

Sixth Regular Meeting
June 11, 2013

The Sixth Regular Meeting of 2013 was held on June 11, 2013 and was called to order by the Chair at 6:05 P.M. Eight Legislative members were present, Legislator Monell being absent.

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

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

There were 27 people in attendance.

Legislator Case read and presented the following recognition resolution to Douglas Barton, Economic Development & Planning Director.

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

REFERRING TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

RESOLUTION NO. 137-13

*RESOLUTION RECOGNIZING
DOUGLAS W. BARTON'S
18 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Douglas W. Barton began his career as Director of Real Property Tax Service on June 21, 1995. On December 19, 2003 he was appointed Interim Director of Economic Development and Planning while continuing to serve as Director of Real Property Tax Service. On July 1, 2004 he was appointed Director of Economic Development & Planning, still serving as Director of Real Property Tax Service until that term ended September 30, 2007 and continued serving as Director of Economic and Development until his retirement; and

WHEREAS: Doug has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 18 years. He has earned the respect of his colleagues in other county agencies, and those citizens he professionally interacts with throughout Tioga County; and

WHEREAS: Doug was very instrumental as Director of Economic Development and Planning in bringing new businesses and expanding existing businesses in Tioga County. He assisted on such projects including Lockheed Martin, Tioga Hardwoods, Hampton Inn, Tioga Downs, and CNY Oil and Gas; creating job opportunities for Tioga County. Doug worked closely with the IDA and provided support to the Planning Department. Doug was also intimately involved in flood recovery efforts; and

WHEREAS: Doug has served on many vital boards representing Tioga County such as the Municipal Electric and Gas Alliance (MEGA), NYS Assessor's Association, NYS Association of Counties, Statewide Zone Capital Corporation and the Broome-Tioga County Workforce Investment Board. Doug is an Associate Member of the NYS Economic Development Council, an Ex-Officio Board Member of the Tioga County Chamber of Commerce and has served as President on the LDC Board; and

WHEREAS: Doug will be retiring on June 15, 2013; 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 Douglas W. Barton 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, Douglas W. Barton.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Case spoke. “On a personal note, as you know I am the Chair of Doug’s committee for a relatively short period of time, but I have to tell you I have learned more about economic development in about the last eight months than I think I ever knew. He has just been great to work with and I think I speak on behalf of the whole Legislature when I say we truly appreciate your service.”

Douglas Barton, Economic Development & Planning Director spoke. “This is the last chance I get to do this. It is interesting as I approach this day, the things you remember in life. I remember when I was around 10 or 11 years old I was told by my parents that I had to pick rocks in our garden one summer day and I refused. My dad and mom said well you can sit out there until you do. I can remember sitting in the garden while they had dinner that night and they are in the house talking about what a great dinner it was and all this, and I cannot remember if I ever did pick rocks that night, but I was out there until dark. I think that was one of the ways that my mom and dad started to create a work ethic for me. My dad is here in spirit and my mother is here. That work ethic has served me well and I appreciate it.

“Overtime I was telling someone that I have had a job since I was 16 years old, never been without a job since I was 16, I have been very fortunate and I have worked all part-time jobs and full-time jobs. I have done stone quarry work, I have done grocery store work, I have bartended, I have done assessing, I worked in my dad’s appraisal business, but my first real job was in the material handling industry, I worked for Raymond Corporation and Heister for 10 years, and they offered me the opportunity to grow as a young man and learn what it is like to work for a company. I thought I got smart and I went and got into business for myself. I had a partner and he and I for 10 years owned a grocery store, which he ran in Cortland and a bar and restaurant, which I ran in Apalachin. That also offered me kind of an interesting experience and opportunity. First, it allowed me to realize how important people are that are in

business and create jobs are. It carried forth into the economic development job that I now have.

“Those are real important people out there that create jobs in the business world because they allow people to have jobs and pursue their dreams. The other thing it did for me was because we did not open the restaurant until 4:00 o’clock in the afternoon, I got to spend all day with my daughter. At the time she was about 5, 6, 7, 8, 9, 10 years old in elementary school and she spent days around the restaurant with me while I prepped for the day, ran to the bank with me, and I think it allowed me to create a bond with her that to me is very important and still exists. I am thankful for that.

“In my transition to government work here in Tioga County I sold Manolta copiers, sold Dale Carnegie courses, and was assessor in the City of Binghamton and ended up here in Real Property as the proclamation says, and it has just been a great experience for me. It is one that I will cherish forever. I would like to thank the Legislature, you have challenged me when I needed to be challenged. You supported our department and our work, and I really appreciate that. The work you do is hard and it is not always recognized and appreciated as it should be. I certainly want to thank Maureen Dougherty who is kind of the glue for that whole Legislative body and Cathy who has certainly taken up her position there as well.

“My fellow employees and my fellow department heads, I hope you understand and realize the importance of your job in serving the taxpayers of Tioga County. They are very fortunate to have all of you and you should be proud of the work that you do. My staff has made my life easy. I have got a staff that has been professional and committed, and as a manager they have made my life very easy here and I really appreciate them and thank them, and that staff includes my people at Tourism, working with LeeAnn at the IDA, and, of course, the people in my office directly. Last, of course, I have to thank my wife. Her advice and guidance has made me a better employee and her example and expectation of me has made me a better man. Thank you all very much.”

Legislator Huttleston spoke. “I would like to say I think I have been around too long. All of these people are retiring. I think I am on my fourth dentist, my fourth neurologist, and everything, and now Doug Barton. I know his dad, his dad was an appraiser and I am an appraiser, and I knew his dad years ago. He always said Doug would never amount to anything. Really he did not say that. Doug, congratulations and I am glad to see your family here, and we hired Doug, we interviewed him and hired him, and he came here as Real Property Director. The only discipline that I had in Doug is when he left that position we

hired him for and went into the Economic Development, but wherever he goes he did a good job and congratulations, and I appreciate it. Thank you."

Legislator Huttleston read and presented the following recognition resolution to Johannes Peeters, Public Health Director.

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

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 138-13 *RECOGNITION OF HANS PEETERS' 14 YEARS OF DEDICATED SERVICE TO THE TIOGA COUNTY HEALTH DEPARTMENT*

WHEREAS: Johannes A. Peeters was appointed to the position of Tioga County Public Health Director on January 11, 1999; and

WHEREAS: Mr. Peeters has dedicated over 44 years to serving in the field of Public Health for several New York counties; and

WHEREAS: Mr. Peeters has been dedicated and loyal in the performance of his duties and responsibilities during the past 14 years to both the County and to the Public Health Department; and

WHEREAS: Mr. Peeters has been the "face of Public Health" to many throughout Tioga County; and

WHEREAS: Mr. Peeters has always been supportive of his staff while leading them in striving to meet the Health Department's primary functions of "Prevent, Protect and Promote" for all the citizens and employees of Tioga County; and

WHEREAS: Mr. Peeters is to retire on June 22, 2013; 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 Johannes A. Peeters for his total of over 14 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, Johannes A. Peeters.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. “Doug and Hans leaving is a loss to the County, but the biggest loss is the people in this County that they have served for years. They are going to be the real losers. I hope we can get somebody as equally as good as you and Doug to replace you.”

Johannes Peeters, Public Health Director, spoke. “Some of my staff are here to make sure that I am retiring. I want to talk a little bit about the reasons for me being in public health for 44 years and I am still a strong supporter of public health. My uncle died when I was 16 of a tractor rollover. I had an aunt the first day of college who got involved with a car accident and lost her life. I had a cousin and I was even younger than that, but I remembered walking up on some planks up in the St. Lawrence, he had a seizure and fell into the river and lost his life. I also had a cousin that died in a house fire. All of those things are public health issues and I will explain why.

“Public health functions on four E’s. You do an evaluation, you do some education, you do some engineering, and you do some enforcement. If you look at that, anytime you have a problem you look at the evaluation, how can you solve it, what was the cause of the problem. You look at education, you want to promote the public on all public health issues. You look at engineering because you always look at engineering of the roads and tractors of why they roll over, you can do stuff with that to prevent that. You are also looking at the last resort has always been for enforcement and some of that is effort with the tobacco free stuff.

“Another concern that I have is the rising costs in healthcare. We spend a lot on treatment and very little on prevention. As a public health department we need to make sure that monies are there to allocate for the prevention of the public health system, not just the health department, but the public health system and that means other agencies not just the health department.

"I have worked with two other counties prior to coming to Tioga County, but I will tell you that working here in Tioga has been my greatest enjoyment for my 44 years. I want to thank the Legislature and the Board of Health for the continued support over my 14 years here. We may not always agree on things, I am looking at stuff like the rabies issue and the Board of Health order. You have always listened to me and the department. We have always been willing to work things out. I want to thank you for doing that.

"It has been a privilege to have been the Public Health Director for the last 14 years and I will be leaving public health career on a positive note. I am looking forward to interacting with my two daughters, four grandchildren, and a fifth one coming up next month. I will also be enjoying my retirement fishing. I want to thank you all for the support and I also have a honey to do list. I also want to thank my staff, they have been greatly supportive of the department and have made my life a lot easier as a Public Health Director here. I want to thank everybody and it has been a nice ride. Thank you."

Heather Morgan-Gulnac of the Health Department spoke. "I would like to say I have probably been at the Health Department the least amount of time, going on two years. I am originally from New York, but I worked in North Carolina for five years and I owe Hans a lot because he is the one that brought me back home. A big thank you to Hans for hiring me over the phone, that says a lot for him not seeing me in person, but thank you Hans for allowing me the opportunity to come back home."

Legislator Sauerbrey read and presented the following proclamation to Jill M. MacFadden.

Proclamation

WHEREAS: The Tioga County Victim Impact Panel Committee includes members from the following Tioga County departments: District Attorney, Probation, STOP DWI, Alcohol and Drug Services and two non for profit organizations: Tioga County Council on Alcoholism and Substance Abuse and A New Hope Center. The Tioga County Victim Impact Panel began operation in 2009 offering sessions to drunken driving offenders in Tioga County on a quarterly basis. The intent of the Victim Impact Panel is to allow convicted drunk driving offenders to hear how drunken driving behavior affects people, other than the offender. The program was designed to provide information about DWI laws and treatment programs available in the county followed by at least two people affected by drunk driving, personally telling their story at each panel session. Since the program began 14 sessions have been conducted at the Tioga County Public Safety building; and

WHEREAS: The Victim Impact Panel Committee is honored that a Tioga County citizen, Jill M. MacFadden, agreed to share her story of devastation, healing and recovery as one of our original VIP speaker volunteers. Jill M. MacFadden has faithfully spoken at numerous panels in the four years since the panel began by courageously sharing her personal story of how a drunk driver caused the death of her mother, Eva Hawes, in a car crash in which Jill was a passenger; and

WHEREAS: Jill M. MacFadden has spoken to many groups of defendants sentenced to attend a victim impact panel by a Tioga County Criminal Court Judge. She has challenged hundreds of Tioga County drunk driving offenders to consider the choice they make each time they choose to drink and drive. She has encouraged each person listening to her story to value the people in their lives that they love, today, because tomorrow they may be taken away; and

WHEREAS: Jill MacFadden has modeled forgiveness, graciousness, hope and love in her efforts to encourage citizens to never consume alcohol and then operate a motor vehicle; and

WHEREAS: The members of the Tioga County Victim Impact Panel Committee and the Tioga County Legislature joins together to commend and applaud Jill M. MacFadden for her selfless volunteering to share her difficult story to Tioga County citizens.; and

WHEREAS: Guests are invited to come and meet and greet Jill M. Mac Fadden and to thank her for her service; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate on behalf of our county and citizens to take this day to honor

Jill M. MacFadden

In the County of Tioga, New York, and call upon all of its citizens to join with me in recognizing this outstanding citizen.

Mike Jackson, Undersheriff, spoke. "Thank you Marte. In addition to being the Undersheriff for the County, I am also the Stop DWI Coordinator. I would like to just add a few remarks if I could please. First, thank you to the Legislature for taking this opportunity to issue this Proclamation. I think it is very important. Every 51 minutes in the United States a person dies as a result of a drunk driving crash. Countless others are either injured or have had their lives changed forever. It is the continuing goal of the Stop DWI to reduce or eliminate drunk driving on our roads.

"One of the tools we utilize in this effort is the Victim Impact Panel. Our committee believes that these panels are an effective tool in helping to change attitudes and future behavior of drunk drivers. On behalf of the Victim Impact Panel Committee I would like to personally thank Jill and Audrey who could not be here tonight for their courageous and thoughtful efforts. As a token of our appreciation I would like to present this plaque in recognition. I just want to thank you Jill because it does make a difference. Congratulations."

Jill MacFadden spoke. "Thank you very much for allowing me to be involved in the program, the Victim Impact Panel. It has meant just as much to me as it has the County because I think, as I say to them all the time, I said things that happen in our lives, if we can use them for the good of other people to help teach them other things, that is my goal every time I go and talk to them. It has really been a joy to be able to serve in that way. Thank you."

Chair Weston noted the following Proclamation for Audrey Pryor:

Proclamation

WHEREAS: The Tioga County Victim Impact Panel Committee includes members from the following Tioga County departments: District Attorney, Probation, STOP DWI, Alcohol and Drug Services and two non-profit organizations: Tioga County Council on Alcoholism and Substance Abuse and A New Hope Center. The Tioga County Victim Impact Panel began operation in 2009 offering sessions to drunken driving offenders in Tioga County on a quarterly basis. The intent of the Victim Impact Panel is to allow convicted drunk driving offenders to hear how drunken driving behavior affects people, other than the offender. The program was designed to provide information about DWI laws and treatment programs available in the county followed by at least two people affected by drunk driving, personally telling their story at each panel session. Since the program began 14 sessions have been conducted at the Tioga County Public Safety building; and

WHEREAS: Audrey Pryor has demonstrated a perseverance beyond most others' comprehension in her life as a result of another person's decision to drink and drive; and

WHEREAS: Audrey has bravely stood before and spoken to defendants convicted of drinking and driving crimes, sharing her personal story of nearly 50 years of struggles because of that choice; and

WHEREAS: Audrey has offered to members of our community the opportunity to reconsider their individual choices within a context of understanding of how those choices may severely impact other people's lives; and

WHEREAS: Audrey has graciously shown her faith and her strength in ways that those of us around her are inspired with renewed commitments to make significant changes in our lives regarding our decisions to drink and then drive; and

WHEREAS: The members of the Tioga County Victim Impact Panel Committee and the Tioga County Legislature join together to commend and applaud Audrey Pryor for her selfless volunteering to share her difficult story to Tioga County citizens; and

WHEREAS: Guests are invited to come and meet and greet Audrey Pryor and to thank her for her service; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate on behalf of our county and citizens to take this day to honor

Audrey Pryor

In the County of Tioga, New York, and call upon all of its citizens to join with me in recognizing this outstanding citizen.

There was no privilege of the floor.

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		338.04
A1165	District Attorney		5,566.32
A1170	Public Defender		4,360.33
A1172	Assigned Counsel		19,733.65
A1185	Medical Examiners/Coroners		8,450.00
A1325	Treasurer	695.00	517.04
A1355	Assessments		838.02
A1410	County Clerk		566.86
A1411	Department of Motor Vehicles		483.45
A1420	Law		6,220.00
A1430	Personnel		9,060.36
A1450	Elections		343.41
A1490	Public Works Administration		114.96
A1620	Buildings		91,956.18
A1621	Buildings		16,856.26
A1680	Information Technology		6,900.00
A2490	Community College Tuition		185,921.94
A2960	Education Handicapped Children		252,342.37
A3020	Public Safety Comm E911 System		5,422.27
A3110	Sheriff	1,365.61	21,968.95
A3140	Probation		195.55
A3146	Sex Offender Program		18,480.00
A3150	Jail	302.50	77,407.05
A3315	Special Traffic Programs	928.00	2,200.00
A3358	FY12 NYS Homeland Security SH12		12,780.00
A3410	Fire		8,594.88
A3640	Emergency Mgmt Office		393.74
A4010	Public Health Nursing		33,495.54
A4011	Public Health Administration		4,078.13
A4012	Public Health Education		624.81
A4042	Rabies Control		2,166.30
A4044	Early Intervention		4,095.27
A4053	Preventive/Primary Health Services		122.56

A4054	Preventive Dental Services		1,572.28
A4062	Lead Poisoning Program		91.00
A4064	Managed Care-Dental Services		9,261.66
A4070	Disease Control		4,753.61
A4090	Environmental Health		1,639.11
A4210	Alcohol and Drug Services		11,491.39
A4211	Council on Alcoholism		21,998.68
A4309	Mental Hygiene Co Admin	201.00	12,270.20
A4310	Mental Health Clinic		92,047.59
A4320	Crisis Intervention Services		24,256.34
A4321	Intensive Case Management		1,934.19
A5630	Bus Operations		67,500.00
A6010	Social Services Administration		139,458.92
A6422	Economic Development		1,081.94
A6510	Veterans' Service		25.00
A6610	Sealer Weights and Measures		133.30
A8020	Planning		28.24
A8760	NYS DOS LTCRS Grant		12,428.00
A9060	Health Insurance		2,451.77
SOLID WASTE FUND			3,723.25
SPECIAL GRANT FUND			3,024.83
COUNTY ROAD FUND			41,751.74
CAPITAL FUND			222,919.69
CONSOLIDATED HEALTH FUND			358,012.82
SELF-INSURANCE FUND			<u>19,452.00</u>
GRAND TOTAL			\$ 1,859,393.90

Legislator Sullivan made a motion to approve the minutes of May 14, 2013, seconded by Legislator Standinger, and carried.

Chair Weston made the following appointments to Information Technology Communication Services Director Search Committee effective May 14, 2013:

- | | |
|-----------------------|--|
| Legislator Hollenbeck | Legislator Monell |
| Legislator Standinger | Personnel Officer O'Rourke |
| Teresa Ryder, DSS | Jeffrey Morgan, e-Volve LLC Consultant |

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

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 139-13 *AUTHORIZE RP-5217 AGREEMENT BETWEEN THE STATE OF NEW YORK DEPARTMENT OF TAXATION & FINANCE AND TIOGA COUNTY REAL PROPERTY TAX SERVICE DEPARTMENT*

WHEREAS: Tioga County Office of Real Property Tax Service & New York State Taxation and Finance wish to enter into an agreement for the electronic transmission of real property data; and

WHEREAS: New York State Department of Taxation and Finance will supply all equipment, software and training at no cost to the county; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature hereby is authorized to enter into an agreement between NYS Taxation and Finance and Tioga County for electronic transmission of real property data, all subject to the approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 140-13 *APPROVAL OF COMPREHENSIVE EMERGENCY PLAN (CEMP) EMERGENCY MANAGEMENT*

WHEREAS: The current Comprehensive Emergency Management Plan (CEMP) was written 20 years ago; and

WHEREAS: FEMA requirements have changed the format and requirements of CEMPs'; and

WHEREAS: The Office of Emergency Management formed a committee to update the plan, and a consultant firm, Cannon Design, has taken recommendations from this committee, and has revised the plan to current standards, therefore be it

RESOLVED: That the current Comprehensive Emergency Management Plan (CEMP) be replaced with the upgraded version as plan of record.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 141-13 *RESOLUTION OPPOSING A6550/2013
ADDITIONAL NOTICE OF CLAIM
LEGISLATION*

WHEREAS: Propose state legislation, A6550/2013, will significantly undermine critical protections afforded public entities, such as Tioga County, by current notice of claim laws; and

WHEREAS: The proposed legislation would require public entities to raise, as an affirmative defense in a lawsuit, the defense of a late or improperly service notice of claim; and

WHEREAS: The proposed legislation would require a public entity to make a motion for dismissal of litigation due to a defective notice of claim within ninety (90) days of submitting an answer, in the absence of which the defense would be deemed waived; and

WHEREAS: This proposed Legislation is unnecessary, prejudicial towards public entities, and does not improve the litigation system in New York State; and

WHEREAS: The Legislation has been passed in the New York State Assembly, but has not yet been introduced in the Senate; now therefore be it

RESOLVED: That the Tioga County Legislature hereby opposes A6550/2013 and asks the Senate not to pass this Legislation; and be it further

RESOLVED: That a copy of this resolution, duly adopted, be transmitted to Governor Andrew M. Cuomo, Senate Majority Leader Dean Skelos, General Assembly Speaker Sheldon Silver, Senator Thomas Libous, and Assemblyman Chris Friend.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 142-13

*AUTHORIZATION TO EXECUTE
ENGAGEMENT LETTER FOR
CONSULTING SERVICES FOR
ILS GRANT*

WHEREAS: Tioga County was awarded a grant from the New York State Office of Indigent Legal Services to retain the services of a consulting attorney to assist the County in selecting one of the options currently available under County Law 18-B to provide cost effective legal services to its indigent population; and

WHEREAS: Tioga County wishes to retain Coughlin and Gerhart LLP for said services; and

WHEREAS: Coughlin and Gerhart LLP has set forth the services they will provide in an engagement letter; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes Legislative Chair Dale Weston to sign said engagement letter from Coughlin and Gerhart LLP.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 143-13 *AUTHORIZE TIOGA COUNTY SOLID WASTE
MANAGER TO APPLY FOR DERA GRANT FOR TWO
REPLACEMENT CNG MEDIUM DUTY TRUCKS*

WHEREAS: U.S. Environmental Protection Agency (EPA) has announced the availability of up to \$9 million through the National Clean Diesel Funding Assistance Program (DERA) for Fiscal Year 2013 for new projects to reduce emissions from the nation's existing fleet of diesel engines; and

WHEREAS: Tioga County Department of Public Works has a few old diesel medium duty trucks that are in need of replacement; and

WHEREAS: Replacing two medium duty trucks with Compressed Natural Gas (CNG) would reduce greenhouse gas (GHG) emissions and reduce future fuel costs; and

WHEREAS: The grant will pay 25 percent of the cost of the new trucks; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Solid Waste Manager to apply and administer the said grant; and be it further

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute any other documents, upon approval of the County Attorney, that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

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

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

RESOLUTION NO. 144-13 *AWARD INSPECTION SERVICES CONTRACT
LABELLA ASSOCIATES FOR INSPECTION SERVICES
OF THE GASKILL RD BRIDGE OVER LITTLE
NANTICOKE CREEK (BIN: 3335390)*

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

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

WHEREAS: The Gaskill RD Bridge over Little Nanticoke Creek (BIN: 3335390) is one of the bridges in the program; and

WHEREAS: Labella Associates did the design phase for this bridge; and

WHEREAS: The Commissioner of Public Works received a proposal for the inspections services for the Gaskill Rd. Bridge Project BIN: 3335390 in the amount of \$59,981; therefore be it

RESOLVED: That the Tioga County Legislature award the inspection services contract to Labella Associates, Rochester, NY 14614 in the amount of \$59,981 to be paid out the Gaskill Rd. Bridge Account H2012.06.

ROLL CALL VOTE

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

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

RESOLUTION NO. 145-13 *AWARD INSPECTION SERVICES CONTRACT
LABELLA ASSOCIATES FOR INSPECTION SERVICES
OF THE LILLIE HILL RD BRIDGE OVER APALACHIN
CREEK (BIN: 3335510)*

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

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

WHEREAS: The Lillie Hill RD Bridge over Apalachin Creek (BIN: 3335510) is one of the bridges in the program; and

WHEREAS: Labella Associates did the design phase for this bridge; and

WHEREAS: The Commissioner of Public Works received a proposal for the inspections services for the Lillie Hill Rd. Bridge Project BIN: 3335510 in the amount of \$104,036; therefore be it

RESOLVED: That the Tioga County Legislature award the inspection services contract to Labella Associates, Rochester, NY 14614 in the amount of \$104,036 to be paid out the Lillie Hill Rd. Bridge Account H2010.07.

ROLL CALL VOTE

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

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
RESOLUTION NO. 146-13	<i>AWARD BID – GASKILL RD BRIDGE (BIN: 3335390) CONSTRUCTION</i>

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

WHEREAS: Funding is available for the construction of the Gaskill Rd Bridge (BIN: 3335390) as part of the Bond Issue; and

WHEREAS: The Commissioner of Public Works received sealed bids on June 04, 2013 and the bids were as follows:

Economy Paving Cortland, NY 13045	\$666,075.50
G. DeVincentis & Son Vestal, NY 13851	\$533,000.00

R. DeVincentis Construction Binghamton, NY 13901	\$656,000.00
Silverline Construction Burdett, NY 14818	\$537,437.00
Vector Construction Cicero, NY 13039	\$834,869.35
Bothar Construction Binghamton, NY 13901	\$681,709.80
Gorick Construction Binghamton, NY 13901	\$588,488.00
FAHS Construction Binghamton, NY 13901	\$677,000.00
ZMK Construction Apalachin, NY 13732	\$481,300.00

And

WHEREAS: Labella Associates have completed the review of the bids and finds the low bidder ZMK Construction, Apalachin, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to ZMK Construction, Apalachin, NY not to exceed \$481,300.00 to be paid out of the Gaskill Rd Bridge(BIN: 3335390) Project Account H2012.06.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

Recused – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 147-13 ADOPT LOCAL LAW NO. 2 OF 2013

WHEREAS: A public hearing was held on June 6, 2013, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2013 A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year; 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 2013; therefore be it

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

County of Tioga

Local Law No. 2 of the Year 2013.

A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year.

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

SECTION 1: Title:

This Local Law shall be known as "Tioga County Responsible Budgeting Law of 2013".

SECTION 2: Declaration of Intent:

The intention of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2014 Tioga County Budget.

The regulations regarding the tax cap calculation continue to evolve, making it difficult to be certain that the 2014 budget falls under the calculated tax levy limit established by the General Municipal Law.

Many municipalities have adopted budgets that at the time of adoption were under the tax levy limit based on good faith budget calculations. Months later the Office of the State Comptroller interpreted the law in a different way and deemed these municipalities as having exceeded the limit. Those municipalities now face negative fiscal impacts; they must move funds from their cash account and hold in reserve, they must reduce the following year's tax levy limit by the alleged excess amount, and they must participate in time-consuming audits with the OSC.

While the Tioga County Legislature intends to comply with the tax cap, it recognizes the need to authorize an override, as an insurance policy, in order to avoid these negative fiscal impacts that would result due to lack of clarity in the tax cap regulations from the OSC.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby authorizes an override to the tax levy limit for Tioga County for 2014 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2014 that requires a tax levy that is greater than the tax levy limit calculated for 2014 pursuant to Section 3-c of the General Municipal Law.

SECTION 4: Severability:

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which remaining portions shall remain in full force and effect.

SECTION 5: Effective Date:

This Local Law shall take effect upon the date on which a certified copy of this Local Law is filed in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Weston, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – Legislators Huttleston and Roberts.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan introduced Local Law Introductory No. C of 2013.

County of Tioga

Local Law No. of the Year 2013.

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

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

SECTION 1:

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

SECTION 2:

Imposition of sales tax.

On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2013, and ending November 30, 2015 there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2:

Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 2-a:

Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2015, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2015, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2015, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2015, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2015.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vendor of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the premises, for which such energy sources or services are purchased, is used solely as a residence or identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the

vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

SECTION 3:

Paragraph (h) of Section Three of Local Law No. 1 of 1968 as amended is hereby amended to read as follows:

(h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2003, and ending November 30, 2015, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2003, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2003, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2003. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2003, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 4:

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 4:

Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2013, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as

such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2013, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 5:

Paragraph (C) of Subdivision (1) of Section 11 of Local Law No. 1 of 1968 as amended is hereby amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2015, in respect to the use of property used by the purchaser in this County prior to December 1, 2003.

SECTION 6:

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2013, through November 30, 2015, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.

SECTION 7:

This enactment shall take effect on December 1, 2013.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 148-13 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. C OF 2013*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2013 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Wednesday, July 3, 2013 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 Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Case, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 149-13

*APPOINT MEMBER
CENTRAL NEW YORK RESOURCE
CONSERVATION AND DEVELOPMENT
PROJECT, INC. (CNY RC&D)*

WHEREAS: Brian Reaser of the Soil & Water Conservation District is willing to serve as a member on the CNY RC&D; therefore be it

RESOLVED: That Brian Reaser of the Soil & Water Conservation District be hereby appointed to the Central New York Resource Conservation and Development Project, Inc. (CNY RC&D) for a term of May 15, 2013 through March 31, 2016.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 150-13 *APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: The Tioga County Planning Board position from the Town of Newark Valley has not been filled since Heidi Mann resigned in September 2012; and

WHEREAS: The Newark Valley Town Board has found Johannes Peeters willing to serve and nominated him to this position; therefore be it

RESOLVED: That the Tioga County Legislature appoints Johannes Peeters to serve as the Town of Newark Valley representative on the Tioga County Planning Board, to fulfill Heidi Mann's unexpired term of 6/11/2012 - 12/31/2014.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 151-13 *APPOINT AN EARLY INTERVENTION OFFICIAL FOR
TIOGA COUNTY
PUBLIC HEALTH*

WHEREAS: Section 2541 of the Public Health Law defines the position of an Early Intervention Official (EIO); and

WHEREAS: The incumbent EIO is retiring June 22, 2013; and

WHEREAS: Section 2540 of the Public Health Law describes the duties of the EIO; and

WHEREAS: Christeenia Cargill, Director of Children with Special Health Care Needs, has shown an interest in the position; therefore be it

RESOLVED: That Christeenia Cargill be appointed as the Early Intervention Official for Tioga County effective June 22, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 152-13 *TRANSFER FUNDS FOR LILLIE HILL RD BRIDGE PROJECT*

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

WHEREAS: Lillie Hill Rd Bridge (BIN 3335510) is part of the Bond Issue program and bids were opened and awarded on April 13, 2013 on Resolution 87-13; and

WHEREAS: Lillie Hill Rd. Bridge Project Account H2010.07 is short of funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds:

From: Capital Bridge Reserve Account H878.03 \$1,400,000

TO: Lillie Hill Rd Bridge Account H2010.07 \$1,400,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 154-13 *APPROPRIATE FUNDING FOR STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT*

WHEREAS: A 2012 Statewide Interoperable Communications Grant (SI12-1024-D00) has been awarded to the Tioga County Bureau of Fire in the amount of \$2,342,000; and

WHEREAS: These monies are budgeted to update the County’s aging Communications System, and for the purchase of equipment to enhance Interoperable Communications between both County and Statewide Emergency Units; therefore be it

RESOLVED: That the FY12 NYS Statewide Interoperable Communications Grant (SI12-1024-D00) be appropriated as follows:

FROM: State Interoperable Comm Grant Revenue A3306.13	\$2,342,000
TO: State Interoperable Comm Grant Personal Services A3415.10-30	\$ 5,000
State Interoperable Comm Grant Equipment A3415.20-230	\$2,256,000
State Interoperable Comm Grant Services A3415.40-140	\$ 81,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 155-13 *AWARD BID FOR TRANSPORTATION SERVICES TO
EARLY INTERVENTION AND
PRESCHOOL SPECIAL EDUCATION CHILDREN'S
PROGRAM
SOCIAL SERVICES*

WHEREAS: Bids have been received for the Provision of Transportation Services to Early Intervention and Pre-School Handicapped Children; and

WHEREAS: The bids (pricing based on a one-way trip) were received and opened on May 30, 2013 and the bid results were as follows:

- | | |
|----------------------------------|------------------------------------|
| 1) Serafini Transportation Corp. | Zone 1 - \$24.49; Zone 2 - \$32.21 |
| 2) Tioga Transport, Inc. | Zone 1 - \$25.25; Zone 2 - \$25.25 |

and

WHEREAS: Funds have been included in the Public Health Department budget for this service; and

WHEREAS: Serafini Transportation Corp. has been determined to be the responsible bidder proposing the lowest unit price per child based on a one-way transportation cost, and whose proposal complies with all provisions to render it formal and legal and whose proposal is considered to be in the best interest of Tioga County; and

WHEREAS: The Public Transportation Coordinator and the Director of Public Health are in agreement with this determination in the provision of transportation of Tioga County's most vulnerable young citizens; now therefore be it

RESOLVED: That the Tioga County Legislature authorize the Department of Social Services to enter into a contract with Serafini Transportation Corp. for the Provision of Transportation Services to Early Intervention and Pre-School Handicapped Children based on stated stipulated cost of \$24.49 for Zone 1 and \$32.21 for Zone 2 per one-way trip for the period of July 1, 2013 through June 30, 2016.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 156-13 *ERRONEOUS ASSESSMENT
TOWN OF NICHOLS*

WHEREAS: An application for Refund and Credit of Real Property Taxes indicates that property no. 311 assessed to Vickie Shoemaker, Karen Fairlie, and John Brenchley Jr, on the 2011, 2012, and 2013 tax rolls of the Town of Nichols is erroneous in that CNYOG owns and operates a gas pipeline on the property and the \$58,375 assessment for property no. 311 included various above ground buildings which CNYOG had removed on 7/29/09, leaving only a concrete pad and well head; and

WHEREAS: The Assessor for the Town of Nichols has reduced the assessment on property no. 311 in the Town of Nichols from \$58,375 to \$28,375 to reflect the removal of the buildings and is requesting a refund for the owners of property no. 311 for overpayment of taxes for the 2011, 2012 and 2013 tax years; be it therefore

RESOLVED: That the Tioga County Treasurer issue a refund of \$4,186.55 to Vickie Shoemaker and Karen Fairlie for overpayment of the 2011 (\$1,408.32), 2012 (\$1,387.74), and 2013 (\$1,390.49) property taxes on property no. 311 in the Town of Nichols; and be it further

RESOLVED: That the erroneous town tax of \$1,040.02 be charged back to the Town of Nichols, and the erroneous fire tax of \$264.37 be charged back to the Nichols Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$120.60 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$2,761.56 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 157-13

REVISION TO TIOGA COUNTY SPECIAL TEAM LISTING; REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE BACKFILL OF ONE (1) VACANT, PART-TIME ASSISTANT FIRE COORDINATOR (BUREAU OF FIRE)

WHEREAS: Any changes to the Bureau of Fire's Special Teams assignments are to be reflected by resolution; and

WHEREAS: Legislative approval is required for all waivers of the 90-day hiring delay; and

WHEREAS: Assistant County Fire Coordinator John Olsen has resigned his paid position as Assistant Fire Coordinator as of May 31, 2013; and

WHEREAS: Mr. Olsen's resignation shall also mean he will no longer function as the coordinator of the Tioga County Hazardous Materials (HAZ-MAT) Team; and

WHEREAS: Mr. Olsen wishes to continue his involvement with the HAZ-MAT Team in a volunteer capacity and as a staff member with the Tioga County Tactical Medical Team; and

WHEREAS: The County Fire Coordinator wishes to immediately backfill the part-time, paid Assistant County Fire Coordinator position resulting from Mr. Olsen's resignation; therefore be it

RESOLVED: That John Olsen has been designated as a Deputy Fire Coordinator (without pay) with the Tioga County Hazardous Materials Team while continuing to serve with the Tioga County Tactical Medical Team effective, June 1, 2013; and be it further

RESOLVED: That the County Fire Coordinator is hereby granted a waiver from the 90-day hiring delay and is authorized backfill one (1) part-time, paid Assistant Fire Coordinator position at an annual salary of \$2,387.00, effective June 12, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 158-13 *AUTHORIZE OUT-OF-TITLE PAY
PUBLIC HEALTH*

WHEREAS: Since mid April, vacancies have existed within the title of Supervising Community Health Nurse (CSEA salary grade XVII) as the result of a resignation and a promotion; and

WHEREAS: While the Public Health Director has been given authorization to backfill said vacancies, recruitment has yielded no qualified candidates who meet the title's minimum qualifications as established by NYCRR, Title 10-Section 700.2; and

WHEREAS: The Supervising Community Health Nurse vacancies has resulted in a need to delegate duties to other nursing staff in order to maintain certain departmental functions and to provide services relating to the Certified Home Health Agency (CHAA) program; and

WHEREAS: Since April 29, 2013, the Public Health Director has authorized Jennifer Zepkowski, Registered Professional Nurse (CSEA salary grade XIV), to function in a supervisory capacity by directing therapists and nursing staff relating to the care of clients; and

WHEREAS: Ms. Zepkowski is entitled to out-of-title pay according to Article 4, Section E of the current CSEA contract; therefore be it

RESOLVED: Ms. Zepkowski shall receive out-of-title pay for performing Supervising Community Health Nurse work at an annual rate of \$52,014.00 retroactive to April 29, 2013, and shall continue receiving until such time the vacancies have been filled.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 159-13 *AUTHORIZE RATE OF PAY FOR ACTING PUBLIC
HEALTH DIRECTOR
(PUBLIC HEALTH)*

WHEREAS: §351 of the New York State Public Health Law states that to be eligible for state aid, each local government shall have a director who shall be its Public Health Director; and

WHEREAS: Under Article 40-1.30 of New York State Public Health Law, Tioga County is required to have either an Acting or Permanent Public Health Director (PHD) appointed by the Tioga County Board of Health (BOH); and

WHEREAS: The New York State Department of Health (NYSDOH) must be informed of resignations and appointments of both Acting and Permanent county Public Health Directors to ensure appropriate management of and maintain communication with the Local Government Unit; and

WHEREAS: The incumbent PHD has informed the BOH and the County Legislature of his retirement to be effective June 22, 2013; and

WHEREAS: The Tioga County BOH will notified the NYSDOH of the permanent PHD's retirement and will submit the required documentation regarding the appointment of an Acting PHD effective June 22, 2013; and

WHEREAS: The Acting PHD will carry out the full powers and responsibilities of the PHD contingent upon NYSDOH's acknowledgement of receiving said documentation; and

WHEREAS: The BOH has an undetermined length of time to appoint a permanent PHD, and therefore it is not possible to determine the length of time that an Acting PHD will be needed; therefore be it

RESOLVED: That the County Legislature hereby authorizes an hourly rate of \$47.75 for the Acting PHD position for up to 20 hours per week, until such time a permanent PHD is appointed by the BOH.

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant, full-time Social Welfare Examiner position (CSEA Salary Grade VI) to a full-time Caseworker position (CSEA Salary Grade XI); and be it further

RESOLVED: That the Commissioner of Social Services is authorized a waiver from the 90-day delay in filling the full-time Caseworker position and be allowed to fill said position effective June 12, 2013 from a certified eligible list; and be it further

RESOLVED: In an effort to maintain his headcount budget within the Services Division, upon the next occurrence of a full-time Caseworker vacancy, the Commissioner of Social Services shall not fill the position and will abolish the vacancy.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Huttleston a motion to have the following three late-filed resolutions considered, seconded by Legislator Sullivan and carried.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 161-13 *AUTHORIZE THE SUBMISSION OF
HOMELAND SECURITY GRANT
APPLICATION
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security has issued a grant of \$60,000 to the Tioga County Office of Emergency Management. The grant will be used to renew the County's Reverse 911 contract for the year 2014. Also money will pay for the lease of a satellite phone for 2014 and continue to strengthen amateur radio backup communications system; and

WHEREAS: The Tioga County Emergency Management Office has to submit an application for this funding by June 24th 2013; and

WHEREAS: Tioga County's protocol is to seek permission prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Emergency Management Office apply for this grant.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 162-13 *AUTHORIZE TIOGA COUNTY
TO HIRE MANASSE AUCTIONEERS
TO AUCTION REAL PROPERTY ACQUIRED
BY COUNTY FORECLOSURE*

WHEREAS: James P. McFadden, Tioga County Treasurer is in charge of implementing the foreclosure of taxes under Article Eleven of the Real Property Tax Law; and

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: Manasse Auctioneers has been contacted to perform the services of a public auction and Manasse Auctioneers has agreed to compensation of a uniform seven percent (7%) buyers premium, Tioga County will pay no expenses; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to contract the services of Manasse Auctioneers for the public auction of tax foreclosure properties, pending approval by the County Attorney as to form.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 163-13 *AUTHORIZE APPOINTMENT TO DIRECTOR OF
ECONOMIC DEVELOPMENT AND
PLANNING*

WHEREAS: The Director of Economic Development and Planning position will become vacant on June 15, 2013 due to the retirement of the current incumbent; and

WHEREAS: The Legislature has selected a qualified candidate; therefore be it

RESOLVED: That LeeAnn Tinney is hereby appointed to the position of Director of Economic Development and Planning effective July 8, 2013 at an annual salary of \$67,500; and be it further

RESOLVED: That, contingent upon a satisfactory Performance Evaluation, Tinney may be eligible for a salary increase to \$70,000 effective January 1, 2014; and be it further

RESOLVED: That the January 1, 2014 salary increase, if granted, would make Tinney ineligible for any additional salary increase the Non-Union group as a whole may receive for 2014; and be it further

RESOLVED: That in recognition of LeeAnn Tinney's 15 years of service with the Tioga County Industrial Development Agency, the Legislature hereby grants Tinney 20 days of vacation upon hire in accordance with County Policy 20.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:43 p.m.