

Sixth Regular Meeting
June 15, 2010

The Sixth Regular Meeting of 2010 was called to order by the Deputy Chair at 6:00 P.M. Seven Legislative members were present, Legislators Monell and Weston being absent.

Deputy Chair Sauerbrey asked Legislator Huttleston to have a moment of prayer. "As I was driving 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 all 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 the 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 21 people in attendance.

Drew Griffin, Chairman of the Employee Recognition Committee, presented the Employee of the 2nd Quarter 2010. "I would like to thank the Legislature for their continued support of the Employee Recognition Committee and the Employee of the Quarter Program.

"At this time I would like to introduce to you the second quarter Employee of the Quarter for 2010, Ms. Diane Rockwell. Diane Rockwell's career started with Tioga County as an Account Clerk Typist on June 21, 1982, almost 28 years ago to the day in the Department of Social Services where she remained for many years and earned many promotions, first to Administrative Secretary, then to Office Manager, and finally to Executive Secretary. On July 8, 2005 Diane resigned from DSS in

order to be appointed to the position of Secretary to the Sheriff on July 9, 2005.

"The Administrative Staff at the Sheriff's Office hold Diane in high esteem. She has a strong work ethic and above all holds exemplary traits such as dependable, reliable, accurate, and efficient, often working late and staying, and coming in early. These and other quality traits lead her nomination to the Leadership Tioga Program which she graduated from in 2008. Diane also served a two-year term on the Employee Recognition Committee.

"Through the years Diane has made and maintained many friendships with coworkers, always a team player, her infectious laugh, which once resonated throughout the halls of the DSS Office, now is heard in the hollow hallways of the Public Safety building. She and her husband Brian live outside Owego and play an important role as aunt and uncle to nieces Kayla and Kristy. Her ability to multitask also carries over into her home life. In her free time Diane enjoys walking and can be found during her lunch walking the trails behind DSS and around the Public Safety building. She is also an avid fan of two reality shows, Survivor and American Idol, and is addicted to Sudoku puzzles. She even finds some time to bake and garden. Diane you are a true asset to Tioga County and to the Sheriff's Office in which you serve, and we thank you for your continued hard work and dedication."

Sheriff Gary Howard spoke. "I am going to make it short and sweet because I do not look at Diane as a secretary, I look at her as more as an assistant. She keeps track of me and keeps me on track to where she will be in my office telling me I have minutes to get to a meeting. I pity the next Sheriff if Diane is still there or leaves when I leave, I pity the next Sheriff that has to find somebody that replaces her because it is going to be a hard job and Diane's shoes will be hard to fill.

"Her laugh, you can hear her laugh, we enjoy it, and the way her face turns red within two seconds, we try to get it every day. I cannot say enough about Diane. She came to us five years ago, worked across the street. When I went through, I think I had about 27 applications for the position. The day that I decided on Diane, Shawn happened to be downstairs. I brought Shawn up and I said Shawn I got good news and I got bad news, what do you want to hear first? He said the good news. I said the good news is we have found a replacement for the Secretary to the Sheriff. He said what is the bad news? I said the bad news it is Diane

Rockwell and all he did was put his hands down and went oh no because this was the time of the transition into the new building and Diane had a huge hand in making that go smoothly. His loss was certainly our gain.”

Shawn Yetter, Commissioner of Social Services spoke. “Thank you Gary for giving me a second to just say a quick word about Diane. Diane did give the Department of Social Services 23 years and she was my Secretary for several years when I was the Director of Administrative Services, and I would echo everything that Gary said. The infectious laugh was something that was so valuable in our Department, although it sometimes got her in trouble, but that is a whole other thing. Kathy and I were trying to think of stories to tell about you, but we cannot tell any of them because we are in mixed company, but Diane this is an honor that is greatly deserved. Gary is right when you left our Department it certainly was our loss, but it was the Sheriff’s Department gain, and the great thing is you still are and always have been a great asset to the County, so congratulations Diane.”

Legislator Dick Huttleston spoke. “I would like to congratulate Diane and also apologize because every time I see her I always call her a traitor because we were so unhappy to see her leave the Social Services Department. The only good thing about it is at least she stayed in this County and stayed in one of the other departments versus going somewhere else. She is a wonderful person.”

Deputy Chair Martha Sauerbrey spoke. “I would just reiterate what everybody else said. I just really appreciate you. If I ever want to know what is really going on up there I just call Diane and she gives me the scoop. She is a straight shooter. We really do appreciate all of your years of service and your hard work and dedication, and your sense of humor because your sense of humor and your team playing attitude is what carries you over when times get tough. On behalf of Tioga County and the Legislators we would like to present Diane Rockwell with the Employee of the 2nd Quarter 2010 in appreciation of your service to Tioga County.”

Diane Rockwell spoke. “I have enjoyed working for the County and I cannot believe that I have been with the County for 28 years, and it is a great honor to be receiving this award as Employee of the Quarter for doing a job that I truly enjoy and working with such great coworkers, both at the Sheriff’s Department, Social Services, there is a lot of good people there, and also within the County, and I would also like to thank the

Employee Recognition Committee for their dedication and hard work to this program. Thanks."

Deputy Chair Sauerbrey noted the following Proclamation on the Candor School Envirothon Team.

Proclamation

WHEREAS: The Envirothon started in 1991 in Tioga County; and

WHEREAS: The Candor School Envirothon Team has won the 2010 Envirothon for the sixth consecutive year and has won seven out of the past eight years; and

WHEREAS: They have also placed in the top three eighteen times of the last twenty years; and

WHEREAS: They have won the National Canon Envirothon several times traveling to Canada, Maine, Arizona, and this year to California; and

WHEREAS: The Tioga County Legislature would like to congratulate Emily Nedrow, Randy Nedrow, Chris Tucker, Allison Wilcox, and Felicia Whatley, and their advisors Jonathon Zisk, Leslie Conners, and Spencer Hunt for this excellent achievement; now therefore

The Tioga County Legislature does hereby Proclaim and designate on behalf of our county and citizens to take this day to honor

The Candor School Envirothon Team

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

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		680.49
A1165	District Attorney		2,209.58
A1170	Public Defender		4,600.85
A1172	Assigned Counsel		16,895.23

A1185	Medical Examiners/Coroners		627.40
A1325	Treasurer		9,500.00
A1355	Assessments		2,466.98
A1410	County Clerk		728.31
A1411	Department of Motor Vehicles		325.17
A1420	Law		3,830.50
A1430	Personnel		2,060.74
A1450	Elections		1,134.74
A1460	Records Management		35.50
A1620	Buildings		48,613.15
A1680	Information Technology		18,484.24
A2490	Community College Tuition		629.33
A2960	Education of Handicapped Children		127,096.07
A3020	Public Safety Comm E911 System		2,484.80
A3110	Sheriff	757.30	15,220.65
A3140	Probation		205.00
A3146	Sex Offender Program		8,766.67
A3150	Jail	112.62	53,630.59
A3315	Special Traffic Programs		1,068.00
A3410	Fire		1,279.01
A3640	Emergency Mgmt Office		395.79
A4010	Public Health Nursing		40,046.87
A4011	Public Health Administration		4,362.34
A4012	Public Health Education		117.86
A4042	Rabies Control		1,619.74
A4044	Early Intervention	164.99	33,026.37
A4053	Preventive/Primary Health Svcs		1,009.29
A4054	Preventive Dental Services		814.59
A4062	Lead Poisoning Program		747.50
A4064	Managed Care-Dental Services		12,358.81
A4070	Disease Control		3,148.20
A4090	Environmental Health		8,040.12
A4210	Alcohol and Drug Services		1,027.37
A4309	Mental Hygiene Co Admin		4,324.08
A4310	Mental Health Clinic		20,605.12
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		237.56
A4321	Intensive Case Management		1,266.41
A6010	Social Services Administration		79,945.70
A6422	Economic Development		225.86
A6510	Veterans' Service		2,492.00
A6610	Sealer Weights/Measures		616.37

A7310.41	Youth Programs, Refundable	6,636.65
A8020	Planning	68.33
A9060	Health Insurance	1,537.34
SOLID WASTE FUND		51,559.99
COUNTY ROAD FUND		12,637.98
SPECIAL GRANT FUND		7,451.26
CONSOLIDATED HEALTH FUND		70,877.20
CAPITAL FUND		442,800.04
LIABILITY INSURANCE FUND		176.00
WORKERS COMP		<u>33,928.00</u>
GRAND TOTAL		\$ 1,168,329.89

Legislator Oberbeck made a motion to approve the minutes of May 11, 2010, seconded by Legislator Roberts, and carried.

Deputy Chair Sauerbrey made the following appointments:

County Attorney Search Committee
 Chair of Finance/Legal
 Chair of the Legislature
 Two Legislators
 Personnel Officer

Broome-Tioga Workforce Development Board
 Kathleen Horner, Executive Director
 Public Sector
 7/1/10-6/30/13

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 129-10

*ERRONEOUS ASSESSMENT
 TOWN OF NEWARK VALLEY*

Adoption moved by Legislator McEwen,
 Seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that property no. 799 assessed to Charles W and Michelle Creeley on the 2010 tax rolls of the Town of Newark Valley is erroneous in that the assessor neglected to remove an 1976 RM5 and an RG4 built in 2000 has less square footage; the assessor having verified the info, has requested that the assessment be reduced from \$205,000 to \$194,700; and

WHEREAS: The 2010 tax bill of \$3,849.52 for property no. 799 was paid to the Town of Newark Valley tax collector on 1/15/2010; be it therefore

RESOLVED: That a refund of \$193.42 be issued to Charles W Creeley for overpayment of the 2010 taxes; and be it further

RESOLVED: That the erroneous town tax of \$51.93 be charged back to the Town of Newark Valley and the erroneous fire tax of \$14.87 be charged back to the Newark Valley Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$5.08 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$121.54 be charged to the proper account in the records of the County Treasurer

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 130-10 APPROPRIATION OF FUNDS
 SOCIAL SERVICES

Adoption moved by Legislator Huttleston,
 seconded by Legislator McEwen.

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Transitional Jobs program; and

From: A4064.40-140 Dental Services Contract Services \$ 8,000
 To: A9950.93-715 Transfer to Capital-All Other \$ 8,000

And,

From: H5301.30 Interfund Transfer All Other \$ 8,000
 To: H4064.21 Capital Equip Dental Services \$ 8,000

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 132-10 *RESOLUTION IN OPPOSITION OF ASSEMBLY BILL NO. A9911 AND SENATE BILL NO. S6849 AMENDING THE PUBLIC OFFICERS LAW, IN RELATION TO REQUIRING CERTAIN RECORDS WHICH ARE THE SUBJECT OF A DISCUSSION CONDUCTED AT AN OPEN MEETING BE MADE AVAILABLE TO THE PUBLIC*

Adoption moved by Legislator Roberts,
 Seconded by Legislator McEwen.

WHEREAS: The New York State Assembly and Senate have introduced Assembly Bill No. A9911 and Senate Bill No. S6849 requiring certain Agency records available to the public pursuant to Article Six, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that are scheduled to be the subject of discussion by a public body during an open meeting shall be made available, to the extent practicable, prior to or at the meeting during which such records will be discussed. Such records shall be posted on the website of the agency with which the public body is affiliated, as soon as practicable, but not less than twenty-four hours prior to a meeting during which they will be discussed, and a reasonable number of copies of such records shall be made available, to the extent practicable, at or prior to the meeting, and

WHEREAS: Agencies are already required to make their documents available to the public upon request per the Freedom of Information Law, and

WHEREAS: Said legislation would be a significant burden on staff and resources at the local government level, let alone could cost counties more money to make additional copies and to expand its technology to accommodate such requirement, and

WHEREAS: Said legislation would require all agency boards to make their records available to the public, in which Tioga County has numerous standing committees that this may affect, along with the several legislative committees, and board meetings; and

WHEREAS: Tioga County also consists of municipalities that do not have internet capability, therefore causing them to make paper copies available and causing additional expenses for that municipality; now therefore be it

RESOLVED: That the Tioga County Legislature hereby opposes Assembly Bill A9911 and Senate Bill No. S6849 as it would be a significant burden on staff and resources to comply with this requirement, and be it further

RESOLVED: That a certified copy of this Resolution be sent to Senator Thomas Libous, Assemblymen Gary Finch and Thomas O'Mara, the New York State Association of Counties, and any others deemed necessary.

On roll call vote on the above resolution, six members voted Aye, Legislator Sullivan voting no, Legislators Monell and Weston being absent, and the resolution was adopted.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 133-10 *COMMENTING ON PROPOSED
6 NYCRR PART 247 REGULATIONS
ON OUTDOOR WOOD BOILERS*

Adoption moved by Legislator Roberts,
Seconded by Legislator Oberbeck.

WHEREAS: The price of home heating fuels has skyrocketed for citizens within Tioga County; and

WHEREAS: Tioga County has a large population of senior citizens and families on fixed incomes; and

WHEREAS: Outdoor wood boilers (OWBs) can offer a safer alternative to indoor wood stoves and furnaces that can start home fires because of stray sparks or chimney fires; and

WHEREAS: OWBs can provide a cost effective alternative to fossil fuels; and

WHEREAS: OWBs were not made for, and never should have, any solid waste burned in them; and

WHEREAS: No other State has required that existing OWBs be taken out of service; and

WHEREAS: Verifiable complaints should be addressed by higher chimney and proper fuel use requirements; and

WHEREAS: Over the past several years a number of actions have occurred in support of the development of cleaner-burning and more efficient OWB devices, including:

- In August 2005, the then NY Attorney General and 6 other State Attorney Generals, Northeast States for Coordinated Air Use Management (NESCAUM), which was supported by the Hearth, Patio & Barbecue Association (HPBA) Outdoor Furnace Manufacturers Caucus, petitioned the United States Environmental Protection Agency (USEPA) to set standards for OWBs
- The EPA Hydronic Heater Phase 2 Program was released in October 2008 and established an emissions reduction program for OWBs
- On August 13, 2009, the New York State Energy Research and Development Authority (NYSERDA) announced \$1.5 Million in funding for developing a High-Efficiency Biomass-Heating Market; and
- The USEPA is currently in the process of establishing nationwide – Federal regulations for OWBs that could be promulgated by May 2012 by EPA's most recent schedule made publicly available; and

WHEREAS: Senator Aubertine has introduced Senate Bill S8061, which supports clean burn regulations, supports restrictions that require new installations to meet EPA standards, defines Outdoor Wood Boiler nuisance violations, asks the DEC to provide public guidance on operation, siting, and stack height, does not require the removal of existing units before the end of their useful life, and allows local governments to establish more stringent regulations; and

WHEREAS: The New York State Department of Environmental Conservation in April, 2010 published and is currently soliciting comments on proposed regulation 6 NYCRR Part 247, Outdoor Wood Boilers; now therefore be it

RESOLVED: That the Tioga County Legislature supports efforts to protect the use of properly operated OWBs that are installed and operated properly, and to protect the property rights of the owners of properly operated OWBs; and be it further

RESOLVED: That the Tioga County Legislature supports the following requirements in the proposed 6 NYCRR, Part 247 regulations:

- Proposed emission limits; and
- New OWBs sold after April 15, 2011 have to meet these proposed emission limits, and any provisions that are consistent with the EPA Hydronic Heater Phase 2 Program and other Northeast State regulations for OWBs including Vermont, Main, New Hampshire, and Massachusetts; and be it further

RESOLVED: That the Tioga County Legislature does not support the following requirements in the proposed DEC Part 247 regulations:

- Requiring the removal of existing OWBs by 2015 or 2020 (depending on when the furnace was purchased but before the end of their useful life) which unreasonably subjects these owners to economic hardship; and
- Any other provisions that are inconsistent with the EPA Hydronic Heater Phase 2 Program and other Northeast State regulations including Vermont, Maine, New Hampshire, and Massachusetts; and be it further

RESOLVED: That the Tioga County Legislature requests that Section 247.5 Residential-Size New Outdoor Wood Boilers Paragraph (b) to be amended as follows: Setback. A residential-size new outdoor wood boiler shall be located on the property so as to conform to local zoning and building regulations or no closer than 250 feet from the nearest residence not served by the OWB when located on or adjacent to contiguous agriculture, forested or otherwise uninhabited vacant lands larger than three (3) acres; and be it further

RESOLVED: That the Tioga County Legislature does hereby call on Governor Paterson, both houses of the New York State Legislature, the New York State Association of Counties, and New York State Agencies to support the continued use of, and the development of clean and efficient OWBs, by proposing New York State regulations that are consistent with the USEPA Hydronic Heater Phase 2 Program and other Northeast States including Vermont, Maine, New Hampshire, and Massachusetts; and be it further

RESOLVED: That the Tioga County Legislature supports Senate Bill S8061; and be it further

RESOLVED: That copies of this resolution be forwarded to Governor David Paterson, Attorney General Andrew Cuomo, Senator Darrel Aubertine, Senator Thomas Libous, Assemblyman Gary Finch, all New York State Counties, the New York State Association of Counties, the New York State Association of Towns, and the New York State Department of Conservation.

CARRIED

REFERRED TO: ED&P LEGISLATIVE COMMITTEE

RESOLUTION NO. 134-10 *SET PUBLIC HEARING FOR THE
SUSQUEHANNA HERITAGE AREA
MANAGEMENT PLAN UPDATE*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Oberbeck.

WHEREAS: Tioga County Planning and Tourism have been participating for the past two years in a study that recommends the Susquehanna Heritage Area boundary be expanded from its current scope of just Binghamton, Johnson City and Endicott to the entirety of Broome and Tioga Counties; and

WHEREAS: This document is called the *Susquehanna Heritage Area Management Plan Update*; and

WHEREAS: The current Susquehanna Heritage Area communities have a 20+ year record of successful grant projects under the NYS Heritage Area Program and this designation will give Tioga County, its municipalities and historical/cultural non-profit organizations access to the same annual dedicated allocation of funding for local projects within NYS Heritage areas; and

WHEREAS: The final draft Plan update is now at the stage of seeking public review and comment; and

WHEREAS: A SEQR review is now being conducted on the Plan update which also requires a public hearing; now therefore be it

RESOLVED: That a public hearing will be held on Thursday, July 8, 2010 in the Edward Hubbard Auditorium of the Tioga County Office Building at 56 Main Street, Owego NY at 1:00 pm. All interested parties will be heard by the Tioga County Legislature at this hearing.

CARRIED

REFERRED TO: HEALTH AND HUMAN SERVICES

RESOLUTION NO. 135-10 *RESOLUTION TO AUTHORIZE CONTRACT
WITH STRATEGIC HEALTH CARE
PROGRAM*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.

WHEREAS: Tioga County Health Department received funds from Medicare and Medicaid; and

WHEREAS: The Tioga County Health Department needs to be certified as a Home Health Agency in order to receive Medicare/Medicaid funds; and

WHEREAS: To maintain its certifications the Health Department needs to meet the requirements of Medicare/Medicaid; and

WHEREAS: Medicare requires that the Home Health Agency do on-going patient satisfactory surveys; and

WHEREAS: Medicare has a list of approved contracts; and

WHEREAS: Tioga County Health Department need to pick from the list of approved Medicare contracts to do the surveys; and

WHEREAS: Tioga County received three quotes; and

WHEREAS: The vendors for the survey will be required to work with our software; and

WHEREAS: The lowest bid was for \$3,840.00; and

WHEREAS: The Health Department has funds available for this contract; therefore be it

RESOLVED: That the Health Director be allowed to enter into a contract with the lowest bidder "Strategic Health Care Program;" and be it further

RESOLVED: That the County Attorney review and approve said contract before signing by the Public Health Director.

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

REFERRED TO: ED&P COMMITTEE
JOB TRAINING COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 136-10 *AUTHORIZE CONTRACT
KELLY SERVICES
TIOGA EMPLOYMENT CENTER*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Roberts.

WHEREAS: Broome & Tioga Counties, in partnership through the Broome/Tioga Workforce Development Board, provides for the delivery of employment and training services under the Workforce Investment Act of 1998; and

WHEREAS: The Tioga Employment Center has a need for a Resource Room Aide to assist individuals in the Employment Center's Resource Room with operation of computers and various computer programs, to instruct clients on how to use America's Job Exchange, and to assist clients in accessing employment opportunities; and

WHEREAS: The Employment Center has had a worker assigned by Title V (federal grant program for mature workers) in previous years but the program is not available at this time with the current Title V provider, Tioga Opportunities; and

WHEREAS: Kelly Services was able to provide such services for the Tioga Employment Center, from July 1, 2009 to June 30, 2010 and said contract is to be funded entirely by the Workforce Investment Act and can continue to do so; and

WHEREAS: The funds necessary for said contract were included in the WIA PY 2010 Budget under the WIA Grant; and

WHEREAS: The Supervisor of the Tioga Employment Center is authorized to enter into such contract as indicated; and

WHEREAS: Said contract would provide for compensation at the hourly rate of \$12.52 per hour at a maximum of 27 hours per week; and

WHEREAS: The contract has been reviewed and approved by the County Attorney; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Supervisor of Employment and Training to enter into a contract with Kelly Services at the hourly NYS Contract rate of \$12.52 per hour, at a maximum of 27 hours per week, effective July 1, 2010 through June 30, 2011.

Roll Call:
Ayes 07
Noes 00
Absent 02
CARRIED

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

RESOLUTION NO. 137-10 *RESOLUTION TO AUTHORIZE CONTRACT WITH
KIM KAVULICH AND TRANSFER OF FUNDS
HEALTH DEPARTMENT*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Sullivan.

WHEREAS: Tioga County Health Department (TCHD) has a staff vacancy in the position of Public Health Educator, and is not currently seeking approval to backfill the position; and

WHEREAS: TCHD, as a result of the staff vacancy, is in need of contractual services for the planning/coordinating of their Health Carnival this summer; and

WHEREAS: County Policy 46 outlines the procedure for contractual hires; and

WHEREAS: TCHD has identified Kim Kavulich as a qualified contractor to provide the services; and

WHEREAS: TCHD has funds available for the contract and Kim Kavulich is willing to provide services; and

WHEREAS: The cost of the contract for services is not to exceed \$4,000; and

WHEREAS: The available funds require transfer into the appropriate budget account lines, which requires Legislative Approval; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Public Health Director to enter into contract with Kim Kavulich to provide health services for the period of June 16th through August 31, 2010, upon approval of said contract by the Tioga County Attorney; and be it further

RESOLVED: That funds be transferred as follows:

From: A4012.10-10 Health Education Personal Services \$ 4,000
To: A4012.40-130 Health Education Contract Services \$ 4,000

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

REFERRED TO

HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 138-10

*AUTHORIZATION TO FILL POSITION
SECRETARY TO THE PUBLIC HEALTH
DIRECTOR
PUBLIC HEALTH DEPARTMENT*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.

WHEREAS: The position of Secretary to the Public Health Director has been vacant due to retirement since 12/31/09; and

WHEREAS: The Public Health Director was granted approval by the Legislature at the 04/22/10 work session to begin recruitment efforts for said position; and

Roll Call:
 Ayes 07
 Noes 00
 Absent 02
 CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION
 PERSONNEL COMMITTEE

RESOLUTION NO. 140-10 *STANDARD WORK DAY AND
 REPORTING RESOLUTION
 TIOGA COUNTY LEGISLATURE*

Adoption moved by Legislator Sullivan,
 Seconded by Legislator Oberbeck.

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Legislator	Loretta Sullivan	6	1/1/2009-12/31/2011	N	7.64
Legislator	Tracy Monell	6	1/1/2009-12/31/2011	N	7.31

And be it further

RESOLVED: That the Tioga County Legislature does hereby attest that the above elected and appointed officials have submitted their three-month log of activities and such are on file with the Legislative Clerk.

Roll Call:
Ayes 07
Noes 00
Absent 02
CARRIED

Legislator Oberbeck made a motion to consider the following late-filed resolution, seconded by Legislator Roberts and carried.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 141-10 *AUTHORIZE TIOGA COUNTY
TO HIRE MANASSE AND SON AUCTIONEERS
TO AUCTION REAL PROPERTY ACQUIRED
BY COUNTY FORECLOSURE*

Adoption moved by Legislator McEwen,
seconded by Legislator Roberts.

WHEREAS: James P. McFadden, Tioga County Treasurer and tax enforcement officer is in charge of implementing the tax foreclosure of properties under Article Eleven of the New York State 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: The Treasurer has recently conducted a request for proposal for auction services and received responses from three auction companies; and

WHEREAS: Manasse and Son Auctioneers is qualified and has the experience to perform the services of a public auction and Manasse and Son 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 and Son Auctioneers for the public auction of tax foreclosure properties, pending approval by the County Attorney as to form.

Roll Call:

Ayes 07

Noes 00

Absent 02

CARRIED

The meeting was adjourned at 6:21 P.M.