

Eighth Regular Meeting
August 13, 2013

The Eight Regular Meeting of 2013 was held on August 13, 2013 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would ask for a moment of silence for the men and women in the Armed Services."

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

There were 27 people in attendance.

George Penney had privilege of the floor. "I wish to comment on the resolution that you are to consider today. This resolution has to do with property on Route 434. I would like to remind you that the County does not own this property at the present time. This resolution states that the IDA is joining with the County on this. This is not really a County function. The County has already spent on this property thousands of dollars for a plan and now we are going to get another plan. Any amount spent in this regard I consider unjustified even if it is only 10,000 dollars. Thank you."

Sandra Gumble had privilege of the floor. "I am a 40 year resident of Apalachin. I am currently on the Board of Directors for Americans for Restoring the Constitution, our local group, and with this project on sustainable development I am a volunteer with the New York Liberty Coalition and Freedom Rights Group. I am here today to talk about sustainable development as it is coming quickly into our region.

"Sustainable development or agenda 21 is a directive from the UN to the US to New York State to our counties. It is also in our countries. The sustainable development movement relentlessly attacks our property rights and freedoms. Its goal, social equitable, environmentally sound, and economically feasible, the earth comes first, then animals, and people last. Only land makes us wealthy. High meat intake, use of fossil fuels, appliances, home and work, air conditioning, and suburban housing are not sustainable. There will be higher energy prices, restricted use of water, and severe limitations on use on private property.

"In 1993 President Clinton signed Executive Order 12852 to implement agenda 21 into the US. Governor Cuomo was on that Counsel and was head of HUD. Now terms such as cleaner, greener New York, Smart Growth, Regionalism, which is taken away our elected officials authority and nonelected officials are now in place. They hold such programs and one of their offices is on Main Street in Binghamton. It is in our region. Grants from the State, if not followed according to their current rules, will be fined heavily by HUD. Small business loans, the same applies, and businesses could close.

"What does Tioga County encompass? Farming, agriculture, small businesses. Land easements might be different than what is originally applied for in order to help ease their tax burden. Farms are losing their property rights, it cannot be willed to heirs. EPA has more rights to come in to our property than New York State Police with search warrants. Do not call the Department of Conservation as EPA will come and put your land at risk. Become familiar with sustainable development and our regional economic plan. Our goal is for towns and villages to pass resolutions not to accept any green money, loans, or easements.

"My questions to you once you educate yourself and I have left booklets for each and every one of you to read, would you knowingly put your or other people's property rights at risk or jeopardy? Would you knowingly allow a UN directive into the US that is socialistic? I have educated myself on this for the last five years and the people that we work with. Should you develop a committee on this or any and each and every one of you want to learn more about it, I have tons of information and videos for you to listen to. Thank you for your time."

Legislator Sauerbrey read and presented the following recognition resolution to Cathy and Dorothy Arrington.

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

RESOLUTION NO. 188-13

*RECOGNITION RESOLUTION
RECOGNIZING EDWARD L. ARRINGTON
POSTHUMOUSLY*

WHEREAS: Edward L. Arrington passed away on July 24, 2013; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Arrington for his many years of dedicated service to Tioga County and for his service as Mayor of the Village of Owego; and

WHEREAS: Mr. Arrington was elected to the position of Village Trustee of the Village of Owego in 1998 and was elected Mayor in March 2004, serving two consecutive terms as Mayor; and

WHEREAS: Mr. Arrington was instrumental in many projects throughout the Village of Owego, in particular the River walk project and his leadership was a major component in the village's recovery from the floods of 2006 and 2011; and

WHEREAS: Mr. Arrington is survived by his wife, Dorothy, four children, and three grandchildren; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize Edward L. Arrington posthumously for his years of dedicated service to Tioga County and to the Village of Owego, and during his term of office as Mayor of the Village of Owego; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to the family of Edward L. Arrington.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Cathy Arrington, daughter of Ed Arrington, spoke. On behalf of my father, Edward L. Arrington and the entire Arrington family, I would like to thank you for this proclamation. Edward Arrington was proud to be a part of Tioga County and although he thought only of helping others when making his contribution to the community, I know he would be humbled and thankful for your appreciation and acknowledgement. On behalf of my father, Edward L. Arrington, I accept this honor and extend our sincere thanks. Thank you."

Teresa Ryder of the Employee Recognition Committee presented the Employee of the 2nd Quarter 2013 to Arrah Richards of the Tioga County Sheriff's Office. "The Employee Recognition Committee would like to thank the members of the Legislature for your continued support of the program and today we would like to introduce and congratulate Arrah Richards from the Tioga County Sheriff's Office.

"Arrah is the Payroll Clerk/Typist for the Tioga County Sheriff's Office and she is our second quarter winner today. Arrah began working for Tioga County in March of 2006 when she was hired by the Board of Elections as Deputy Commissioner. Arrah accepted petitions, kept up with State regulations such as the National Voters Registration Act, maintained street files, provided guidance to officials in conduction of local elections, and prepared for inspector training classes. Arrah was also responsible for submitting a report to the New York State Board of Elections that was submitted as a best practice report.

"In September of 2010 Arrah was hired by the Tioga County Sheriff's Office as Payroll Clerk/Typist. Arrah's core responsibility is to manage payroll activities for 120 employees and extend administrative support to all, particularly the executive staff. Arrah's duties also include billing towns, counties, state and federal marshalls for inmate board-ins and road patrol. She also works with the Personnel Office in backfilling and hiring new employees. Arrah's coworkers and supervisors agree that she is extremely dedicated and a hard worker, and performs duties in an exemplary fashion. Arrah continually looks for additional work and ways to improve operations. She has developed spreadsheets for use in tracking and analyzing employee benefit data and overtime data. Arrah has designed forms and invoices. She has also worked with other staff members to standardize the formatting and appearance of more than 150 standard operating procedures.

"Aside from her professional drive, Arrah is a thoughtful and generous person, and a staunch advocate for her co-employees. She is mindful of her coworkers while being and as eager to lend a hand to someone in need. She has volunteered to coordinate the employee donations for United Way. Arrah's drive and enthusiasm are not limited to work life only. She loves the outdoors. Kayaking, boating, and gardening are among her many interests. She has also played the piano for most of her life. The true joy of Arrah's life is her 4-year-old daughter, Emma. Arrah's plan is to share her love of travel with Emma and together eventually visit every State and hopefully travel abroad as well. Thank you Arrah and congratulations."

Legislator Sauerbrey spoke. "I got to know Arrah when she was back at the Board of Elections and I was really impressed with how young she was, but being young and yet being interested in Government, and being interested in your job at the Board of Elections, and she really cared about it. I thought that coming from a young woman like herself was pretty cool and then, of course, the Sheriff stole her away. He has a habit of doing that. She has just done an excellent job at the Sheriff's Office and we are just thrilled that she is there. She has a great future and I am just real proud of her. Thanks."

Undersheriff Mike Jackson spoke. "A couple of years ago when Penny Eddy left, I think most of you remember her, those were big shoes to fill and I remember the Sheriff coming in and saying Undersheriff I have got the perfect person for you, but we are going to have to thief her from another Department. I said who are you thinking about and he said Arrah Richards down in Board of Elections. I said Board of Elections, I said no offense Board of Elections, but I do not think it is going to be a good fit. He is the boss and he hired her, and I tell you we are so glad that he did. She is an exceptional employee. I wish all of our employees were that way, most of them are including Diane, but seriously her and Diane run the office. They really do and we depend a great deal on these guys. They have knowledge of the whole agency. They are hard workers and smart. They do not need to be pushed, they are self-motivated. I am really happy that she is being honored here today."

Sheriff Howard spoke. "This is the first time the Undersheriff has agreed with me in quite a while about hiring somebody. I am getting labeled as a thief and I guess rightfully so. Having my job, I get to go everywhere within the County and I get to see a lot of employees and how they work, and how they manage their time and what they do for each department, and it is refreshing for me when I see these people and then I can steal them as Shawn knows well. The Undersheriff was correct in saying that both Arrah and Diane run the office. We have Diane who was also Employee of the Quarter, so now I have two in the office and I do not know if I am going to be able to stand it going in and getting anything, asking them to do anything. It is an honor to have Arrah as selected Employee of the Quarter and I am grateful for it. Thank you."

Arrah Richards spoke. "Thank you very much. I do not know who nominated me, but it is definitely an honor. Also, as Diane can probably vouch for this, it is easy to work for these guys. They do not micromanage us. They let us do our own thing, so they help us succeed in the jobs that we do. I want to say thank you to you guys for doing what you do and making our job so easy. Thank you."

Chair Weston noted the following Proclamation on Child Support Enforcement Month.

Child support enforcement Month Proclamation

WHEREAS: New York's children need the emotional and financial support of both parents, as well as the support of their extended families and the community, in order to grow into healthy, productive adults; and

WHEREAS: New York State is committed to promoting the health and well-being of all of its children by ensuring that parents pay child support on a regular and timely basis; and

WHEREAS: Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS: The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys still continue to play an active role in child support enforcement; and

WHEREAS: In 2012, the New York State child support program collected more than one billion, eight hundred twenty-two million dollars in child support for custodial parents and their children; and

WHEREAS: In 2012, Tioga County collected over \$5.6 million dollars in child support; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2013, to be

Child Support Enforcement Month

in Tioga County and salute those parents who support their children and honor the child support enforcement professionals in our community and throughout New York State.

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		294.32
A1165	District Attorney		3,011.65
A1170	Public Defender		2,332.51
A1172	Assigned Counsel		18,218.70
A1325	Treasurer		48,094.18

A1355	Assessments		2,666.51
A1410	County Clerk		569.82
A1420	Law		19.50
A1430	Personnel		1,739.95
A1450	Elections		322.83
A1490	Public Works Administration		912.25
A1620	Buildings	199.95	56,280.91
A1621	Buildings		24,958.45
A1680	Information Technology		1,900.00
A2490	Community College Tuition		67,216.54
A2960	Education Handicapped Children		68,384.51
A3020	Public Safety Comm E911 System		3,950.48
A3110	Sheriff		15,336.15
A3121	Sheriff LE11-1038-EOO Grant	4,489.76	
A3140	Probation		133.69
A3150	Jail		50,646.47
A3315	Special Traffic Programs		522.00
A3358	FY12 NYS Homeland Security	14,419.29	
A3410	Fire		1,348.20
A3640	Emergency Mgmt Office		745.64
A3656	FY2010 NYS Homeland Security Grt	25,595.00	
A4010	Public Health Nursing		19,423.77
A4011	Public Health Administration		6,072.84
A4012	Public Health Education		20.00
A4042	Rabies Control		1,521.79
A4044	Early Intervention		51.18
A4053	Preventive/Primary Health Svcs		216.86
A4054	Preventive Dental Services		2,551.25
A4064	Managed Care-Dental Services		16,605.00
A4070	Disease Control		4,952.13
A4090	Environmental Health		567.54
A4210	Alcohol and Drug Services		7,042.10
A4309	Mental Hygiene Co Admin		11,611.70
A4310	Mental Health Clinic		49,922.90
A4311	Rehabilitation Support Services		1,854.00
A4320	Crisis Intervention Services		29,249.67
A4321	Intensive Case Management		1,032.56
A4333	Psycho Social Club		25,000.00
A4390	Criminal Psychiatric Expenditures		16,360.56
A5630	Bus Operations		1,407.13
A6010	Social Services Administration		86,345.84
A6422	Economic Development		697.42

A6610	Sealer Weights and Measures	374.40
A8020	Planning	317.58
A8760	NYS DOS LTCRS Grant	11,649.50
A9060	Health Insurance	2,465.37
SOLID WASTE FUND		3,835.55
SPECIAL GRANT FUND		1,257.04
LIABILITY INSURANCE FUND		5,903.05
COUNTY ROAD FUND		24,239.69
CAPITAL FUND		411,014.89
CONSOLIDATED HEALTH INSURANCE FUND		354,853.69
SELF-INSURANCE FUND		<u>1,502.00</u>
GRAND TOTAL		\$ 1,514,228.26

Legislator Monell made a motion to approve the minutes of July 9 and 18, 2013, seconded by Legislator Hollenbeck, and carried.

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

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 189-13 *APPOINT AT-LARGE MEMBER TO THE STERPDB REGIONAL BOARD*

WHEREAS: The by laws of the Southern Tier East Regional Planning Development Board (STERPDB) require the composition of the membership from each county to be 1) a county legislator, 2) a local elected official, another county legislator or a citizen at-large and 3) the county planning director, and

WHEREAS: Patty Porter currently holds this at-large position and has not been able to attend a STERPDB Regional Board meeting in over a year due to full-time employment; and

WHEREAS: Patty Porter's term expires 12/31/2013, but STERPDB is desirous of replacing this membership now since it inhibits attaining quorums at meetings and therefore the business of the organization; and

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 191-13 *APPROVE FUNDING
2013 YOUTH BUREAU PROGRAM FUNDING
INCREASE*

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Bureau's 2013 program funding was initially approved by Resolution 113-13; and

WHEREAS: New York State Office of Children and Family Services has now increased funding for County sponsored Youth Bureau programs by \$2,596; and

WHEREAS: The Tioga County Youth Board, in consultation with the Department of Social Services, has recommended the following programs have the previously approved allocation increased by the amounts below to utilize this increased allocation

Youth Development and Delinquency Prevention Program	
Spencer Van Etten Building Foundations	\$1,756

Special Delinquency Prevention Program	
Cooperative Extension Parenting Education	<u>\$ 840</u>
TOTAL	\$2,596

RESOLVED: That the above programs, as recommended by the Tioga County Youth Board, be approved by the Tioga County Legislature for this increased funding in the amounts indicated above and that funding be appropriated as follows:

A7310.41.540 Reimbursements	\$2,596
A3820.00 State Aid- Youth Programs	\$2,596

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 192-13 APPROPRIATIONS OF FUNDS
SOCIAL SERVICES

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Children and Family Services for Non-Residential Domestic Violence Services; and

WHEREAS: A New Hope Center is the approved Non-Residential Domestic Violence Program in Tioga County; and

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

RESOLVED: That funding be appropriated as follows:

From: A4610.00 Federal Aid: Administration	\$ 10,083
To: A6010.40.140 Contracting Services	\$ 10,083

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 193-13 *AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE OF
EQUIPMENT FOR ECONOMIC DEVELOPMENT &
PLANNING*

WHEREAS: The Economic Development & Planning Department had a typewriter that was in need of replacement; and

WHEREAS: The Information Technology Department has recommended replacement; and

WHEREAS: The Economic Development and Planning expense account does not have an existing account for the purchase of this equipment; and

WHEREAS: The Tioga County Information Technology Director has approved the purchase for replacement; therefore be it

RESOLVED: That the Director of Economic Development & Planning be authorized to purchase replacement of a typewriter not to exceed \$75.39 and that the following sums be transferred:

From: ED&P Account A6422.40-420 \$75.39

To: ED&P Account A6422.20-290 \$75.39

CD6293.10-10 -Full time Personnel	\$ 216,300.00
CD6293.20-90- Computer	\$ 100.00
CD6293.30-100 -Data Processing	\$ 550.00
CD6293.30-300 -Legal	\$ 100.15
CD6293.30-551 – MLR	\$ 10,000.00
CD6293.40-10 - Advertising	\$ 125.00
CD6293.40-130- Contracts	12,000.00
CD6293.40-140- Contract Services	\$ 70,927.00
CD6293.40-190 –Education Reimbursement	\$ 7,478.35
CD6293.40-420 – Office Supplies	\$ 2,600.00
CD6293.40-480 - Postage	\$ 125.00
CD6293.40-660- Telephone	\$ 1,200.00
CD6293.40-630- Client Tools	\$ 960.00
CD6293.40-733- Training/All Other	\$ 166.00

And

WHEREAS: the Tioga Employment Center County Budget is a calendar year budget and a portion of these funds are currently reflected in the County 2013 budget prepared by the TEC Supervisor last year; and

WHEREAS: From discussions with County Budget Officer, placing this allocation in the current 2013 Tioga Employment Center County Budget would show disproportionate funds available; therefore be it

RESOLVED: That the Tioga Employment Center budget not be amended at this time, the allocations be accepted by the Treasurer's office and the allocations are to be reflected in the 2013 Tioga Employment Center County Budget, and the remainder in the 2014 budget.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE
INFORMATION TECHNOLOGY

RESOLUTION NO. 195-13 *AUTHORIZE PURCHASE OF ELECTRONIC RECORDS
MANAGEMENT SYSTEM FOR THE COUNTY CLERK'S
OFFICE*

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

WHEREAS: Cott Systems has been selected to be the software vendor who can provide the County Clerks office with online researching, e-filing and e-recording options and will be able to provide additional disaster backup and recovery; and

WHEREAS: The Tioga County Information Technology Department has approved the purchase; be it therefore resolved

RESOLVED: That Cott Systems be selected for the software vendor for the County Clerk's Office; and be it further

RESOLVED: That the County Clerk be authorized to purchase the electronic records management system from Cott Systems for a cost of \$23,480 a year for a five year period; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be authorized to execute a contract with Cott subject to approval of the County Attorney; and be it further

RESOLVED: That the one time fee for e-backup in the amount of \$1,250.00 be charged out of the County Clerk's Capital Equipment Account H1410.21 after transfer of said sum to said account from the Capital Reserve for computer software; and be it further

RESOLVED: That the cost of \$23,480 is to be charged for five years out of the County Clerk's Capital Equipment Account H1410.21 after transfer of said sum to said account from the Capital Reserve for computer software.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 196-13 *TRANSFER OF FUNDS FROM
COMPUTER SOFTWARE
CAPITAL RESERVE FUND*

WHEREAS: Resolution No. 120-13 established a Computer Software Capital Reserve Fund; and

WHEREAS: The County Clerk's Office went out to bid for the purchase of an Electronic Records Management System; and

WHEREAS: A bid has been awarded to Cott for the purchase of said Electronic Records Management System; and

WHEREAS: Funds for said purchase need to be transferred from the Computer Software Capital Reserve Fund to cover the first year of the software expense plus a one-time fee for e-backup; therefore be it

RESOLVED: That the sum of \$24,730 for 2013 be transferred from H878.04 Capital Software Reserve Fund to H1410.21 County Clerk Capital Account.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 198-13 *CREATE HALSEY VALLEY ROAD
OVER DRY BROOK CREEK
TROPICAL STORM LEE FLOOD
MITIGATION GRANT
ACCOUNT AND TRANSFER FUNDS*

WHEREAS: Tioga County was awarded a Hurricane Irene-Tropical Storm Lee Flood Mitigation Grant for designing and implementing flood mitigation and flood control projects in creeks, streams, and brooks in the amount of \$797,291; and

WHEREAS: One of the projects identified was Halsey Valley Road over Dry Brook Creek to stabilize streambanks both upstream and downstream to prevent erosion and scour from future flood events; and

WHEREAS: The grant awarded will reimburse 25% and NRCS (Natural Resources Conservation Service) will reimburse 75%; and

WHEREAS: A Halsey Valley Road over Dry Brook Creek account needs to be established to pay for the work before reimbursement will be received from the grant; therefore be it

RESOLVED: That Halsey Valley Road over Dry Brook Creek Account be created and established as H2013.08; and be it further

ROLL CALL VOTE

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

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. 200-13

*AWARD DESIGN SERVICES TO
LABELLA ASSOCIATES FOR DESIGN
SERVICES FOR HAMILTON VALLEY RD
BRIDGE BIN: 3334950*

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

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

WHEREAS: The Hamilton Valley Rd. Bridge over South Branch Catatonk Creek (BIN: 3334950) is one of the bridges in the program; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Labella Associates, Rochester, NY 14614 in the amount of \$65,400; and be it further

RESOLVED: That the account H2013.09 be established for this project by transferring \$65,400 from H511 Appropriated Reserve Account into H2013.09 Hamilton Valley Rd. Bridge over South Branch Catatonk Creek BIN: 3334950.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 202-13 *RESOLUTION TO SUPPORT ASSEMBLY BILL A07588
KNOWN AS THE RURAL BROADBAND DEPLOYMENT
ACT WHICH PROMOTES RURAL BROADBAND
DEPLOYMENT BY PROVIDING RESIDENTS AND
SMALL BUSINESSES WITH TAX CREDITS FOR
BROADBAND DEPLOYMENT*

WHEREAS: There are rural areas of Tioga County without access to high speed broadband services because of geographic isolation, topographic conditions, and low population density; and

WHEREAS: Tioga County has made broadband deployment a priority as evidenced by their commitment to having the following broadband and telephony studies completed: Southern Tier East Telecommunications Inventory 2004, Southern Tier East Telecommunication Regional Action Plan 2005, Southern Tier East Regional Broadband Telecommunications Action Plan 2009, and Tioga County REAP Connect Tioga 2008, which identified broadband deficiencies and potential solutions to address the deficiency; and

WHEREAS: Broadband providers have not found it economically feasible to provide broadband services to many of the remote areas of Tioga County; and

WHEREAS: New York State Assembly bill A07588, known as the Rural Broadband Deployment Act, would promote rural broadband deployment by providing residents and small business with tax credits for broadband deployment; and

WHEREAS: The bill would allow for residents and small businesses in unserved areas to come together, pool their economic power, and select a broadband provider to deploy services to their area; and

WHEREAS: Any eligible out of pocket expenses the resident or small business incurs for the construction of the network, would be eligible for a 100% refundable tax credit, over 5 years; and

WHEREAS: The New York State Senate has passed identical bill S05481; therefore be it

RESOLVED: That the Tioga County Legislature supports NYS Assembly bill A07588 known as the Rural Broadband Deployment ACT; and be it further

RESOLVED: That the Clerk to the Legislature shall send a copy of the resolution to Governor Andrew Cuomo, State Senate Majority Leader Dean Skelos, Senator Thomas Libous, Assembly Speaker Sheldon Silver, Assemblyman Christopher Friend, Assemblywoman Donna Lupardo, Clerk to each County Governing Body, and the New York State Association of Counties.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
ED&P COMMITTEE

RESOLUTION NO. 203–13 *APPROVAL TO MATCH FUNDS TO TIOGA COUNTY IDA CFA GRANT APPLICATION TO EMPIRE STATE DEVELOPMENT STRATEGIC PLANNING AND FEASIBILITY STUDIES FOR SITE DESIGN FOR E=MT³*

WHEREAS: There is funding from the Empire State Development Strategic Planning and Feasibility Studies Program for site design of Rt 434, Owego, NY (E=mt³) owned by Tioga County IDA; and

WHEREAS: Funding will supply costs toward a Phase I design to construct an access road, prepare a grading plan, install necessary utilities, such as water, sewer, telecommunications, storm water drainage, large parking lot, a 4,000 square foot building to house a Tourism Visitor Information Center as well as a storage facility for Tioga County digital records; and

WHEREAS: Phase II will provide the costs toward the design of a 22,000 square foot building to house offices and wet and dry scientific labs to accommodate the expansion of CPSI Biotech; and

WHEREAS: This project will create a distinctive niche and promote regional Tourism, as well as create employment with the increased staff for the Visitor Center and research jobs for the CPSI Biotech expansion with potential to expand development in addition to promoting a private/public partnership in development; and

WHEREAS: This is a collaborated effort with the Tioga County IDA, Tioga County and Tioga County Tourism submitting the Consolidated Fund Application for a total project in the amount of \$100,000; and

WHEREAS: There is a 50/50 match required (\$50,000) by the proposed funding source; and

WHEREAS: Tioga County ED&P has requested participation from the Tioga County IDA in the amount of \$20,000 of the required match and Tioga County Tourism has agreed to provide \$10,000 of the required match; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes a \$20,000 contribution to the 50% cash match for the Tioga County IDA CFA grant application to ESD Strategic Planning and Feasibility Studies Program for the site design in support of the E=mt³ site development.

ROLL CALL VOTE

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

No – Legislators Roberts and Huttleston.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 204-13	<i>AUTHORIZE THE SUBMISSION OF A ROUND 3 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT APPLICATION – FIRE COORDINATORS OFFICE</i>

WHEREAS: The NYS Division of Homeland Security and Emergency Services has announced continuing Interoperable Communications Grant funding; and

WHEREAS: Applications for this grant must be received no later than September 30, 2013; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Fire Coordinators Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 205-13 *AUTHORIZE THE SUBMISSION OF
A TECHNICAL RESCUE GRANT
APPLICATION – FIRE
COORDINATOR’S OFFICE*

WHEREAS: The NYS Division of Homeland Security and Emergency Services has announced continuing Technical Rescue Grant funding; and

WHEREAS: Such grants are the only means of providing the Tioga County Technical Rescue Team with the needed, specialized equipment needed to perform their tasks; and

WHEREAS: Applications for this grant must be received no later than September 4, 2013; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Fire Coordinator’s Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 207-13 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE
BACKFILL PART-TIME 2nd ASSISTANT PUBLIC
DEFENDER POSITION
PUBLIC DEFENDER*

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

WHEREAS: Mark Loughran, 2nd Assistant Public Defender, has submitted his intent
to resign effective August 5, 2013; and

WHEREAS: The Public Defender seeks to immediately fill the part-time position so
that clients receive legal representation within the Tioga County court system
without delay or interruption; therefore be it

RESOLVED: That the Tioga County Public Defender is hereby granted a waiver
from the 90-day hiring delay and is authorized to fill the part-time 2nd Assistant
Public Defender position at the non-union annual base salary of \$30,154,
effective August 14, 2013.

RESOLVED: That the Public Health Director is authorized to fill the full-time Public Health Sanitarian position effective October 19, 2013 on a provisional basis pending the outcome of the civil service examination.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 209-13 *CREATE AND FILL SEASONAL SOCIAL WELFARE EXAMINER POSITION FOR HEAP PROGRAM DEPARTMENT OF SOCIAL SERVICES*

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

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin outreach in mid-August and be in full season on November 18, 2013; and

WHEREAS: The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner to staff the HEAP Program; and

WHEREAS: The starting salary for said position will be \$13.650/hr.; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal position of Social Welfare Examiner at \$13.650/hr. effective September 9, 2013, through April 11, 2014.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 210-13 *AUTHORIZE CREATION OF PART-TIME POSITIONS
AND WAIVER OF 90-DAY DELAY
(BOARD OF ELECTIONS)*

WHEREAS: Federal Insurance Contributions Act (FICA) regulations provide that election workers whose earnings exceed \$600 annually must be reported as wages on certain IRS forms and subject to FICA taxes; and

WHEREAS: At present, Tioga County has all election workers classified as contractual; and

WHEREAS: The current classification of four workers needs to be changed based on their earnings; therefore be it

RESOLVED: That the Legislature hereby authorizes the creation of four (4) part-time Election Worker positions effective August 19, 2013 to work as needed at the rate of \$12.00 per hour; and be it further

RESOLVED: That the Election Commissioners are hereby granted a waiver of the 90-day hiring delay to allow for the workers to assist with the upcoming primary elections in September 2013.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 211-13 *ACCEPT AUCTION BIDS FOR COUNTY
OWNED PROPERTY ACQUIRED FOR
TAXES, AUTHORIZE EXECUTION OF DEEDS*

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Owego, Richford, Spencer and Tioga were offered for sale at Public Auction conducted Friday, August 9, 2013, by the County Treasurer; and

WHEREAS: It is the intent of the Legislature to return the properties to the Tax Rolls as soon as possible; therefore be it

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Prior Owner-Tax Map#</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Town of Barton:</u>		
166.16-3-64, Citizens & Northern Bank	Llenroc Porp. LLC	\$ 77,000.00
122.00-2-6, Jack Gerwin	Terra J Smith	19,000.00
166.20-2-2, Tony B Merrill	Gary Kauppinen	8,000.00

Prior Owner-Tax Map#	Purchaser	Bid
<u>Town of Candor:</u>		
50.00-1-38, George Bobowski	Lisa M Baker	34,000.00
95.00-1-5.13, Joo Shin Kim	Erik Thomas	15,000.00
50.00-1-39.10, Sarah Knapp		
82.00-1-46, Lyn G & Sandra B Mclain	Lawrence T OReilly	305,000.00
82.00-1-39, Lyn G & Sandra B Mclain	Aaron D Gowan	10,000.00
82.00-1-39, Lyn G & Sandra B Mclain	Aaron D Gowan	20,000.00
60.00-1-13.11, Raymond L & Patsy L Stevens	Springtree Properties	20,000.00
61.14-1-36, Corey R Deborah J Whatley	Edward J Cornelius	20,000.00
<u>Town of Newark Valley:</u>		
44.00-1-25, Beverly Forbes-Diaby	Robert Woods	2,500.00
65.00-1-21.22, Dominick Salerno	David W Stack	15,000.00
75.18-1-25.10, Venus Smith	Joseph E Tomazin	9,000.00
<u>Town of Owego:</u>		
131.19-1-39.12, Edward D Browne	Angela A Smith	\$ 40,000.00
117.19-2-4, April Buchner	Amos B Gates	500.00
117.19-2-48, Julie L Carrigan	Stuart JB Craddock	8,500.00
142.18-1-33, Thomas W & Cathleen Fotorny	Ireneusz Bronikowski	27,000.00
117.20-3-36, Donald F Hills Jr	Brian J Robie	14,000.00
128.11-2-5, Stephen Klenotiz III	Eric A Johnson	800.00
128.11-2-33, Stephen Klenotiz III	Eric A Johnson	700.00
128.07-1-10, William & Carmelita Oakes	Andrew E Plaisted	10,000.00
142.20-1-4, Traci R Oakley	Paul H Reeves	8,000.00
117.19-1-69, John & Deborah Santacroce	Nadiya V Birch	8,000.00
129.10-1-2, Nicholas T Sbarra	Eric J Maki	550.00
128.08-3-93, Southside Storage, LLC	Stuart JB Craddock	10,000.00
<u>Town of Richford:</u>		
11.00-2-12.113, Roberta Rounsville	Michael J Koppel	4,500.00
70.00-2-31, Patricia A Shelly	Susquehanna Land Co Inc	130,000.00
70.00-2-33, Patricia A Shelly	Susquehanna Land Co Inc Sold w/ 2-31	
<u>Town of Tioga:</u>		
147.00-1-17.20, Jay & Ann Ball	Craig Kranz	18,000.00
159.10-1-8.10, Barbara McKean	James B Strong	26,000.00
148.00-1-14.10, Leticia Ramirez	Steven T Chaffee	50,000.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:36 P.M.