW has responsibility to provide a location to store temporarily items transferred to await sale at public auction or other final disposition. When held, DPW shall be responsible for administering the sale of County's fixed assets. All dispositions of fixed assets shall be reported to the Treasurer's Office and the IT Department for processing in accordance with Item above.

E. EXCEPTIONS

On occasion, the County receives gifts of value at no cost. Department Heads are responsible to indicate this to the Treasurer's Office who must then contact the appropriate department of custody to create an asset record and tag. At that time, the department of custody must make a value determination using the best available data from vendor or trade publications and enter this information into the Munis system accordingly.

FIXED ASSET PROCEDURES

I. Purpose

The purpose of this manual is to set forth the regulations and procedures governing the control and reporting of capital and controlled assets. Procedures

that must be followed by departments when purchasing, transferring, or disposing of a Capital Asset or an asset carrying a Property Record Tag.

II. Definitions

Capital Assets

Refers to real or tangible personal property having:

- A value greater than or equal to the capitalization threshold (\$5,000.00) for the particular classification of the capital asset; and
- Having an estimated useful life of greater than two years from the time of acquisition.

Non-Capital Asset

Equipment or other physical assets with an acquisition cost of \$1,000 or more but less than \$5,000 per unit and with a useful life greater than one year.

Controlled Assets

Refers to those items with a historical cost of less than \$1,000, but which are particularly at risk or vulnerable to loss or theft.

IV. Tagging and Identifying Inventoriable Assets

All tags for maintaining the Fixed Asset Inventory shall be supplied by the Information Technology Department (IT). 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.

All furniture and equipment must be tagged, including, but not limited to:

- Furniture
- Computers and Laptops
- Audio Visual Equipment
- Other equipment above \$1,000 such as kitchen, health and fitness, or office machines
- Controlled assets that are sensitive, portable, or prone to theft

All equipment shall be tagged upon receipt. The department must complete and return (via email) a Tioga County Equipment Inventory Document form before receiving an inventory tag. Questionable items can be discussed with IT and the Treasurer's Office.

V. Acquisition, Transfer and Disposal

Acquisition-All equipment should be purchased under a capital 52XXXX line.

- Purchase Requests- The capital asset drop down should be selected Y (yes) for Capital Assets (\$5,000 or more) and N (no) for non-capital assets.
- Payment- the payment of the invoice. The attachment must include the acquisition form.
- The IT Department or the Treasurer's Office will create the asset from the information provided on the acquisition form.

Transfer- Asset transfers shall be recorded promptly. A permanent transfer is one that has no current plans of return. The department transferring the equipment can request changes to Munis via email to the IT Department or the Treasurer's Office. The email should include an updated Tioga County Equipment Inventory Document form with the transfer information.

Disposal- To maintain accurate asset records, asset disposals shall be recorded promptly. These records shall reflect whether the items have been abandoned, traded in, sold, stolen, or destroyed. When property is beyond repair or is no longer needed, the equipment item must be returned to the Department of Public Works for appropriate disposal. IT equipment will be disposed of by IT.

- Disposals are entered into Munis by the Treasurer's Office (Capital Assets) or IT (Non-Capital Assets).
- Tioga County Equipment Inventory Document form (disposal section) is to be filled out and emailed to both the Treasurer's Office and IT.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standing, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

Legislator Balliet made a motion to bring forth two late-file resolutions for Legislature consideration, seconded by Legislator Sullivan. Motion carried.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 197-20 *CREATE TEMPORARY
ELECTION CLERK POSITIONS
(BOARD OF ELECTIONS)*

WHEREAS: 2020 is a Presidential election year; and

WHEREAS: Additional election regulations have been implemented in response to COVID-19, including a requirement that every voter be mailed information about requesting paper ballots; and

WHEREAS: The Board of Elections does not have ample staffing to handle the resulting volume of work; therefore be it

RESOLVED: That the Board of Elections is hereby authorized to create and fill two full-time temporary Election Clerk positions at an hourly rate of \$12.80; and be it further

RESOLVED: That the temporary positions shall be in place effective September 16, 2020 through no later than November 20, 2020 at which time they will be abolished.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
ADMINISTRATION SERVICES COMMITTEE

RESOLUTION NO. 198-20 *APPLY FOR CTCL COVID-19
RESPONSE GRANT FOR LOCAL
ELECTION JURISDICTIONS*

WHEREAS: The Center for Tech and Civic Life (CTCL) has announced a COVID-19 Response Grant program for all U.S. local election jurisdictions, beginning September 8, 2020; and

WHEREAS: The minimum grant award will be \$5,000; and

WHEREAS: Due to COVID-19 and related Executive Orders from the Governor, the Tioga County Board of Elections is incurring continued unforeseen expenses and an increase in workload; and

WHEREAS: Additional funding of \$5,000 or more would be very helpful to the Board of Elections in covering some of these expenses; therefore be it

RESOLVED: That the Tioga County Board of Elections is authorized to apply for the CTCL COVID-19 Response Grant as soon as practicable.

ROLL CALL VOTE

Yes – Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston.

No – None.

Absent – Legislators Monell and Mullen.

RESOLUTION ADOPTED.

The meeting adjourned at 6:24 P.M.

*Public Hearing
Local Law Introductory No. A of 2020
September 23, 2020*

The Public Hearing on Local Law Introductory No. A of 2020 A Local Law providing for the collection of a hotel and motel tax in Tioga County was called to order by the Chair at 6:00 P.M. All nine Legislative members were present.

There were 42 people in attendance with an additional 83 people participating via Zoom.

Chair Sauerbrey spoke. "Good Evening, everyone. Thank you for joining us this evening. My name is Martha Sauerbrey, Chair of the Tioga County Legislature."

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

Chair Sauerbrey spoke. "Tonight we have two public hearings. The first on the Hotel/Motel Tax Law and the second on the Source Separation Law.

"If you are attending in-person and have signed up to make comments following the presentation, please wear your mask while speaking at the microphone. Each person is allowed three minutes to speak. We ask that you be respectful and concise in your comments. You will be called up to speak in the order of your arrival this evening.

"The hearing will close promptly at 8:00 p.m. this evening. If you did not get an opportunity to speak, you are welcome to submit written comments until October 1, 2020. For those who are attending the hearing via Zoom, you can submit your written comments via email at recyclingcomments@co.tioga.ny.us or by regular mail.

"Tonight's presentation will be available for viewing on the County website tomorrow at www.tiogacountyny.com.

"As a reminder, this is a public hearing. You are welcome to express your comments, but we cannot respond to any questions.

"I am going to open the first public hearing with speaker LeeAnn Tinney, Director of Economic Development and Planning."

Director of Economic Development & Planning Tinney spoke. “Good Evening. My name is LeeAnn Tinney, Director of Economic Development and Planning.

“I am here tonight to address the proposed Local Law Introductory No. A of 2020 known as Hotel/Motel Tax Law. The purpose of the Hotel/Motel Tax Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

“The Tioga County Legislature reviews and renews this local law every three years. This process allows the Legislature to make periodic changes to the law, if warranted.

“The proposed changes to the 2020 local law all fall under Section 3: DEFINITIONS. Those definitions including HOTEL/MOTEL, PERSON, RENT, and RETURN. These proposed revisions were provided to the Legislative Committee and full Legislature earlier this month. However, in the final review of the local law it was determined that the changes were erroneously shared within an outdated version of the existing local law. Therefore, I respectfully request that the public hearing for Local Law Introductory No. A of 2020 be rescheduled for Thursday, October 22, 2020. This will allow the changes to be re-introduced to the Legislature and reflected within the correct most recent Hotel/Motel Tax Law. I apologize for any inconvenience the mistake has caused the Legislature and the public. Thank you.”

Chair Sauerbrey spoke. “Because we are withdrawing the local law tonight, we will entertain no comments. We are bringing this forward for a public hearing next month. This part of the meeting is closed.”

There being no comments entertained this evening, the hearing was adjourned at 6:05 p.m.

*Public Hearing
Local Law Introductory No. B of 2020
September 23, 2020*

The Public Hearing on Local Law Introductory No. B of 2020 A Local Law establishing the Tioga County Mandatory Source Separation Law commencing January 1, 2021, and repealing Local Law No. 2 of the Year 1992, enacted on August 1, 1992, entitled Tioga County Recycling and Source Separation Law was called to order by the Chair at 6:05 P.M. All nine Legislative members were present.

There were 42 people in attendance with an additional 83 people participating via Zoom.

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

Chair Sauerbrey spoke. “The presenter for this public hearing on Local Law Introductory No. B of 2020 known as Tioga County Mandatory Source Separation Law is Dr. Ellen Pratt, Tioga County Sustainability Manager.”

Dr. Ellen Pratt, Tioga County Sustainability Manager spoke. “Good Evening. Thank you for coming out tonight and for all of you who are listening to us on Zoom. I will be reviewing the history of the 1992 Local Law known as Tioga County Recycling and Source Separation and why it needs to be updated. I will also review Tioga County Recycling Program including current bid results. There are two things being combined together that I am going to separate out. One is the 2020 Local Law Source Separation and the other is the countywide recycling bid results and the program going forward.

“New York State Solid Waste Act of 1988 requires all counties to adopt local laws or ordinances requiring the separation and segregation of recyclable and reusable materials from solid waste.

“In 1992, Tioga County passed the local law known as Tioga County Recycling and Source Separation. This requires recyclable and reusable materials to be separated and segregated from garbage. We need to update the 1992 local law because we need to ensure recycling continues in Tioga County and we need to remove dated information such as the Solid Waste District, which is referred to in the document.

“In 1992, Tioga County initiated the Countywide Curbside Recycling Program. Our current program is weekly countywide curbside recycling. The current contract expires at the end of this year. We went out to bid in June 2020. The lowest bid was more than double the current cost. This bid was for bi-weekly

service instead of our current weekly. The increase is \$1.26 million dollars annually. So, for perspective, the lowest bid was \$2.48 million dollars per year, which is \$12.4 million dollars over the five-year contract.

“You may still be asking what's the problem. Again, the cost of the program will more than double. New York State has a 2% property tax cap. Based on 2020 budget numbers, the new cost equates to 5.1% increase for just recycling. If the County is over the tax cap it negatively impacts the receipt of any State grants that are contingent upon staying at this tax cap such as Raise the Age.

“So, what do other counties do? From our research, only three out of the 62 counties in New York State have countywide curbside recycling funded through their county. New York State Department of Environmental Conservation Region 7 only two. Tioga and Tompkins Counties provide countywide curbside recycling. Most counties do not provide countywide curbside recycling. They require private haulers and municipalities that provide garbage pickup to also collect recycling. Private haulers and local municipalities that collect garbage curbside must also collect recycling curbside. If you do not have curbside garbage collection, residents that bring their garbage to a transfer station or landfill will need to bring their recycling with them and place it in the appropriate location.

“The proposed recycling program, for those of you who drop your garbage off at one of the local transfer stations, you can drop your recycling off in the recycling containers there. If your garbage is collected at your curb, the hauler you choose will be providing recycling likely with a surcharge. If your municipality collects your garbage, they will provide recycling collection.

“Your recycling line item will be removed from your 2021 property tax bill.

“We can all reduce, reuse, recycle and compost. Thank you.

“For comments, submission can be submitted electronically at recyclingcomments@co.tioga.ny.us through October 1, 2020.

“A PDF of this presentation will be on the County website at www.tiogacountyny.com. Thank you.”

Chair Sauerbrey spoke. “Thank you, Ellen. For those who signed up to speak, I will call your name in the order of your arrival.”

Esther Woods – Nichols, NY spoke. “Hi, my name is Esther Woods and I am from Nichols, NY. I am a business owner of a garbage company, so my question is if we pick up recycling, which we have never done before, where do we go with

the recycling. I know Taylor's own the recycling centers, but do they have to take recycling from us, for a fee I understand. Will Taylor Garbage take recycling from other garbage haulers and, if so, what is the cost to take recycling to their facility? I was hoping one of the Taylor's would be here this evening, but they are not. When I was talking to a gentleman here this evening, he was saying they have not come up with a cost yet. It would be advantageous to know what the cost would be because it is only three months away, so it is kind of a scramble for some of us local haulers to try to come quickly now with a way we are going to run for the recycling. I understand that we will have to pass this cost on to the customer and that is going to be another problem. I already have customers calling and asking if they have to pay for this. I kind of told them I wasn't sure because at this point I have not heard whether the small private haulers have to pay to get rid of the recycling. They are questioning how much more, if any, they will be charged per month for the recycling. I understand that it is probably going to be once a month or maybe every other week because it is probably going to be too much of a cost to run every single week to pick up the recycling. As a resident of Nichols, NY, honestly I would pay more in my taxes to have the recycling. On our road, there is probably 15 houses and I see every week at least four or five have no trash service, so I am not sure if they are taking their garbage to a transfer station or work. I do not know, but they do put out recycling. So, if they do not have trash service and not getting the free recycling, I am afraid that is all going to go in the trash. I think people are going to be dissuaded from recycling and it is going to be put in the garbage more than the Legislature is aware of. That is going to cause an issue with the landfill. They do not want recycling in the trash. These are my concerns as a business owner and resident of Tioga County. Thank you."

Chair Sauerbrey spoke. "I forgot to mention that this meeting is on Zoom, therefore, your images will be captured at the podium. If you are uncomfortable with having your picture shown then you should not speak in front of the microphone. This hearing is also being recorded so all comments will be on record."

Jim Tornatore – Newark Valley, NY spoke. "Hello Legislators, it has been awhile since I have talked to you the last time. I am here not questioning the process by the County. I am here to seek assistance because I represent the Village of Newark Valley, we are a trash hauler currently, and we will continue to be. We have sought information from Taylor Garbage, Dr. Pratt, County Attorney DeWind, and guidance from Legislator Sullivan. We have some information so far and right now, we have options that I have shared with our trustees. The reason for me coming here tonight is not for any of that because we have to get moving on. We will rely on the RFP's by the County possibly and whatever we do, we hope, with attorney advice, that it be an emergency declaration to do what we do without the normal process. With that being said, what we do seek and request is additional help by Tioga County for the numbers. I am an accountant, so I

understand the numbers, but I do not know history. Taylor Garbage has picked up for years curbside in the Village of Newark Valley, but it is not separate. They have no idea what the tonnage is for the village. So, in quick conversation with them, I am possibly requesting a short-term contract to be revised later. What I am seeking though is as much information as the County can provide through Dr. Pratt as to the revenue and expense side although I guess for now we are going to ignore the revenue because I am guessing there is no revenue and maybe not for the foreseeable future either. So, that is what I am asking for. I am asking for assistance by the County and a little guidance by the County on what they know from history that we do not know. That is all I have. Thank you for listening."

Ann Mallozzi – Apalachin, NY spoke. "Yes, I am Ann Mallozzi of Long Creek Road in Apalachin. I am here on behalf of 625 residents who signed my petition. I started a petition on Change.org at 12:00 this afternoon and by 6:00 p.m. I had 625 signatures. I am going to read you the petition. The petition is to the Tioga County Legislature. The Tioga County Legislature wants to end the highly successful countywide recycling program and replace it with a system of each owner responsible to find a way to recycle at the owner's cost. We, the undersigned, want Tioga County to continue the very popular countywide curbside recycling. Without curbside recycling, it will be more expensive and inconvenient to recycle."

Doug Barton – Owego, NY spoke. "My name is Doug Barton and I am from the Town of Owego in Tioga County and I want to thank you for this opportunity. I would like to read three quotes. The first, 'the difference recycling makes is a big deal'. The second quote, 'recycling supports local jobs and helps keep prices lower on the goods you buy every day'. The third quote, 'it conserves energy and produces less pollution protecting our environment'. These are your words. They come from your website. I agree with those words and since it is on your website, I have to believe that you also believe in what you have told the taxpayers of the County for the last several years. The plan to discontinue the current recycling program is not in the best interest of the residents of our County. It is shortsighted and may not save the taxpayers money in the long run. My understanding is that the low bid, submitted by Taylor Garbage, was commensurate with what other municipalities are paying for recycling. This was researched by your Sustainability Coordinator, so it is not a matter of this not being a fair bid. The County has a long history of successful recycling with Taylor Garbage. The bid was rejected because it was about twice as much as the previous bid. This is the result of expenses going up and the market for recycled products going down. You have told the taxpayers the good news is that your taxes are going down, but you have not done any homework on the ultimate cost to the taxpayers and what that choice will be. The average house in the Town of Owego that has a market value of \$100,000 pays less than \$1.00 per week under the current program. Double that and it will be less than \$2.00. Less than a gallon of gas that they will use to haul recycling to the drop

site. Some people may not be motivated to recycle. Some will try to mix it in with their garbage, which is by the way illegal. Haulers will not be allowed to haul this mix to landfills. Landfills will begin to refuse garbage from Tioga County haulers. Some will burn it in their backyards, not a welcome activity for their neighbors. Some will mix their garbage in with their recyclables at unmonitored drop-offs. Some will deposit their papers, bottles, and cans along our roadways. Tourism's new motto 'Welcome to the litter gateway of the Finger Lakes'. In the long run, it may not save us money and it is fraught with a multitude of potential issues. But, what I find very disappointing about this is how little information and discussion have been presented to those of us who pay the bill and our most affected by this decision. Where was the foresight or the courage to make this more public earlier in the process? 20,000 recycle stops are made that includes households and businesses. Are retail stores going to haul their many boxes to a drop-off? Are restaurants going to haul hundreds of bottles and cans to a drop-off? What will they pay for that service? The current economy of scale will not help them. I understand and respect the difficult decisions the Legislature has to make. In the past, you have had the courage to increase taxes for the many Departments and services that are important to a vibrant and sustainable community. Please have the courage to increase taxes to support this, as you put it, 'a big deal'. Sometimes it costs money to do the right thing. Thank you."

Cynthia Herrick – Richford, NY spoke. "Hello, I would like to speak in opposition to County of Tioga Local Law Introductory No. B of 2020. My name is Cynthia Herrick. I am a resident of the Town of Richford where I am also on the town board and serve as the Deputy Supervisor. I am going to respond as a resident, a town official, and a taxpayer. As a resident, I appreciate that the convenience of curbside recycling encourages recycling. This law change by making recycling less convenient encourages sending recyclables to landfills, which is environmentally backward and wasteful or the burning of recyclables, which is wasteful, releases toxins into the air, and is illegal in the form of open burning in the spring every year. In Richford, few people use a garbage service. The town provides a garbage truck for residents to bring garbage for a fee. This law would require what for us as residents, for us each to take our recyclable to a central recycling facility in Owego or Barton. Will there be a transfer station in northern Tioga County? Driving our recycling so far is unrealistic and maximizes costs to residents from far-flung towns like Richford. The Legislature is supposed to represent us too. As a town board member and Deputy Supervisor, I am concerned about the impact this law would have on our town and taxes. Will the town be required to accept recyclables since we have a garbage truck, which is a registered transfer station? We do not have the infrastructure to accept recyclables nor the manpower or fuel budget to bring them to a distant recycling facility or to hire a company to bring the materials for us. Shifting this cost to the town would require a significant increase in taxes, which is unlikely to be offset by the decrease in county taxes. We are also not being given sufficient time as a town

to plan this out to start January 1st. We would have to pass a law to exceed the tax cap, explore all the alternatives, come up with a budget, and acquire a truck or container all before January 1, 2021. As a taxpayer, I am opposed to this law because I understand the concept of economies of scale. The larger the recycling operation the more economically and necessarily can be. This law increases total costs and/or taxes by eliminating the savings of having a large scale and pushes those higher costs on to the towns or individuals. I urge the Legislature to vote against County of Tioga Local Law B. It is bad for the residents and taxpayers of Richford and is happening too quickly.”

Mike Phelps – Owego, NY spoke. “He answered my questions. No comment.”

Kevin Millar – Owego, NY spoke. “Thank you for this opportunity to speak. Nobody likes to raise taxes and I am sure the Legislature even more than the normal person does. I would like to say that the cost of recycling to the County is a known number. The costs to residents is an unknown number. It could turn out to be more expensive to do away with this law for residents than to keep it. The cost for a resident who lives ten miles away from a transfer station at the current operating cost of .59 cents per mile if they go every two weeks is going to cost them \$300.00 a year. The cost of recycling is minimized for residents and businesses with a one county system with operational scales that help minimize the cost for everybody. Increased recycling is probably going to end up in the waste stream, which is not good for anybody. I would just like to remind the Legislature that recycling was not started by a bunch of starry-eyed environmentalists; it was started by the Legislature making a hard-headed decision to decrease the waste stream and landfill costs were going up. Thank you.”

Rich Rogers – Spencer, NY spoke. “Thank you for the opportunity to speak. I live in Spencer, I am a retired Spencer-Van Etten schoolteacher, and I am presently on the Spencer-Van Etten School Board. As an educator, as someone who has dedicated their lives to children and teaching children and the importance of what we as adults do with our children, I think there are some significant reasons why you should consider continuing recycling in this county. For one, I did not realize that Tompkins and Tioga were the only two counties in this area that do this and I am very proud of that we can actually say that we offer this service. It is significant. So, for many reasons we have been teaching children the importance of recycling and why is that. It is because we know that all the stuff we humans consume every day when we are done with it basically two things happen. Number one, it gets recycled or it goes to a landfill. We know that landfills all across the entire planet, not just in this country, are significant contributors to methane in the atmosphere. We know methane is one of the major greenhouse gases whether you are a climate change denier or whether you believe it or not, science tells us that the earth right now is in a pretty serious place. All you need to

do is look at what is happening with the fires in Washington, Oregon, and California. Look at the impact of the hurricanes in the south. We know that the climate is changing. It is determined by human behavior. So, we as a school district and throughout New York, have been working to teach children the importance of what they do with the stuff that they bring to school every day. I would like to be proud to say that in Spencer-Van Etten we have a compost program where all our food waste is collected and it is composted at the high school, which is significant. So, the importance of keeping stuff out of landfills is significant because of the consequences of that. So, by recycling in this county every single family with a child or grandchild in Tioga County may not be able to stop the fires out west, they may not be able to stop the hurricanes or the flooding in the south, but they can make a contribution at an individual family level by recycling. It is something you can do. It is a choice. So, it is very important that I feel that you as a Legislature continue to support that effort by allowing the recycling to continue. I know you have a fiscal responsibility to try and keep your budget out of the red. I would ask that most families would take a tax and pay more to continue recycling because it is so significant in what it means and I hope that you will not let this program go, but to keep the recycling in the county. Thank you."

Chair Sauerbrey spoke. "Before I close this hearing, is there anyone else that wants to speak?"

Sister Mary O'Brien – Owego, NY spoke. "I just want to say that I learned new information by coming to this meeting tonight. I listened to Esther speak about being a hauler and not having adequate time or information for a big business venture. I, as a citizen who values recycling very much, was appalled when I first learned about it. I understand the immense increase for that service, but like Mr. Rogers from Spencer-Van Etten who spoke about our youth, I thought what will we say to our youth. Our youth are our teachers when it comes to saving our planet. What will our County say about this decision? I would agree that an increase in taxes, of course I do not pay taxes so it easy for me to say an increase in taxes, but I do think that if people were given a choice whether to drop this wonderful service that we have been accustomed to or suddenly finding lots of stuff in our landfill. It will be in our landfill, I can assure you. I am limited to Owego in my walking, but I look at those recycle bins and I see them and I know exactly where they are going to be found. I think we need more time. We need more information before such an important decision is made. Thank you."

With no additional comments, the public hearing adjourned at 6.37 p.m.

The following are written comments (unedited) received through recyclingcomments@co.tioga.ny.us following tonight's Zoom presentation through October 1, 2020:

1. We will be attending your public hearing via Zoom this evening. We urge you to **not** destroy the curbside recycling program that Tioga County has already in place. It is absolutely insane to get rid of a program which helps the environment and which county residents participate in. We encourage the county to think outside the box and work with bidders to find a solution.

If Taylor Garbage is the only bid at the moment, let's work with them to find solutions to the problems they are facing as recyclers. We all know the market is changing and that we as a nation must work together to find markets for recyclables and or figure out other methods of not filling our landfills or the oceans with this garbage. Simply shipping our recyclables to other poorer countries is not the solution.

We started to do some research on what other counties and states were doing but just did not have the time to explore options. However, the county has an economic development department staff or other resources that could do the research. Ending the program and expecting people to pay their haulers to handle the recycling or bring it to the recycling center isn't saving dollars, it is only pushing the increased costs on your taxpayers in another way. Of course, we all know that most people will not pay the extra costs and the recyclables will just end up in the garbage.

Taking care of our planet does cost money. We do have a program that works in place. Taylor Garbage or other haulers do face increased costs. They are also recovering from a disastrous fire. However, they are a business that provides jobs and is from the local area, let's support them.

Please think outside the box. Please be creative and do not get rid of this important service. We already lost a bus service in Tioga County because no one seemed able to think outside the box and come up with a creative solution. Meanwhile, neighboring counties continue the service.

Sincerely,
Robert and Cheryll Berg
Candor, New York

2. I do not want to attend a meeting where there will probably be a lot of angry people, but do want to voice my concerns about this new recycling law. I live in Richford where I have to take my garbage down to the town barn. I am 70 and cannot be carrying down a tote full of recyclables. Nor can I afford to pay a trash hauler \$65 every 3 mos. just to get rid of recyclables (if anyone even picks up where I live). We the people, have been having to change our entire way of living, and now you want to institute yet another change that, it appears, will not be financially or physically beneficial. When will "we the people" become a true concern for government instead of treating us like a herd of cattle to do with as you wish. I do hope this email will be read tonight at the meeting. Thank you.

Respectfully,
Bonnie Sikorski

3. I am firmly against having the county drop their recycling contract. I am afraid the some residents in the county will not recycle and will put recycle materials in with their garbage. This will increase the county waste stream and lead to additional cost for disposal. I recommend the county continue to contract for recycling even if it means a tax increase.

James Fields
Apalachin, NY

4. So, the county won't contract for recycling due to cost but residents must contract for it themselves. Either way it will cost residents more. This makes no sense. And, to limit a meeting that was not well publicized to 35 people is outrageous! There are larger venues for a public meeting. How about Hickories Park or the town hall parking lot? The legislature is not working for its constituents!

N. Vasicek

5. The new local law regarding mandatory source separation refers only to the requirements and fines:

- The residents have been given no information as to the costs for private hauling of their recyclable materials.
- If residents opt to take their recycling to the transfer station themselves, there will be additional costs incurred with regard to gasoline, as well as air pollution.
- Many residents will not make arrangements with private haulers. It will be difficult to enforce penalties for those who do not comply and the waste will just end up in the landfill.

- If weekly or biweekly pickup is too expensive, what about going to a monthly pickup service?

The Tioga County recycling program is one that we can be proud of. Please keep it that way.

Thank you.
 Andrea DelNero
 Owego, NY

6. Leslie Anne King, voting citizen of Tioga County. I am OK with the rules on separation of recyclables, but am opposed to shifting the cost burden to individuals. The total cost to individuals will very likely be higher than the \$114 per household that is projected in the County documents, as we will not have the economies of scale or the bargaining power that the County does. Therefore, I do not see how the Legislature is acting in the best interests of those that they represent. County taxes are spread over the entire community where the benefit resides.

Tioga County Rural Ministry sees transportation for work, school, and medical services as a very large problem for the poor in Tioga County. The poor certainly cannot afford to hire a service to haul their recyclables. In addition, in many cases they do not have the transportation to haul it themselves.

The environment is critical to my grandchildren's quality of life. The shifting of recyclables to the oversubscribed trash system is a large step backwards. As an environmentalist, I think it is wrong for Tioga County to discourage residents from recycling. Putting the cost of recycling on individual households will discourage many residents from recycling their waste. I did notice that the haulers are required to refuse to pick up trash with recycling in it, I can't see where or how or by whom that will be enforced

Regarding the 2% cap on tax increase. The Legislature could call a referendum and get permission. It would take a sales job but would surely be worth the effort.

With thanks for your work and for reading the comments.

Leslie Anne King
 Owego, NY

7. See attached files, which contain my comments regarding the proposed Mandatory Source Separation Law for which a public hearing was held this evening, 23 September 2020, and the comment period is through 01 October 2020.

Comments Regarding Proposed Tioga
County Mandatory Source Separation Law
Public Hearing 23 September 2020

Summary

As written, the proposed law is flawed, unenforceable, and costly. It will have consequences (intended or otherwise) which are undesirable. There is a better alternative, which is to form a municipal (i.e. county wide) special district for solid waste management, which is funded by a benefit assessment tax (as opposed to an *ad valorem* property assessment tax).

Flaws

Definition of Solid Waste

Proposed local law Section 4.A references “Title 6 Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended” for definition of terms. Section 4.B contains a definition of “Solid Waste” which is inconsistent with 6 CRR-NY 360. Moreover, “Waste” (as opposed to “Solid Waste”) is used in the local law. The definition of “Waste” would therefore default to the definition in 6 CRR-NY 360.2(a)(1) which states:

Solid waste or waste means, except as described in paragraph (3) of this subdivision, discarded materials including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, institutional, mining or agricultural operations or from residential activities including materials that are recycled or that may have value.

Note that recyclable materials are specifically included, not excluded, in this 6 CRR-NY 360 definition.

Ambiguities and Confusions

In addition to the ambiguity in definition of Solid Waste

- It is unclear as to the difference between “Waste Generator” and “Generator”, which is defined in 6 CRR-NY 360.2(b)(122).
- In Section 6.A it is unclear who keeps records.

- Document alpha-numeric references break down for “Multifamily buildings and complexes”, “Residential/commercial (institutional) and industrial waste and recyclables”, and “Penalties for Waste Haulers”.
- In Section 6 and Section 7, the word “article” is used repeatedly. Does “article” refer only to the subject section, or to Section 8.D and E or to some other specific section or sections? See also Section 8.G.Mandatory Source Separation Section 5.A contains the word “placement”, which is not a verb. It is unclear as to the implied second imperative after the word “and”.
- Section 5.B contains the word “published” without specifying how.
- Section 5.C is a definition. It belongs in Section 4.B.
- [others]

Unintended Consequences

Validity Suspect

This proposed local law mandates actions and monetary expense on persons (and perhaps entities) who are not capable of compliance. The validity of such law is suspect.

Consider the indigent—a poor or destitute—person, of which there are many in Tioga County. An indigent person cannot afford a Waste Hauler and cannot afford personal transportation of recyclables. Recyclables are usually more than half of the household solid waste stream. Because recyclables are part of the household waste stream, they will be disposed with the rest. The recyclables (and other trash) will either be burned or dumped. In either case, the environmental consequence is the antithesis of recycling’s purpose. Is Tioga County prepared to increase its subsidies to the poor to include increased Waste Hauler fees?

Consideration of Duplex Homes

The proposed local law does not consider the distinction of an owner occupied multifamily building (two families) from a larger apartment building. It imposes an unnecessary requirement for a “recycling drop off”.

Cost to Residents Increases

Removing curbside recycling fees from the Tioga County budget does not remove the cost to the taxpayer. On the contrary, because the average taxpayer does not have the bargaining power of the County, it is likely that the sum of costs of recycling to the taxpayer will be higher than the taxes paid for the same service.

While the cost of recycling under the proposed law for householders would be difficult (but not impossible) to estimate, it is easy to see that it would be higher than the estimated County run program at \$114 per year per household. Taylor’s

costs will be passed on Waste Haulers who will take a profit and pass the cost on to householders. The more hands that costs pass through, the higher the price to the consumer.

A simple low-ball model for me, a householder who chooses to “do it yourself”, is:

Page **2** of **4**

Mandatory Source Separation

\$5.75	10 mile round trip; Federal mileage expense rate
\$0.25	25 lbs at \$0.1/lb (St. Lawrence Co. recyclables rate)
26	Trips (i.e. biweekly)
\$156.00	Annual Cost

Using a Waste Hauler will no doubt cost more.

Alternative to Proposed Local Law

The proposed local law is presumed to be driven by an increase in the price of contracted service for the curbside pickup and disposal of recyclables. Until now the contracted services have been paid from the General Fund and Recycle Fund which are funded by *ad velorem* real estate taxes. It is presumed that the County legislature is averse to increasing real estate taxes, and thus wishes to shift the cost the users. Overall, the proposed local law would cost the residents of the County more than what the County could pay for the service. There is an alternative, which shifts the cost of recycling to the users of the service but maintains the bargaining power of the County's large volume.

That alternative is in New York State municipal law, which permits the creation of a special districts for specific services. Such districts may be funded by a “benefit assessment tax” instead of an *ad velorem* tax. For example, a benefit assessment might be in “units”, with a number of units assigned based on a dwelling's or business's characteristics.

Another alternative is in County Law, CNT § 250, which permits:

The board of supervisors of each county may establish, consolidate, or extend county water, water quality treatment, sewer, wastewater disposal, drainage or refuse districts (hereinafter referred to in this article as the “district”) in the manner hereinafter provided:

...

5. For the purpose of the collection and disposition of garbage, ashes, rubbish and other waste matter within the county.

It is of note that many “special district” taxes or fees are not exempted, which potentially spreads the special district tax over a larger base.

Philosophy of Governance

I elect representatives to government office to solve community problems. I feel betrayed when legislators or executives abdicate this responsibility. The recycling expense issue addressed by this proposed local law is “passing the buck”.

Mandatory Source Separation

The increased costs of recycling will be paid, or recycling will not happen. Recycling is acknowledged as a common community good and is State law mandated. Recycling must happen and therefore must be paid for. Efficient recycling at the lowest total cost seems best managed at the County level.

The “tax cap” is politically sensitive, but is not so sacred that it cannot be exceeded.

Author Contact Information

James King
Owego, NY

8. What will be the cost of recycling directly with Taylor's? I'm assuming recycling will not be free.

Cherie Barnes

9. Hello County Legislature,
Recycling is required by the state - and the most efficient way to do it is to have a contractor or the county do curbside or community pick-ups.

Reasons:

- 1. if everyone drives to the Taylor site that is a lot of carbon going into the atmosphere.
- 2. Without an easy way to recycle, people will throw stuff away - and if they can't toss it, they will burn it.
- 3. Recycling reduces litter and garbage along roads, on land, etc.

Some solutions:

- 1. pick-ups every 2 weeks
- 2. local recycling centers at town garages or somewhere & then transferred?

Thank you,
Sue Heavenrich
Candor

10. I agree 100%..Curbside is and should be off the table.

Option 1: Having regional county areas to unload recyclables

Option 2: Incorporate the towns to provide space for a roll off for unloading into

Option 3: Selling bag tags to offset the costs to towns supporting Option 2.

Option 4: Adapt or Adopt a hybrid plan similar to other counties which has minimum impact to cost for the customer.

Offer nothing and see recyclables being burned in rural areas or dumped where ever. It took a while to get everyone on board to recycle. It will be a shorter time before it resorts to what was.

Florence Alpert
Candor, NY

11. I attended the public hearing last evening via Zoom (thanks for providing that option). I strongly support continuation of curbside recycling service by the county, even if it means a tax increase. This service is an excellent use of our tax dollars.

One of the speakers mentioned that Taylor Garbage was the low bidder. I'm wondering if the county has been in discussions with them about possible adjustments to the service that would reduce the price. For example, just do pickup every other week.

I have heard that the price offered for plastic is so low because of contamination issues. If that is the main problem, maybe the solution is to reduce contamination by educating the public on this. If contamination is not the main problem and the recycle value of plastic is just too low, maybe drop plastic from the curbside recycle list for now. It is a waste of time and money to ask people to recycle their plastic items only to have them end up in the landfill anyway.

Thanks for considering these thoughts.

Wes Ernsberger
Owego, NY

12. Hi all. I just read the penny saver article and I support the decision to end curbside recycling pickup (other than what may be done by trash haulers)
Keep up the good work!

David MacFadden
Apalachin, NY

13. Tioga County Legislature,

Thank you for the opportunity to share my thoughts after viewing the Public Hearing on Zoom.

As was evident from the hearing, there is great support for Tioga County's countywide recycling program. I have the same concern as others that if this countywide program is discontinued there will be less recycling, more recyclables going into the garbage and more litter alongside the roadways. There is also the problem of what someone will do if they don't have curbside garbage collection. I have a neighbor here in Tioga Terrace that doesn't have garbage collection, just relies on recycling.

I know your main concern is the 2% property tax cap. Is there any way to form a separate countywide recycling district that would be separate from the Tioga County budget and would not impact Tioga County's tax cap? I personally think that every avenue should be explored to try to keep countywide recycling going: it is the right thing to do. I say this knowing that the countywide recycling will cost me more money than the proposed individual contracting with your garbage hauler since my assessment is much higher than the average.

I also would encourage, in the future, that when some change of this magnitude is proposed that the County get the Council of Governments on board as soon as possible to share their concerns and input. From the comments and questions at the public hearing it appeared that this did not happen.

Thank you for your service,

Carol Sweeney
Apalachin, NY

14. In response to "However, the overall costs of maintaining the program outweigh the convenience of the program." "Convenience"? Seriously? "Convenience" is not the issue!

Recycling is a process to improve our environment...an issue of ecological conservation. Thousands of Tioga County residents driving, individually, multiple times every month, defeats the goal of ecological conservation. (the purpose of a curbside recycling pick-up program) Short-term financial "relief" will cost us all, in the long-term, much, much, more! Again, "convenience" is not the issue!

And btw, illegal or not, there is the certainty that if Tioga County's Recycling Program is "nixed", recyclables will be dumped together with non-recyclables.

Just in term of costs, that will add to our future expenses (taxes, clean-up, etc.) So clearly, I am strongly against "dumping" our Tioga County's Recycling Program!

Respectfully,
Jesse Bennett (resident of Waverly, NY)

15. Hello,

I attended your Zoom session for the public hearing on removing curbside recycling as one of the benefits of living in Tioga County. I want to say with all necessary urgency that 2020 is not the year to take Tioga County several steps backwards in environmentally progressive policy. My partner and I are young homeowners, taxpayers, and people who grew up here, who graduated from OFA, lived elsewhere in the country, and moved back to Tioga County to stay. We can confidently say that policies like this are NOT going to attract more people like us.

As speakers stated during the meeting, we are one of merely two counties who offer this service regionally. We teach our children to make a difference, and right now in a world where they can offer little in terms of fighting climate change, recycling is something they can do to make a difference. Aside from appealing to morals here, as other speakers mentioned, there has not been enough information or transparency to prepare local haulers for this shift.

Your slide show said the lowest bid for keeping recycling was 1.26 million, an increase that would be double the cost to taxpayers. What your slideshow did not say was that when you take that 1.26 million, and divide it by the number of people in Tioga County made available by the 2019 census data, or by the number of households, that that amount in actuality results in about \$2.25 - \$5.25 a month for taxpayers for recycling. While that IS double from \$1.12 - \$2.62 a month, it is grossly disingenuous to present a number in the millions and scare people into thinking their taxes are going to be "double" if we keep recycling when the amount is so small.

It is further deceitful to frame the expense of the service this way when, as expressed at the Zoom meeting so passionately by several speakers spanning multiple generation demographics, people have said that they think keeping recycling as part of the service the county provides constituents is a cost worth keeping, even with an increase in cost.

If you take the time to sift through the comments on social media, people who cannot afford to recycle independently intend to burn their recycling, or hide it in their trash. People who are elderly or without transportation will not be able to manage this on their own without curbside pickup. Some people think it won't matter, and don't care, but we know better.

These inevitable (and entirely preventable) consequences of this policy change will make Tioga County a smelly, unsafe place to live. It is a bad look for attracting new people to the area, especially as nearby Endicott fights against the installation of a toxic battery incinerator a mere 10 minutes of breathable air away.

The petition that agrees with these above sentiments has over 1,650 signatures and rising as I write this email. So, I implore, please do not take this option away from our residents. Please reconsider this approach and its effect on our community. Please do not make 2020 an even worse year for us all by adding the milestone of it being the year Tioga County stopped recycling.

Thank you for your time and consideration,

Irena Horvatt & Peter Raia
 Tioga County, NY



- 16. Thank you for providing the Zoom option for the public hearing, which I attended. There were many good points raised by members of the public at that meeting about why the program shouldn't be stopped and I agree with all those. I strongly support continuation of curbside recycling service by the county, even if it means a tax increase and/or if the program is reduced to one pick-up per 2 weeks. If the price offered for recycled items is low because of contamination, maybe it would be worth sending one hardcopy letter to all residents with clear instructions, a link to the website and a telephone number.

If the program is stopped, many residents will not bother to take their recyclables to the recycle center; those who don't have cars would be unable to.

Liz and Joe Rowland
 Owego, NY



17. September 28, 2020

To Whom It May Concern:

To find out the cost of maintaining the health of the environment and the futures of our children and grandchildren is too high for Tioga County legislatures and residents is quite frankly, backwards thinking and disheartening.

Officials were quoted at the public hearing regarding the county's recycling program saying, "*...the overall costs of maintaining the program outweigh the convenience of the program*" (Post, 2020). You have touched on a very important factor with this statement-convenience. In the age of two-day Amazon Prime shipping convenience is key. Research from Wagner (2013) notes "*Convenience of a waste collection and recycling program is one of the most important non-socioeconomic determinants in whether an individual will recycle.*" Transfer stations and subscription hauler services are available options but are not convenient.

Assuming people have good health, a vehicle, time, and money it would be a 41-mile round trip for someone coming from center Richford, NY to take their recycling to the transfer station on Glen Mary Drive. Of course, they could contract out to a private hauler, but we currently have no information on who that is, what materials they will take, how often they will pick up, or associated costs. Many residents have commented on online platforms and in general conversation that it would just be easier to put their recyclable materials in the garbage, or even litter, because while both are illegal, enforcement of these laws is lackluster.

This idea of convenience is further supported beyond Tioga County New York as noted in the 2020 State of Curbside Recycling Report, "*Requiring households to opt-in is a detriment to material capture*" (Mouw et al., 2020). Studies show that automatically provided recycling services collect on average, 27% more than programs requiring subscription or opt-in (Mouw et al., 2020). Additional research has supported that "*curbside collection is the most convenient collection system for households*" (Wagner, 2013).

Now that we've established that the convenience of recycling programs is important, we can review why recycling as a whole is important. Recycling reduces the amount of waste sent to landfills, reduces animal deaths caused by consuming waste, conserves natural resources, saves energy needed to collect raw materials, etc. For example, studies show that 4.8 to 12.7 metric tons of plastic enter the oceans every year and "*Without waste management infrastructure improvements the cumulative quantity of plastic waste available to enter the ocean from land is predicted to increase by an order of magnitude by 2025*" (Jambeck et al., 2015). While the ocean is not in our immediate back yard, the Susquehanna River is, which is a well-known tributary to the Chesapeake Bay and Atlantic Ocean. We may be a rural county, but the local wildlife and farms are equally affected by

waste pollution. Indiscriminate feeding habits of ruminants such as our dairy cows make it so they cannot pick and choose what they eat out of a pile. After ingesting foreign objects such as plastic bags, aluminum foil, food wrappers, these objects get brought back up from the stomach to get chewed and swallowed again and again. These objects never break down in the stomach and therefore accumulates in the animal until it eventually causes death and loss to our farmers. We need to increase waste management and we need to educate the public, not go backwards and stop the curbside recycling program.

Due to the concern of raising the cost of curbside recycling and property tax cap, I would like to mention other funding avenues such as grants. Some resources I have been able to quickly locate are those available through NYSDEC for waste reduction projects, recycling capital projects, and recycling education. Additionally, The Keep America Beautiful/Coca-Cola Public Spaces Recycling Bin Grant program provides recycling bins to numerous organizations. The Municipal Waste Reduction and Recycling Program supports educational programs to increase public participation in recycling as well as funding for expanding local recycling programs. Furthermore, the Recycling Partnership also provides numerous grant options. I have no doubt this is not an exhaustive list and would encourage you to research more programs that are available to help fund this vital curbside recycling program in our county.

Thank you for your time,
April Taylor
Candor, NY 13743

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18. During this Pandemic this would create more of a burden on taxpayers to pay alot more in property taxes which are extremely high already. This recycling program should end at this time, with just a thought is there a way to put dumpsters at different locations in the county so the taxpayer's would have easy access to putting recyclables.

Unknown – No name

19. Hi there, I just wanted to weigh in on the proposed changes to the curbside recycling in Tioga County. I have been a resident of Tioga County for the past 26 years. Curbside recycling has been available in our community. I would very much like the service to continue. I feel our environment has enough challenges, and adding recyclable materials to our landfills seems counterproductive and in fact detrimental to our environment. Please do everything you can to make sure that recycling curbside stays a service in Tioga County. We owe it to the next generation to do all we can to preserve the environment. Thank you.

Bonnie Coy

20. Tioga County Legislature,

I would also like to add to my previous comments to ask if someone from Tioga County government has contacted Tompkins County to see what they pay for their recycling and to get any ideas if there is any way for Tioga County to lower this cost but continue countywide recycling.

I attended the public hearing last evening via Zoom. I strongly support continuation of curbside recycling service by the county, even if it means a tax increase. This service is an excellent use of our tax dollars, and assures that the greatest percentage of material will be recycled.

I wonder if additional bidders could be considered to bring the price down? Has the county considered hiring personnel directly and purchasing or repurposing a truck for this purpose?

Thanks for considering these suggestions.

Bob Dannecker
Owego, NY

21. September 30, 2020

Re: Proposed Recycling Change Comment Period

We are extremely concerned regarding the proposed change in recycling in Tioga County. We believe that this is huge step backwards for our county and the future of our planet.

It is our belief that proposal is flawed for the following reasons:

1. There is no real cost avoidance for the residents who recycle. The stated reason for the increase in costs has been held that there is currently not the lucrative market for recyclables that there has been in previous years. Thus it can reasonably be concluded that a typical household will pay the same or more inflated costs as would be charged by the county through the continuation of the county-wide curbside pick-up. The costs are the costs and if everyone continues to recycle, the increase costs will need to be paid.
2. It seems logical to us that indeed the costs will increase beyond those that might be incurred if the county-wide system were to be maintained. The rationale is that not everyone will participate. There typically are economies of scale when all participate that will not be present with a decentralized, privatized carrier model being proposed as an alternative. For one, centralized annual billing though a tax bill must be more efficient than various service providers sending monthly or quarterly billings to customers. Beyond the billing issues, some providers who currently haul garbage are not equipped to handle recycling....thus increased costs for equipment.
3. The alternative of taking your recycling to one of the centers does not seem practical to us. For many residents, this would be a lengthy trip to and from the recycle centers, thus incurring additional costs. For others who do not have reliable transportation, this is simply not an option.

Without convenient, curbside pick-up in which all share the costs, many will we fear either:

- a. Place recycling in the garbage, thus decreasing the useful life of our already stressed landfills,
 - b. Dispose of the recyclables by burning them, thus adding to a reduction in our air quality, or
 - c. Just dump it in their own un-regulated "landfill", dump it on other vacant properties or just simply dump it by the roadside. The result will, in our opinion, diminish both the quality of life for our residents but also greatly reduce the impact of tourism efforts in the county as our countryside and villages will become less attractive.
4. The root cause of this issue really does go back to a global glut of recyclables at the current time. Technology is evolving every day. We have faith that global businesses are seeking ways to utilize these resources in a cost effective manner. Until then, we should continue to recycle in the most cost effective manner that benefits all of our residents.
 5. A secondary cause that has placed you in a very difficult position is the current "tax cap" in New York State. We appreciate your desire not to exceed the tax cap and we also recognize that during the Covid pandemic, County revenues have been stretched to the limit.

We are pleased that through your planning, you have enough fund balance to carry the County through the next few years to make up for this loss of revenues without exceeding the tax cap, but with shifting the costs of recycling out of your budget and onto individuals who will pay the same if not more for that service.

It is our understanding that the legislative body of the County can, with a 2/3 majority vote, vote to exceed the tax cap. We urge you to do so and to continue curbside recycling. Do this for the efficiency it affords your constituents, do it for the environment, and do it for future generations. Please be the leaders you were elected to be.

If our last paragraph seems dramatic or desperate, it is with good cause as we fear your minds are already made up and are not open to persuasion. Why would anyone feel this way? A recent advertisement paid for by Tioga County Recycling stated in a headline next to checkmark on a green circle "GOOD NEWS! Your recycling tax is going away". Really, without final legislative approval? The advertisement seems to be premature at best. But that also may be predetermined as we quote from a recent "Penny Saver" article in which County officials are quoted in a release as saying "No one really likes change, and we certainly would like to keep the weekly curbside recycling program; however, the overall costs maintaining the program outweigh the convenience of the program". We read this as though your minds are made up and cannot be changed. We urge you to reconsider. This is not a simple choice between cost and convenience!

It is very shortsighted to eliminate curbside recycling. It is the one outstanding thing about this very backward county. I KNOW that I will be breathing in toxic fumes from all the lazy people who will just burn everything. I deal with it already and it will get much worse. I hope the people who make these decisions are ok carrying the weight of people's health with them.

THIS DECISION NEEDS TO BE REVERSED!

Ronald and Cheryl Finch
Newark Valley, New York 13811

22. Dear Tioga County Legislators,

I would like to join the many others who believe it is essential to maintain curbside pickup of recycling. It is the best use of my tax dollars, aside of library funding that the county provides. In our household we produce very little garbage due to recycling, and composting. We currently visit the landfill only two or three times of year with our garbage. This will end up costing most households more money than your projected tax increase as well as likely reduce recycling efforts and increase auto emissions due to many households driving to the landfill,

assuming that option is even still available. Please reconsider your position on this matter.

Thank you,

Marcia and Robert Enright
Candor, NY 13743

-
23. Submitted by Ann Mallozzi, Apalachn, NY via recyclingcomments@co.tioga.ny.us.
September 30, 2020

The following comments are part of the Change.org Facebook Petition.

Melissa Chiusano

I am willing to pay a little extra for the convenience of curbside pickup. Additionally, recycling is the right thing to do to ensure we are all doing our part to lower our carbon footprint. Without this service, many folks will not have the means for separate recycling services therefore the only option they would have is to throw it in the trash.

Connie Mosher

I like putting my recycles out every week

Lawrence Milligan

Garbage is taking care at my household everyday.

June Breese

Depending on individuals will not work. People will dump litter everywhere or just throw it in with the regular trash. (I'm a former Tioga County resident and I still care about Tioga County.)

Wendy Amaro Santiago

For the EARTH.

Tristyn Ahart

I don't want to lose our curbside recycling.

Nancy Vollmer

I think it is a good program. I think it needs to be left alone.

Mary France

Absolutely stupid idea...everything will go in the trash. I wouldn't pay extra for private recycling, EVERYTHING will go to the trash can!

Marie Ledwith

Recycling is important

Stephanie Holmes

This is ridiculous to make already hard paying people spend more money for things that should be covered

Andre Fraissinet

We all need to recycle instead of trashing thwarts

Audrey Fields

Please don't do this. It's truly needed.

Sue Hall

I would pay an extra \$ 60 a year for recycling to continue.

Amy Wood

Amy wood

Nancy Hughes

We need recycling to continue. Most people will just throw their recycling in the garbage.

Luanne Newman

Silly to think people are loading up and taking their recycling some where. It'll go in their garbage instead.

Jennifer Madison

Why would we go backwards??? Stopping the program is only going to cause bigger problems down the road. We need to work together to find a solution that works for everyone, including our ecosystem. Expecting homeowners to figure it out themselves is irresponsible and a total cop out.

Carrie Bostwick

She is my friend

Ellen Williams

I'm disabled, I need pick up!

Betty Whitmarsh

If they are not picked up, recycling will suffer some are not able to transport

Gina Morse

I want my recycling picked up either every week or every other week

Cathy Roberts

I have no way of getting anywhere as I'm physically unable

Scott Babcock

I have curb side recycling pair for with taxes each year this is about Taylor garbage having a monopoly on the whole trash thing so they can charge whatever they want I'm sure insurance paid them for the fire they had so that's not it

Jamie Dal Cero

Tioga County needs to keep this program. To many other rural counties don't offer this and it shows.

Shelly Bogart

Too many people will not be willing to pay for recycling and we will have a big mess on our hands when this stuff ends up in places it shouldn't

Amy Henderson

It's the right thing to do. Taking it away would mean less people recycling, and more plastics in our landfills that take years upon years to break down.

Katherine Larson

I believe if residents are no longer offered recycling pickup they will be much less inclined to recycle

Rob Harris

Robert Harris

Patty Nichols

My husband does dialysis at home. We have several cardboard boxes every week. I don't have time to take this to a recycling center every week. All of these are going to end up in the landfill.

Red Callistemon

Recycling should be fully carried out, from bin to shelf, entirely in the USA!

Shelly Forrest

Recycling is important and people will fill the landfills without it

Ceal Cimilluca-Wenn

It's helpful when you live on a fixed income and can't afford to pay for recycles too plus ppl will just put it in the garbage and that would be bad for our landfills don't take it away

Tim Labosky

I want to do what's best for our environment and recycle. Otherwise folks will throw their recyclables in the trash!!

Michelle Morgan

I live in Bradford Country and wish they had curbside recycling here. Makes things easier and keeps a lot out of our landfills. Please keep it in Tioga Co as well as possibly bring it to Bradford Co.

Tatia Wing

Continuing recycling is just the right thing to do for the earth and the environment. Stopping curbside pickup will cause some to put it all in the landfill. We all pay taxes, keep the services.

Reathea Woodburn

We need to continue recycling. Our landfills are too full.

Sherry Morris

People will start putting recycles in the garbage!!

Janet Warner

Keep costs down

Sara Hall

Recycling is important

Alisha Hill

Taking away this program is a huge step backwards in an effort to be more environmentally conscious. Many people would pay more to see curbside recycling continue.

Rhodalee Henson

Keeps our country clean

Gary Dobrzensky

Gary Dobrzensky

Gail Belokur

The environment and all humans living on Earth need us to recycle and it should be accessible (free) to all.

Shannon Lindridge

Recycling and reducing waste in landfill is important to the future of our world!

Renee Heaney

Its going to result in litter being thrown everywhere if they end this program. We don't need our streets or the river dirty because of garbage.

Cathy Shultz

Cathy Shultz

Colleen Eustice

Recycling is important for the environment.

Rachel Johnson

This is important to recycle... If this stops there will be so much more garbage because people won't do it anymore.

Donald Snyder

Donald Snyder

Celia Morgan

It's ridiculous they mentioned every other week picking up recycle I think we can all manage this. Otherwise people are going to start throwing away recycle again instead of taking it to the recycle. We people that live outside of town don't have any benefits from paying taxes except recycle!! You don't take out leaves away you don't take any yard clean up!! We get recycle ♻️

Gayle Pado

Recycling saves our landfills. The service is incentive to be responsible in our community. Tioga County already struggles to attract new business and residents. Keep taking everything away and the community will crumble; we already have high taxes, no public transportation, and limited job opportunities. Please maintain this important service.

Jennifer Zepkowski

People are not gonna recycle if they have to pay for it separate it will just go right in the trash

Kimberly Sherwood

It is more convenient for me to have curbside pickup. I love to recycle to save the earth from pollution for our children. People will be burning more plastics and such. They also will not be recycling, just throwing it in their trash. A lot more trash in the landfills!

Michael Dawson

Recycling is imperative. If some were required to pay more to recycle they wouldn't. Garbage and waste is already a big problem in our country, we don't need to add to it! Thank you, Holly and Mike Dawson

Crystal Baker

It is necessary to have recycling to save our environment and no one should have to pay for it. Our taxes should cover any cost to our recycling

Jennifer Purtell

Recycling is important to our environment and i don't think people will do it if they have to pay for it

Pamela Parish

Doing this will only INCREASE the amount of garbage going into the landfills. STOP going backwards, Tioga County!!

Jessica Bebel

We do not have our garbage and recycling on the same day, but we use it weekly for cardboard, papers and plastics. Taking it away would be an extreme inconvenience not to mention the fact that larger counties have recycling bins located publically, why don't we?

Marcia Pass

Marcia Pass

Nicole Ellis

I always recycle everything I can. I would rather pay extra at tax time than deal with a monthly fee.

Mark Taylor

My mom uses this service. It greatly reduces her trash amount each week!! We do not have it where we live, it's great for the environment

James Little

The environment is important so please don't stop recycling. People will just put items in the regular garbage and landfills will be overburdened. Be responsible as our representatives.

Deborah Crawford

This is a good program for our residents and to take it away means more recyclables going to the garbage dump. Please keep our recycling program going.

Holly Hildebrant

Reduce, Reuse, Recycle. If you take away the curb side recycling program a majority of the recycling is going to end up in the dump. Not everyone has the means to drive their recycling to Glenmary drive!

Sarah Titus

If people have to pay for recycling, most will not and it'll all end up in the landfill.

Kori Lloyd

Recycling helps the environment, we dont need to defund this to increase the cash in the legislators pockets. I recycle more than I throw out for garbage

Christina Docenko

Recycling is super important!

Cassie Watkins

Seriously we are destroying our planet! Some many not care about that but they do care about saving money & if they don't have to pay for things that can be can be recycled & save money it's better than nothing.

Laura Miller

I'm signing because I believe it's very important to recycle. It's a shame for Candor to stop providing this for its people. If anything it at least should stay for the Village, the village taxes sure seem high enough to take care of recycling.

Amanda Bartlett

I live in Tioga county and there is not way I could always get to the dump to take care of it.

Leo Macdonald

Recycling is better than trashing the planet!

Chanelle Corder

Why is this even a thing? What reasons do they have for taking recycling away?

Yurgen Wemmer

They need to keep curbside recycling if they don't mine will go in dumpster with regular garbage

Jon Davis

I'm signing because curbside recycling is efficient and good for the environment.

Karry Williams

We need less waste in the dumps and more being recycled.

Melissa Winans

We need to recycle, period. The raise of prices is minimal and doable. People don't want to recycle through the company that's fine they can do it on their own but don't get rid of it for the many families that recycle religiously.

Lisa Boehme

We need a place to recycle! This saddens me that they would get rid of it.

Heather Talada

People are less likely to recycle if there isn't curbside pickup.

Megan Collins

It's irresponsible to end recycling in the county. This is a step backwards. Every single Wednesday I see red bins outside every person's home on my road. Clearly cutting a much used, much needed service makes no sense. If you need to raise taxes, so be it.

Andrea Seeley

Please reconsider stopping the county recycling. People will go back to putting everything into the garbage. The landfills are not going to be able to take on more garbage. We pay taxes for this service. Find a way to make it work, please.

Gary Swansbrough

If you don't pick it up. It will just go into the trash can. Pretty simple

Jessica Mullineaux

Jessica House

Victor Tiffany

Privatization is neo-liberalism, part of the problem.

Brita Terry

I agree they should continue the curbside recycling!

Marie Chianese

The closest transfer station to me closes at noon. It's already crazy there on Saturdays. I only take my garbage maybe once a month.... I recycle more than I throw away so it would mean more trips. I can also see people just throwing the recyclables away. With taxes, the fee is included. Given the option of paying or not, I don't see paying happening.

Hannah Natale

This is very important to our environment and our world! Please do not remove recycling from owego!

Jolane Ricardo

The harder you make it to recycle the fewer people will. Our world needs recycling.

Heidi Nichol-Woodmansee

If we want people to recycle, it is worth making it easy. Otherwise it will end up in the dump or burn pit.

David Weasner

Why would you wanna end curbside recycling, please a good answer. I'll wait.

Tristan Russell

I was raised to recycle- every little bit helps.... and now that we can reuse things that we recycle why wouldn't you want to keep recycling

Colleen McFall

Ee need to recycle for pur future.

Heather Skovira

Recycling is very important and cuts down on a lot of trash!!

Brittany Wright

We need to have our roadside recycling!

Deborah Morais

Can you imagine the amount of burning that will occur — of garbage; plastic and other chemicals. Please do not take this away...

Doria Wosk

SAVE OUR PLANET: RECYCLE

Tania Penafort

Recycling is a collective good for the County and I believe in this as a shared responsibility .

Sam Dye

I live in tioga County

Julie Schanbacher

We pay one place or another. So if they do away with recycling, our trash rates increase as we will have more cans to put out. Keep recycling in Tloga County.

Duane Tarbox

I have friends in tioga county, and doing away with curbside recycling will lead to more waste found along roadsides and propagate midnight dumping in fields, etc.

Kim Niznik

The amount of litter will be ridiculous if recycling is ended!

Karen Davison

Life is complicated enough...and this was one very obvious ways to show citizens our tax money is being spent to help us directly. Very worried this will not only be bad for our environment as people will just put recycling in trash but people will also start dumping on rural roads. Please do not take away curbside recycling.

Angela Malone

I am concerned for handicapped and lower income families

Karen Hinckley

Karen Hinckley

Jessica Weeks

We teach our kids at school to recycle.

Annette Updyke

Keep curbside pickup, please.

Sam Cornwell

It's important!

Jared Martin

This is bullshit

Michael Benjamin

I recycle every week I want this to stay
Even if it's a little bit more a week or so I'm willing to pay for it

Betsy Degregorio

I pay \$60 for 3 months of garbage collection which is for just 1 can a week. I'm not going to pay more for my recycles.

Jennifer Wright

This would be a huge disservice to the future of our environment and local residents!

Mike Medovich

The current version works just fine. Making it the responsibility of individuals will result in much more litter

Torri Titus

We don't get garbage pick up so having recycle pick up is super helpful. Please don't take it away!

Rose Mumbulo

Recycling is important, but it will end for all intents and purposes if this service goes away.

Kathy Medovich

This is disturbing.....we desperately need recycling....we need to save our planet..

James Strolin

We already pay for private trash pickup, this should definitely come out of our already high taxes.

Allyah Simmons

I'm signing because it's convenient to have recycling picked up for me, I work 40 hours a week and don't have time to take it myself, they aren't open by the time I get out of work and go home.

Bruce Gillette

Pastor Bruce Gillette. The Bible teaches us that "The earth is the Lord's and the fullness thereof" (Psalm 24). Recycling is needed now more than ever. Our failure to better care for God's creation (using fossil fuels) has led to the Climate Change resulting the mega fires on the West Coast and supersized hurricanes' flooding. The more we do recycling the better world now and for future generations.

Brian Eldridge

Brian Eldridge...because this is just going backwards...just like losing our Ride Tioga.

Michelle Matolka

Please continue! Recycling is so important for our environment. If people have to transport their own recycling most likely it will just end up in the garbage.

Raymond Parmarter

As a senior citizen living in the country, I've found curbside recycling to an effective and convenient way to meet the community's recycling needs.

Jeanne Thomas

I am disabled and am unable to go out many days. The proposed policy places an undue burden on elderly and disabled people and is a discriminatory policy, especially since many of them are low to moderate income households already struggling with increased costs this year, as well as social security colas that have not kept up with their actual expenses.

Wendy Colangelo-Hebel

Tioga County needs to continue its recycling curbside pick up to spare our water ways, roads and natural spaces the added burden of trash. This type of pollution is a serious threat to both humans and wildlife and is a blight on our county.

Suzette Fahey

Recycling is an important part of helping the environment.

Irena Horvatt

This is a dishonest and abhorrent decision. There is zero way that what taxpayers pay in taxes for recycling is more than what they'd pay on an individual basis under this new legislation. Most will choose to just throw their garbage out. In the year where we are experiencing the most climate disasters ever seen as a nation, Tioga County decides to ends its recycling program, seriously? How will our neighborhoods look littered with trash?

Anne Osborne

Easy and accessible recycling is so important for communities.

Diane Szlucha

We will end up using or buying county trucks to pick up and still take it to Taylor's after. We will pay more than the higher bid!

Wes Ernsberger

The community cares about this issue because we care about our future.

Karla Harding

This will only work if you want recyclables ending up in a landfill. Not everyone has the means to take recycling to a specified location or the means to pay a fee each time. Please rethink this.

Dale Corbin

Recycling instead of putting everything in the garbage is an important issue for the world and for our children. We have done so much negative to mother earth, we need to be more proactive. Also, many people will not sort through and make sure they have recycling on their own and may be an extra expense to pay privately.

Orysia Tunick

We need curbside recycling!! I truly cannot believe that in 2020, this is under debate. Shameful! DO NOT remove our recycling program!!

Tina Blake

I am 100% for recycling, but I am also a human who sometimes takes the easier route. Curbside recycling makes it so much more likely that recycling WILL actually happen.

Liz Rowland

There's no way many people will take their recyclables to a recycling location.. and maybe there won't even be one. This planet is a finite resource and we've already consumed more than we should have. It's immoral to throw recyclable items into the trash.

Michael Wandell

First the county privatized the garbage disposal station. Hours were cut and prices went up. Recycling fees were raised then by the company that ended up buying the disposal stations with that fee hike. Why are the bids doubling? What has changed to account for the bid hike.

Natalie Wickman

Natalie J Wickman

Jesse Bennett

Curbside pick-up is an absolute necessity, for some many people/families who do not have the available vehicles to drive to a drop-off site. This will only lead to more and more recyclables NOT being recycled, not to mention an increase in piles of garbage in our areas...and trash fires!

Holly Coleman

If people have to pay for recycling, some won't. It will be tossed into the garbage and into our landfill.

24. October 1, 2020

Dear Members of the Tioga County Board of Legislators,

I am writing, for the following reasons, to express my opposition to the ending of curbside recycling in Tioga County:

1. I am first and foremost concerned that by making the collection of recyclable materials more difficult, and the expense to individual taxpayers more direct and significant, many residents simply won't bother to separate these materials from the waste stream destined for landfills. At a time when the health and very livability of our planet is under siege on so many fronts, ending this relatively simple opportunity to protect our environment strikes me as extremely shortsighted.
2. While I understand and truly appreciate your commitment to keeping taxes under the tax cap, particularly given the fiscal crises we face as a result of the pandemic, it not at all clear from the presentation at the September 23rd public hearing, that costs to Tioga County residents will ultimately be cheaper, only that they will be leveraged in a different way. I suspect that for many residents, costs will, in fact, be significantly greater.
3. I also find it rather discouraging that a justification for not offering recycling is that Tioga County is only one of a few counties across the state that offer it. There is something to be said for being innovative and ahead of the pack. That's what Tioga County was when curbside recycling was launched in 1992. Separating oneself from the crowd can be a good thing – it is often what separates leaders from followers, early adapters from those who struggle to catch up. At a time when cutting edge businesses are led by social entrepreneurs eager to make a profit while ensuring the social, economic, and ecological well-being of communities, showcasing Tioga County's leadership in sustainability is more important than ever.

It is with these points in mind that I urge the Legislature to reconsider the proposed law and take more time to consider alternatives. A significant number of citizens expressed opposition – you have our names. Call on us to step up and offer alternatives – form a committee, ask us to be creative, innovative, and resourceful. Rather than shirk from this challenge and our collective responsibility, let's step up and show leadership by figuring out a way to maintain curbside recycling.

Sincerely,

Heidi Mouillesseaux-Kunzman
Spencer, NY

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Tenth Regular Meeting
October 13, 2020

The Tenth Regular Meeting of 2020 was held on October 13, 2020 and was called to order by the Chair at 12:00 P.M. All nine Legislators were present.

Chair Sauerbrey asked Legislator Hollenbeck to have a moment of prayer. "God bless our men and women in law enforcement and remember the job of a police officer is to run towards danger at the risk of his or her life to save and protect strangers. Please remember them in your prayers."

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

There were eight people in attendance.

Legislator Standinger read and presented the following Proclamation on Sudden Infant Death Syndrome Awareness Month in Tioga County.

COUNTY OF TIOGA
EXECUTIVE PROCLAMATION

WHEREAS: Sudden infant death syndrome, or SIDS, is the unexpected death, usually during sleep, of a seemingly healthy baby less than a year old; and

WHEREAS: In the United States approximately 1,360 babies died of SIDS in 2017, making SIDS the leading cause of death among babies one month to one year of

WHEREAS: The Tioga County 2019-2024 Community Health Assessment identified the infant mortality rate as a topic of concern; and

WHEREAS: In 2017, Tioga County's infant mortality rate was 2.3 per 1,000 live births; and

WHEREAS: Raising awareness and educating new parents on SIDS prevention methods, such as safe sleeping conditions, laying infants on their backs, placing infants' cribs in their parents' room, and breastfeeding is of the utmost importance; and

WHEREAS: Tioga County values the lives of infants and the local services that strive to protect them; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim and designate the month of October 2020 as:

SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH IN TIOGA COUNTY

and urges parents to consult with local resources, such as: their child's pediatrician, Women, Infants, and Children (WIC), Family Planning, Parents and Children Together (PACT), Mothers and Babies Perinatal Network, Tioga County Department of Social Services, or Tioga County Public Health for more information on SIDS and how to prevent it.

Legislator Standinger spoke. "SIDS is a tragedy. Unfortunately, in this County, we had some deaths that were identified as SIDS many years ago and ultimately it was determined they were homicides. Although this is a difficult problem to identify, I think now we are a little smarter in that regard as a result of that tragedy."

Public Health Educator Laura Bennett spoke. "Hello, my name is Laura Bennett and I work at the Public Health Department.

"First of all, I would like to thank our Legislature for declaring October as Sudden Infant Death Syndrome Awareness Month. SIDS is a heartbreaking phenomena that no parent should ever have to endure and while the cause of SIDS is often unexplainable, it is very important that we raise awareness of precautionary measures that can be taken to reduce the risk. Thank you."

Kevin Millar had privilege of the floor. "Good Afternoon. I just want to urge the Legislature to re-consider the change in recycling law. I am not sure that all possible other methods of funding have been exhausted and I think most residents in the County will not know about it until the middle of January 2021 and the Legislature will probably be hearing about it late January 2021."

Legislator Roberts made a motion to approve the minutes of September 15 and 23, 2020, seconded by Legislator Monell and carried.

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 199-20 *RE-APPOINT STUART YETTER, JR.
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD*

WHEREAS: Stuart Yetter, Jr., as a public officer of a municipality within Tioga County, was re-appointed via Resolution 14-19 by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) for a two year term of 1/1/19 - 12/31/20; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member holding the public office and confirmed by the governing board of the municipal representative's municipality; and

WHEREAS: Stuart Yetter, Jr. is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Stuart Yetter, Jr., as a public officer of a municipality within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two year term of 1/1/21 – 12/31/22.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standingier, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 200-20 *RE-APPOINT LESLEY PELOTTE
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD*

WHEREAS: Lesley Pelotte, as a public officer of a municipality within Tioga County, was appointed via Resolution 197-19 by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) to fill an unexpired term of 7/10/19 -12/31/20; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member holding the public office and confirmed by the governing board of the municipal representative's municipality; and

WHEREAS: Lesley Pelotte is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Lesley Pelotte, as an public officer of a municipality within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two year term of 1/1/21 – 12/31/22.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standingier, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 201-20 *RE-APPOINT DAVID ASTORINA
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD*

WHEREAS: David Astorina, as a member of a County Agency within Tioga County, was appointed via Resolution 59-19 by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) for a term from 1/1/19 - 12/31/20; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member being a member of a public agency; and

WHEREAS: David Astorina is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints David Astorina, as a member of a County Agency within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two year term of 1/1/21 – 12/31/22.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 202-20 *DESIGNATION OF TIOGA COUNTY LOCAL
DEVELOPMENT CORPORATION, D.B.A.
TIOGA COUNTY TOURISM, AS AUTHORIZED
TOURISM PROMOTION AGENCY FOR 2021*

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the state in its tourism grants program; and

WHEREAS: The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA); therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2021 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 203-20 *ADOPT THE SPENCER AGRICULTURAL
DISTRICT (#1) AS MODIFIED AND SUBMIT
SAME TO THE NEW YORK STATE DEPARTMENT
OF AGRICULTURE AND MARKETS FOR APPROVAL*

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 Spencer Agricultural District (#1) 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: 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 that results in expanding the Spencer Agricultural District to a total of 49,711 acres with 32,663 acres in farms, including 19 added farms; and

WHEREAS: By unanimous resolution the Agriculture and Farmland Protection Board did adopt said proposed plan for modification of the Spencer Agricultural District; and

WHEREAS: A public hearing was held on August 25, 2020 where the District map and findings along with the proposed modifications 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; therefore be it

RESOLVED: That based upon Tioga County Planning's review of the above as outlined on the SEQR Short Environmental Assessment Form, the Tioga County Legislature make a SEQR Negative Declaration regarding said modifications to the Spencer Agricultural District; and be it further

RESOLVED: That the Tioga County Legislature does hereby approve said proposed plan to modify the Spencer Agricultural District, and directs the Planning Department to prepare a submission package as required by the NYS Department of Agriculture and Markets describing this proposal, along with the associated SEQR Environmental Assessment Form, 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 Spencer District modification effective immediately.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 204-20 *ADOPT LOCAL LAW NO. 1 OF 2020
A LOCAL LAW ESTABLISHING THE
TIOGA COUNTY MANDATORY
SOURCE SEPARATION LAW COMMENCING
JANUARY 1, 2021 AND REPEALING LOCAL LAW
NO. 2 OF THE YEAR 1992, ENACTED ON
AUGUST 1, 1992, ENTITLED TIOGA COUNTY
RECYCLING AND SOURCE SEPARATION LAW*

WHEREAS: A public hearing was held on September 23, 2020, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2020 A Local Law establishing the Tioga County Mandatory Source Separation Law commencing January 1, 2021 and repealing Local Law No. 2 of the Year 1992, enacted on August 1, 1992, entitled Tioga County Recycling and Source Separation 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 2020; therefore be it

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

County of Tioga

Local Law No. 1 of the Year 2020.

A Local Law establishing the Tioga County Mandatory Source Separation Law and repealing Local Law No. 2 of the Year 1992 entitled Tioga County Recycling and Source Separation Law.

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

SECTION 1: TITLE

Local Law No. 2 of the Year 1992 entitled Tioga County Recycling and Source Separation Law is hereby REPEALED and REPLACED with the establishment of Local Law No. 1 of the Year 2020 entitled Tioga County Mandatory Source Separation Law.

SECTION 2: PURPOSE

The purpose of this article is to encourage, facilitate, and mandate the source separation of recyclable materials on the part of each and every household, business, and institution within Tioga County. The Tioga County Legislature acknowledges that control of the collection, transportation, disposal of solid waste and recycling with emphasis on source reduction and reuse in the county is essential to the economy and general welfare of the citizens of Tioga County. The current version is intended to replace Local Law No. 2 of 1992 entitled Tioga County Recycling and Source Separation Law.

SECTION 3: AUTHORITY

This Local Law is hereby enacted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law and Section 120-aa of the General Municipal Law of the State of New York.

SECTION 4: DEFINITIONS

- A. Terms as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined in Title 6 Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.
- B. As used in this article, the following additional terms shall have the meanings indicated:

MATERIALS RECOVERY FACILITY (MRF) – A facility approved by the New York State Department of Environmental Conservation for receiving and processing recyclable materials into marketable commodities.

PUBLIC FACILITY – Any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools and churches.

SOURCE SEPARATION – That recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

SOLID WASTE - All materials discarded as being spent, useless, worthless or in excess to the owners at the time of discard or rejection, including but not limited to garbage or refuse, but shall not include Recyclables, Yard and Garden Waste, human wastes, rendering wastes, major appliances, regulated medical waste, construction and demolition wastes, residue from incinerators or other destructive systems for processing waste, junked automobiles, pathological, toxic, explosive, liquid, radioactive material or other waste material which, under existing or future federal, state or local laws, require special handling in its collection or disposal.

SUSTAINABILITY MANAGER - The manager of the Solid Waste Department appointed by the Commissioner of Public Works and/or the Tioga County Legislature.

WASTE COLLECTION SERVICES – Any person, company partnership or other entity providing collection or transfer of refuse and/or solid waste to a solid waste management facility.

WASTE HAULER – Any person, company, partnership or other entity engaged in the business of providing Collection Service pursuant to any contract, agreement, or other arrangement with any Waste Generator, where Solid Waste is collected for disposal at a permitted solid waste disposal or transfer facility, or a municipal department or other governmental division responsible for collection of Solid Waste from some or all Waste Generators in Tioga County.

SECTION 5: SOURCE SEPARATION REQUIREMENT

- A. Every Waste Generator shall Source Separate, which means the segregation of County Recyclable Materials from non-recyclable Solid Waste at the point of generation by Waste Generators, and the placement of County Recyclable Materials into Recycling Receptacles for collection and delivery to a Materials Recovery Facility or Recycling Facility.
- B. Materials that must be source separated include paper, corrugated cardboard, glass, metals, plastics, leaves, yard wastes, tires, batteries (wet and dry cell) and household hazardous waste. A detailed published list of materials to be curbside recycled will be on file with the Tioga County Legislature and may be updated from time to time.
- C. For the purpose of this article, the term "recyclable material" shall mean those materials that must be source-separated, as defined in B, with the exception of household hazardous waste.
- D. Each and every waste hauler, public and private, providing waste collection services in the County of Tioga shall be required to provide curbside collection of source-separated recyclables for all units serviced by the hauler.
- E. All public and private haulers are prohibited from commingling source-separated recyclables with solid waste.
- F. Every Waste Generator shall deliver or arrange for the delivery of County Recyclable Materials to a Recycling Facility or make source-separated County Recyclable Materials available for collection by a Waste Hauler/Recyclables Collector and ultimate delivery to a Materials Recovery Facility or Recycling Facility.

SECTION 6: PREPARATION OF RECYCLABLES AND OTHER SOURCE SEPARATED MATERIALS FOR CURBSIDE COLLECTION

- A. Nothing in this article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collection of recyclables.
- B. From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by a waste hauler, those recyclable materials shall be considered the property of the waste hauler. No other person shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article.
- C. In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street in accord with the provisions of this article.
- D. Placement of Recyclables
 - 1. Recyclable materials shall be placed separately from any non-recyclable solid waste placed for collection. Recyclable materials should be prepared in conformance with County practices and standards established pursuant to this section.
 - 2. No person shall place any recyclable materials at or near any curb, sidewalk or street for purposes of collection unless the materials are prepared in conformance with County practices and standards established pursuant to this section.
 - 3. The Tioga County Sustainability Manager is hereby authorized and directed to designate, by written statement, from time to time, the practices and standards for preparation of recyclables for collection. Such written designation shall be filed with the Clerk of the County Legislature and shall become effective 90 days after filing. The Tioga County Sustainability Manager may solicit information and input from solid waste collectors, solid waste management facility operator, and other concerned parties prior to designating revised rules for preparation of materials.
- E. Waste haulers shall not be responsible for collection of waste materials, which have not been placed or prepared in accord with this article. In the event of non-collection of waste or recyclable materials, the hauler shall provide written notification of reason for non-collection.

- F. The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition or reimburse the County or other municipal entity for the same.

Multifamily buildings and complexes.

- A. Apartment complexes, condominium complexes, cooperative apartments, hotels, motels and bungalow or resort colonies shall be required to establish a private drop off program for the source separation of recyclable materials for collection and transportation to a recycling facility where curbside collection is not practiced or desired.
- B. The owner and/or manager of every multifamily apartment building or condominium within the County shall provide and maintain, in a neat and sanitary condition, recycling drop off(s) to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling drop off(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the drop off(s) in the manner prescribed by facility management.
- C. The owner or manager of every multifamily building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

Residential/commercial (institutional) and industrial waste and recyclables.

- A. All residential solid waste collected by either municipal or private haulers shall be source-separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- B. All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source-separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- C. All recyclable commercial/industrial/institutional by-products shall be source-separated and delivered to an appropriate facility for the express purpose of processing for sale to a secondary materials market. Nothing in this section shall prevent waste generators from marketing these materials directly to an end-use market, secondary materials market or secondary materials broker.

SECTION 7: PENALTIES

Penalties for Waste Generators.

- A. Failure to comply with this article by any person shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source separation or proper preparation on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material, which clearly states the reason for non-collection.
- D. Individuals convicted of a first offense under this article shall be subject to a fine of not less than \$25 and not more than \$50. Conviction of a second offense within one year of the first offense shall be punishable by a fine of not less than \$50 and not more than \$100. Conviction of subsequent offense(s) within one year of the first offense shall be punishable by a fine of at least \$100 and not more than \$200. In addition to the penalties listed above, anyone convicted of an offense under the provisions of this article shall be subject to a civil penalty to recover cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup cost, if applicable.
- E. Any company, partnership, corporation, municipality or entity other than an individual person convicted of a first offense as provided for by this article shall be subject to a fine of not less than \$200 and not more than \$1,000. Conviction of subsequent offenses shall be punishable by a fine of not less than \$1,000 and not more than \$2,000. Any such entity convicted of an offense under the provisions of this article shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup costs, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Tioga County in a court of competent jurisdiction to compel compliance with or to restrain by injunction such violation.

Penalties for Waste Haulers.

- A. Failure of any hauler to comply with this article shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. Violation of any section of this article shall be punishable by a fine not in excess of \$1,000. In addition, the violation of any section of this article shall be subject to a civil penalty imposed by the County to recover cost associated with enforcement and prosecution, including but not limited to reasonable attorneys' fees, court costs and site cleanup costs, if applicable. And, in addition, Tioga County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

SECTION 8: SOLID WASTE DISPOSAL ON PUBLIC FACILITIES AND PROPERTY

- A. All public facilities within Tioga County shall provide public refuse receptacles for solid waste disposal by facility users and employees. These receptacles shall only be utilized for solid waste generated onsite.
- B. There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked RECYCLE, and a list of recyclable items shall accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable materials in order to facilitate recycling. These receptacles shall only be utilized for recyclables generated onsite.
- C. All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from non-recyclables shall be placed on the facility user.
 - 1. Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing recyclables from the park and disposing of them in accordance with this article
 - 2. Notwithstanding the provisions of the subsection, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform to this section.
- D. It shall be a violation of this article for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.
- E. It shall also be a violation of this article for any person to place or to cause to be placed any recyclable material in or near a public refuse receptacle designated for non-recyclable materials.
- F. Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to \$50 or community service.
- G. The proprietor of any public facility convicted of a violation of this section shall be subject to a fine of up to \$200 or community service. Each day of violation shall constitute a separate offense.

SECTION 9: ENFORCEMENT

All provisions of this article shall be enforced by a municipal code enforcement official or other appropriate enforcement agencies.

SECTION 10: REPORTING TO TIOGA COUNTY SUSTAINABILITY MANAGER

- A. All waste haulers, and any other person or entity that collects, transports and/or markets recyclables, must maintain monthly records of all recyclable material. These records must include the following:
 - 1. The total tonnage, by material, of recyclable material collected.

- a) The total tonnage, by material, of recyclable material delivered to each and every materials recovery facility, secondary materials market, secondary materials broker or end-use market.
 - b) Weight slips from the broker or end-use market will fulfill this requirement.
- B. Reports containing the information required in this section shall be compiled and delivered to the Sustainability Manager on an annual basis. Reports shall be filed with the Sustainability Manager no later than January 31 of the subsequent year of filing.
- C. Each waste hauler shall retain for no less than five years the records and documents required pursuant to this article and shall make such documents available upon the request of the Sustainability Manager or law enforcement officers.

SECTION 11: PRIORITY

Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the State, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County.

SECTION 12: EFFECTIVE DATE

This Local law shall take effect January 1, 2021.

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.

Legislator Standinger spoke. "This is a very difficult situation that we are in with the recycling. I think it is a bigger problem nationally and that is the recycled products really have no value and we cannot solve that problem. All we can do is what we are required to do by law and that is to provide a program. What happens to it after that is not our responsibility, but the Federal and State government obviously are not that concerned about it or they would develop a mechanism to actually reuse these products instead of just saying we have to collect them and not worrying about the end result. Unfortunately, we are forced into a decision here that although we do not all agree on it we really do not have a whole lot of choice. "

Legislator Mullen spoke. "As the County Legislator for Waverly; one of the biggest villages in the County, my issue is that I cannot imagine standing in front of my constituents and saying we are going to double the cost of something and give you half the service. It is not keeping what you have now. It is going to change. Even if we voted this in, it would be recycling picked up every 14 days and not every week.

"Furthermore, this is tied to the tax cap. If we enact this as the proposed bid came in, it would be a 5.1% increase in our tax cap levy for 2021 putting us way over the tax cap, which we are allowed under the State's formula of 1.41%. That affects the STAR exemption and STAR rebates. I am concerned about fixed income people, so now you take the STAR rebate or check away from all these households. An average STAR rebate is several hundred dollars. So, not only would this double the tax, it is over \$6 million more dollars over the course of five years. This would also eliminate the STAR exemption at the County level because of exceeding the 1.41% allowable tax cap.

"The Town of Barton is going to exceed the tax cap, so that further affects the STAR exemption for the people in my District. Under no circumstances, will I ever stand in front of people and say I am going to charge you double for something and give you half the service. That is like buying tires and going to the fire store you have been doing business with since 1992 and having them say the tires cost twice as much, but I am only giving you two tires. That is what happened. I will not vote for it.

"Now, if someone wants to come up with a better plan; then come up with the plan. But, do not come in and say that you want to charge \$6 million dollars for it because in these economic times, what the County is up against with the cut in State Aid and reduction of our sales tax revenue, the County is already taking an \$8-10 million dollar hit. That is a lot of money. We cannot afford to do this to people and I can guarantee you I am going to have a loud and emphatic vote to approve what is being presented today.

"I will vote yes on the new plan and yes to eliminate the law of 1992. We cannot do this to the people. We talk about poor people and those on fixed incomes, these are the people that would really be hurt. I know many people that wait for those STAR checks and they would not be coming because of this law. A 5.1% increase in taxes, I am not voting for it."

Legislator Sullivan spoke. "One of the things that is not mentioned as often as it should be and one of my big concerns in the District I represent is the agricultural businesses and farmers. Under the current program, the way the recycle tax is calculated is similar to the property tax calculation based on assessed value, etc. So, if there is a farmer that owns a fair amount of acreage

and regardless of whether some of this acreage has no residence on it whatsoever, that farmer is taxed just based on the acreage and paying well more than someone perhaps that has a home on a village lot. Through the years, I have heard from many of my constituents about the unfairness of that and I agreed with them, but there was no solution that we could come up with that would change it.

"I cannot support doubling that excessive burden on the agricultural community and large property tax owners. Based on just the financials we have reviewed it is unsustainable, as well as all the other aspects of it. I just wanted to point out large landowners, and specifically the agricultural folks have been subsidizing this and they are going to take a huge hit on top of not being able to sell their products due to the COVID-19 situation.

"I will be in favor of making this change."

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan introduced Local Law Introductory No. C of 2020.

County of Tioga

Local Law No. X of the Year 2020.

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

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

SECTION 1: TITLE

This local Law shall be known as the "Hotel/Motel Tax Law"

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL/MOTEL - Any facility or a portion thereof providing lodging on an over-night basis, in exchange for any consideration, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

OCCUPANCY - The use or possession, or the right to the use or possession of any room in a hotel or motel.

OCCUPANT - A person who, for a charge or any consideration uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

OPERATOR - Any person operating a hotel or motel in Tioga County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT - A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

PERSON - An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT – The consideration received for occupancy valued in money, whether received in money, or otherwise.

RETURN - Any return filed or requested to be filed as herein provided.

ROOM - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for rent or otherwise let out for the lodging of guests.

TREASURER – Tioga County Treasurer

SECTION 4: TAX

A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

SECTION 5: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6: REGISTRATION

Within three (3) days after commencing business or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

SECTION 7: ADMINISTRATION AND COLLECTION

(A) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Tioga County, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise may be provided by such local law.

(B) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.

(C) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and such operator or person entitled to be paid the rent or charge shall have the same

right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax by the operator or by the person entitled to be paid the rent or charge.

(D) The Treasurer may, whenever deemed necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Treasurer, the tax herein imposed.

(E) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

(F) Where an occupant claims exemption from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section five of this local law.

SECTION 8: RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their

destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

SECTION 9: RETURNS

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(B) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(C) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

SECTION 10: PAYMENT OF TAX

(A) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting or purporting to act under the provisions of this local law.

(B) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(C) In the event the Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer to such operator to that effect specifying the amount of the bond required.

(D) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5), days the operator shall serve upon and deliver to the

Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

(E) In lieu of such bond, securities approved by the Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice of the depositor apply them to any tax and interest and penalties due, and for that purpose the securities may be sold by the Treasurer at public or private sale without notice to the depositor thereof.

SECTION 11: DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(A) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

SECTION 12: JUDICIAL REVIEW

(A) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or
2. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such

proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 13: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Treasurer on the date due in the amount of ten (10%) percent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 14: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 15: RESERVES

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

SECTION 16: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 17: REMEDIES EXCLUSIVE

The remedies provided by sections eleven (11) and twelve (12) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a

proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law.

SECTION 18: PROCEEDINGS TO RECOVER TAX

(A) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Tioga County in any court of the State of New York or of any other state or of the United States.

(B) Notwithstanding any other provision of this section, if the Treasurer, in its discretion, believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(C) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Tioga County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property judgments of a court of record and for services in executing the warrant the Sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed

to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

(D) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

(E) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

SECTION 19: GENERAL POWERS OF THE TREASURER

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(B) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed.

(C) To request information from the tax commissioner of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commissioner or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding

(D) To delegate said functions hereunder to any employee or employees of the Treasurer

(E) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents

(F) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer

(G) To assess, determine, revise and readjust the taxes imposed under this local law

SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

(A) The Treasurer, or the Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(B) The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(C) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(D) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(E) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided.

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

SECTION 21: REFERENCE TO TAX

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

SECTION 22: RETURNS TO BE SECRET

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing

herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

(B) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one year, or both, in the discretion of the court.

SECTION 23: EFFECTIVE DATE

This local law shall become effective December 1, 2020 and shall remain in effect until November 30, 2023.

SECTION 24: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

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

REFERRED TO:	ED&P COMMITTEE
RESOLUTION NO. 205-20	<i>SCHEDULE PUBLIC HEARING LOCAL LAW INTRODUCTORY NO. C OF 2020</i>

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2020 A Local Law providing for the collection of a hotel and motel tax in Tioga County in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday October 22, 2020 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standingier, Sullivan, Weston, and Balliet

WHEREAS: It is the desire of the STOP DWI Program to arrange five contracts with SADD School Associates which are defined as independent contractors not entitled to County Employee benefits; and

WHEREAS: It is the desire to award the five SADD School Associate contracts for the calendar year 2021 to the following individuals; Aria French to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego-Apalachin School District; Erika Brown to serve the Spencer-Van Etten School District, and; Janice Barto to serve the Tioga Central School District; and

WHEREAS: Each SADD School Associate will be compensated \$100 each month for the ten months of the school year, but will not exceed \$1,000 for the year; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and outlines the compensation to be paid to the STOP DWI School Associates; therefore be it

RESOLVED: That these contracts for SADD School Associates be authorized for the 2021 calendar year.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 208-20 *AUTHORIZE CONTRACT WITH EXCELLUS
BLUE CROSS/BLUE SHIELD TO ADMINISTER HEALTH
INSURANCE BENEFITS*

WHEREAS: Tioga County uses the service of Excellus Blue Cross/Blue Shield of Central New York to administer health insurance benefits for Tioga County including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross/Blue Shield of Central New York has submitted a new contract to administer fully insured benefits for Tioga County employees for the period of January 1, 2021 through December 31, 2021; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Excellus Blue Cross/Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County for the period January 1, 2021 through December 31, 2021.

Legislator Mullen spoke. "I would like to thank Amy Poff, Bethany O'Rourke, and the Personnel staff. Although we have a significant increase, the increase we were looking at was mind boggling, in my opinion. They do an awesome job in controlling our costs as much as possible. Kudos to them for what they did."

Legislator Sullivan spoke. "I agree with Legislator Mullen. Through their negotiations, they were able to reduce it from a 20% increase to not quite 15%. Still, the not quite 15% is significant because we typically figure around 10-11%. It is a big hit. "

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 209-20 *AUTHORIZE PURCHASE OF SPECIFIC EXCESS
AND EMPLOYER'S LIABILITY INSURANCE FOR
WORKERS' COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy and employer's liability insurance policy expire December 31, 2020; 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 employer's liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of specific excess insurance and employer's liability insurance, subject to review by the County Attorney, from an A- Rated or better insurance company for the period of January 1, 2021 through December 31, 2021 to be paid for out of the 2021 Tioga County Self-Insurance budget.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standingr. Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 210-20 *AUTHORIZE CONTRACT WITH LIFETIME BENEFIT SOLUTIONS, INC. TO ADMINISTER FLEXIBLE SPENDING AND HEALTH REIMBURSEMENT ACCOUNT PROGRAMS*

WHEREAS: Tioga County currently uses the services of Lifetime Benefit Solutions, Inc. to administer Tioga County's flexible-spending and health reimbursement account programs; and

WHEREAS: Lifetime Benefit Solutions, Inc. has submitted a new contract to continue administering said programs and conduct all required compliance testing services; and

WHEREAS: The Flexible-Spending program is a negotiated benefit for all Tioga County unionized employees; and

WHEREAS: The Health Reimbursement Account is a negotiated benefit for CSEA union employees; and

WHEREAS: Both the employees and the County can save tax dollars on money channeled through the flexible spending program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Lifetime Benefit Solutions, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2021 through December 31, 2021; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2021 through December 31, 2021.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standingr. Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 211-20 *AUTHORIZE CONTRACT WITH
EMPLOYEE NETWORK, INC. (eni)
FOR EMPLOYEE ASSISTANCE PROGRAM*

WHEREAS: Tioga County employees are covered under an Employee Assistance Program (EAP) that is currently administered by Employee Network, Inc. (eni); and

WHEREAS: eni, a company that has been providing EAP services for over 30 years and who has other NYS public sector clients, has submitted a proposal to continue providing Tioga County's EAP for a two year term, January 1, 2021 through December 31, 2022 at a rate of \$1.22/per covered employee per month; and

WHEREAS: eni can continue to provide up to 8 in-person counseling sessions for eligible employees and members of their household, along with two hours of training per year, and two hours of critical incident stress debriefing; and

WHEREAS: eni has multiple provider offices within the local region including some in Pennsylvania where employees are able to obtain services; and

WHEREAS: The EAP is a negotiated benefit for CSEA union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with eni, subject to review by the County Attorney, to administer our Employee Assistance Program for full-time and part-time employees at a cost of \$1.22/per covered employee per month effective January 1, 2021 through December 31, 2022.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	LEGAL/FINANCE COMMITTEE
RESOLUTION NO. 212–20	<i>AUTHORIZE AND SIGN VOLUNTARY COLLECTION AGREEMENT</i>

WHEREAS: Tioga County Treasurer is responsible to collect occupancy tax from local hotels and motels in Tioga County. Tioga County has been approached by Airbnb to enter into a voluntary collection agreement to collect occupancy and sales taxes from guests of their platform; and

WHEREAS: Airbnb is an online marketplace that connects people who want to rent out their homes with people who are looking for accommodations in that location; and

WHEREAS: Tioga County and Airbnb enter into this Agreement voluntarily in order to facilitate the reporting, collection and remittance of applicable transient occupancy taxes and applicable sales taxes imposed under applicable Tioga County, New York law, on behalf of certain Hosts for Booking Transactions

completed by such Hosts and Guests on the Platform for accommodations transactions located in Tioga County, New York; and

WHEREAS: This Agreement may be terminated by Airbnb or the Taxing Jurisdiction for convenience on 30-day written notification to the other Party. Such termination will be effective on the first day of the calendar month following the 30-day written notification to the other Party; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of Tioga County to sign the Voluntary Agreement with the intention of reporting, collection and remittance of applicable occupancy taxes and applicable sales taxes and authorize the Chair of the Legislature to sign such agreement, subject to the approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 213-20 *AUTHORIZE THE SUBMISSION OF
EMPG20 GRANT APPLICATION
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The NYS Office of Homeland Security and Emergency Services has announced the 2020 EMPG (Emergency Management Planning Grant) funding; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application is submitted. However, due to the short notification period, the Tioga County Office of Emergency Services had to submit an application for this funding by August 31, 2020; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be given authorization to apply for the 2020 EMPG grant application, after the fact, to be in compliance with County policy.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 214-20 ACCEPT CTCL COVID-19 RESPONSE
GRANT AWARD AND AMEND BOE BUDGET

WHEREAS: Upon legislative authorization, the Tioga County Board of Elections applied in September 2020 for the Center for Tech and Civic Life's (CTCL) COVID-19 Response Grant program for U.S. local election jurisdictions; and

WHEREAS: The CTCL has granted the Tioga County Board of Elections up to \$19,262.50, upon acceptance of the terms by the Tioga County Legislature; and

WHEREAS: Funds from this grant will be used to cover pandemic-related election expenses that are not covered by the current Board of Elections budget, and any CTCL grant funds that are not expended in 2020 must be paid back to the CTCL; therefore be it

RESOLVED: That the Tioga County Legislative Chair is authorized to sign the acceptance agreement provided by the CTCL, upon review and approval by the County Attorney; and be it further

RESOLVED: That the funding be appropriated as follows:

From: A1450 422800-CTCL	GRANTS/CTCL	\$19,262.50
To: A1450 540490-CTCL	Election Expense/CTCL	\$19,262.50

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 216-20 ABOLISH ONE VACANT FULL-TIME CLINICAL
SOCIAL WORKER AND ONE VACANT FULL- TIME
SENIOR CLINICAL SOCIAL WORKER
(SCHOOL/COMMUNITY BASED) POSITIONS
MENTAL HYGIENE

WHEREAS: Legislative approval is required for the creation or abolishment of positions within a County Department; and

WHEREAS: Currently two full-time vacancies exist in the titles of Clinical Social Worker (CSEA SG XVI, \$58,257; vacant since 10/01/20) and Senior Clinical Social Worker (School/Community Based) (CSEA SG XVII, \$60,908; vacant since 02/28/20); and

WHEREAS: The Director of Community Services has identified an ability to reduce her budget by abolishing both vacancies; therefore be it

RESOLVED: That one full-time vacant Clinical Social Worker and one full- time vacant Senior Clinical Social Worker (School/Community Based) will be abolished effective October 15, 2020; and be it further

RESOLVED: That the Mental Hygiene Department's authorized full-time headcount shall be reduced from 34 to 32.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 217-20 *AMEND RESOLUTION #165-20 TO
REFLECT ADJUSTED HIRE DATES FOR
TWO (2) SEASONAL OFFICE SPECIALIST I POSITIONS
FOR THE HEAP PROGRAM
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: The Home Energy Assistance Program (HEAP) began outreach in mid-August and will be in full season on November 2, 2020; and

WHEREAS: The Tioga County Legislature previously approved hiring of temporary staff for the 2020-21 HEAP season; and

WHEREAS: The following change to the start and end dates for two of the previously approved positions shall be:

Two, full-time, seasonal Office Specialist I positions previously approved for the period October 26, 2020 through February 26, 2021 at the starting salary of \$12.46 per hour, shall now be October 19, 2020 through February 19, 2020; therefore be it

RESOLVED: That the Department of Social Services be authorized to change the start and end dates for the seasonal HEAP positions listed above; and be it further

RESOLVED: The remainder of Resolution #165-20 remains unchanged.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 218-20 APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Bernadette M. Toombs be and hereby is appointed Election Commissioner for the Republican Party from January 1, 2021 through December 31, 2022.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 219-20 AMEND TIOGA COUNTY
NON-UNION BENEFITS POLICY

WHEREAS: The Tioga County Non-Union Benefits Policy currently does not allow for comp time or overtime pay for Fair Labor Standards Act (“FLSA”) or New York State exempt non-union staff (hereinafter “exempt non-union employees”) should they work more than the standard work week; and

WHEREAS: In certain situations, such as during a State of Emergency, exempt non-union employees are called upon to work extra hours; and

WHEREAS: The Tioga County Legislature would like to recognize those efforts in said situations; therefore be it

RESOLVED: That the Tioga County Non-Union Benefits Policy shall be amended effective October 13, 2020 by deleting the first sentence in *Section 1: Wages*, which reads “All Non-Union employees are salaried and ineligible for overtime and comp time.”; and be it further

RESOLVED: That a new second sentence be added to Section 1: Wages that reads “During a State of Emergency declared by either New York State or the Federal government, in the discretion of the Department Head, Compensatory time or Overtime may be granted to those non-union employees who are required to work in excess of their standard work week for special projects, during weekends, or during normally scheduled paid or unpaid time off outside of regular business hours in response to the emergency.”; and be it further

RESOLVED: That a new subsection E titled *Overtime/Compensatory Time* will be added to Section 2 of the Tioga County Non-Union Benefits Policy; and be it further

RESOLVED: That paragraph 1 of Subsection E shall read, “For eligible employees, straight time will be applied for hours 36-40 and eligible employees that work over 40 hours per week will be compensated at the time and one-half rate or receive time and one-half compensatory time.”; and be it further

RESOLVED: That paragraph 2 of Subsection E shall read, “Compensatory Time may be accumulated to a maximum of one hundred forty (140) hours of regularly scheduled work week hours.”; and be it further

RESOLVED: That paragraph 3 of Subsection E shall read, “For eligible employees, working Compensatory time or Overtime must be pre-approved by the Department Head or designee. The decision to pay overtime to eligible employees or award compensatory time to eligible employees will be at the discretion of the Department Head.”

RESOLVED: That paragraph 4 of Subsection E shall read, “An eligible employee must submit the request to Working Additional Hours between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday to their Department Head or designee for approval purposes prior to working the hours. If the eligible employee is unable to make the request prior to working the hours, the request should be submitted the next working day during business hours. If an eligible Department Head must work additional hours, the eligible Department Head must submit the request for Working Additional Hours between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday to the Chair of the County Legislature for approval purposes prior to working the hours. If the eligible Department Head is unable to make the request prior to working the hours, the request should be submitted the next working day during business hours.”; and be it further

RESOLVED: That paragraph 5 of Subsection E shall read, “Compensatory time may be used with approval of the Department Head or designee. Compensatory time may be used in increments of no less than one (1) full hour, subject to approval from the eligible employee’s Department Head or designee. Use of Comp time may be in conjunction with use of other leave time such as vacation, personal leave, bereavement leave, or holiday time off.”; and be it further

RESOLVED: That paragraph 6 of Subsection E shall read, “There will be no carry-over of compensatory time beyond 365 days. After 365 days, any unused compensatory time shall be paid out at the appropriate rate.”; and be it further

RESOLVED: That the above revisions shall be effective retroactive to September 1, 2020; and be it further

RESOLVED: That the remainder of the Policy is unchanged.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, and Balliet

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting adjourned at 12:24 P.M.

*Public Hearing
Local Law Introductory No. C of 2020
October 22, 2020*

The Public Hearing on Local Law Introductory No. C of 2020 A Local Law providing for the collection of a hotel and motel tax in Tioga County was called to order by the Chair at 10:00 A.M. Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, and Sullivan were present with Legislators Monell, Mullen, Standinger, and Weston being absent.

There were 6 people in attendance.

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

Director of Economic Development & Planning Tinney spoke. "Good Morning. My name is LeeAnn Tinney, Director of Economic Development & Planning.

"I am here today to address the proposed local law known as Hotel/Motel Tax Law.

"The purpose of the Hotel/Motel Tax Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

"The Tioga County Legislature reviews and renews this local law every three years. This process allows the Legislature to make periodic changes to the law, if warranted.

"The proposed changes to the 2020 law include minor revisions to DEFINITIONS, affecting only a couple of the definitions. There is nothing changing that affects the percentages or any changes other than revisions to the following definitions: HOTEL/MOTEL, RETURN, and RENT. The County Attorney has reviewed this and it is by way of his recommendation that we are bringing these changes forward. Thank you."

There being no other comments, the hearing was adjourned at 10:05 A.M.

Public Hearing
2021 Budget
November 10, 2020

The Public Hearing on the 2021 Budget was called to order by the Chair at 9:32 A.M. Seven Legislative members were present. Legislator Standinger arrived at 9:35 a.m. and Legislator Mullen arrived at 9:57 a.m. with Legislators Monell and Roberts being absent.

There were 13 people in attendance along with Budget Officer Jackson Bailey and three members attending via Zoom.

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

Jackson Bailey, Budget Officer gave the 2021 budget presentation.

“Honorable Members of the Tioga County Legislature and residents of Tioga County, I present to you the proposed tentative County budget for 2021.

” In the wake of the COVID19 pandemic, several budgetary challenges became apparent to Tioga County including major revenue losses in Sales Tax, Occupancy Tax, Gaming Revenues, and the looming threat of State Aid cuts. In response, Tioga County implemented a COVID19 Financial Response Plan, which executed a 10% reduction of all non-salary or mandated service expenditures from the 2020 Budget, Training and Travel Restrictions, a review of Capital Expenditures, and a temporary hiring freeze. Furthermore, the 2021 Budget has taken the potential losses of revenue into account, and implemented another 10% reduction to all non-salary or mandated service expenditures. These efforts were crucial to ensure a balanced budget for 2021, nevertheless the impact of COVID19 will be felt for many years to come.

“2021's Budget process was met with familiar challenges including the unfunded and underfunded mandated services which continue to further shift costs to all New York counties. In 2020 a directive came to light from Albany that suggested municipalities may see a 20% cut from State Aid in reaction to COVID19, many of the requests for State Aid are directly associated with Mandated Services.

Additionally, Sales Tax, which is one of the largest revenue sources for the County not only saw a reduction in 2020 due to COVID19, but Sales Tax received by the County also continues to be reduced by AIM Funding that was previously paid to municipalities by the State. Beginning in 2021 Sales Tax will also be impacted by another State mandate requiring at least \$150,000 to be withheld for Distressed Hospitals and Nursing Homes. This order will continue into 2022.

“County Department heads and employees continue to be good stewards of taxpayer dollars, diligently looking for cost saving measures, and advocating for additional revenue sources and economic growth. The 2021 Budget maintains all current County programs and services provided to its citizens with the exception of curbside recycling.

“Starting in 2021, due to an unanticipated increase of the cost of curbside recycling, Tioga County will no longer provide curbside recycling. The County will continue to provide the following Recycling services: Recycling drop off sites, Hazardous Waste and E-Waste disposal, as well as community outreach. Services are to be absorbed into the General Operating Fund. If any citizen has questions regarding the changes to the Recycling service, please contact Ellen Pratt, Sustainability Manager for Tioga County.

“The total tentative budgeted appropriations for 2021 are \$82,866,808.00. In 2020, the total budgeted appropriations were \$86,200,968.00; this is a decrease of (\$3,334,161) or -3.87%. Total tentative anticipated revenues for 2021 are \$52,597,340.00. In 2020, the total anticipated revenues were \$58,599,043.00; this is a decrease of (\$5,961,704.00) or -10.18%.

“The decrease in expenditures of \$3.3 million dollars is brought on by a combination of salary reductions through attrition, across the board departmental cuts in anticipation of continued State Aid and revenue losses, large reductions in capital expenditures for 2021, and the ending of the curbside recycling program.

“The decrease in anticipated revenues of nearly \$5.9 million dollars is due to a combination of Sales Tax losses (estimated at 10%), Interest & Fee reductions, Gaming revenue reductions, and an anticipated State Aid loss of 20% (estimated at \$2,000,000.00).

“The total Tax Levy for 2021 shall be \$24,948,721.00. Compared to the 2020 Tax Levy of \$24,654,109.00 this is an increase \$294,612.00, or 1.19%.

“2021 will mark the 10th consecutive budget year that Tioga County has stayed under the State imposed property tax cap. The 10-year average increase in the Tax Levy has been approximately 1.69% each year.

“The Combined Composite Tax Rate is \$8.61 per \$1,000 of taxable value. The average assessed \$100,000 home will pay approximately \$861 in County Tax. Tax rates will vary from town to town due to the State established equalization rates and town's apportionment percent. The Combined Composite Tax Rate includes Veterans and Clergy exemptions, which may also further impact those rates.

“The total budget deficit gap is estimated at \$30,269,469.00, after applying the 2021 Tax Levy of \$24,948,721, I propose using \$5,320,747.00 of both Fund Balance and Fund Balance reserves to balance the 2021 Budget.

“In preparation of the 2021 Budget I would like to thank all Department Heads and County Employees for their participation in the Budget Process. I would like to specially thank the following Tioga County employees for their time and efforts; Terie Huseby, Real Property Director, Bethany O'Rourke, Personnel Officer; Amy Poff, Benefits Manager; Katie Chandler, Deputy Treasurer; Stephanie Jerzak, Chief Accountant; James McFadden, County Treasurer; and Drew Griffin, Deputy IT Director. I would like to also thank the Tioga County Legislature for their continued strength and leadership in these uncertain times, and especially Cathy Haskell, Legislative Clerk and Legislative Chair Martha Sauerbrey for their unrelenting support and assistance throughout the 2021 Budget Process.

“The proposed Tax Levy cannot be increased after today's hearing without an additional public hearing. Following the presentation of the 2021 Budget Brief, the floor will be open for comments to the Legislature.”

The Budget Officer presented a PowerPoint slide presentation on budget brief specifics.

Chairwoman Sauerbrey acknowledged there are two individuals signed up for privilege of the floor.

Mr. Daniel Sniezek, Owego, NY spoke. “I would like the Legislature to reconsider the recycling and there might be some other options you may want to look at.”

Mr. Max Della Pia, Owego, NY spoke. “Good Morning Madam Chair and Legislators. Thank you for this opportunity to comment. I recognize the difficulty of facing unfunded mandates and trying to meet a budget with a lot of uncertainty and I applaud you for continuing to be fiscally responsible as a group.

“I would like to, if there is no objection, read a very brief resolution. I am not attempting to politicize the recycling issue, but merely offer some suggestions for how it might be done without impacting the County budget, but allow users to pay for the recycling.

“I think you would all agree that the convenience of having curbside pickup is preferable in the sense of compliance with recycling, but it does have a cost and the cost is going up and I recognize that, as well as the challenges you face for the budget.

“Whereas, New York State law requires its citizens to not send recyclable materials to the landfill; and

“Whereas, Tioga County has provided curbside recycling pickup since 1992, the cost of which was included in property tax bills; and

“Whereas, the Tioga County Legislature very quickly moved to end this service, leaving each citizen on his or her own to deal with recycling; and

“Whereas, a petition for the Tioga County Legislature to not take this action drew almost 2,000 signatures in a very short time; and

“Whereas, James King wrote a guest editorial on October 4, 2020 in the Owego PennySaver outlining two alternative means to continue curbside service. Those alternatives are to use Municipal Law to create a special taxing district or County Law to create a special refuse district. Such districts as sewer, lighting, and water already exist in the County; and

“Whereas, Legislator Sullivan complained that expanding the cost of the current recycling program would be a big impact on the “ag folks”, either plan mentioned above could be based on user fees instead of property taxes so non-property holders who use the service would share the cost; therefore be it

“Resolved, the Tioga County Democratic Committee advocates that alternative programs be explored to provide recycling services to the citizens of Tioga County.

“This is a difficult problem, but it is resolvable with some exploration of some alternatives. I would urge you to review it, carefully evaluate it, and then re-address this issue. Because I suspect that, like many members of our community, once January 2021 comes around and those red containers are sitting out at the curb without anyone to pick them up they are going to realize we are not doing what we can to recycle and respect the State Law that requires us not to put this stuff in landfills. I thank you for your time. Thank you for your attention and thank you for the privilege of addressing the Legislature.”

There being no other comments, the hearing was adjourned at 10:04 A.M.

Eleventh Regular Meeting
November 10, 2020

The Eleventh Regular Meeting of 2020 was held on November 10, 2020 and was called to order by the Chair at 12:03 P.M. All nine Legislators were present with Legislator Roberts arriving at 12:06 p.m.

Chair Sauerbrey asked Legislator Monell to have a moment of prayer. “Lord, we thank you for this time that we can get together and discuss the issues that are pressing for the County of Tioga, NY. I pray that you would give us all strength and clarity on the decisions that we make and help us to be representatives of our constituents in this County in all things that we do.”

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

There were four people in attendance.

Chair Sauerbrey reported we have one Proclamation on Adoption Awareness Month that will be noted in the minutes.

County of Tioga
EXECUTIVE PROCLAMATION

This November marks the 30th annual National Adoption Month. November 23, 2020 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has not finalized any adoptions this year to date. Tioga County has three children freed for adoption that are awaiting a match with a forever family. Every child in America and Tioga County deserves a permanent, loving forever 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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 221-20 ADOPT STATE EQUALIZATION REPORTS

RESOLVED: That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Standing, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Roberts arrived at 12:06 p.m.

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

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO: 222-20 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2020 to September 30, 2020 be and it hereby is accepted; therefore be it 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:

Barton (Town)	\$ 17,656.19
Berkshire (Town)	10,898.92
Candor (Town)	20,726.43
Candor (Village)	2,981.26
Newark Valley (Town)	8,399.72
Newark Valley (Village)	6,061.66
Nichols (Town)	27,957.02
Nichols (Village)	1,515.63
Owego (Town)	130,428.37
Owego (Village)	11,293.27
Richford (Town)	1,883.84
Spencer (Town)	14,196.14
Spencer (Village)	2,468.13
Tioga (Town)	18,303.62
Waverly (Village)	<u>16,887.99</u>
	\$291,658.19

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 223-20 *ADOPTION OF NEW RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)*

WHEREAS: New York State has consolidated and revised the CO-2, ED-1, MI-1, and MU-1 Schedules with a new single, comprehensive Retention and Disposition Schedule for New York Local Government Records (LGS-1) covering records for all types of local governments; and

WHEREAS: The new LGS-1 Schedule is in effect as of August 1, 2020 and must be adopted by the local governing board prior to utilization; and

WHEREAS: The new LGS-1 Schedule is issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records; therefore be it

RESOLVED: That the Tioga County Legislature adopts the new Retention and Disposition Schedule for New York Local Government Records (LGS-1) for use by all County employees in legally disposing of valueless records listed therein; and be it further

RESOLVED: That in accordance with Article 57-A only those records will be disposed of that are described in the Retention and Disposition Schedule for New York Local Government Records (LGS-1) after they have met the minimum retention periods described therein; and be it further

RESOLVED: That in accordance with Article 57-A only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 224–20 ADOPT LOCAL LAW NO. 2 OF 2020

WHEREAS: A public hearing was held on October 22, 2020, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2020 A Local Law providing for the collection of a hotel and motel tax in Tioga County; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 2 of 2020; therefore be it

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

County of Tioga

Local Law No. 2 of the Year 2020.

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

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

SECTION 1: TITLE

This local Law shall be known as the “Hotel/Motel Tax Law”

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL/MOTEL - Any facility or a portion thereof providing lodging on an over-night basis in exchange for any consideration, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

OCCUPANCY - The use or possession, or the right to the use or possession of any room in a hotel or motel.

OCCUPANT - A person who, for a charge or any consideration uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

OPERATOR - Any person operating a hotel or motel in Tioga County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT- A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

PERSON – An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT – The consideration received for occupancy valued in money, whether received in money or otherwise.

RETURN – Any return filed or requested to be filed as herein provided.

ROOM - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for rent or otherwise let out for the lodging of guests.

TREASURER – Tioga County Treasurer

SECTION 4: TAX

A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

SECTION 5: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6: REGISTRATION

Within three (3) days after commencing business or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

SECTION 7: ADMINISTRATION AND COLLECTION

(A) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Tioga County, by such means and in such manner as other taxes, which are now collected and administered by such officers or as, otherwise may be provided by such local law.

(B) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.

(C) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and such operator or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax by the operator or by the person entitled to be paid the rent or charge.

(D) The Treasurer may, whenever deemed necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Treasurer, the tax herein imposed.

(E) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

(F) Where an occupant claims exemption from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further

require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section five of this local law.

SECTION 8: RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

SECTION 9: RETURNS

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(B) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(C) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

SECTION 10: PAYMENT OF TAX

(A) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting or purporting to act under the provisions of this local law.

(B) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this

state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(C) In the event the Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer to such operator to that effect specifying the amount of the bond required.

(D) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5), days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

(E) In lieu of such bond, securities approved by the Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice of the depositor apply them to any tax and interest and penalties due, and for that purpose the securities may be sold by the Treasurer at public or private sale without notice to the depositor thereof.

SECTION 11: DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any

such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(A) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

SECTION 12: JUDICIAL REVIEW

(A) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

2. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 13: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Treasurer on the date due in the amount of ten (10%) per cent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 14: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 15: RESERVES

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

SECTION 16: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and

villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 17: REMEDIES EXCLUSIVE

The remedies provided by sections eleven (11) and twelve (12) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law.

SECTION 18: PROCEEDINGS TO RECOVER TAX

(A) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Tioga County in any court of the State of New York or of any other state or of the United States.

(B) Notwithstanding any other provision of this section, if the Treasurer, in its discretion, believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(C) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Tioga County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and

thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property judgments of a court of record and for services in executing the warrant the Sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

(D) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

(E) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, the

purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

SECTION 19: GENERAL POWERS OF THE TREASURER

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(B) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed.

(C) To request information from the tax commissioner of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commissioner or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding.

(D) To delegate said functions hereunder to any employee or employees of the Treasurer.

(E) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents.

(F) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer.

(G) To assess, determine, revise and readjust the taxes imposed under this local law.

SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

(A) The Treasurer, or the Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(B) The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(C) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(D) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(E) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided.

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

SECTION 21: REFERENCE TO TAX

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

SECTION 22: RETURNS TO BE SECRET

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

(B) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one year, or both, in the discretion of the court.

SECTION 23: EFFECTIVE DATE

This local law shall become effective December 1, 2020 and shall remain in effect until November 30, 2023.

SECTION 24: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 2 of 2020, to cause to be published in the official newspapers of

the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 225-20	<i>ERRONEOUS ASSESSMENT TOWN OF CANDOR</i>

WHEREAS: An application for corrected tax roll indicates that parcel #48.00-2-13, Account # 3139 assessed to Peter and James Hidock on the 2020 tax roll of the Town of Candor is an invalid parcel; and

WHEREAS: 48.00-2-13 is an invalid parcel because it was merged into parcel #48.00-2-8 October 2019, but was not deleted in the RPS data file and a bill was generated in error; therefore be it

RESOLVED: That a refund be issued to Peter and James Hidock by the Tioga County Treasurer's Office, and mailed to 1944 Bornt Hill Road, Endicott, NY 13760 as follows:

	<u>Original Bill</u>	<u>Corrected Bill</u>	<u>Refund</u>
County	\$ 134.30	\$ -	\$ 134.30
Recycle	\$ 7.71	\$ -	\$ 7.71
Town Wide	\$ 75.56	\$ -	\$ 75.56
Part Town	\$ 15.54	\$ -	\$ 15.54
Fire	\$ 25.50	\$ -	\$ 25.50
Total	\$ 258.61	\$ -	\$ 258.61

And be it further

RESOLVED: That the erroneous county tax of \$134.30 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous solid waste tax of \$ 7.71 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous town tax of \$91.10 be charged back to the Town of Candor; and be it further

RESOLVED: That the erroneous fire tax of \$25.50 be charged back to the Candor Fire District; and be it further

RESOLVED: That the Town and County Tax bill #1336 for 2020 be rendered null and void.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 226-20 *AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE VILLAGE OF WAVERLY TO TONI L. SANTALUCIA & STACEY L. SANTALUCIA*

WHEREAS: Property located in the Village of Waverly transferred to Tioga County, identified as Tax Map number 166.11-1-78, parcel number 649 which has been acquired for 2017 delinquent taxes; and

WHEREAS: The County held a public auction on October 22, 2020 at the property conducted by Manasse Auctioneers. Toni L. Santalucia & Stacey L. Santalucia won the bid to purchase the property for \$22,000, “as is”, thereby placing the property back on the tax rolls; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$22,000 and recording costs of \$185.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the, Village of Waverly, identified on the Village of Waverly Tax Map as number 166.11-1-78 parcel number 649 to Toni L. Santalucia & Stacey L. Santalucia or assigns.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger. Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY
FINANCE COMMITTEE

RESOLUTION NO. 227–20 *TRANSFER OF FUNDS
INFORMATION TECHNOLOGY*

WHEREAS: The Tioga County Legislature recognizes the importance of County Infrastructure; and

WHEREAS: The ITCS Department has identified that there is a shortfall in the budget to be able to cover the costs of the support service portion of the Tyler Munis core financial application maintenance cost for 2020 of \$15,478.45; and

WHEREAS: The Information Technology Department has available funds in Full Time Salaries due to the Network Administrator vacancy; and

WHEREAS: The remaining balance must be drawn from Full Time Salaries; therefore be it

RESOLVED: That the following funds be transferred:

From: A1680 510010 Full Time Salaries \$7,000.00

TO: A1680 540140 Contracting Services \$7,000.00

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 228-20 TRANSFER OF FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has need of additional computers; and

WHEREAS: TCPH has worked with Information Technology and Communication Services regarding these computer purchases; and

WHEREAS: If purchased with Public Health funds these costs are eligible for reimbursement; and

WHEREAS: TCPH has the funds available in their 2020 approved budget, yet require transfer of funds into the appropriate budgetary lines; and

WHEREAS: Transfer of Funds require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From:

A4011 540320	Public Health: Leased Equip/Copiers	\$ 2,100
A4011 540420	Public Health: Office Supplies	\$ 2,000
A4011 540733	Public Health: Training	\$ 1,400

To:

A4011 520130	Public Health: Equipment	\$ 5,500
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ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 229-20 *TRANSFER OF FUNDS FROM CONTINGENCY TO CORONER'S BUDGET AND MODIFY 2020 CORONER'S BUDGET*

WHEREAS: The Coroner's budget has had a high number of cases for 2020 exceeding 100 through the end of October 2020 and the Coroner's account will not have sufficient funds for the remainder of 2020; and

WHEREAS: It is anticipated the Coroners will have additional cases through the holidays and year-end needing additional funds to pay invoices for medical costs, autopsies, and doctor's fees; and

WHEREAS: Funds have already been transferred within the Coroner's 2020 budget to meet some of the shortfall; and

WHEREAS: Legislative approval is needed to transfer from contingency and modify the 2020 budget; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer from contingency and a 2020 budget modification as follows:

From:	A1990 540715 Contingency Account	\$12,000.00
To:	A1185 540370 Coroner – Medical	\$10,000.00
	A1185 540590 Coroner – Services Rendered	\$ 2,000.00

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 230-20 *MODIFY 2020 BUDGET AND
REALLOCATE 2019 REVENUE FUNDS
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Legislature recognizes the importance of County Infrastructure; and

WHEREAS: The Sheriff's Office and their security system vendor Black Creek has identified an unforeseen need for hardware upgrade in order for the Jail Security System to be supported; and

WHEREAS: Funds need to be reallocated from 2019 Jail Inmate Boarders revenue account A3150.422640 to the Hardware reserve to fund the hardware upgrade; and

WHEREAS: Legislative approval is needed to transfer funds to the Hardware Reserve; therefore be it

RESOLVED: That the following funds be transferred:

FROM: A3150 422640 Jail-For Other Governments	\$299,072.35
TO: A9950 593715 Transfer to Capital Fund	\$299,072.35
FROM: H1340 450310 Inter Fund Transfer	\$299,072.35
TO: H387805 Capital Hardware Reserve	\$299,072.35

And be it further

RESOLVED: That the Tioga County Legislature authorize the payment of hardware in the amount of \$312,430.00 to Black Creek Integrated Systems Corp. the sole source provider of Black Creek hardware; and be it further

RESOLVED: That the following funds be transferred:

FROM: H387805 Capital Hardware Reserve	\$278,430.00
H3150-520620 Software Expense	\$34,000.00
TO: H3150-520255 Security Equipment	\$312,430.00

Legislator Standinger spoke. “We first became aware of this situation in September at the committee meeting, which certainly was not timely. The whole process of working through this \$300,000 expenditure has not really followed what procedures have been in place for other expenditures of this magnitude. For that reason, I will be voting no on this resolution.”

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Sullivan, Weston, and Hollenbeck.

No – Legislators Roberts, Standinger, and Balliet.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 231-20 AMEND BUDGET & APPROPRIATE FUNDS
SOCIAL SERVICES

WHEREAS: Emergency Services Grant (ESG) has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance specifically targeted to address the needs of individuals and families experiencing and/or at risk of homelessness as a result of COVID-19; 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:

From: A6010.436100 State Aid: Administration	\$ 205,213
To: A6010.540487 Program Expense	\$ 205,213

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 232-20 APPROVE FUNDING 2020
YOUTH BUREAU PROGRAM FUNDING

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 2020 applications for funding which are consistent with guidelines previously presented to the Legislative Committee; therefore be it

RESOLVED: That the following programs, recommended by the Tioga County Youth Board for program year 2020, be approved by the Tioga County Legislature in the amounts indicated:

Cornell Cooperative Extension 4H Summer Youth Enrichment	\$5,000
Big Brothers Big Sisters of the Twin Tiers	\$5,000
Northern Tioga Joint Summer Rec Program	\$2,500
Cornell Cooperative Extension Family Resource Center	\$1,800
Spencer Van-Etten Schools PAVE	\$3,300
Tioga Central Schools Summer Rec	\$7,500
Village of Waverly Summer Rec	\$5,600
Casa Trinity Global Leadership Now	\$4,000
Kali's Klub House 7 Keys to Success	\$4,800
Empire State Special Needs Experience Lions Camp Badger	\$ 300
Town of Owego Waterman Rec Camp	\$2,250
Total Allocations	\$42,050

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger. Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 233-20 *AWARD 2020 EMERGENCY MANAGEMENT
PLANNING GRANT (EMPG20)
EMERGENCY SERVICES*

WHEREAS: The Tioga County Office of Emergency Services has been awarded a matching grant of \$23,821 by the New York State Division of Homeland Security and Emergency Services (NYS DHSES); and

WHEREAS: The matching grant will be used to offset \$23,821 of budgeted salary costs; therefore be it

RESOLVED: That the Emergency Services Office be allowed to accept the awarded 2020 Emergency Management Planning Grant in the amount of \$23,821.

To: A3640-443050-EMP20 Federal Aid-Civil Defense \$23,821.00

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 234-20 *AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY ASSOCIATES, PC AND
TIOGA COUNTY*

WHEREAS: Beginning January 1, 2021 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$950.00 to be paid to Pathologists and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/21 through 12/31/21.

Legislator Standinger spoke. "Our Administrative Coroner, Stew Bennett, has very diligently pursued these costs and I thank him for reducing the increase to a manageable level."

Legislator Mullen spoke. "I agree with Legislator Standinger. The cost could be extraordinary, especially during this time of COVID-19. Stew has done a fantastic job keeping those costs under control."

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE
RESOLUTION NO. 235-20	<i>INTER-MUNICIPAL AGREEMENT HAZARDOUS WASTE</i>

WHEREAS: Tioga County has had a contract and inter-municipal agreement for the disposal of hazardous waste with Broome County over the last twenty years; and

WHEREAS: Broome County and Tioga County developed a proposal plus an inter-municipal agreement allowing Tioga County to utilize Broome County's Hazardous Waste Facility for the years 2021-2022; 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 years 2021-2022 upon approval by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 236-20 *RESOLUTION TO CONTINUE APPROVAL FOR CONTRACT BETWEEN THE TIOGA COUNTY PROBATION DEPT. AND CAYUGA COUNSELING SERVICE, INC.*

WHEREAS: Raise the Age mandates and changes made to 9 NYCRR 356 and 9 NYCRR 359 require Probation Departments to offer a variety of Alternative to Detention and Pre-Dispositional Supervision programming for both Juvenile Delinquents and Raise the Age Youth based on their risk level. The services provided must be proven evidence based services or promising evidence based services; and

WHEREAS: Tioga County Probation would like to continue to contract with Cayuga Counseling Service, Inc. to provide promising evidence based services to Probation involved youth. This program will provide both Alternative to Detention programming and Pre-dispositional Supervision programming for youth in Youth Part Court, Family Court or Intake and Diversion Services at Probation; and

WHEREAS: In 2020, the County Legislature approved a contract with Cayuga Counseling Service, Inc. to provide 8 slots of juvenile specialized supervision to reduce the County's need for expensive specialized secure detention, secure

and non-secure detention and the newly mandated Pre-dispositional Supervision; and

WHEREAS: The cost of the contract is \$72,509.81 for twelve months. The County received RTA funding for this program for 2019 and the Probation Department will list the program in the next application for Raise the Age funding when it is available; therefore be it

RESOLVED: That the Tioga County Probation Director is approved to continue to contract with Cayuga Counseling Service, Inc. in 2021 to provide Alternative to Detention and Pre-Dispositional Supervision programming for both Juvenile Delinquents and Raise the Age Youth, if the contract is approved by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 237-20 *RESOLUTION TO APPROVE A CONTRACT BETWEEN
THE TIOGA COUNTY PROBATION DEPT. AND
BUDDI US, LLC*

WHEREAS: The Probation Department is need of Electronic Monitoring Services to provide alternative to incarceration and alternative to detention services via Court order for Tioga County adults and juveniles; and

WHEREAS: Probation has been contracting with a company, Buddi US, LLC that is willing to provide Electronic Monitoring Services to Tioga County Probation at the cost of \$3.80 per day per unit; and

WHEREAS: The Tioga County Attorney has previously approved a contract with Buddi US, LLC that will charge the County \$3.80 per day per unit, with no fee for

units on the shelf. Said contract includes a rollover clause that allows the contract to roll over year to year unless terminated by one of the parties; and

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services for 2021 in the amount of \$4,000 in account number A3142-540140; therefore be it

RESOLVED: That Tioga County Probation Director is approved to contract with Buddi US, LLC to provide Electronic Monitoring hardware and internet accessible software for adults and juveniles to the Probation Department as part of the County's Alternative to Incarceration and Alternative to Detention programming.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 238-20 *RESOLUTION TO APPROVE
STSJP CONTRACT FOR SFY 2020-2021
PROBATION AS LEAD AGENCY FOR
APPLICATION FOR FUNDING VIA STSJP*

WHEREAS: The NYS Office of Children and Family Services (OCFS) has directed every County to create Alternative to Detention programming and since 2015 the Probation Department has been the Lead Agency for the County to apply for STSJP funding; and

WHEREAS: The funding is based on an approved OCFS contract for a maximum of \$40,000 and is set at a ratio of 62% state reimbursement - 38% county share for monies expended by the County for Alternative to Detention programming for Juvenile Delinquents. The Tioga County Legislature agrees to accept this reimbursement funding format; therefore be it

RESOLVED: That Tioga County Legislative Chair is approved to contract with the Office of Children and Family Services for STSJP funding as follows:

Probation Department -Juvenile Delinquency Alternatives to Detention

Reminder Call, Electronic Monitoring	\$19,766.00
State Share	\$12,254.92
County Share	\$ 7,511.08

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
 RESOLUTION NO. 239-20 AMEND RESOLUTION #170-90
 FORFEITURE OF CRIME PROCEEDS
 FOR DRUG ENFORCEMENT ACTIVITIES

WHEREAS: Resolution 170-90 established a system for the disposal of property, the order of priority of disbursements and the restrictions on the use of both pre-conviction and post-conviction forfeitures of crime proceeds; and

WHEREAS: Section 1349 of the Civil Practice Law and Rule has changed and should be updated per resolution; and

RESOLVED: That the Tioga County Legislature does hereby update the following rules and regulations in regard to forfeiture of crime proceeds:

1. All forfeitures of crime proceeds shall primarily be governed by Section 1349 of the Civil Practice Law and Rules as amended.
 - A. Fifteen percent (15%) of all monies realized through forfeiture to the claiming authority in satisfaction of actual costs and expenses incurred in the investigation, preparation and litigation of the forfeiture action, including that proportion of the salaries of the attorneys, clerical and

- investigative personnel devoted thereto, plus all costs and disbursements taxable under the provisions of this chapter;
- B. Five percent (5%) of all monies realized through forfeiture to the claiming agent in satisfaction of actual costs incurred for protecting, maintaining and forfeiting the property including that proportion of the salaries of attorneys, clerical and investigative personnel devoted thereto;
 - C. Forty percent (40%) of all monies realized through forfeiture which are remaining after distributions pursuant to paragraphs of this subdivision, to the chemical dependence service fund (Office of Alcoholism and Substance Abuse Services-OASAS) established pursuant to section ninety-seven-w of the state finance law ;
 - D. Seventy-five percent (75%) of such monies shall be deposited to a law enforcement purposes subaccount of the general fund of the state where the claiming agent is an agency of the state or the political subdivision or public authority of which the claiming agent is a part, to be used for law enforcement use in the investigation of penal law offenses or law enforcement assisted diversion;
 - E. The remaining twenty-five percent (25%) of such monies shall be deposited to a prosecution services (A1165) subaccount of the general fund of the state where the claiming authority is the attorney general or the political subdivision of which the claiming authority is a part, to be used for the prosecution of penal law offenses.
2. Amounts received in general fund of County restricted for Law enforcement purposes should be used for Law enforcement purpose by the District Attorney in the year received. If not used, the unexpended balance shall be transferred to Criminal Proceed Forfeiture Reserve Fund (Account A-388901). The amounts in this account must be used in the next succeeding fiscal year for Law enforcement purposes by the District Attorney.
 3. Said funds shall be dispersed under the sole discretion and authority of the District Attorney for Drug enforcement and such other related Law enforcement programs as he may require, subject to the appropriate account and audit by the Tioga County Treasurer.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 240-20 *RESOLUTION APPORTIONING
FORFEITURE OF CRIME PROCEEDS
FOR DRUG ENFORCEMENT ACTIVITIES*

WHEREAS: Tioga County has received \$15,233.00 from three drug forfeiture cases; and

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

WHEREAS: Distribution details are attached; and

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

RESOLVED: That funding be appropriated as follows:

FROM:	A1165-426250	Forfeiture of Crime Proceeds	\$ 2,284.95
	A1165-426260	Forfeiture of Crime Proceeds Restricted	\$12,948.05
TO:	A1165-540335	Asset Forfeiture Expense	\$15,233.00

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 241-20 *APPROPRIATION OF FUNDS*
2020-2021 NYS STOP DWI CRACKDOWN
ENFORCEMENT GRANT
STOP DWI

WHEREAS: The NYS STOP-DWI Foundation Board has awarded a Crackdown Enforcement grant of \$17,000 (contract #C002527) to Tioga County STOP-DWI; and

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

RESOLVED: That the 2020-2021 NYS STOP DWI (contract #C002527) be appropriated as follows:

FROM: A3315-445890-CRK20 Federal Aid-Other Transp NPSP	\$17,000
TO: A3315-540590-CRK20 Services Rendered-STOP DWI	\$17,000

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY
FINANCE COMMITTEE

RESOLUTION NO. 242-20 *AUTHORIZE AND FUND RENEWAL OF
MICROSOFT WINDOWS 10 SOFTWARE LICENSES
WITH APPROPRIATION FROM CAPITAL SOFTWARE
RESERVE ACCOUNT*

WHEREAS: The Tioga County Legislature recognizes the importance of County infrastructure; and

WHEREAS: The County utilizes Microsoft Windows software for critical daily operations; and

WHEREAS: The ITCS Director has evaluated the current Microsoft licensing needs; and

WHEREAS: A need to renew Microsoft software license maintenance to ensure the County is in license usage compliance has been identified; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the payment of software fees in the amount of \$64,635.00 to Dell, the holder of the Microsoft NYS OGS contract for software purchases, from the Capital Software Reserve Fund for the purchase of Microsoft Windows 10 licenses; and be it further

RESOLVED: That the following funds be transferred:

FROM: H387804 Capital Software Reserve Fund \$64,635.00

TO: H1680-520620 Information Technology Capital Software \$64,635.00

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 243-20 *AMEND EMPLOYEE HANDBOOK;
COMPREHENSIVE INFORMATION SECURITY
POLICY, SECTION VIII; SUBSECTION V, F –
ACCEPTABLE USE-EMAIL AND
SUBSECTION VII, M – INFORMATION RETENTION*

WHEREAS: The Tioga County Employee Handbook needs to be amended due to New York State consolidating and revising the CO-2, ED-1, MI-1, and MU-1 Schedules with a new single, comprehensive Retention and Disposition Schedule for New York Local Government Records (LGS-1) covering records for all types of local governments; and

WHEREAS: The new LGS-1 Schedule is in effect as of August 1, 2020 and must be adopted by the local governing board prior to utilization; and

WHEREAS: The new LGS-1 Schedule is issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records; therefore be it

RESOLVED: That Tioga County Employee Handbook be amended with the following updates to the Comprehensive Information Security Policy, Section VIII, Subsections F and M to change reference from Schedule CO-2 to Schedule LGS-1:

Section VIII; subsection V, F – Acceptable Use – Email:
change “Schedule CO-2” to “Schedule LGS-1”

Section VIII; subsection VII, M – Information Retention:
change “Records Retention and Disposition Schedule CO-2, Section 185.13, 8NYCRR (Appendix J)” to “Retention and Disposition Schedule for New York Local Government Records (LGS-1)”

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 244-20 APPOINTMENT OF DEMOCRATIC
ELECTION COMMISSIONER

WHEREAS: The Chairman of the Democratic Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That James Wahls be and hereby is appointed Election Commissioner for the Democratic Party from January 1, 2021 through December 31, 2022.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY
PERSONNEL COMMITTEE

RESOLUTION NO. 245-20 AUTHORIZE SALARY REALLOCATION
WITHIN CSEA SALARY SCHEDULE FOR
GIS TECHNICIAN
INFORMATION TECHNOLOGY

WHEREAS: Legislative approval is required for a title's salary reallocation; and

WHEREAS: On July 28, 2020, the Personnel Department received a position description questionnaire from Bryan Goodrich, Geographic Information Systems (GIS) Technician (CSEA SG IX, \$40,898-41,598), who works within the Information Technology Department; and

WHEREAS: A desk audit occurred and involved the review of work tasks performed by the employee as well as current salary allocation; and

WHEREAS: The Personnel Officer has made a determination that due to the necessary revisions to the GIS Technician job description which included use of independent judgment, a thorough knowledge level, and degree requirement, there is justification to request a salary reallocation of the title within the CSEA Salary Schedule; therefore be it

RESOLVED: That the title of GIS Technician shall be reallocated from CSEA Salary Grade IX to CSEA Salary Grade XI (\$44,572-45,272) effective retroactive to July 28, 2020; and be it further

RESOLVED: That Bryan Goodrich's annual salary shall be increased by \$3,674 effective retroactive to July 28, 2020.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting adjourned at 12:18 P.M.

Seventh Special Meeting
November 19, 2020

The Seventh Special Meeting of 2020 was held on November 19, 2020 and was called to order by the Chair at 10:02 a.m. Seven Legislative members were present with Legislators Monell and Roberts being absent.

Chair Sauerbrey asked for a moment of prayer. "Dear Lord, help us. Help us to get through this COVID experience, help us to be good leaders for our community when people are scared and angry, help us in every way, and help us to serve our community as we should."

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

There were six people in attendance.

Public Health Director of Administrative Services Denis McCann spoke. "At the end of July, Public Health received notification they were receiving funding through an Epidemiology Laboratory Capacity (ELC) grant. This funding came through the Centers for Disease Control (CDC) to New York State and then passed through to the local public health department as part of the Emergency Preparedness and COVID-19 Response.

"We appropriated those funds in August via a resolution and it was still unclear as to what the funding could be used for at that time, but we had a fourteen day timeframe for the County Legislature to act. It is very specific funding as all our COVID-related funding has been specific as to how it can and cannot be used. It was cleared that the funding could be used for hiring or contracting staff. The State was going to provide a person to work on COVID for us as an intercept where we would not pay them, but the State would just reduce the amount of grant funding received to pay for the contractual position. It turns out the State's rate of pay and the rate they would charge for this contractual position would result in one position whereas keeping the position in-house, the County would be able to hire two positions. The funding goes through June 2022 and for many reasons this is by far the best option. Public Health received \$255,000 and they have added an additional \$1 million restricted funds. In the event the State wanted to distribute additional funds, it is already in place and could just raise the amount. There is no additional information on this restricted funding, but the funds are sitting out there to make things easier later if they decide to act."

Legislator Standinger spoke. "I just came from the Board of Health meeting and I asked Public Health Director McCafferty about this. She said in regards to

the State providing a person there was a lot of strings attached, which made it very cumbersome to deal with.”

Mr. McCann spoke. “This would have been a State contracted position following all of their employee rules, so they would not be able to work any extra hours or weekends without prior approval. They would be coming and going based on their contract and not necessarily the hours of the other staff. Currently, no one in Public Health is working a regular workday. Public Health does not know what weekends are anymore as they are just another day of the week. There were a lot of State restrictions. The State was also going to pay more than most of our County staff, as they use the same rate across the State. This was also another area of concern for staff morale. We could have made this work, but this is by far the best scenario for Tioga County.

“As of Monday of this week, we did not believe we would need to do a resolution for this, as this could have fallen under the Emergency Orders, but to be clear and consistent with other positions we are proceeding with this resolution and special meeting.”

Chair Sauerbrey spoke. “This is good, as people need to understand what your office is looking like. Could you explain why the positions are called Public Health Educators?”

Mr. McCann spoke. “Our greatest resource of an educator is their skillset of being able to talk to the community and educate people, which is part of calling people to notify them of an exposure or that they actually tested positive. This skillset has been found to be resourceful for Public Health.”

Legislator Standinger spoke. “It sounds to me like you guys did your homework and a lot of brainstorming.”

Mr. McCann spoke. “We did and we worked with Personnel quite a bit and a lot of people from the State and it was not worthless time spent because we ended up achieving a much better deal. Personnel really helped make this work for the County and expedite the process.”

Legislator Mullen spoke. “Even if we get into the tail-end of COVID, I am guessing there is going to be a tremendous amount of backlog work, accounting, statistical analysis, and other issues these people would be used beyond everybody in Tioga County being vaccinated.”

Mr. McCann spoke. “The work would need to be COVID-related and it is very specific. They may use the additional \$1 million restricted funds for statistical epidemiology review, but right now, it is very specific. You cannot buy chairs for

Twelfth Regular Meeting
December 15, 2020

The Twelfth Regular Meeting of 2020 was called to order by the Chair at 12:02 P.M. All nine Legislative members were in attendance.

Chair Sauerbrey asked Legislator Mullen to have a moment of prayer. "Heavenly Father, thank you for your most precious gift of your Son, which we commemorate this season of Christmas. We thank you for the blessings you have given all of us this past year and during these troubling times. We ask for your strength and your grace as we work our way through this pandemic. Thank you for our friends, family, and co-workers."

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

There were eight people in attendance.

Chair Sauerbrey asked for a unanimous motion for the adoption of two recognition resolutions, seconded unanimously and carried.

Legislator Standinger spoke. "Christopher Kallin, Department of Social Services, with 40 years of service is quite an accomplishment. I just want to recognize this and I know he is not here today to receive his recognition, but there is something to be said for forty years."

The following recognition resolution for Christopher Kallin, Support Collection Coordinator, Department of Social Services was noted. Mr. Kallin was not in attendance.

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

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 247-20 *RECOGNIZE CHRISTOPHER KALLIN'S
40 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Christopher Kallin began his career with Tioga County as a Temporary Social Welfare Examiner August 13, 1980 for the Department of Social Services in the Income Maintenance Unit. From March of 1987 to July of 2014, he was a Child

Enforcement Supervisor in the Child Support Collection Unit. He was promoted to Coordinator of that unit in 2014; and

WHEREAS: Christopher Kallin has been a dedicated and loyal employee in the performance of his duties; and

WHEREAS: Christopher Kallin has shown the highest levels of reliability, trust, loyalty and competence in the performance of his duties; and

WHEREAS: Christopher Kallin will retire on December 5, 2020; 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 Christopher Kallin for his forty years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

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

The following recognition resolution for Christina M. Silvestri, Records Management Officer, Information Technology and Communication Services Department was noted. Ms. Silvestri was not in attendance.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 248– 20 *RESOLUTION RECOGNIZING
CHRISTINA SILVESTRI'S 21 YEARS OF
DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Christina Silvestri was hired on January 1, 1999 as a Clerk; and

WHEREAS: Christina Silvestri became Tioga County's Records Management Officer on March 31, 2008; and

WHEREAS: Christina Silvestri has been a valuable employee to the Information Technology and Communication Services department, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Christina Silvestri will retire from Tioga County on December 31, 2020; 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 Christina Silvestri for her 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, Christina Silvestri.

ROLL CALL VOTE

Unanimously Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Sauerbrey spoke. "These two retirees are not here today largely because of COVID-19 and wanting to take precautions. We wish them well and we presented them with plaques and resolutions so they have something from the Tioga County Legislature to let them know we appreciate them."

Legislator Balliet spoke. "I hired Chris Silvestri as my staff at the time I was the Records Management Officer. God Bless her just for having put up with me, but besides that for hanging in there all these years. She did a good job. It is not an easy task."

There was no privilege of the floor.

Legislator Mullen made a motion to approve the minutes of November 10 and 19, 2020, seconded by Legislator Monell and carried.

Chair Sauerbrey stated all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 249-20 *FIX TIME OF ORGANIZATIONAL MEETING*

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 a.m., Monday, January 4, 2021.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 250-20 *REAPPOINT MEMBER TO THE
TIOGA COUNTY BOARD OF HEALTH*

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

WHEREAS: The appointed term for Erica Haray-Butcher, MS CHES, on the Board of Health expires 12/31/20; and

WHEREAS: The Board of Health recommends re-appointment and Ms. Haray-Butcher has agreed to serve for another term; therefore be it

RESOLVED: That Erica Haray-Butcher, MS CHES, be re-appointed to the Board of Health for a term of 1/1/21-12/31/26.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 251-20 REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING BOARD

WHEREAS: Georgeanne Eckley's position on the Tioga County Planning Board representing the Village of Owego expires on 12/31/2020; and

WHEREAS: The Village of Owego Board of Trustees has nominated Georgeanne Eckley to serve another three-year term as their representative, and she is willing and able to do so; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Georgeanne Eckley to the Tioga County Planning Board for another three-year term of 1/1/21 – 12/31/23.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 252 -20 REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING BOARD

WHEREAS: Art Cacciola's position on the Tioga County Planning Board representing the Town of Candor expires on 12/31/2020; and

WHEREAS: The Town of Candor Board has nominated Art Cacciola to serve another three-year term as their representative, and he is willing and able to do so; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Art Cacciola to the Tioga County Planning Board for another three-year term of 1/1/21 – 12/31/23.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 253-20 APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING BOARD

WHEREAS: Sarah Titus's position on the Tioga County Planning Board as the representative from the Town of Newark Valley expires on 12/31/2020; and

WHEREAS: The Newark Valley Town Board has found and nominated Matt Tomazin to serve a three-year term on the Tioga County Planning Board representing the Town of Newark Valley; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoint Matt Tomazin to the Tioga County Planning Board for a three-year term of 1/1/21 – 12/31/23 replacing Sarah Titus.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 254 -20 *ADOPT COUNTY BUDGET FOR 2021,
APPROPRIATIONS AND SALARY SCHEDULE*

RESOLVED: That the tentative budget for Tioga County for the year 2021 submitted by the Budget Officer on November 10, 2020 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2021; 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, 2021; and be it further

RESOLVED: That the full-time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2021.

Chair Sauerbrey spoke. "Thank you to our new Budget Officer, all of the Department Heads and Legislators as we worked through a very, very difficult budget season. This was a very big challenge, and often times we had no idea what we were facing, what kind of cuts would come from the State and we really still do not know what the future has in store for 2021. I want to thank you all. Everyone did a great job in very difficult times. We did it and we will see what 2021 brings."

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 255-20 YEAR END TRANSFERS

RESOLVED: That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That the County Treasurer is hereby authorized and directed to effect this resolution.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 256-20 AUTHORIZE TREASURER TO ENCUMBER FUNDS

RESOLVED: That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

RESOLVED: That said funds be encumbered before December 31, 2020 to allow proper coding of bills for payment through February 28, 2021.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 257-20 *MODIFY 2020 BUDGET AND TRANSFER FUNDS
EMERGENCY SERVICES*

WHEREAS: Resolution #219-20 amended the Non-Union Benefits Policy to allow for the compensation of additional time worked, during a state of emergency, for non-union employees; and

WHEREAS: Non-union employees of the Emergency Management Services Office have been working additional time related to the declared state of emergency; therefore be it

RESOLVED: That the 2020 budget be modified and transfer of funds be made as follows to allow for compensation of additional time worked:

FROM:

A3410.510050	Fire All Other	\$2,500
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TO:

A3640.510010	Emergency Services Full-Time Salary	\$2,500
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ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 258-20 *MODIFY 2020 BUDGET AND TRANSFER FUNDS
SHERIFF'S OFFICE*

WHEREAS: Funds need to be transferred from various accounts to pay for expenses incurred in 2020; and

WHEREAS: Legislative approval is needed to modify the 2020 budget and transfer funds between object of expenses; therefore be it

RESOLVED: That the 2020 budget be modified and transfer of funds be made as follows:

FROM:	A3020.510010	Full time	\$65,000
TO:	A9950.593715	Transfer to Capital Fund	\$65,000
FROM:	H1340.450310	Inter fund Transfer	\$65,000
TO:	H3110.521060	Car / truck	\$65,000

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 259-20 *APPROPRIATION OF FUNDS*
2020 HOMELAND SECURITY GRANT (SHSP)
MODIFY 2020 BUDGET
OFFICE OF EMERGENCY SERVICES
SHERIFF'S OFFICE

WHEREAS: The New York State Office of Homeland Security Program (SHSP) has been awarded a grant of \$66,824 (contract #C973900) to the Tioga County Office of Emergency Management; and

WHEREAS: 75% (\$50,118) of said grant will be appropriated to Emergency Management and 25% (\$16,706) will be appropriated to the Sheriff's Office; and

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

RESOLVED: That the 2020 NYS Homeland Security Grant (contract # C973900) be appropriated as follows:

FROM: A3360.433567 SHS20 Homeland Security 2020 Revenue	\$50,118
TO: A3360.540140 SHS20 Homeland Security Grant–Contracting Services	\$11,000
A3360.540620 SHS20 Homeland Security Grant – Software	\$ 8,341
A3360.520130 SHS20 Homeland Security Grant – Equipment (Not Car)	\$30,777

AND:

FROM: A3361.433567 SHS20 Homeland Security 2020 Revenue	\$16,706
TO: A3361.520130 SHS20 Homeland Security Grant – Equipment (Not Car)	\$16,706

And be it further

RESOLVED: That the 2020 Emergency Management budget and the Sheriff's Office budget be modified to reflect the above changes.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 260-20 *MODIFY UNEMPLOYMENT INSURANCE
FRINGE BUDGET*

WHEREAS: Unemployment claims for year to date for 2020 total \$66,231.74, exceeding the budgeted \$60,000.00 by \$6,631.74; and

WHEREAS: In anticipation of fourth quarter claims; and

WHEREAS: Resolution 108-20 authorizes a standing approval to expend funds from the Unemployment Reserve as needed; and

WHEREAS: Legislative approval is needed to modify the 2020 Budget and transfer funds; therefore be it

RESOLVED: That \$20,000.00 be appropriated as follows:

TO: A9050 585088	Unemployment Insurance Fringe	\$20,000.00
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ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
 RESOLUTION NO. 261-20 TRANSFER OF FUNDS
 BUDGET MODIFICATION
 DISTRICT ATTORNEY

WHEREAS: The District Attorney's Office has a need for a Surface Pro, a portable computer, and a portable printer, for Assistant District Attorneys to take with them to local courts to document the proceedings; and

WHEREAS: Amending of Budget and Transfer of Funds requires Legislative approval; therefore be it

RESOLVED: That the District Attorney's budget be modified and the following sums be transferred from within the District Attorney's budget to cover the costs of said office furnishings as follows:

From: A1165 540480	Postage	\$1,341.73
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To: A1165 520090	Computer	\$1,341.73
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ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
 FINANCE/LEGAL COMMITTEE
 RESOLUTION NO. 262-20 TRANSFER OF FUNDS
 2020 BUDGET MODIFICATION FOR
 PURCHASE OF EQUIPMENT
 COUNTY CLERK

WHEREAS: The County Clerk's office has need to upgrade the recording scanners which are currently more than 10 years old to improve efficiency; and

WHEREAS: Tioga County Fixed Asset policy requires the purchase of computer equipment to be invoiced from a equipment account; and

WHEREAS: Tioga County IT has approved the purchase; and

WHEREAS: The County Clerk has money in their budget for the purchase of this equipment and such funds need to be moved into an equipment account; therefore be it

RESOLVED: That the County Clerk be authorized to purchase the equipment at a total amount not to exceed \$435.00 and that the following sums be transferred:

From:	A1410 - 540520 Recording/Microfilm	\$435.00
To:	A1410 – 520621 Computer Equipment	\$435.00

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 263-20 TRANSFER OF FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has need of additional equipment for the TCPH Emergency Operations Center; and

WHEREAS: TCPH has worked with Information Technology and Communication Services regarding this equipment; and

WHEREAS: If purchased with Public Health funds these costs are eligible for reimbursement; and

WHEREAS: TCPH has the funds available in their 2020 approved budget, yet require transfer of funds into the appropriate budgetary lines; and

WHEREAS: Transfer of Funds require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A4064 540080	Public Health: Dental Clinic Supplies	\$8,500
To: A4011 520130	Public Health: Equipment	\$8,500

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 264-20 *AUTHORIZE TRANSFER OF FUNDS FOR
PURCHASE OF A STORAGE CABINET IN THE
ECONOMIC DEVELOPMENT & PLANNING OFFICE*

WHEREAS: The Economic Development & Planning Department has an end table in the office that needs replacing; and

WHEREAS: The Economic Development & Planning Department would like to replace it with a storage cabinet; and

WHEREAS: The Economic Development and Planning file cabinet expense account #A6422-520150 has no funds available at this time; therefore be it

RESOLVED: That the Director of Economic Development & Planning be authorized to purchase the storage cabinet for the Economic Development and Planning Department and that the following sums be transferred for this purchase:

From: ED&P Account A6422 - 540420 \$255.99
 To: ED&P Account A6422 - 520150 \$255.99

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
 RESOLUTION NO. 265-20 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. 254-20 dated December 15, 2020 adopted a Budget for the fiscal year 2021 and by Resolution No.254-20 dated December 15, 2020 has made appropriations for the conduct of the County Government during said fiscal year and has by Resolution No. 266-20 dated December 15, 2020 levied the taxes required for the support of the Government of the several Towns; therefore be it

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 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 \$24,948,721.00 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	550,859.90
For School Tax Returned	3,399,810.01
For Deficits from prior years' taxes	.09
For Reimbursement of Erroneous taxes, etc.	29,482.88

All of the forgoing being subject to
 Credit for excess collection the prior year of 16.33

Further

RESOLVED: That the County Treasurer's Office be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. -20 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 Town Tax Districts of the County on or before December 31, 2020; and be it further

RESOLVED: That the County tax rates for each of the Towns are as follows:

Barton	Out	11.243855
	In	11.243855
Berkshire	Out	9.318031
Candor	Out	9.423081
	In	9.423081
Newark Valley	Out	13.283669
	In	13.283669
Nichols	Out	33.626842
	In	33.626842
Owego	Out	12.850958
	In	12.850958
Richford	Out	7.511172
Spencer	Out	8.693997
	In	8.693997
Tioga	Out	148.356628

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 266-20 TOWN TAX LEVY

WHEREAS: There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2021; and therefore 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	6,250.00	260,492.00
Newark Valley	-	11,000.00
Nichols	4,625.00	-
Owego	-	2,199,000.00
Spencer	16,393.00	449,136.00

And be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

Town of Barton

Halsey Valley Fire Protection	20,167.91
Lockwood Fire Protection	45,413.50
Waverly Joint Fire Protection	290,658.00

Town of Berkshire		
Berkshire Fire District		152,016.00
Town of Candor		
Candor Fire District		453,694.00
Town of Newark Valley		
Newark Valley Fire District		315,468.15
Town of Nichols		
Nichols Joint Fire Protection		491,894.53
Town of Owego		
Apalachin Fire District		1,071,416.00
Owego Fire District		1,805,148.00
Newark Valley Fire District		45,311.00
Town of Richford		
Richford Fire District		109,150.00
Town of Spencer		
Spencer Fire Protection District		80,000.00
Town of Tioga		
Tioga Fire District		290,527.87

And be it further

RESOLVED: That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore 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	11,908.00
Water District No. 4/Ext. 15	10,020.00
Water District No. 4/Ext. 17	-
Water District No. 4/Ext. 20	17,762.00
Sewer District No. 2/Ext. 14	11,829.00
Sewer District No. 2/Ext. 15	11,638.00
Lighting District No. 1	5,827.00
Lighting District No. 2	10,099.00
Lighting District No. 3	11,134.00
Lighting District No. 4A	777.00
Lighting District No. 4B	2,072.00
Lighting District No. 5	7,121.00
Lighting District No. 6	11,912.00
Lighting District No. 7	2,072.00
Lighting District No. 8	1,294.00
Lighting District No. 9	648.00
Lighting District No. 10	907.00

And be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$362,825.51; and be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$3,267.87; and be it further

RESOLVED: That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	227,000.00	574,500.00
Berkshire	84,463.00	341,573.00
Candor	585,747.00	729,860.00
Newark Valley	306,076.00	385,000.00
Nichols	9,310.00	220,400.00
Owego	1,020,000.00	-
Richford	237,093.00	467,447.00
Spencer	367,896.00	275,175.00
Tioga	263,623.00	597,833.00

And be it further

RESOLVED: That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 267-20 *TIOGA COUNTY LEGISLATIVE SUPPORT OF TERMINATION OF CENTRAL NEW YORK OIL AND GAS COMPANY LLC PAYMENT IN LIEU OF TAX AGREEMENT AND ESTABLISHMENT OF STAGECOACH GAS SERVICES LLC PAYMENT IN LIEU OF TAX AGREEMENT*

WHEREAS: The State of New York Supreme Court issued a Stipulation of Settlement and Order between Central New York Oil and Gas Company LLC and the Town of Owego, the Board of Assessment Review for the Town of Owego, the County of Tioga and the Owego Apalachin School District; and

WHEREAS: The Stipulation of Settlement and Order called for the establishment of a Payment in Lieu of Tax Agreement to include seven (7) properties identified as Parcel 1 and two (2) properties as identified as Parcel 2; and

WHEREAS: The term of said Payment in Lieu of Tax Agreement expired in January of 2019; and

WHEREAS: By request of the Owego Apalachin Central School District Board of Education the Payment in Lieu of Tax Agreement was extended by the Tioga County Industrial Development Agency to cover a period up to March of 2021; and

WHEREAS: The Tioga County Industrial Development Agency will reconvene all properties noted under Parcel 1 and Parcel 2 by the terms of the Payment in Lieu of Tax Agreement entered into by and among Central New York Oil and Gas Company LLC and the taxing authorities, the PILOT agreement with the herein mentioned conveyance will be terminated; and

WHEREAS: The Central New York Oil and Gas Company LLC has since been acquired by Stagecoach Gas Services LLC, a joint venture between Crestwood and Con Edison; and

WHEREAS: It is the desire of the Tioga County Legislature to establish a new Payment in Lieu of Tax Agreement between Stagecoach Gas Services LLC and the taxing authorities; and

WHEREAS: The new Payment in Lieu of Tax Agreement should incorporate two (2) tax map properties identified as 161.00-1-25.1 and 107.00-1-8.12; and

WHEREAS: The newly established Payment in Lieu of Tax Agreement should call for the payment of one hundred percent (100%) of real property taxes to be paid on the assessed value of the identified tax map 161.00-1-25.1 for the tax year 2022 and ninety percent (90%) of real property taxes to be paid on the assessed value of the identified tax map 107.00-1-8.12 for the tax year 200 to be increased to one hundred percent (100%) for each subsequent years by Stagecoach Gas Services LLC to be collected from the commencement of the Agreement; and

WHEREAS: A five (5) year term shall commence on the first taxable status date following the execution of the Agreement; therefore be it

RESOLVED: That the Tioga County Legislature supports the termination of the Central New York Oil and Gas Company LLC Payment in Lieu of Tax Agreement and the establishment of a Stagecoach Gas Services LLC Payment in Lieu of Tax Agreement.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 268-20 *RESOLUTION TO RENEW CONSULTANT
CONTRACT FOR HAZARD MITIGATION
PLAN COORDINATOR FOR 2021*

WHEREAS: Per Resolution 193-12 and Resolution 218-13, the Tioga County Legislature contracted with the Tioga County Soil & Water Conservation District to perform the Hazard Mitigation Plan Coordinator services based on a mutually agreeable work plan with specific tasks; and

WHEREAS: The Tioga County Planning Department still does not have the existing capacity to perform these FEMA-required services; and

WHEREAS: The Tioga County Planning Department has sufficient funds in the 2021 budget to cover these expenses, in the amount of \$18,500 from Planning Appropriation account A8020 540140; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the renewal of said contract with Tioga County Soil & Water Conservation District, to perform Hazard Mitigation Coordinator services from January 1 - December 31, 2021, not to exceed \$18,500 from Planning Appropriation account A8020 540140, and authorizes the Tioga County Legislative Chair to sign all related contract paperwork, contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 269-20 *AUTHORIZE CONTRACT RENEWAL
CSEA EMPLOYEE BENEFIT FUND*

WHEREAS: Resolution #276-11 authorized a contract with CSEA Benefit Fund to administer Solstice Vision and Dental plans for CSEA and Non-Union employees; and

WHEREAS: The Dental and Vision plans are contractual benefits for CSEA employees, to be continued for 2021; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a contract, subject to review by the County Attorney, with CSEA Employee Benefit Fund for the purpose of facilitating the Solstice Dental and Solstice Vision plans for the period of January 1, 2021 – December 31, 2021.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 270-20 *RESOLUTION TO APPROVE A CONTRACT BETWEEN
THE TIOGA CO. PROBATION DEPT. & FAMILY AND
CHILDREN'S COUNSELING SERVICES TO PROVIDE
ADULT & JUVENILE SEXUAL OFFENDER ASSESSMENT
AND TREATMENT SERVICES IN THE JOURNEY PROJECT*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and Family Counseling Services of Cortland County, Inc. for the provision of adult and juvenile sex offender treatment in 2020; and

WHEREAS: The agency has changed their name to Family and Children's Counseling Services- Journey Project; and

WHEREAS: The agency's contract with Tioga County Probation provides for a total of 21 sexual offender slots as follows: Adults age 18 and up who sexually offend against children, Adolescents with illegal sexual behavior for juveniles ages 13-17 and Children with problematic sexual behavior for juveniles ages 7 to 12. The contract also covers Adult and Juvenile Safety Monitor programming. The 21 treatment slots can be used for either an adult or juvenile depending on the Department's census, for the cost of \$123,840; therefore be it

RESOLVED: That the Probation Director is approved to contract in 2021 with The Family and Children's Counseling Services for the Journey Project to provide adult and juvenile sexual offender assessment and treatment and educational sessions for adult supervisors and parent supervisors in the amount of \$123,840 annually, upon approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 271-20 *AUTHORIZATION TO ENTER INTO A CONTRACT WITH THOMAS REUTERS (WESTLAW) FOR A THREE YEAR SUBSCRIPTION TO WESTLAW EDGE*

WHEREAS: The County is desirous of entering into a contract with Thomas Reuters (Westlaw) for a subscription to their legal research service starting December 2020 through June 2024 at a cost of \$32,685.24; and

WHEREAS: The services provided through this subscription will be utilized by personnel in the County Attorney's office, Public Defender's office, District Attorney's office, DSS and Personnel; now therefore be it

RESOLVED: That the Chair of the Legislature is authorized to execute a contract with Thomas Reuters for a three-year subscription to Westlaw Edge legal research services.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE

RESOLUTION NO. 272-20 *ENTER INTO CONTRACT WITH TWIN TIERS
DRUG & ALCOHOL TESTING, LLC FOR
CDL DRUG AND ALCOHOL TESTING*

WHEREAS: Federal law requires random drug and alcohol testing of CDL drivers performing “safety sensitive” tasks; and

WHEREAS: Tioga County has coordinated with towns and villages within Tioga County to have testing done by an outside agency; and

WHEREAS: Tioga County has received a proposal from Twin Tiers Drug & Alcohol Testing, LLC to perform this service; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a one-year contract for 2021 with Twin Tiers Drug & Alcohol Testing, LLC to perform this service at the rates indicated:

Complete DOT/Non-DOT Random Testing Program: \$30.00 per employee per year, which includes:

- Random Selection of Employees Calculated Quarterly (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests performed quarterly on-site
- Record Management
- DOT Audit Assistance
- Regulatory Updates

- MIS Reports
- Collection Site Management
- Supervisor Training
- Laboratory and MRO Set-up with own Laboratory Account
- Online Access to Reporting 24 hours a day
- Online Order of Pre-employment, Follow-up, or Return to Duty Testing
- Training to Navigate Online Portal
- Assistance with Mediation Between MRO and DER
- Over 50 years of collective DOT knowledge

Additional Charges: Pre-employment, post-accident, reasonable suspicion, follow-up, or return to duty tests:

Normal Business Hours:

- Quest Diagnostics/Medical Facilities, Hospitals, etc.: \$65.00 per test
- Breath alcohol test (in office or on-site): \$40.00 per test
- Drug Test On-site: \$60.00 per test
- Scheduled On-site fee \$150.00 one-time fee

Emergency and After Hours:

- Emergency On-site fee: \$150.00/hr. with 2 hr. minimum
- After hours fee: \$25.00 per test
- Holiday fee: \$25.00 per test
- Shy Bladder fee: \$1.00 per minute
- Wait fee: \$1.00 per minute

Split Specimen Testing (re-test of positive specimen by another SAMHSA certified lab)
Includes shipping and maintenance of chain of custody; only when requested by employee within 72 hours of MRO's notification: \$200.00 per test

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

WHEREAS: Two companies (CBH Medical; CFG Health Systems) responded and submitted proposals which were thoroughly evaluated; and

WHEREAS: It was determined that CBH Medical submitted the best proposal to meet the scope of work detailed in the RFP; and

WHEREAS: A recommendation was made to the County Legislature to award CBH Medical a two-year agreement with the option to renew for three (3) additional one-year terms; therefore be it

RESOLVED: That an agreement be created to have CBH Medical provide comprehensive medical and mental health services for the inmates at the Tioga County Jail for a two-year period beginning January 1, 2021 with the option to renew for three additional one-year terms; and be it further

RESOLVED: That the Tioga County Legislature authorizes the execution of this agreement with CBH Medical to provide such services.

Legislator Standinger spoke. "I am going to end up voting no because I do not feel that all the options have been explored for this service. We have half the number of inmates in the jail now and we are paying a sizable amount of money for this service. There might be other options available at some point, but I do not feel they have been explored properly."

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – Legislator Standinger.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan introduced Local Law Introductory No. A of 2021.

County of Tioga

Local Law No. XX of the Year 2021.

A Local Law to establish the staggered terms of Tioga County Legislators as established in Local Law No. 2 of 1994 and Local Law No. 2 of 2011.

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

SECTION 1: TERMS OF OFFICE

Notwithstanding the provisions of any general, special or local law to the contrary, members of the Tioga County Legislature shall continue to be elected to staggered terms of three and four years over a ten-year cycle as established in Local Law No. 2 of 1994 and Local Law No. 2 of 2011.

SECTION 2: STAGGERED TERMS OF OFFICE

A. The seven County Legislative Districts shall be divided into two groups as follows:

1. Group One shall consist of:
 - a. The representative from District No 1
 - b. The representative from District No 2
 - c. The representatives from District No. 4
 - d. The representative from District No. 5
2. Group Two shall consist of:
 - a. The representative from District No. 3
 - b. The representative from District No. 6
 - c. The representatives from District No. 7

B. The County Legislators elected from the County Legislative Districts included in Group One shall be elected for a term of four (4) years at the general election to be held in the year Two Thousand Twenty-One (2021) and shall be elected for a term of three (3) years at the general elections to be held Two Thousand Twenty-Five (2025) and Two Thousand Twenty-Eight (2028).

C. The County Legislators elected from the County Legislative Districts included in Group Two shall be elected for a term of three (3) years at the general elections to be held in the years Two Thousand Twenty-One (2021) and Two Thousand Twenty-Four (2024) and shall be elected for a term of four (4) years at the general election to be held in Two Thousand Twenty-Seven (2027).

D. Subject to reapportionment, if necessary, staggered terms shall be utilized in the general elections following succeeding federal decennial censuses.

SECTION 3: COUNTY ATTORNEY

The term of office of the County Attorney shall be the same as the term of office of the Legislators in Group One.

SECTION 4: LEGISLATIVE CLERK

The term of office of the Legislative Clerk shall be the same as the term of office of the Legislators in Group One.

SECTION 5: BUDGET OFFICER

The term of office of the Budget Officer shall be the same as the term of office of the Legislators in Group One.

SECTION 6: EFFECTIVE DATE

This local law shall be effective on the date of adoption.

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

REFERRED TO: LEGISLATIVE WORKSESSION
RESOLUTION NO. 275-20 SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY NO. A of 2021

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2021 A Local Law establishing the staggered terms of Tioga County Legislators as established in Local Law No. 2 of 1994 and Local Law No. 2 of 2011 in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, January 7, 2021 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
RESOLUTION NO. 276-20 AMEND RESOLUTION 176-94
AS AMENDED BY RESOLUTION 281-17
MEDICARE REIMBURSEMENT

WHEREAS: Resolution 281-17 amended Resolution 176-94 to set the Medicare Part B reimbursement rate for eligible retirees at \$115 per month for the period of February 1, 2018 through January 31, 2021 to be reviewed every three years; and

WHEREAS: The Legislature has reviewed this at various meetings in 2020; and

WHEREAS: 2020 has been an unprecedented year due to COVID-19 and the economic impact is yet known; therefore be it

RESOLVED: That the Medicare Part B reimbursement rate for eligible retirees will remain at \$115 per month through January 31, 2022; and be it further

RESOLVED: That the Legislature will review again in 2021; and be it further

RESOLVED: That this resolution shall amend Resolution 176-94 only as to the Medicare reimbursement portion of said Resolution.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: *PERSONNEL COMMITTEE*

RESOLUTION NO. 277-20 *AMEND RESOLUTION 209-20
AUTHORIZE PURCHASE OF SPECIFIC
EXCESS AND EMPLOYER'S LIABILITY INSURANCE FOR
WORKERS' COMPENSATION PROGRAM*

WHEREAS: Resolution 209-20 authorizes the purchase of specific excess insurance and employer's liability insurance for the period of January 1, 2021 through December 31, 2021; and

WHEREAS: Midwest Employers Casualty Company, the company which provides the specific excess policy, is offering a two-year policy term option; and

WHEREAS: This two-year policy term option will lock in the premium rate for a two-year period along with the specific retention levels; and

WHEREAS: The premium would continue to be payable in annual installments; therefore be it

RESOLVED: That Resolution 209-20 be amended to authorize the Tioga County Legislature to accept the two-year policy option and purchase specific excess insurance through Midwest Employers Casualty Company, upon approval by the County Attorney, for the period of January 1, 2021 through December 31, 2022 to be paid for out of the 2021 and 2022 Tioga County Self-Insurance budget.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE
RESOLUTION NO. 278-20	HEALTH INSURANCE COVERAGE FOR DUAL COUNTY RETIREE SPOUSES

WHEREAS: The County Policy which establishes the qualifying criteria for a retiring employee to carry health insurance into retirement is the *Orientation/Exit Interview/Recruitment/Retirement* Policy; and

WHEREAS: In addition to other criteria, that Policy indicates the employee must carry a policy into retirement and cannot have a break in coverage and come back at a later date and request coverage; and

WHEREAS: There are occasions when both spouses are employed by and retire from the County AND dependent children are included in the health insurance coverage; and

WHEREAS: In those situations it does not make economic sense for either the employees/retirees or County to require two separate health insurance policies when each employee retires; and

WHEREAS: The County recognizes this unique situation and is willing to make exception to the terms of the Policy as doing so is in the best interest of both the employees/retirees as well as the County;

NOW, THEREFORE, it is hereby resolved that:

1. When an employee is eligible for retiree health insurance coverage upon retirement (hereinafter the “Retired Employee”) but instead of carrying own health insurance policy into retirement, chooses to continue coverage upon retirement under their County-retired spouse’s Family health insurance plan (hereinafter the “Subscriber Spouse”) the Retired Employee shall be allowed to re-enroll in County coverage at a later date when EITHER:
 - A) The dependent child(ren) are removed from the policy or are no longer eligible for coverage as dependents, OR
 - B) The Subscriber Spouse pre-deceases the Retired Employee, OR
 - C) Subscriber Spouse removes Retired Employee from the policy,Retired Employee may then enroll in County coverage.
2. The Retired Employee’s contribution toward retiree coverage shall be in accordance with the County Policy and based on what the Retired Employee qualified for at time of retirement.
3. When the Retired Employee experiences a status change as detailed in #1 A-C above, that is the only opportunity for Retired Employee to elect the retiree coverage that s/he qualified for upon retirement. If Retired Employee fails to elect coverage at time of the family status change, s/he waives the right to retiree coverage as a subscriber.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 279-20 *REQUEST FOR AN
UNACCREDITED INTERNSHIP IN
THE DISTRICT ATTORNEY'S OFFICE*

WHEREAS: A request was made to the District Attorney's Office to provide an unpaid internship to a Tioga County resident who attends Elmira College; and

WHEREAS: The intern, Farrah Fiacco, is enrolled in Elmira College and majoring in Legal Studies, Criminal Justice and Psychology and is required to complete 120 hours of an internship on or before May 2021 through Career Services; and

WHEREAS: The intern will attend court sessions under the supervision of Assistant District Attorney Lillian Reardon and provide office support for the District Attorney's Office under the supervision of Confidential Secretary to the District Attorney Carola Kovalovsky until her obligations have been met; and

WHEREAS: Policy 56, Section 1 allows for unpaid internships if authorized by the Legislature; therefore be it

RESOLVED: That the District Attorney's Office is hereby authorized to have an unpaid intern in the District Attorney's Office.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 280-20 APPOINTMENT OF PART-TIME
INFORMATION SECURITY OFFICER
LEGISLATIVE OFFICE

WHEREAS: Tioga County Comprehensive Information Security Policy requires the Legislature to appoint annually, a part-time Information Security Officer who will be responsible for implementing and monitoring a consistent data security program; therefore be it

RESOLVED: That Susan Haskett shall be appointed to the part-time Information Security Officer position for 2021 and will be compensated at an annual rate of \$2,511.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 281-20 EXTEND DURATION OF TEMPORARY
ACCOUNTING ASSOCIATE 1 POSITION
SHERIFF'S OFFICE

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

WHEREAS: Resolution 127-20 authorized the extension of this position through December 31, 2020; and

WHEREAS: The Sheriff desires to extend this temporary position through December 31, 2021 but only on a part-time basis (up to 17 hours per week) as part of his 2021 budgeted cost savings; therefore be it

RESOLVED: That said temporary position be extended on a part-time basis through December 31, 2021 at the hourly rate of \$13.19.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 282-20 *2021 STAFF CHANGES*
PUBLIC HEALTH

WHEREAS: The Public Health Department requested staffing changes as part of the 2021 Budget process; and

WHEREAS: These requests were approved by the County Legislature; therefore be it

RESOLVED: That the following staffing changes be effective January 1, 2021:

<u>Name</u>	<u>Current Title/ Salary</u>	<u>New Title/ Salary</u>	<u>Budget Impact</u>
Vacant (Unfunded)	Director of Dental Health Services (NU Salary)	Fund for 2021	\$53,738

RESOLVED: That the Tioga County Employee Handbook Schedule A be hereby amended as follows:

POSITION

AG & FARMLAND PROTECTION BOARD MEMBERS (ALL)
ASSIGNED COUNSEL ADMINISTRATOR
BOARD OF HEALTH MEMBERS (ALL)
BUDGET OFFICER
CAPTAIN, OPERATIONS OFFICER
CHIEF ACCOUNTANT
CHIEF INFORMATION OFFICER & DEPUTY DIRECTOR OF INFORMATION TECHNOLOGY
& COMMUNICATION SYSTEMS
CLERK TO THE LEGISLATURE AND DEPUTY CLERK
CLINICAL PROGRAM DIRECTOR
COMMISSIONERS OF BOARD OF ELECTIONS AND DEPUTIES
COMMISSIONER OF PUBLIC WORKS AND DEPUTY
COMMISSIONER OF SOCIAL SERVICES AND DEPUTY COMMISSIONER
COMMUNITY SERVICE BOARD MEMBERS (ALL)
CORONERS (ALL)
COUNTY ATTORNEY AND ASSISTANTS
COUNTY CLERK AND DEPUTY
COUNTY PLANNING DIRECTOR
COUNTY SHERIFF AND UNDERSHERIFF
COUNTY TREASURER AND DEPUTY
DIRECTORS OF ADMINISTRATIVE SERVICES
DIRECTOR OF COMMUNITY SERVICES & DEPUTY
DIRECTOR OF EMERGENCY SERVICES AND DEPUTY DIRECTOR
DIRECTOR OF EMPLOYMENT & TRANSITIONAL SUPPORT
DIRECTOR OF REAL PROPERTY TAX SERVICES
DIRECTOR OF SOCIAL SERVICES
DIRECTOR OF VETERANS' SERVICE AGENCY
DIRECTOR OF WEIGHTS & MEASURES I
DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING & DEPUTY
DISTRICT ATTORNEY AND ASSISTANTS
ETHICS BOARD MEMBERS (ALL)
FIRE COORDINATORS (ASSISTANTS)
HISTORIAN
INDUSTRIAL DEVELOPMENT AGENCY MEMBERS (ALL)
INFORMATION SECURITY OFFICER
LEGISLATORS (ALL)
LOCAL DEVELOPMENT CORPORATION AGENCY MEMBERS (ALL)
PERSONNEL OFFICER
PLANNING BOARD MEMBERS (ALL)

PROBATION DIRECTOR
PROPERTY DEVELOPMENT CORPORATION (ALL)
PUBLIC DEFENDER AND ASSISTANTS
PUBLIC HEALTH DIRECTOR AND DEPUTY DIRECTOR
RECORDS MANAGEMENT OFFICER
SAFETY OFFICER
SUSTAINABILITY MANAGER
TIOGA TOBACCO ASSET SECURITIZATION CORP. BOARD MEMBERS (ALL)
YOUTH BUREAU DIRECTOR
YOUTH BUREAU MEMBERS (ALL)

And be it further

RESOLVED: That the remainder of Tioga County Employee Handbook shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, Hollenbeck and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Chair Sauerbrey spoke. “I would like to wish everyone a Merry Christmas and Happy Holidays although the Legislature will be meeting again next week. This has been a tough year, we got through it, and we are going to do a lot better next year.”

Meeting adjourned at 12:21 P.M.

Eighth Special Meeting
December 22, 2020

The Eighth Special Meeting of 2020 was held on December 22, 2020 and was called to order by the Chair at 10:03 a.m. with eight Legislative members present and Legislator Monell arriving at 10:05 a.m.

Chair Sauerbrey asked Legislator Mullen to have a moment of prayer. "Heavenly Father, we thank you for the gift of your Son. This time of year, especially in this difficult year, remember the salvation He brings is the reason we celebrate. May we all find peace in our hearts and goodwill towards our fellow man; today, tomorrow, and for the rest of our lives."

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

There were five people in attendance.

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

REFERRED TO:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 285-20	<i>RATIFY COLLECTIVE BARGAINING AGREEMENT (CSEA)</i>

WHEREAS: The collective bargaining agreement between Tioga County and the CSEA Unit #8850 will expire December 31, 2020; and

WHEREAS: At this time Tioga County is uncertain of the full financial impacts of COVID-19 or its duration and therefore proposed to CSEA that the current collective bargaining agreement be extended for one year in order to allow the County to gain a better understanding of the impacts of COVID-19; and

WHEREAS: The proposal is comprised of no salary adjustments for 2021 and for the County to pay any increase in health insurance premiums for 2021; and

WHEREAS: The CSEA membership held a vote and ratified the proposal; therefore be it

RESOLVED: That the County Legislature hereby ratifies the rollover of the terms of the 2018-2020 collective bargaining agreement for 2021 with the additional stipulation that the employee contributions for 2021 health insurance shall not increase above their 2020 contributions; and be it further

RESOLVED: That the Chair of the Legislature, along with the Sheriff, is authorized to sign the Agreement as a joint employer; and be it further

RESOLVED: That the County Legislature does hereby agree to implement the funds necessary to carry out the terms and provisions of said contract.

Legislator Mullen spoke. "I would like to thank Bethany, the Personnel staff, and all the representatives from CSEA for working with us. This was a group effort and I thank you."

ROLL CALL VOTE

Yes – Legislators Mullen, Roberts, Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting adjourned at 10:06 A.M.

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