

Ninth Regular Meeting
September 11, 2012

The Ninth Regular Meeting of 2012 was held on September 11, 2012 and was called to order by the Chair at 6:00 P.M. Seven Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Huttleston to have a moment of prayer. "When I was coming here today for this special occasion and wonderful example of democracy, which many countries are unable to enjoy, I said to myself this is as good as it gets. I thought isn't it great to be an American and we are so lucky and blessed to be born in a great caring, loving, and free country that gives us the freedom of religious choice and several other freedoms that other people in the world are unable to enjoy. Let us take the time to thank the many people from the past that have given and sacrificed so much to allow us to live free. Let us bless and thank our leaders and military forces who are making many sacrifices to 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 12 people in attendance

Legislator Sullivan read the following remembrance resolution of September 11, 2001.

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

REFERRED TO:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 207-12	<i>RESOLUTION IN REMEMBRANCE OF SEPTEMBER 11, 2001</i>

WHEREAS: On September 11, 2001 a series of four suicide attacks were committed in the United States; and

WHEREAS: On that Tuesday morning, 19 terrorists from the Islamist militant group Al-Qaeda hijacked four passenger jets. The hijackers intentionally piloted two of those planes, American Airlines Flight 11 and United Airlines Flight 175 into the North and South Towers of the World Trade Center Complex in New York City; and

WHEREAS: The hijackers also intentionally crashed American Airlines Flight 77 into the Pentagon in Arlington, Virginia, and intended to pilot the fourth hijacked jet, United Airlines Flight 93 into the United States Capitol Building in Washington, D.C., however, the plane crashed into a field near Shanksville, Pennsylvania after its passengers attempted to take control of the jet from the hijackers; and

WHEREAS: Nearly 3000 people died in the attacks, including the 246 civilians and 19 hijackers aboard the four planes, none of whom survived; and

WHEREAS: The United States responded to the attacks by launching the War on Terror and invading Afghanistan to depose the Taliban, which had harbored Al-Qaeda, and in May 2011, after years at large, Bin Laden was located and killed; now therefore be it

RESOLVED: That the Tioga County Legislature would like to remember all those innocent lives lost on September 11, 2001 and applaud all those who worked so hard to save lives during that time, and to herewith take a moment of silence in remembrance of September 11, 2001.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. "How soon we forget the tragedies that have happened, but anyway how many people really knew where they were on September 11, 2001. I was in the Office and my daughter called, by the way it was my daughter's birthday, she was born on 09/11. She called and said dad turn the TV on, hurry up turn it on. I turned it on and I saw the second bombing of the Trade Center and I thought this is some kind, I could not believe what I was seeing. Anyway, it was hard to fathom that what you witnessed there and I

remember, of course I was born, I think I was 9 years old during the attack on Pearl Harbor and I remember everybody huddled around the radio, they did not have TV then. What ended up to be a joyous day for us and my daughter's birthday, ended up to be a sad day for this country and for everybody.

"The following article appeared in the Miami Herald Newspaper shortly after the terrorist attacks on the United States and it is well said as anyone could say it and I want to share it with you. Reading the article brought tears to my eyes, but it also made me proud to be an American. This article was titled "We Will Go Forward From This Moment" by Leonard Pitts, Jr., of the Miami Herald. It is my job to have something to say. They pay me to provide words that help make sense of that which troubles the American soul, but in this moment of airless shock when hot tears sting disbelieving eyes, the only thing I can find to say, the only words that seem to fit must be addressed to the unknown author of this suffering.

"You monster, you beast, you unspeakable bastard. What lesson did you hope to teach us by your coward's attack on our World Trade Center, our Pentagon, us? What was it you hoped we would learn? Whatever it was, please know that you failed. Did you want us to respect your cause? You just damned your cause. Did you want to make us fear? You just steeled our resolve. Did you want to tear us apart? You just brought us together.

"Let me tell you about my people. We are a vast and quarrelsome family, a family rent by racial, social, political, and class division, but a family nonetheless. We are frivolous, yes, capable of expending tremendous emotional energy on pop culture, a singer's revealing dress, a ball team's misfortune, a cartoon mouse. We are wealthy too, spoiled by the ready availability of trinkets and material goods, and maybe because of that we walk through life with a certain sense of life entitlement. We are fundamentally decent though, peace-loving, compassionate. We struggle to know the right thing and to do it, and the overwhelming majority of us people of faith believes in a just and loving God. Some people, you, perhaps think that any or all of this makes us weak. You are mistaken. We are not weak, instead we are strong in ways that cannot be measured by arsenals.

"Yes we are in pain now. We are in mourning and we are in shock. We are still grappling with the unreality of the awful thing you did, still working to make ourselves understand that this is not a special effect from some Hollywood blockbuster, is not the plot development from a Tom Clancy novel, but in terms of the awful scope of their ambition and the probably final death toll, your attacks are likely to go down as the worse acts of terrorism in the history of the

United States, and probably the history of the world. You have bloodied us as we have never been bloodied before, but there is a gulf of difference between making us bloody and making us fail. This is the lesson Japan was taught to its bitter sorrow the last time anyone hit us this hard, the last time anyone brought us such abrupt and monumental pain. When roused we are righteous in our outrage, terrible in our force. When provoked by this level of barbarism, we will bear any suffering, pay any cost, go to any length in the pursuit of justice.

"I can tell you this without fear of contradiction. I know my people as you I think do not. What I know reassures me. It also causes me to tremble with dread of the future. In the days to come there will be recrimination and accusation, fingers pointing to determine whose failure allowed this to happen and what can be done to prevent it from happening again. There will be heightened security, misguided talk of revoking basic freedoms. We will go forward from this moment sobered, chastened, sad, but determined to, unimaginably determined. You see, the steel in us is not always readily apparent. That aspect of our character is seldom understood by people who do not know us well. On this day the family's bickering is put on hold. As Americans we will weep, as Americans we will mourn, and as Americans we will rise in defense of all that we cherish.

"So I ask you again, what was it you hoped to teach us? It occurs to me that maybe you just wanted us to know the depths of your hatred. If that is the case, consider the message received and take this message in exchange. You do not know my people. You do not know what we are capable of. You do not know what you just started, but you are about to learn. Thank you."

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		277.58
A1165	District Attorney		1,413.43
A1170	Public Defender		130.00
A1172	Assigned Counsel		20,972.95
A1325	Treasurer		895.71
A1355	Assessments		2,216.05
A1410	County Clerk		983.06
A1411	Department of Motor Vehicles		89.99
A1420	Law		3,323.05
A1430	Personnel		1,854.70

A1450	Elections		22,223.20
A1490	Public Works Administration		116.46
A1620	Buildings		55,498.05
A1621	Buildings		17,818.03
A1680	Information Technology		7,515.08
A2490	Community College Tuition		29,015.67
A2960	Education of Handicapped Children		174,480.03
A3020	Public Safety Comm E911 System		6,913.58
A3110	Sheriff	1,930.06	15,533.18
A3116	Sheriff Grant Tioga Co SO-0062-(054)	1,991.35	
A3140	Probation	149.62	159.58
A3146	Sex Offender Program		9,240.00
A3150	Jail	705.00	49,322.93
A3315	Special Traffic Programs		55.00
A3410	Fire		1,401.32
A3640	Emergency Mgmt Office		574.66
A3641	Emergency Mgmt Grant Program		251.45
A4010	Public Health Nursing		33,680.07
A4011	Public Health Administration		3,114.98
A4012	Public Health Education		20.00
A4042	Rabies Control		4,399.01
A4044	Early Intervention		58,340.37
A4053	Preventive/Primary Health Services		115.82
A4054	Preventive Dental Services		2,211.80
A4064	Managed Care-Dental Services		7,000.00
A4070	Disease Control		2,745.40
A4090	Environmental Health		1,496.64
A4210	Alcohol and Drug Services		2,354.04
A4309	Mental Hygiene Co Admin		8,548.95
A4310	Mental Health Clinic		51,181.56
A4315	Mental Retardation		5,828.12
A4320	Crisis Intervention Services		17,869.23
A4321	Intensive Case Management		1,264.63
A6010	Social Services Administration		36,651.17
A6422	Economic Development		165.26
A6510	Veterans' Services		30.00
A6610	Sealer of Weights and Measures		100.50
A8020	Planning		1,027.35
A9060	Health Insurance		1,846.16
SOLID WASTE FUND			93,573.51
SPECIAL GRANT FUND			3,179.02
COUNTY ROAD FUND			82,815.83

CAPITAL FUND	685,625.59
CONSOLIDATED HEALTH INSURANCE	301,932.01
SELF INSURANCE FUND	<u>7,974.00</u>
GRAND TOTAL	\$ 1,842,141.79

Legislator Sullivan made a motion to approve the minutes of August 14, 2012, seconded by Legislator Standing, and carried with Legislator Monell being absent.

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

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

REFERRED TO: HHS Committee
JOB TRAINING COMMITTEE

RESOLUTION NO. 208-12 *AMEND TIOGA EMPLOYMENT
CENTER BUDGET*

WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce New York for employment and training services, is funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center has been allocated Program Year 12 (July 1, 2012 – June 30, 2013) funding of \$277,329.03; and

WHEREAS: The funding is allocated in the following amounts:

\$ 85,538.74 for Adult services;
\$ 91,964.19 for Dislocated Worker services;
\$ 81,093.20 for Youth services;
\$18,732.90 for Administration; therefore be it

RESOLVED: That the Tioga Employment Center budget be amended as follows:

From: CD4791 – Federal Aid-Federal Employment Program \$277,329.03

To: CD6293- Federal Employment Program 1 in the following:

CD6293.10-10 -Full time Personnel	\$166,919.00
CD6293.30-100 -Data Processing	\$ 550.00
CD6293.30-300 -Legal	\$ 175.00

CD6293.30-551 – MLR	\$ 10,550.00
CD6293.40-10 - Advertising	\$ 100.00
CD6293.40-130- Contracts	\$ 15,717.00
CD6293.40-140- Contract Services	\$ 54,343.07
CD6293.40-190 –Education Reimbursement	\$ 24,547.96
CD6293.40- 390 – Mileage	\$ 100.00
CD6293.40-420 – Office Supplies	\$ 1922.00
CD6293.40-480 - Postage	\$ 200.00
CD6293.40-660- Telephone	\$ 1200.00
CD6293.40-690- Client Tools	\$ 960.00
CD6293.40-733- Training/All Other	\$ 45.00

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: LEGISLATIVE WORKSESSION

RESOLUTION NO. 209-12 TRANSFER OF FUNDS
LEGISLATIVE OFFICE

WHEREAS: The Tioga County Legislative Office has three personal computers that will need to be replaced sometime in 2013; and

WHEREAS: The Legislative budget has monies available to transfer out of 2012 budget to replace and upgrade these three computers; and

WHEREAS: The Legislative Clerk would like to move \$2,300 from Legislative Office Account A1010.40-320/390 to pay for the purchase of the replacement computers in late fall 2012, under the approval of IT Director; therefore be it

RESOLVED: That the following sums be transferred as follows:

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 211-12 *AUTHORIZE THE TRANSFER OF FUNDS
COUNTY CLERK*

WHEREAS: The Tioga County Clerk’s Office has seven (7) computers that need to be replaced in the year 2013; and

WHEREAS: The County Clerks budget has monies available to transfer out of 2012 budget to replace and upgrade these seven (7) computers; and

WHEREAS: The Tioga County Clerk would like to move \$4,645 from County Clerk Account A1410.40-420/485/520 to pay for the purchase of the replacement computers in late fall 2012, under approval of the IT Director; therefore be it

RESOLVED: That the following sums be transferred as follows:

From: County Clerk Account A1410.40-420-Office Supplies	\$2,500
County Clerk Account A1410.40-485-Printing/Paper	\$ 600
County Clerk Account A1410.40-520-Recording/Microfilm	\$1,545
To: County Clerk Account A1410.20-90-computers	\$4,645

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 212-12 *AUTHORIZE THE TRANSFER OF FUNDS DEPARTMENT OF MOTOR VEHICLES*

WHEREAS: The Tioga County DMV Office has one (1) computer that needs to be replaced in the year 2013; and

WHEREAS: The DMV budget has money available to transfer out of 2012 budget to replace and upgrade the one (1) computer; and

WHEREAS: The DMV would like to move \$664 from DMV Account A1411.40-485 to pay for the purchase of the replacement computer in late fall 2012, under approval of the IT Director; therefore be it

RESOLVED: That the following sums be transferred as follows:

From: DMV Account A1411.40-485-Printing/Paper \$664

To: DMV Account A1411.20-90-Computers \$664

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 213-12 ADOPT LOCAL LAW NO. 1 OF 2012

WHEREAS: A public hearing was held on September 6, 2012, following due notice thereof to consider the adoption of Local Law Introductory No. A of the Year 2012 A Local Law to authorize a non-county resident to hold a non-elective appointed Tioga County Public Office; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 1 of 2012; therefore be it

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

County of Tioga

Local Law No. 1 of the Year 2012.

A Local Law to authorize a non-county resident to hold a non-elective appointed Tioga County Public Office

BE IT ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1. PURPOSE.

Public Officers Law Section 3 requires that a local public officer be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised. The purpose of this local law is to authorize a person who is a non-resident of Tioga County to hold any non-elective appointed Tioga County public office, provided such person resides in the State of New York.

SECTION 2. AUTHORITY.

Under Municipal Home Rule Law Section 10, the County of Tioga has the authority to authorize a non-county resident to hold a non-elective appointed Tioga County public office, so long as such person resides in the State of New York.

SECTION 3. RESIDENCY.

With respect to non-elective public officers employed by Tioga County, the provisions of Public Officers Law Section 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised shall not prevent a person from holding any non-elective appointed Tioga County public office, provided that such person resides in the State of New York.

SECTION 4. EFFECTIVE DATE.

This local law shall take effect upon filing in the Office of the Secretary of State as provided in 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 Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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: ED&P & AGRICULTURE COMMITTEES

RESOLUTION NO. 214-12 *RESOLUTION TO ADOPT OWEGO-NICHOLS
AGRICULTURAL DISTRICT (#2) EIGHT-YEAR REVIEW
MODIFICATION AND SEQR NEGATIVE
DECLARATION AND SUBMIT SAME TO THE NYS
DEPARTMENT OF AGRICULTURE AND MARKETS
FOR APPROVAL*

WHEREAS: Pursuant to the New York State Agriculture and Markets Law Article 25AA and upon 300-day notice by the Department of Agriculture and Markets, the Tioga County Legislature has initiated a review of the existing Owego-Nichols Agricultural District (#2) to determine if it should be modified or terminated; and

WHEREAS: The Tioga County Planning Department has conducted this review and has created a corresponding modification plan based on public comments, surveys and extensive consultation with area farmers; and

WHEREAS: The required public hearing was held on July 25th, 2012 at which time the District map and findings along with the proposed revisions were presented to the public; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed the plan for modification to Agricultural District #2 and voted unanimously to recommend approval of the modification plan to the Tioga County Legislature; and

WHEREAS: The modification of a state Agricultural District is subject to SEQR review and the Tioga County Legislature is the lead agency for SEQR (State Environmental Quality Review) requirements; therefore be it

RESOLVED: That based upon SEQR review of the above as outlined on the New York State Department of Agriculture & Markets "Environmental Assessment Form" provided by them for this purpose, the County of Tioga has determined that the proposed modifications of the Owego-Nichols Agricultural District would not have a significant adverse impact on the environment and therefore makes a Negative Declaration and shall submit such documentation to NYS Department of Agriculture & Markets; and be it further

RESOLVED: That the Tioga County Legislature does hereby approve the proposed plan as revised to date, and directs the Planning Department to prepare a submission package including the findings report and map as required by the NYS Department of Agriculture and Markets in accordance with NYS Agricultural Districts Law, Article 25AA.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 215-12

*SUPPORT OF SOUTHERN TIER REGION
ECONOMIC DEVELOPMENT CORPORATION
COMMUNITY REVITALIZATION PROGRAM
GRANT FUNDING TO ESTABLISH A TIOGA
COUNTY COMMERCIAL FAÇADE
IMPROVEMENT LOAN PROGRAM*

WHEREAS: The Southern Tier Region Economic Development Corporation Community Revitalization Program has made available a funding opportunity for rehabilitation of building stock to foster small business development, stimulate reinvestment, enable adaptive reuse, address Americans with Disabilities Act (ADA), address code enforcement issues, energy efficiency and to preserve and revitalize mixed-use commercial properties within the County commercial business districts through façade improvement; and

WHEREAS: The Tioga County Tourism Study (2004) recommends that our revitalization efforts follow the National Trust's Main Street Center 4-point Approach, one of which is Design: Enhancing the historic commercial district's physical appearance through building rehabilitation, compatible new construction, public improvements and design management systems; and the Susquehanna Heritage Area Management Plan Amendment Goal 1, Objective

3 is to preserve and protect historic buildings, structures, districts and enhance the historic cultural resources within the Susquehanna Heritage Area; and

WHEREAS: Tioga County approved resolutions supporting applications for the Village of Owego for the 2010 NYMS Program for \$471,173.00 in funding was made and approved, for the 2011 Agricultural and Community Flood Recovery Grant \$500,000 in funding was made and approved, and the Village of Nichols for the 2012 NYMS Program for \$250,000 in funding has been made and is pending; and

WHEREAS: Inquiries and interest has been made by eligible commercial property owners throughout Tioga County's downtown business district areas to utilize funding for façade improvements; and

WHEREAS: This grant funding will be used for the establishment of a 0% loan program to meet this funding need; and

WHEREAS: This grant source requires applicants to administer and ensure successful completion of all assisted projects by evaluating and assuring compliance with all local, state and federal laws and regulations; and

WHEREAS: The Tioga County Local Development Corporation will make application and provide for administration of said Tioga County Commercial Façade Improvement Program; and

WHEREAS: The Community Revitalization Program grant application will be submitted for \$250,000.00 to establish a Tioga County Commercial Façade Improvement Loan Program with 50% cash match provided by property owners; therefore be it

RESOLVED: That the Tioga County Legislature hereby supports the submission and administration of said grant application by the Tioga County Local Development Corporation to the Southern Tier Region Economic Development Corporation Community Revitalization Program for \$250,000.00 to establish a Tioga County Commercial Façade Improvement Loan Program with 50% cash match provided by property owners.

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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. 216-12

*AWARD DESIGN SERVICES TO
LABELLA ASSOCIATES FOR DESIGN
SERVICES FOR GASKILL RD BRIDGE
BIN: 3335390*

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

WHEREAS: Funds are available for the design 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; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Labella Associates, Rochester, NY 14614 in the amount of \$45,700; and be it further

RESOLVED: That account H2012.06 be established for this project by transferring \$45,700 from H511 Appropriated Reserve Account into H2012.06 Gaskill Rd. Bridge over Little Nanticoke Creek (BIN: 3335390).

ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Roberts, Sauerbrey, Standinger, Sullivan, 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

RESOLUTION NO. 217-12 *AUTHORIZE THE CHAIRMAN TO RESPOND TO THE STATE HEALTH DEPARTMENT'S STATEMENT OF INTEREST*

WHEREAS: Section 6 of Part F of Chapter 56 of the laws of 2012 authorizes the Department of Health (Department) to transfer responsibility for the administration of the Medicaid program from local social services districts over a period of six years (by March 31, 2018); and

WHEREAS: The Department will accomplish the assumption of administrative responsibilities with state staff, contracted entities, and contracts with counties; and

WHEREAS: The legislation requires the Department to send a Statement of Interest to counties to elicit their interest and capacity to contract with the Department to perform Medicaid administrative functions; and

WHEREAS: Results from the Statement of Interest questionnaire will be used to guide the State in planning the transition of Medicaid administrative functions; and

WHEREAS: Based upon the results of the Statement of Interest and the creation of the necessary infrastructure, the Department will determine the timing of the administrative function assumption and will publish the results of the Statement of Interest; and

WHEREAS: Counties should maintain the capacity to perform Medicaid administration until the State has assumed the function from the county; and

WHEREAS: The Tioga County Department of Social Services recommends that Tioga County respond to the Statement of Interest; and

WHEREAS: The recommendations have been reviewed by the Health and Human Services Committee; now therefore be it

RESOLVED: That the Chairman of the Legislature is hereby authorized to respond to the Statement of Interest on behalf of the County of Tioga in the form as is on file with the Clerk of the Legislature.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 218-12 *AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY
ASSOCIATES, PC, AND TIOGA COUNTY*

WHEREAS: Beginning January 1, 2013 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$850.00 to be paid to Pathologists and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/13 through 12/31/13.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY

RESOLUTION NO. 219-12

*AUTHORIZING CHAIR OF THE
LEGISLATURE TO EXERCISE CERTAIN
LEGISLATIVE POWERS DURING A
DECLARED STATE OF EMERGENCY*

WHEREAS: During a declared local state of emergency, Executive Law Article 2B confers upon the “chief executive” certain emergency powers to protect the life and property of the County or to bring the emergency situation under control; and

WHEREAS: The term “chief executive” includes the Chair of the Legislature in the absence of a county executive or manager; and

WHEREAS: During a state of emergency, it may be difficult or impossible for a quorum of the Tioga County Legislature to convene to conduct the business of the County to ensure the continuity of government during the disaster; and

WHEREAS: The Tioga County Legislature would like to authorize the Chair of the Legislature to make the decisions necessary to protect the life and property of the citizens of Tioga County during a declared local state of emergency; therefore be it

RESOLVED: That once a local state of emergency is declared by the Chair of the Legislature pursuant to Executive Law Article 2B, the Tioga County Legislature authorizes the Chair to promulgate any orders necessary to govern the County and ensure continuity of government until such time that the a quorum of the Legislature can convene.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 220-12 *AUTHORIZE CONTRACT WITH POMCO
GROUP FOR WORKERS'
COMPENSATION ADMINISTRATION*

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

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

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

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

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

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a two year contract with POMCO Group, subject to review by the County Attorney, to be our third party administrator for the Tioga County Self Insurance Plan, for the period of January 1, 2013 through December 31, 2014 at a flat per year plan administration, claim handling, and reporting cost of \$19,275.00 for 2013 and \$19,275.00 for 2014.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 221-12 ABOLISH TWO (2) FULL-TIME &
ONE (1) PART-TIME CLEANER
POSITIONS

WHEREAS: Legislative approval is required to abolish or create any new position within a Tioga County Department; and

WHEREAS: The Commissioner of Public Works received sealed bids for Cleaning Services for all County Office Buildings on July 30, 2012; and

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Sullivan made a motion to have the following late-filed resolutions considered, seconded by Legislator Hollenbeck and carried with Legislator Monell being absent.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 223-12 APPROVAL FOR GRANT APPLICATION
PUBLIC HEALTH

WHEREAS: Tioga County Health Department (TCHD) has received notice of a grant funding opportunity through the New York State Association of County Health Officials (NYSACHO); and

WHEREAS: Accreditation of Public Health Departments nationwide is new and still being developed, yet it is clear future State Aid and grant funding will be based upon successful accreditation; and

WHEREAS: TCHD was selected in 2009 to be a BETA test site for the National Public Health Accreditation Board (PHAB); and

WHEREAS: TCHD is in the formal process of self-evaluating readiness and preparation of the accreditation process and needs assistance in this endeavor; and

WHEREAS: NYSACHO is proactively assisting New York counties to prepare for the requirements of accreditation, which is the intent and purpose of the NYSACHO Accreditation Support Grant; and

WHEREAS: TCHD desires to apply for this grant; and

RESOLVED: That Raymond P. Case is hereby appointed Legislator effective September 11, 2012 to fill the remainder of the term of Legislative District 5, said term ending December 31, 2015.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

County Clerk Woodburn sworn in Legislator Raymond P. Case for the remainder of vacant Legislative District 5 term.

The meeting was adjourned at 6:25 p.m.