

Eleventh Regular Meeting  
November 10, 2014

The Eleventh Regular Meeting of 2014 was held on November 10, 2014 and was called to order by the Chair at 12:02 P.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Hollenbeck to have a moment of prayer. "God Bless our brave men and women who serve in our Armed Forces and God Bless our Veterans, and as we celebrate their day tomorrow, always remember that freedom is not free."

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

Chair Sauerbrey noted the following recognition resolution for Margaret Kelly 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. 244-14

*RECOGNITION OF  
MARGARET W. KELLY'S 18 YEARS OF  
DEDICATED SERVICE TO THE TIOGA COUNTY  
DEPARTMENT OF MENTAL HYGIENE*

WHEREAS: Margaret W. Kelly was appointed to the position of Senior Clinical Social Worker on September 30, 1996, in the Tioga County Department of Mental Hygiene; the position she still holds; and

WHEREAS: Margaret W. Kelly has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 18 years to the Mental Hygiene Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Kelly will retire on November 27, 2014; 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 Margaret W. Kelly for her over 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, Margaret W. Kelly.

#### ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Sauerbrey noted the following Proclamation regarding Adoption Awareness Month.

#### **PROCLAMATION**

This November marks the 24th annual National Adoption Month. November 22, 2014 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized 4 adoptions and has two more pending for 2014. Every child in America, every child in Tioga County deserves a permanent, loving family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on the behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim November as

**ADOPTION AWARENESS MONTH**

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize adoptive families in Tioga County.

George Penney had privilege of the floor.

“I wish to speak to you about the property known as ESite that the County no longer owns, which is now on Route 434. The County no longer owns that property. Furthermore, any plan to put anything on a portion of that property is more than likely to reduce its value for anybody who is really interested in that property. Thank you.”

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		272.34
A1165	District Attorney		5,061.56
A1170	Public Defender		2,153.33
A1172	Assigned Counsel		34,975.36
A1173	ILS Grant		1,274.24
A1185	Medical Examiners/Coroners		18,428.68
A1325	Treasurer		776.38
A1355	Assessments		7,082.09
A1410	County Clerk		276.17
A1411	Department of Motor Vehicles		712.22
A1420	Law		6,200.00
A1450	Elections		62,424.69
A1460	Records Management		182.00
A1620	Buildings	47.47	41,607.92
A1621	Buildings		17,708.92
A1680	Information Technology		9,111.67
A2490	Community College Tuition		1,026,129.54
A2960	Education Handicapped Children		213,830.26
A3020	Public Safety Comm E911 System	136.20	5,079.14
A3110	Sheriff		13,647.15

A3140	Probation		145.80
A3146	Sex Offender Program		9,240.00
A3150	Jail		60,643.53
A3315	Special Traffic Programs		800.00
A3410	Fire	78.00	3,032.40
A3640	Emergency Mgmt Office		1,288.61
A4010	Public Health Nursing		680.79
A4011	Public Health Administration		8,275.79
A4012	Public Health Education		80.00
A4042	Rabies Control		91.95
A4044	Early Intervention		831.20
A4053	Preventive/Primary Health Services		144.29
A4054	Preventive Dental Services		1,609.21
A4064	Managed Care-Dental Services		7,490.99
A4070	Disease Control		3,896.02
A4090	Environmental Health		684.68
A4210	Alcohol and Drug Services		10,714.45
A4211	Council on Alcoholism		10,990.33
A4309	Mental Hygiene Co Admin	85.78	8,493.71
A4310	Mental Health Clinic		36,256.73
A4311	Rehabilitation Support Services		2,473.00
A4320	Crisis Intervention		20,631.42
A4321	Intensive Case Management		9,388.66
A4333	Psycho Social Club		25,000.00
A4390	Criminal Psychiatric Expenditures		43,265.95
A5630	Bus Operations		98,820.83
A6010	Social Services Administration		254,334.85
A6422	Economic Development		63.85
A6510	Veterans' Service		41.00
A6610	Sealer Weights/Measures		159.17
A7310.41	Youth Programs, Refundable		9,200.00
A8020	Planning		752.50
A9060	Health Insurance		2,453.70
SOLID WASTE FUND			91,889.38
SPECIAL GRANT FUND			4,855.98
LIABILITY INSURANCE FUND			32,393.00
COUNTY ROAD FUND			129,272.70
CAPITAL FUND			1,119,354.72
CONSOLIDATED HEALTH FUND			2,285.78
SELF-INSURANCE FUND			<u>2,600.00</u>
GRAND TOTAL			\$ 3,481,908.08

Chair Sauerbrey made the following appointments to several Financial Management Accounting System (FMAS) teams:

Executive Team

Mike Jackson  
Doug Camin  
Lisa Poole  
Jim Rich/Denis McCann  
Gary Grant  
Ken Del Bianco  
Jim McFadden  
Bethany O'Rourke  
Chair/Legislator Sauerbrey

Project Team

Rita Hollenbeck  
Shelby Beach  
Cathy Haskell  
Diane Rockwell  
Linn Bruce

Subject Matter Experts

Mary Hogan  
Jessica Hobart  
Shelby Beach  
Mikelle Andrews  
Rita Hollenbeck  
Maureen Dougherty  
Cathy Haskell  
Linn Bruce  
Amy Poff  
Chris Korba  
Denis McCann  
Diane Rockwell  
Arrah Richards  
Bernadette Toombs  
Jack Langan  
Terie Huseby  
Teresa Saraceno  
Sue Haskett

Technical Team

Mary Hogan  
Ed Barry  
Charles Root  
Doug Camin  
Cathy Haskell  
Shelby Beach



WHEREAS: Beginning January 1, 2015 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 \$850.00 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 1/1/15 through 12/31/15.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 247-14

*AUTHORIZE AND FUND  
FMAS-TYLER TECHNOLOGIES  
25% SOFTWARE LICENSE FEES  
AND SOFTWARE DOWNLOAD*

WHEREAS: The Tioga County Legislature recognizes the importance of County Infrastructure; and

WHEREAS: The County has entered into a contract with Tyler Technologies for the Financial Management Accounting System; and

WHEREAS: Part of the contract is to pay 25% (\$46,921.50) of the software license fees upon signing of contract of which Resolution 231-14 initially transferred \$44,421.50; and





RESOLVED: That the following sums be transferred within the District Attorney's budget to cover the purchase of said TV:

From: A1165.40-720-District Attorney	\$824.81
To: A1165.20-20-District Attorney	\$824.81

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 249-14	<i>CONTINGENCY FUNDING FOR JAIL PERSONNEL EXPENSES</i>

WHEREAS: The Jail Part-Time account is depleted, and the Jail Over-time Account will soon be depleted; and

WHEREAS: It will be necessary to re-fund these two accounts for the remainder of 2014; now therefore be it

RESOLVED: That the following contingency funds be appropriated as follows:

From: A1990.40-715 Contingency	\$28,000
To: Jail Account A3150.10.20 (Part-Time)	\$ 8,000
Jail Account A3150.10.30 (Over-Time)	\$20,000

## ROLL CALL VOTE

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

No – Legislator Standing.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO

HEALTH &amp; HUMAN SERVICES COMMITTEE

RESOLUTION NO. 250-14

*ESTABLISH RATE FOR EDUCATION OF  
HANDICAPPED CHILDREN PROGRAM  
HEALTH DEPARTMENT*

WHEREAS: Tioga County is responsible for ultimate provision of services in the Education of Handicapped Children Program; and

WHEREAS: It is required to establish rates for program services via Legislative Resolution; and

WHEREAS: There has been a request for the mandated service of Skilled Nursing services, which does not have an established rate range; and

WHEREAS: The requested rate range for Skilled Nursing in the Education for Handicapped Children Program is \$15.00 to \$30.00 per half hour; therefore be it

RESOLVED: That the rate range of \$15.00 to \$30.00 per half hour for the Skilled Nursing in the Education for Handicapped Children Program be established effective the 2014-2015 School Year.

## ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 251-14      *AUTHORIZING THE IMPLEMENTATION  
AND FUNDING IN THE FIRST INSTANCE  
100% OF THE FEDERAL-AID AND STATE  
"MARCHESELLI" PROGRAM-AID  
ELIGIBLE COSTS OF A TRANSPORTATION  
FEDERAL-AID PROJECT AND  
APPROPRIATING FUNDS THEREFORE*

WHEREAS: A Project for the replacement of the East River Drive Bridge over Wappasening Creek, BIN: 3335410, Town of Nichols, Tioga County, PIN 9753.73(the "Project") is eligible for funding under Title 20 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 Construction and Construction supervision and Inspection work; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes 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 be it further

RESOLVED: That the sum of \$2,025,000 is hereby appropriated from the following:

Account H2009.02 East River Rd. Bridge	\$1,377,629.53
Account H878.06 Public Improvement Bond 2013	\$ 647,370.47

To be made available to cover the cost of participation in the above phase of the Project; and be it 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 the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED: That the Chair of the Legislature of the County of Tioga 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 be it 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 be it further

RESOLVED: This resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS  
FINANCE

RESOLUTION NO. 252-14

*TRANSFER FUNDS FROM PUBLIC  
IMPROVEMENT BOND 2013 TO WEST CREEK  
RD BRIDGE H2013.07*

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

WHEREAS: West Creek Rd. Bridge BIN 3335150 is one of the bridges in the bridge bond program; and

WHEREAS: The cost for this project was estimated in August of 2013 prior to the actual bid opening for this project during the 2014 budget process; and

WHEREAS: The estimate for the West Creek Rd. Bridge (BIN: 3335150) was \$255,375 short of the actual bid; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the transfer of \$255,375 from Public Improvement Bond 2013 Account H878.06 to the West Creek Rd. Bridge Account H2013.07.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS  
FINANCE

RESOLUTION NO. 253-14 APPROVE SUPPLEMENTAL  
AGREEMENT - MCFARLAND JOHNSON  
CATATONK HILL RD BRIDGE H2013.05

WHEREAS: The Catatonk Hill Rd. Bridge (BIN: 3335130) has been placed on the FHWA program: and

WHEREAS: This project will be funded as follows:

Federal:	80%
State	15%
Local	5%

and

WHEREAS: At the time of the original NYSDOT Agreement NYSDOT was going to provide QA Structural Steel Plant Inspection Services. However, shortly before the start of beam fabrication, NYSDOT reversed course and informed McFarland Johnson that the County would need to hire a consultant for plant inspection services. A consultant was hired to perform this service and the total fee was \$28,154.29; and

WHEREAS: NYSDOT requires a Licensed Asbestos Inspector for removal of asbestos material and the fee for this service was \$1,050.00; therefore be it

RESOLVED: That the Tioga County Legislature approve the supplemental agreement for the Catatonk Hill Rd. Bridge not to exceed \$29,204.29 to be paid out of H2013.05.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 254-14 APPROVE FLOOD MITIGATION  
CHANGE ORDER

WHEREAS: The Flood Mitigation General Contractor for the County Office Building was awarded on resolution 339-13 to Andrew R. Mancini Associates; and

WHEREAS: A change order was submitted due to a change/upgrade in material that was used for sealing the bottom of the wall at the County Office Building; therefore be it

RESOLVED: That the Tioga County Legislature authorize additional funds be appropriated for this change order not to exceed \$2,022.80 to be paid out of the Tropical Storm Lee Disaster account H1624.20-400.

## ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Monell and Case.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 255-14      *REQUEST FOR WAIVER FROM NYS GRANTS  
GATEWAY SYSTEM FOR ROUND 21 OF THE  
NYS AG NONPOINT SOURCE ABATEMENT  
AND CONTROL GRANT PROGRAM*

WHEREAS: 99.9% of Tioga County lies within the Chesapeake Bay Watershed and the Chesapeake Bay (CB) has been declared impaired by the Environmental Protection Agency and a Total Maximum Daily Load (TMDL) has been set for the entire watershed including NYS; and

WHEREAS: NYS has developed a Watershed Implementation Plan to address nutrients and sediment in the CB watershed, and relies on federal and state funding including opportunities such as the NYS Department of Agricultural and Markets Agricultural Nonpoint Source Abatement and Control Grant Program to implement Best Management Practices on farms; and

WHEREAS: The Tioga County Soil and Water Conservation District applies for NYS Agricultural Nonpoint Source Abatement and Control Grant Program funds on a yearly basis to address natural resource concerns on our farms here in Tioga County; and

WHEREAS: Without these funds implementation would be slowed potentially resulting in NYS not meeting our load allocations; and

WHEREAS: There have been challenges with instituting a new grant management system at the state level and in order to avoid delays in the grant application process and the implementation of conservation and water quality improvement practices in New York State; therefore be it

RESOLVED: That the Tioga County Legislature supports granting the NYS Soil and Water Conservation Committee and the Department of Agriculture and Markets a waiver for the use of the Grants Gateway for Round 21 of the Agricultural Nonpoint Source Abatement and Control Program so that it can be released and processed this fall in its traditional form so that funding and implementation will not be delayed in the CB watershed.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 256-14      *DESIGNATION OF TIOGA COUNTY  
LOCAL DEVELOPMENT CORPORATION,  
D.B.A. TIOGA COUNTY TOURISM, AS  
AUTHORIZED TOURISM PROMOTION  
AGENCY FOR 2015*

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 2015 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, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 257-14      *AUTHORIZE FINANCIAL ASSISTANCE  
FOR THE DEFENSE OF WAYNE COUNTY  
IN REM FORECLOSURE PROCEDURE*

WHEREAS: Wayne County is currently involved in litigation that has the potential to seriously disrupt the In Rem Tax foreclosure procedure, the only method Counties in New York State have to ensure local property taxes are paid to Counties and to local governments; and

WHEREAS: Due to the complexity of the legal issues, Wayne County has had to incur costs in excess of \$151,000 to defend the action, and will incur additional costs to continue to defend the In Rem Tax foreclosure procedure; and

WHEREAS: The New York State Association of Counties (NYSAC) is seeking a small contribution from all Counties to aid in the defense of this action, since a negative result in this case will have far reaching implications for all Counties and local governments, driving down auction bids and disrupting a County's ability to collect unpaid taxes; and

WHEREAS: It appears to be in the best interests of all Counties and local governments to assist Wayne County and thus avoid the negative precedent that may be set should Wayne County not prevail in the litigation; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the Tioga County Treasurer to contribute \$2000.00 to the fund established by NYSAC to assist Wayne County to pay its defense and/or appeal costs in this precedent setting litigation, such funds to be paid out of Treasurer Account A1325.40-140.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Standinger, Sullivan, Monell and Case.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 258-14

*AWARD CONTRACT AND FUND PAYMENT  
FOR MULTI-DEPARTMENTAL DIRECT  
CHARGE PROJECT*

WHEREAS: Tioga County budgets and distributes shared services costs for Information Technology and Legal department services annually creating a monthly chargeback to numerous other departments; and

WHEREAS: The Legal Department and Information Technology spend a significant amount of resources, time tracking, reporting and billing back the departments; and

WHEREAS: The allocation of the time and costs is necessary for the annual Cost Allocation Plan, to capture and enhance county revenues for claim reimbursement of State or Federal Aid; and

WHEREAS: The Office of State Comptrollers' performed an audit and cited deficiencies in the direct billable amounts, established rates, compliance with cooperative agreements and insufficient supporting documentation for the chargebacks to internal departments; and

WHEREAS: Venesky & Company presented a proposal to provide professional services to standardize the direct billing process for Information Technology, Legal, Communications and the Sheriff's Department relevant to all reimbursable departments including the preparation of cooperative agreements; and

WHEREAS: Information Technology Communication Services, Legal, Treasurer, Sheriff, DSS, Public Health, Mental Health desire a streamlined, efficient and compliant direct bill model process; therefore be it

RESOLVED: That the Tioga County Treasurer be authorized to enter into an agreement with Venesky and Company and to fund the proposed Multi-Departmental Direct Charge Models, professional services, and project scope and to be funded from the Treasurer's Account A1325.40-140 in the amount of \$9,750.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 259-14

*AUTHORIZATION TO EXECUTE  
A RETAINER AGREEMENT WITH BaP  
ARCHITECTURAL SERVICES*

WHEREAS: The Tioga County Department of Economic Development and Planning is in need of assistance related to the preliminary design and presentation sketches for future development of land and building at the ESite located on 434 in Owego; and

WHEREAS: The Tioga County Department of Economic Development and Planning wishes to retain the services of BaP Architectural Services to provide their expertise in providing said documentation; and

WHEREAS: BaP Architectural Services has set forth the services they will provide in a project proposal letter; and

WHEREAS: Payment for the services of BaP Architectural Services will be taken from Economic Development & Planning Contracting Services Account No. 6422.40-140; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to sign said engagement letter from BaP Architectural Services for said services at a cost not to exceed \$5,000.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Sauerbrey, Standinger, Monell and Case.

No – Legislators Huttleston, Roberts and Sullivan.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGAL/FINANCE COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 260-14

*AUTHORIZE RETAINER AGREEMENT  
FOR PERSONNEL SERVICES*

WHEREAS: The hiring of outside counsel appears to be necessary and appropriate for comprehensive personnel services; and

WHEREAS: The law firm of Roemer, Wallens, Gold & Mineaux LLP has proposed a retainer agreement to provide Tioga County with said comprehensive personnel services; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute a retainer agreement with the law firm of Roemer, Wallens, Gold & Mineaux LLP, retaining their services from January 1, 2015 through December 31, 2017 for comprehensive personnel services as set forth in said retainer agreement.

## ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 261-14      *AUTHORIZE PURCHASE OF SPECIFIC EXCESS AND EMPLOYERS' LIABILITY INSURANCE FOR WORKERS' COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy and employers' liability insurance policy expires December 31, 2014; and

WHEREAS: The Tioga County Self-Insurance Plan by-laws allow the committee to purchase excess or catastrophic insurance; and

WHEREAS: The continuance of both excess and employers' liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of specific excess insurance and employers' liability insurance, subject to review by the County Attorney, from an A- Rated or better insurance company for the period of January 1, 2015 through December 31, 2015 to be paid for out of the 2015 Tioga County Self-Insurance budget account \$1722.40.

## ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 262-14      *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., formerly named EBS-RMSCO, Inc., to administer Tioga County's flexible-spending and health reimbursement account programs; and

WHEREAS: Life-time Benefit Solutions, Inc. has submitted a new contract to continue administering said programs and conduct all required compliance testing services; and

WHEREAS: The administration cost will be \$4.45 per participant per month for any employees enrolled in the flexible spending and \$4.45 per participant per month for any employees enrolled in the health reimbursement account; 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 Life-time Benefit Solutions, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2015 through December 31, 2015; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2015 through December 31, 2015; and be it further

RESOLVED: That in compliance with Federal Health Care Reform the maximum annual pledge for the medical flexible spending portion is now \$2,500 for the period of January 1, 2015 through December 31, 2015.

## ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 263-14      *CONTRACT WITH ENI FOR  
EMPLOYEE ASSISTANCE PROGRAM*

WHEREAS: Tioga County employees are covered under an Employee Assistance Program (EAP) that is currently part of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP); and

WHEREAS: The TCCMHIP has ended and the contract with the current EAP provider expires December 31, 2014; and

WHEREAS: The Tioga County Legislature supports the continuation of the EAP program as it is a valuable resource for Tioga County employees; and

WHEREAS: The EAP is a negotiated benefit for CSEA union employees; 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 provide Tioga County's EAP for 2015; 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 at a lower cost than the current EAP provider; and

WHEREAS: ENI has multiple provider offices within the local region including some in Pennsylvania where employees will be able to obtain services; 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 \$1.45/per covered employee per month effective January 1, 2015 through December 31, 2015.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standinger, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 264-14      *AUTHORIZE CONTRACT WITH POMCO  
GROUP FOR WORKERS'  
COMPENSATION ADMINISTRATION*

WHEREAS: The Tioga County Self-Insurance Plan has been using the services of POMCO Group, a third-party administrator for our workers' compensation program, since January 1, 2003; and

WHEREAS: POMCO representatives have a dedicated in-house team of supervisors, claims adjusters, case managers, and medical bill auditors that work together to provide effective proactive management on all workers' compensation claims; and

WHEREAS: POMCO communicates with all representatives of the Tioga County Self-Insurance Plan to ensure that cases are handled as desired by the self-insured employer; and

WHEREAS: POMCO actively works to recoup any medical savings or recover any funds under New York State Workers' Compensation Law on our workers' compensation cases; and



WHEREAS: POMCO has submitted a two year contract with no increase in the workers' compensation administration fees from the previous two year contract; and

WHEREAS: The Council of Governments approved at their June 2014 meeting continuing the workers' compensation third-party administrator services with POMCO Group; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a two year contract with POMCO Group, subject to review by the County Attorney, to be our third-party administrator for the Tioga County Self Insurance Plan, for the period of January 1, 2015 through December 31, 2016 at a flat per year plan administration, claim handling, and reporting cost of \$19,275.00 for 2015 and \$19,275.00 for 2016.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 265-14 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, 2015 through December 31, 2016.

## ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 266-14      *AUTHORIZE CREATION AND FILL OF TEMPORARY  
FULL-TIME PARALEGAL POSITION  
TREASURER'S OFFICE*

WHEREAS: The current Paralegal in the Treasurer's Office has announced that she will retire on January 28, 2015; and

WHEREAS: The Treasurer would like to begin recruitment efforts in order to hire a replacement prior to the incumbent's retirement to allow for an orientation period; and

WHEREAS: Due to staff changes which occurred earlier in the year, the Treasurer has sufficient funds in his budget to allow for an additional temporary, full-time position; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of a temporary, full-time Paralegal position which the Treasurer may fill on or after December 1, 2014 and employ through January 28, 2015 at a rate of \$20.00 per hour.

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

In the Resolved add the words "at a rate not to exceed \$20.00 per hour".

## ROLL CALL VOTE ON AMENDMENT

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

## ROLL CALL VOTE ON RESOLUTION AS AMENDED

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS  
PERSONNEL

RESOLUTION NO. 267-14

*RECLASSIFY VACANT MOTOR EQUIPMENT  
OPERATOR III POSITION  
HIGHWAY*

WHEREAS: Legislative approval is required for all position reclassifications; and

WHEREAS: One Motor Equipment Operator (M.E.O.) III position became vacant on July 28, 2014 due to a promotion of an incumbent; and

WHEREAS: The Commissioner of Public Works has determined that his current number of M.E.O. III staff is adequate to perform the work required of the classification; and

WHEREAS: Due to the Legislature's desire to decrease budgetary costs, the Commissioner of Public Works seeks to downgrade the vacant M.E.O. III to an M.E.O. II; therefore be it

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant full-time M.E.O. III (CSEA Grade 6) to a full-time M.E.O. II (CSEA Grade 7) effective November 12, 2014.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 268–14 ABOLISH ONE (1) RECORDS MANAGEMENT  
CLERK POSITION  
MENTAL HYGIENE DEPARTMENT

WHEREAS: Legislative approval is required for the abolishment of any position within Tioga County; and

WHEREAS: The Mental Hygiene Department has identified areas to reorganize staff to be more effective and efficient in light of budgetary shortfalls the department is facing; and

WHEREAS: Said reorganization will involve the abolishment of a Records Management Clerk position; therefore be it

RESOLVED: That the Director of Community Services be authorized to abolish one (1), full-time Records Management Clerk position effective at the close of business on December 1, 2014; and be it further

RESOLVED: That the Mental Hygiene Department's 2014 authorized full-time headcount figure will be reduced by 1 (from 39 to 38) effective December 1, 2014.

## ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 269-14

*APPOINT PART-TIME ASSIGNED  
COUNSEL ADMINISTRATOR  
TREASURER'S OFFICE*

WHEREAS: Resolution 346-13 created a part-time Assigned Counsel Administrator position under the Treasurer's Office headcount to administer County Article 18B Assigned Counsel Program and the Indigent Legal Services grant program; and

WHEREAS: As the result of recruitment efforts, a qualified candidate has been identified and is willing to accept this appointment; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the appointment of Irene Graven to fill the part-time position of Assigned Counsel Administrator at an annual, non-union, salary of \$10,000 effective December 1, 2014.

## ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

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

REFERRED TO: LEGAL COMMITTEE

RESOLUTION NO. 270-14      *AUTHORIZATION TO CREATE AND FILL TEMPORARY  
PART-TIME PROJECT MANAGER POSITION  
INFORMATION TECHNOLOGY &  
COMMUNICATION SERVICES*

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: There is a need to create a Project Manager to serve on a temporary, part-time basis to oversee the flood damaged records project for Tioga County; and

WHEREAS: Funding for said temporary, part-time Project Manager is made available through reimbursement from the Federal Emergency Management Administration; therefore be it

RESOLVED: That the Director of Information Technology & Communication Services is hereby authorized to create and fill one (1) temporary, part-time Project Manager at an hourly rate of \$25.00 with the appointment of Lila Hall effective November 10, 2014; and be it further

RESOLVED: That the Project Manager shall have access to a County vehicle for necessary travel to the scanning facility in Deposit, NY; and be it further

RESOLVED: That said temporary appointment shall conclude upon the project's completion, which is anticipated to occur on or before May 29, 2015.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Sauerbrey, Roberts, Standing, Sullivan, Monell and Case.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:16 P.M.