

Third Regular Meeting
March 10, 2009

The Third Regular Meeting of 2009 was called to order by the Chair at 6:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Monell to have a moment of prayer. “Lord, we thank you for granting us the opportunity to serve. We thank you for the direction that you give to each of us. We pray that you would please continue to give us guidance as we endeavor to make the necessary decisions for the good of Tioga County. We pray that your hand will be with us each step of the way as we go forward in these unsettling times and may the good of the people of Tioga County be uppermost in our thoughts as we transition through the economic climate that is upon us. We ask for your continued leading hand as we face the tasks of leadership. We ask all these things in the name of our Lord and Savior.”

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

There were approximately 47 people in attendance.

Denis McCann of the Employee Recognition Committee presented the Employee of the 1st Quarter 2009 to Cathy Haskell of the Economic Development & Planning Department.

“First I would like to thank the Legislature for supporting the Employee Recognition Committee and all the efforts. It is appreciated. I would also like to thank the Employee Recognition Committee members, past, present, and future. As I mentioned Cathy Haskell is the Employee of the First Quarter 2009. Cathy started her career with Tioga County in August of 1993 when she was hired as an Account Clerk Typist in Mental Hygiene. In February of 2000 she was promoted to Senior Account Clerk Typist. In June of 2001 she was promoted to Payroll Clerk where she served until August of 2004 when she was promoted to Administrative Assistant. In June of 2005 Cathy left Mental Hygiene and moved to her current position of Secretary to Economic Development & Planning.

“In her current position Cathy is responsible to five people in the two Departments. She must be familiar with the many programs that are administered through these Departments as well as the activities of the Tioga County Local Development Corporation and the Tioga County Industrial Development Agency. Along with her normal secretarial duties she maintains a small business assistance website, assists in the maintenance of data for our Empire Zone Program, payroll, department billing and record keeping, and tracks employee information for preparation of State vouchers for reimbursement. Cathy is the main contact for

small business workshops sponsored by Economic Development. In all of these areas Cathy demonstrates a high level of initiative and creativity, deals with a variety of people, and in all cases interacts effectively and professionally.

“Outside of work Cathy is active with her Church. She and her husband Gary live in Tioga County with their children, Tim, Lindsay, and Sarah. I want to point out a personal note, in June of 2005 when Cathy left working for me to go work for Doug, actually I also was meeting with Ron and he was who I reported to and Doug came in and poked his head into a meeting with the courtesy that he was interviewing Cathy and let us know, and we both said you are going to love her and have fun with her because we knew you were going to offer and give her a promotion. I said at that time you are going to be very happy with that decision and I know that you are.”

Doug Barton, Director of Economic Development & Planning, spoke. “When you are employee of the quarter you do get one wish. Cathy’s was that I keep my remarks short. My remarks will be short, but be sure that we are long in appreciation in our Department for Cathy’s efforts. I would like to thank the Legislature first because they have supported this program and I think it is a very important program to support. Of course I want to thank the Recognition Committee for their hard work and selection process. I know that each quarter there are a number of deserving candidates and I am sure that the decision can be a difficult one to make.

“Managing people is much easier when you have professional, dedicated staff and I have been blessed to have that in Economic Development & Planning. I have a smart committed group who works well as a team. In my management training years I have learned a number of skills. Motivation, they teach team building. They teach problem solving, decision making, stress management, time management, performance measurement, and many others. Very little time is spent on how to determine the best fit for a position that you are hoping to fill with just the right person. Because if you hire the right person the required management skills, like motivation, team building, stress management, and all the others that I mentioned, are really much easier.

“Four years ago we hired the right person. Yes they were people who on paper had the necessary skills to perform the job duties and there were probably people who may have even had the personality to fit into our small department, but Cathy brought so much more than that to our Department. Words like reliable, respectful, resourceful, results oriented, responsive, and responsible, only begin to describe her approach to work. Daily she contributes to the success of our Department. I am regularly pleased and even sometimes surprised at her ability to not only take on assigned tasks, but to anticipate what needs to be done to improve our daily workload, and she consistently exceeds performance expectations. She

effectively handles concurrent assignments from all of the Department and at all times has represented our Department with the business world in a professional manner. We are all fortunate to have Cathy as part of our team. Cathy, thank you and this is a well deserved honor.”

Cathy Haskell spoke. “I would just like to say this is a great honor and I truly appreciate it. I find it a privilege to work for Tioga County and for the Economic Development & Planning Department. I just appreciate you all. Thank you.”

Chair Weston asked for unanimous passage of two recognition resolutions recognizing Daniel Eiklor and Paul LeBlanc.

Legislator Sauerbrey read and presented a recognition resolution and plaque to Daniel Eiklor of the Sheriff’s Department.

**REFERRED TO: PUBLIC SAFETY
PERSONNEL COMMITTEE**

**RESOLUTION NO. 99-09 RESOLUTION RECOGNIZING
DANIEL G. EIKLOR’S 33 YEARS
OF DEDICATED SERVICE TO
TIOGA COUNTY**

**Adoption moved unanimously,
seconded unanimously.**

WHEREAS: Daniel G. Eiklor was appointed Building Maintenance Mechanic on 1/13/76; appointed Deputy Sheriff-Jailer on 6/6/77; appointed to Deputy Sheriff on 1/1/81; appointed to Investigator on 3/24/90; and appointed to Senior Investigator on 1/1/04; and

WHEREAS: Daniel G. Eiklor has been dedicated and loyal in the performance of his duties and responsibilities during the past 33 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Daniel G. Eiklor will retire from the Tioga County Sheriff’s Office on March 16, 2009; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Daniel G. Eiklor for his more than 33 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Daniel G. Eiklor.

CARRIED UNANIMOUSLY

Sheriff Howard spoke. "I am not going to keep you long. I did some workup. First thing I want to say is, Marte, I am losing everyone. In December I lost Lenny Jackson and in January Pat Scott, and now Dan Eiklor, and I think there is more to come. I think they are telling me something.

"I went through Dan's records today and just to give you an idea of what he has done for us. He has worked for the Sheriff's Office for 11,298 days. To put that into perspective a little bit, he has worked in the Criminal Division 6,932 days, which equates to 18 years or so. Now along with that, Investigators are on call and I figured out today that Dan Eiklor was on call for four straight years. After 10:00 o'clock when they go home, at 10:00 o'clock when that phone rings, as it was in my house, I was the only one that answered because it was for no one else but the Investigator on call. Think of yourself of being on call for four straight years, that is what Dan has dedicated to the Sheriff's Office and the people of the county. I am going to miss Dan. It has been 30 years or so that we have worked together. Surveillances together, some good cases, some bad cases, and the Sheriff's Office and everyone involved in the county are going to miss you."

Dan Eiklor spoke. "Sincere thanks to the members of the Tioga County Legislature for the honor and privilege of being here tonight. A special thank you to Sheriff Howard, Undersheriff Jackson for being able to work with them and for them, all the other fellow employees, payback time is tonight. My wife, Rose, daughter, Amy and son, Eric for the times that they have supported me. Thank you and I am sincerely going to miss everybody."

Legislator Huttleston read and presented a recognition resolution to Paul LeBlanc. "I have to congratulate the Community Services Board, when they hired you it was a happy day when they hired you and it is a sad day now. I hope they do as good a job at picking the next Director as they did picking you. The next Director will have a tough pair of shoes to fill. I thank you for all your service and I am quite sure that people with disabilities in this county are certainly a lot better off because of you. I appreciate it. It made my job a lot easier."

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 100-09 *RESOLUTION RECOGNIZING
PAUL J. LEBLANC’S 10 YEARS
OF DEDICATED SERVICE TO
TIOGA COUNTY*

**Adoption moved Unanimously,
seconded Unanimously.**

WHEREAS: Paul J. LeBlanc was appointed Director of Community Services on 4/5/99; and

WHEREAS: Paul J. LeBlanc has been devoted and faithful in his oversight of the mental health services provided to the citizens of Tioga County during the last 10 years, and a steadfast, spirited advocate for the delivery of high quality services to those in need; and

WHEREAS: Paul J. LeBlanc will retire from the Tioga County Department of Mental Hygiene on March 31, 2009; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Paul J. LeBlanc for his 10 years of devoted and faithful service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Paul J. LeBlanc.

CARRIED UNANIMOUSLY

Legislator Huttleston spoke. “To his wife, he is all yours now and I hope you have a lot of projects lined up for him. I am quite sure you do. We appreciate you and Paul being a part of our community and a part of our Mental Health program. Thank you.”

Paul LeBlanc spoke. “Be careful what you ask for dear. I want to thank the Tioga County Legislature and the Community Services Board for giving me the honor and the privilege of holding this position for the last 10 years. It has been my pleasure to do so. A couple people that I want to thank, I want to thank Dale for listening, being pragmatic, and giving me some support and advice at times. I really want to thank Dick. Dick has always been there behind the scenes. Dick really understands Mental Hygiene and has been a strong advocate, strong supporter and

has been very helpful to me. Actually Dick is the only one here now from the beginning.

“My fellow department heads, especially Shawn and Hans who have helped me stay on this wild rollercoaster that we have and help me from falling off from time to time. There are so many staff that really have done such a great job. You have a lot of work to do ahead of you. I have great respect for the Legislature from the first time that I was involved with the Legislature. I was impressed by the fact that you do your business as a group in worksessions in public and I know that you have a very difficult job ahead of you and I wish you the best of luck. I think you have got opportunities as well for great success for all that is going on right now. Thank you so much for this and best wishes.”

Paula Guiles spoke. “I am current Chair of the Community Services Board and Paul is our Director. Basically he keeps us in line and we provide a system of checks and balances for each other. I was going back over some of my records and I decided that what I wanted to do was to highlight some of Paul’s recent accomplishments. I am sure you all remember the flood of 2006 and Paul was instrumental in obtaining FEMA grants so that we could provide some counseling services to residents of Tioga County during that time. We had a program set up that actually served approximately 350 county residents. It was a grant that was held for a whole year. Paul managed to get a grant for a whole year.

“He was instrumental and he partnered with the Health Director and DSS Commissioner to develop a healthy families program in Tioga County which is to talk about the specific needs and the specific intricacies of newborn babies and families. There were some things that were instrumental to the department too. One is that actually from time to time we have suffered really high no show rates as far as our clinical program goes. Paul and many people in the department, but Paul was instrumental in doing this, we put into place a system of call backs to remind people of their appointments and significantly reduced the no show rate. Also our department now has a continuous quality improvement plan which Paul was instrumental in putting together and that was part of what was the software system for instituting the call backs for no shows.

“I do not know how many of you are aware, but in today’s day and age actually there is a system that comes down to us called evidence base best practices. It has been around for a number of years, but now it is becoming more and more prevalent in the Mental Health community, and what it does is devise a system of standardized instruments to measure what works and what does not work and how well it works. Paul also has been instrumental in getting that plan off the ground. Also this last fall we were privileged to have our first integrated planning effort. What that is, is a plan that goes to the State and what Paul did this last year was bring our OMRDD subcommittee, our Alcohol and Drug sub-committee, and the

Mental Health committee together to devise a plan that we would send into the State. It is a first.

“Recently Paul advocated and was able to get the funding through the Legislature for a Medicaid Compliance person and basically last year or a couple years ago the Office of Mental Health came up with a Medicaid Inspector General. Basically their job is to recoup Medicaid funds due to improper billing and improper record keeping and all that kind of stuff. We now are fortunate to have a person on board who can keep us on a straight and narrow with that, thereby saving a great deal of money because their plan is to get back millions of dollars over the next several years and increasing amounts every single year. So this is a really important piece of that.

“We also got telepsychiatry thanks to Paul. We have a system from Columbia University and basically we have access to their chief psychiatrist there who can help us in difficult situations with children. It has been used a couple times now. The turn around time for opinions and feedback has been very good. It also has been a great connection for one of the children who that was used for. He has always been a really broad thinker. He always brings to us this global picture of how the State affects us all the way across the board, but then there are a couple of funny things too, like Paul always brings chocolate to meetings. Without his chocolate some of those meetings we would not have survived and, in fact, we have not figured out yet how we are absolutely going to have enough chocolate to keep these things going. Recently Paul and I have shared some personal conversations and he has shared with me that in his upcoming retirement he wants to get on his tractor and plow a garden. So I just thought that you all should know about that. I will miss him greatly. Thank you Paul.”

Ruth Roberts spoke. “For those of you who know Paul you know he thinks big. No idea is little coming from Paul LeBlanc. All I can say is we have benefited from that in our department in terms of our program development and the spirit and the energy that surrounds our operations and also the creativity, but most importantly I think that was demonstrated in his real commitment to meeting the needs of Tioga County residents who are struggling with a disability. I suspect that he will take that spirit and 110% into retirement so he is all yours Nancy.”

Shawn Yetter, Commissioner of Social Services, spoke. “Hans and I have agreed that I am speaking on behalf of both of us, which is always dangerous Hans. This will be new for me, I have been back as a Department Head for six years and Hans and Paul and I have been a team for those six years, and I think that is what I would want to focus on in wishing him well is that this County is very fortunate that our three departments and this was strengthened by the building of the Health & Human Services building. We are very fortunate about the team work that does happen between departments and it would not happen without the dedication of

department heads and Paul is always at the forefront of being a team player with the other departments.

“Hans and I are very appreciative of that. We meet every other week on Friday mornings for breakfast. Paul has only stood me up once I think over the course of time, but that is a very informal opportunity for us to strengthen the relationship that we have had over the years because it is quite often that our departments are at opposing forces in regards to the services that we are delivering and we have to be very careful of how we are working with each other to make sure our relationships are strong, and bottom line being that our services are being delivered. Paul we will miss you as part of the team and we wish you nothing but the best.”

George Penney had privilege of the floor. “First let me commend the Legislature on their desire to reduce expenses by reducing even a small amount of paper, however I would suggest that this new format maybe could stand some improvement in that it does reduce the ease with which the public can participate.

“As to resolution no. 32 which is to authorize contracts with Owego Apalachin Central School District and Central New York Services for school-based social worker and appropriations of funds, I would suggest that you might reconsider this resolution because as of now it will be applied to only one School that I am aware of. Are you expecting this to apply to other Schools as well throughout the County? If so there might be considerably more expense than you might have considered.

“As to resolution no. 25 to authorize disbursement of HUD CDBG revolving loan funds to Tioga County Industrial Development Agency, I would remind you that a few years ago the State Comptroller publicly criticized the Legislature for failure to oversee the expenditures of these very funds. Now it is proposed to turn those funds over to the IDA. The Legislature has, if any, less control over the IDA than it did over the other situation. What I would suggest is that you give very serious consideration to both of these resolutions. Thank you.”

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		1,334.18
A1165	District Attorney		2,889.77
A1170	Public Defender		2,710.70
A1172	Assigned Counsel		18,506.87
A1185	Medical Examiners/Coroners		5,519.29
A1325	Treasurer		11,833.90
A1355	Assessments		2,250.00

A1362	Tax Advertising and Expense		2,607.94
A1410	County Clerk		2,002.95
A1411	Department of Motor Vehicles		4,433.03
A1420	Law	80.00	2,928.60
A1430	Personnel		2,992.69
A1450	Elections		1,867.67
A1460	Records Management		353.11
A1640.41	Records Management Grant		3,000.00
A1490	Public Works Administration		400.14
A1620	Buildings		83,269.58
A1680	Information Technology		2,810.96
A2960	Education of Handicapped Children		217,368.94
A3020	Public Safety Comm E911 System		4,509.46
A3110	Sheriff		20,668.47
A3110.41	Sheriff-Court Attendants		2,536.50
A3116	Sheriff CPSG		1,811.85
A3140	Probation		1,199.30
A3142	Alternatives to Incarceration		775.45
A3146	Sex Offender Program		8,766.67
A3150	Jail	670.99	46,368.67
A3315	Special Traffic Programs		1,066.43
A3410	Fire	990.82	7,809.54
A3640	Emergency Mgmt Office		322.52
A4010	Public Health Nursing		38,237.62
A4011	Public Health Administration		13,096.96
A4012	Public Health Education		213.58
A4042	Rabies Control		306.89
A4044	Early Intervention	406.00	47,058.20
A4053	Preventive/Primary Health Services		110.55
A4054	Preventive Dental Services		2,613.99
A4062	Pre-Natal Care and Assistance		19.00
A4064	Managed Care-Dental Services		14,281.64
A4070	Disease Control		2,314.42
A4090	Environmental Health		6,145.05
A4210	Alcohol & Drug Services		22,110.38
A4211	Council on Alcoholism		19,847.32
A4309	Mental Hygiene Co Admin	169.00	10,272.64
A4310	Mental Health Clinic		73,129.52
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		27,324.92
A4321	Intensive Case Management		2,084.00
A6010	Social Services Administration		96,553.66
A6422	Economic Development		3,667.06
A6510	Veterans' Service		136.00

A6610	Sealer Weights & Measures	179.64
A7180	Snowmobile Grant Program	48,545.00
A7310.41	Youth Programs, Refundable	14,201.97
A7510	Historian	357.32
A7989	Tourism	9,690.00
A8020	Planning	298.38
A8025	Regional Planning 7-County Board	11,137.00
A9060	Health Insurance	1,407.64
SOLID WASTE FUND		68,617.94
COUNTY ROAD FUND		96,738.05
SPECIAL GRANT FUND		12,859.28
CONSOLIDATED HEALTH FUND		876,157.37
CAPITAL FUND		539,315.80
LIABILITY INSURANCE FUND		828.60
WORKERS' COMP		<u>5,409.00</u>
GRAND TOTAL		\$ 2,533.119.62

Legislator Roberts made a motion to approve the minutes of February 5, 10, 19, and 26, 2009, seconded by Legislator Oberbeck, and carried.

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

Chari Weston read the 2008 Highlights for the State of the County Address.

Areas of note within Tioga County in 2008 and 2009 goals.

- I. On the Economic Development front:
 - Moved ahead with work on E=MT³
 - Preparation for the 2010 Census resulted in the recovery of over 1,000 new addresses.
 - Successfully assisted in the "Connect Tioga" initiative.
- II. County Government organization:
 - County Clerk in conjunction with DMV generated over 1.7 million.
 - People v. Calvin Harris murder trial. Jury selection was supposed to commence on February 17, 2009, but a request was made for a nonjury trial, then Judge Smith recused himself, and a new Judge was appointed. Trial is to take place sometime this summer in Tioga County.
 - CSEA negotiations – despite considerable efforts to resolve, negotiations carried over into 2008 and were completed in September, resulting in a 4 year contract.
 - Child Support Enforcement Unit collections reached a record level for the fifth year in a row, with collections totaling over 5.7 million.
 - May 2008 Transportation survey by Social Services nets route changes to better serve riders

- Transportation contract expired in 2008 and a new contract was awarded to Tioga Transport, Inc.
- School-based dental visits provided to children increased by 16% from 2007
- In August 2008 the Health Department conducted a drill to assess its response to pandemic flu by setting up a Point of Distribution (POD) for mass distribution of the anti-viral Relenza (an inhalant), Tioga County being the first county to use Relenza.
- October 2008 the Health Department CHHA and LTHHCP nurses go live on laptop computers, utilizing the Progressa software, for entering patient documentation and physical orders at the point-of-care.
- Mental Hygiene consumer satisfaction survey yields average score of 90 compared with score of 88 for 2007.
- Mental Hygiene for the second year in a row paid portion of department fringe costs which happens in only four departments in the County.
- Mental Hygiene worked collaboratively with the Departments of Health and Social Services on continuous implantation of the \$400,000 Healthy Families program for Tioga County.
- Fixed Assets moved from the Records Management to Information Technology.
- Information Technology/Purchasing Coordinator assumed responsibility for county-wide assets and began working on a county-wide asset inventory, which is still in progress.
- Renovations of basement at 56 Main Street for BCC classes to be held once again were completed.

III. Overall good news for the County:

- Sheriff generated \$601,395 in revenue, 3% increase.
- Community College tuition billings were \$2.3 million.
- Less than 2% budget increase second year in a row.
- 2008 was the second year for allowing Pennsylvania residents to use the Barton Transfer station facility as long as they purchased a permit at a \$25.00 annual fee this generated a \$7,060.00 in revenue. This is a 23.9% increase.
- Completed move of Information Technology's new computer room with a backup generator system.

IV. 2009 Goals

- Moving the Department of Motor Vehicles back to County owned property
- Evaluate bridges for closure
- Legislative meetings regarding cost saving initiatives have started
- Properly manage and take full advantage of the stimulus money on behalf of Tioga County
- Pursuing broadband
- Review land auction bidding process

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 101-09 SUPPORT FITNESS CHALLENGE

**Adoption moved by Legislator Huttleston,
seconded by Legislator Oberbeck.**

WHEREAS: The nation, as a whole, has seen an increase in obesity; and

WHEREAS: One of the causes of this obesity is the lack of fitness; and

WHEREAS: To improve the health of our community, it is important that our residents get involved in some fitness activities; and

WHEREAS: The local fitness programs are challenging the community to participate in a "Tioga County Fitness Challenge"; and

WHEREAS: The program is designed to allow anyone (no matter their level of fitness ability) to participate by providing different levels of participation; therefore be it

RESOLVED: That the Tioga County Legislature supports the Tioga County Fitness Challenge program in an effort to provide a healthier community to the people of Tioga County.

CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 102-09 APPORTION DOG FUND MONIES

**Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.**

WHEREAS: There has been received from the County Treasurer a report of the expenditures and surplus from the Dog License Fund monies for the year ended December 31, 2008; be it therefore

RESOLVED: That the County Treasurer is hereby authorized and directed to pay to the several Towns the surplus monies apportioned to them as follows:

Town of Barton	\$1,860.87
Town of Berkshire	\$ 139.51
Town of Candor	\$1,490.14

Town of Newark Valley	\$ 527.05
Town of Nichols	\$ 507.64
Town of Owego	\$2,072.09
Town of Richford	\$ 104.14
Town of Spencer	\$ 677.24
Town of Tioga	<u>\$1,081.59</u>
 TOTAL	 \$8,460.27

Roll Call:
 Ayes 09
 Noes 00
 Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 103-09 *ERRONEOUS ASSESSMENT
 TOWN OF OWEGO*

Adoption moved by Legislator McEwen,
 seconded by Legislator Monell.

WHEREAS: The Village of Owego has notified the Treasurer’s office that the unpaid village taxes for property #546 assessed to Kurt Franzenburg on the 2009 tax rolls of the Town of Owego were releived in error to property #455 assessed to Denis & Heather McCann on the 2009 tax roll of the Town of Owego; and

WHEREAS: The 2009 tax bill for property #455 was paid to the Town of Owego on 1/15/09, and the 2009 tax bill for property #546 was paid to the Town of Owego on 1/23/09; be it therefore

RESOLVED: That a refund of \$707.51 be issued by the Town of Owego Tax Collector to Denis & Heather McCann for overpayment of the 2009 taxes on property #455; and be it further

RESOLVED: That the payment of \$430.59 for property #546 received on 1/23/09 be returned to the Estate of Kurt Franzenburg, and the receipt rendered null & void; and a corrected bill adding the village relevy be issued for property #546 by the Town of Owego as follows:

Kurt Franzenburg
2009 Corrected Tax Bill #546

County	\$ 383.29
Recycle	16.10
Townwide	31.20
<u>Return Village</u>	<u>707.51</u>
TOTAL	\$1,138.10

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 104-09 *ERRONEOUS ASSESSMENT*
TOWN OF SPENCER

Adoption moved by Legislator McEwen,
seconded by Legislator Monell.

WHEREAS: An application for corrected tax roll indicates that property no. 1, assessed to Carl Huff on the 2009 tax roll for the Town of Spencer, is erroneous in that Mr. Huff was eligible for Aged & Enhanced Star exemptions which were not applied therefore reducing the taxable county value from \$10,900 to \$5,450, the town taxable from \$10,900 to \$6,540; and reducing the school taxable value to zero; and

WHEREAS: The 2008-2009 school taxes on property no. 1 were unpaid and relieved on the 2009 Town & County tax bill which has not yet been paid to the Town of Spencer Tax Collector; be it therefore

RESOLVED: That a corrected 2009 tax bill be issued to Carl Huff for property no. 1 by the Town of Spencer Tax Collector as follows:

<u>2009 Corrected Tax Bill Acct #1</u>	
County	\$ 208.29
Recycle	8.75
<u>Townwide</u>	<u>76.36</u>
Total	\$ 293.40

and be it further

RESOLVED: That the erroneous town amount of \$50.90 be charged back to the Town of Spencer; and be it further

RESOLVED: That the erroneous solid waste tax of \$8.74 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax of \$797.41 and the 3% interest of \$23.92 be charged back to the Spencer-VanEtten School District; and be it further

RESOLVED: That the erroneous county tax and penalty amount of \$265.79 be charged to the proper account in the records of the County Treasurer.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 105-09

***ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE***

**Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.**

WHEREAS: An application for corrected tax roll indicates that property no. 449 assessed to George & April Swaney on the 2008 tax roll of the Town of Berkshire is erroneous in that a portion of the property was sold but the assessment was never changed, therefore reducing the taxable value from \$8,300 to \$5,402 for town and county purposes, and \$2,632 for 2007-08 school taxes; and

WHEREAS: The taxes for parcel no. 449 assessed to George & April Swaney, including the relieved school amount were paid 4/20/08; be it therefore

RESOLVED: That a refund of \$2,923.19 be issued to George & April Swaney for overpayment of the 2008 taxes for property no. 449; and be it further

RESOLVED: That the erroneous town tax of \$507.14 be charged back to the Town of Berkshire and the erroneous fire tax of \$121.69 be charged back to the Berkshire Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$25.91 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$1,565.24 be charged back to the Newark Valley School District; and be it further

RESOLVED: That the erroneous county tax and school penalty of \$703.21 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 106-09

***ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE***

Adoption moved by Legislator McEwen,
Seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that property no. 449 assessed to George & April Swaney on the 2009 tax roll of the Town of Berkshire is erroneous in that a portion of the property was sold but the assessment was not changed reducing the taxable value from \$8,300 to \$5,402; and

WHEREAS: The 2009 taxes on property no. 449 have not been paid to the Town of Berkshire; be it therefore

RESOLVED: That the Town of Berkshire tax collector issue a corrected 2009 tax bill to George & April Swaney for property no. 449 as indicated below:

Acct # 449

County	\$ 1,278.21
Recycle	53.67
Townwide	1,042.11
<u>Berkshire Fire</u>	<u>232.36</u>
	\$ 2,606.35

and be it further

RESOLVED: That the erroneous town amount of \$559.06 be charged back to the Town of Berkshire and the erroneous fire tax of \$124.66 be charged back to the Berkshire Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$28.80 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$685.72 be charged to the proper account in the records of the County Treasurer.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 107-09 *AUTHORIZE DECREASE IN
ADMINISTERING MORTGAGE TAX BY
THE TIOGA COUNTY CLERK AS APPROVED
BY NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Sauerbrey.

WHEREAS: Section 262 (Article 11) of the New York State tax law mandates that recording officers are entitled to receive for the county all necessary expenses for the purpose of administration of the mortgage tax in their office and approved allowance by the New York State Department of Taxation and Finance; and

WHEREAS: The Tioga County Clerk has requested proper compensation that are reasonable and necessary allowances to cover county expenditures for collection, disbursements of the mortgage tax; and

WHEREAS: The Tioga County Clerk office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$70,977.00 per year; and

WHEREAS: The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to decrease the mortgage expense to be \$70,977.00 for the period of April 2009 – April 2010; be it therefore

RESOLVED: That the County Clerk be authorized to collect or withhold from its disbursements in twelve (12) equal monthly installments of \$5,914.75 at a total annum amount of \$70,977.00.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 108-09 *ADOPT LOCAL LAW NO. 2 OF 2009*

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: A public hearing was held on March 5, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2009 A Local Law authorizing the County of Tioga and the District Attorney to appoint non-Tioga residents to the positions of Assistant District Attorney; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 2 of 2009; therefore be it

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

County of Tioga

Local Law No. 2 of the Year 2009.

A LOCAL LAW AUTHORIZING THE COUNTY OF TIOGA AND THE DISTRICT ATTORNEY TO APPOINT NON-TIOGA RESIDENTS TO THE POSITIONS OF ASSISTANT DISTRICT ATTORNEY

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

SECTION 1. PURPOSE.

The District Attorney and the Assistant District Attorney[s] are public officers under the Public Officers Law, Section 3, which section requires that such public officers be residents of the County of Tioga in order to hold such office. The purpose of this local law is to authorize non-residents of the County of Tioga to be Assistant County Attorneys due to the limited number of qualified attorneys residing within the County.

SECTION 2. AUTHORITY.

Under the Municipal Home Rule Law, Section 10, the County of Tioga has the authority to authorize a non-resident to hold the position of Assistant District Attorney.

SECTION 3. DEFINITIONS:

District Attorney – The person holding such office as appointed under Section 700 of the County Law.

Assistant District Attorney – The person or persons appointed by the District Attorney under Section 702 of the County Law.

SECTION 4. AUTHORIZATION.

The District Attorney is hereby authorized to appoint non-residents of the County of Tioga to the position of Assistant District Attorney.

SECTION 5: EFFECTIVE DATE.

This local law shall take effect upon filing in the Office of the Secretary of State as provided by 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:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 109-09 *AMEND POLICY 29
RULES OF PROCEDURE OF THE
TIOGA COUNTY LEGISLATURE*

Adoption moved by Legislator Oberbeck,
Seconded by Legislator Monell.

RESOLVED: That Policy 29 Rules of Procedure of the Tioga County Legislature is hereby amended as follows:

Section 4 – Appointments (3)
Remove Criminal Justice Advisory Council

Add Alternatives to Incarceration Board

And be it further

RESOLVED: That the remainder of Policy 29 shall remain in full force and effect.

CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 110-09 *APPOINT MEMBERS TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION*

Adoption moved by Legislator Monell,
seconded by Legislator Sauerbrey.

WHEREAS: The terms of three Tioga County Local Development Corporation members; Eva Mae Musgrave, William J. Woods, Jr. and Samuel F. Thomas expire as of March 31, 2009; and

WHEREAS: Eva Mae Musgrave has expressed a desire for re-appointment and William J. Woods, Jr. and Samuel F. Thomas have declined to serve another term causing two vacancies; and

WHEREAS: The Tioga County Local Development Corporation and the Tioga County Legislature wish to recognize the commitment of William J. Woods, Jr. and Samuel F. Thomas to the Tioga County LDC over the past years; and

WHEREAS: The Tioga County Local Development Corporation Board of Directors has found Scott MacDonald and Laura Costello willing and able to fill these vacancies; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Eva Mae Musgrave for another three-year term of 4/1/09 – 3/31/12 and appoints Scott MacDonald and Laura Costello to fill said vacancies for the three-year term of 4/1/09 – 3/31/12.

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. 111-09 *RESOLUTION REAPPOINTING
MEMBERS TO COMMUNITY
SERVICES BOARD***

**Adoption moved by Legislator Huttleston,
seconded by Legislator Oberbeck.**

WHEREAS: The Denise Brown’s and David McNamara’s appointments to the Community Services Board will expire on March 31, 2009; and

WHEREAS: The Community Services Board has recommended reappointment of these individuals; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That Denise Brown and David McNamara be reappointed to the Community Services Board, each for a term starting April 1, 2009 and ending March 31, 2013.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

**RESOLUTION NO. 112-09 *ACCEPTANCE OF APPLICATION FOR
CARL LAPOSKY TO JOIN THE
TIOGA COUNTY HAZ-MAT TEAM***

**Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.**

WHEREAS: The Bureau of Fire provides high quality Hazardous Materials Team support to the Fire Service in Tioga County and adjacent Counties through the NYS Fire Mutual Aid Plan, and

WHEREAS: This service is provided by local, highly trained volunteers, and

WHEREAS: Anthony Quaranta has left the County Haz-Mat Team; and

WHEREAS: Carl Laposky has applied for membership and is willing to serve on the County Haz-Mat Team, and

WHEREAS: Carl Laposky is currently trained to the New York State Office of Fire Prevention and Control Hazardous Materials Operations level and is currently a New York State certified Advanced Emergency Medical Technician, and

WHEREAS: Carl Laposky will be available for both Haz-Mat and Emergency Medical support with the Haz-Mat Team and this appointment will be at no additional increase to the Bureau of Fire budget due to the return and availability of personal protective equipment recently returned from inactive team members, and be it

RESOLVED: That Carl Laposky be added to the Tioga County Haz-Mat Team roster.

CARRIED

REFERRED TO: ED&P COMMITTEE
AGRICULTURE COMMITTEE

RESOLUTION NO. 113-09 *AUTHORIZE 2009 REQUESTS FOR
INCLUSION OF LANDS IN AGRICULTURAL
DISTRICT*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Sullivan.

WHEREAS: In accordance with §303-B of the NYS Agricultural and Markets Law 25-AA, the Tioga County Planning Department has solicited agricultural land owners to request inclusion of lands in agricultural districts; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and prepared a report listing and summarizing these requests which are located within all three of Tioga County's Agricultural Districts; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed said report and determined that the land to be included consists of viable agricultural land and its inclusion will serve the public interest by helping to maintain a viable agricultural industry within the district and therefore recommends County Legislature approval of inclusion of lands into their respective agricultural districts; and

WHEREAS: The Tioga County Legislature has held the required public hearing and no opposition was heard; therefore be it

RESOLVED: That the Tioga County Legislature approve the 2009 requests for inclusion of land listed in said report into the Spencer and Owego Nichols Agricultural Districts, and be it further

RESOLVED: That the Tioga County Legislature directs the Tioga County Planning Department to submit said report to the Commissioner of NYS Department of Agriculture and Markets for final certification.

CARRIED

REFERRED TO: ED&P & AGRICULTURE COMMITTEES

RESOLUTION NO. 114-09 *RESOLUTION TO ADOPT A SEQR NEGATIVE DECLARATION AND TO APPROVE THE NORTH TIOGA AGRICULTURAL DISTRICT (#3) AS REVISED AND SUBMIT SAME TO THE NEW YORK DEPARTMENT OF AGRICULTURE AND MARKETS FOR APPROVAL*

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

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 North Tioga Agricultural District (#3) to determine if it should be modified or terminated; and

WHEREAS: The Agricultural and Farmland Protection Board has been requested by the Legislature to review the District and make a recommendation for revision or termination; and

WHEREAS: By unanimous resolution the Agriculture and Farmland Protection Board did adopt a proposed plan for modification of the North Tioga Agricultural District; and

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

WHEREAS: A public hearing was held on February 26th, 2009 and the District map and findings along with the proposed revisions were presented to the public; and

WHEREAS: The proposed district review report is comprised of the map and findings filed with the Clerk of the County Legislature for the public comment period and copies showing proposed revisions were presented at the public hearing; and

WHEREAS: The County Legislature has indicated its desire to be designated lead agency for SEQR (State Environmental Quality Review) requirements; and

WHEREAS: This plan has been found to have “ little likelihood of significant adverse environmental impact...” consistent with the programmatic review of environmental effects of agricultural districting by the New York State Department of Agriculture & Markets; and

WHEREAS: Pursuant to the State environmental review processes, certain findings and determinations with respect to potential environmental effects of the proposed action must be made; therefore be it

RESOLVED: That based upon 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 North Tioga Agricultural District would not have a significant impact on the environment; and be it further

RESOLVED: That the Planning Department shall submit to the NYS Department of Agriculture & Markets along with the proposed plan for District modification the “State Environmental Quality Review, Negative Declaration Notice of Non-Significance” appropriately completed to reflect this determination; 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 as required by the NYS Department of Agriculture and Markets describing this proposal, and to submit same on behalf of the Legislature to that agency for review as described in Article 25AA; and be it further

RESOLVED: That it is intent of this body, upon approval by the Commissioner of NYS Department of Agriculture & Markets, to make this revised North Tioga District effective immediately.

CARRIED

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

RESOLUTION NO. 115-09 ***AMEND TIOGA EMPLOYMENT***
CENTER BUDGET

**Adoption moved by Legislator Huttleston,
seconded by Legislator Monell.**

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 New York State Department of Labor, in conjunction with the Governor and the State Workforce Investment Board, will be issuing state level funds to the local areas in order for them to provide gas cards to participants who are in need of them, particularly for those LWIAs who lack a comprehensive mass transit system and/or have significant rural based populations. Tioga County is designated as an eligible area to receive funds, and the funds were requested; and

WHEREAS: The Tioga Employment Center has been approved to receive \$6,250 (six-thousand-two hundred and fifty dollars) in gas card allotment; and

WHEREAS: A new budget line needs to be created on the Tioga Employment Center budget; therefore be it

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

From: CD4791 – Federal Aid-Federal Employment Program	\$6,250.00
To: CD6293.40-487 – Federal Employment Program	\$6,250.00

On roll call vote on the above resolution six members voted Aye, Legislators Oberbeck, Roberts and McEwen voting no, and the resolution was adopted.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 116-09 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

Adoption moved by Legislator Huttleston,
Seconded by Legislator McEwen.

WHEREAS: New York State Child Passenger Safety Program grant funding has been awarded to the Tioga County Public Health Department; and

WHEREAS: The funding is specifically designated for the purchase of grant deliverables; and

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

RESOLVED: That funding be appropriated as follows:

From: A3401.12 State Aid – Health Education	\$ 7,500
To: A4012.20-131 Health Education: Equipment	\$ 6,000
To: A4012.40-640 Health Education: Non-Office Supplies	\$ 1,500

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 117-09 *AUTHORIZE SUBRECIPIENT*
AGREEMENT BETWEEN
COUNTY OF TIOGA AND TIOGA
COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Adoption moved by Legislator Roberts,
seconded by Legislator Oberbeck.

WHEREAS: Tioga County executed a subrecipient agreement with the Tioga County Local Development Corporation (TCLDC) on March 16, 2006 to administer an economic development revolving loan fund (RLF) with grant money acquired under the Small Cities Community Development Block Grant (CDBG) from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, distributed by the U.S. Department of Housing and Urban Development (herein referred to as HUD); and

WHEREAS: Tioga County executed a subrecipient agreement with the TCLDC per Tioga County Resolution 77-95, dated February 16, 1995, for the management of revolving loan funds established from U.S. HUD CDBG grant numbers B-95-DH-36-0262, B-96-DH-36-0271, and B-97-DH-36-0084 (Howland Brothers Co., Inc.); and

WHEREAS: Tioga County approved the RLF Policies and Procedures adopted by the TCLDC per Tioga County Resolution 236-08, dated August 12, 2008, to guide the administration of the funds; and

WHEREAS: The subrecipient agreement between Tioga County and the TCLDC expires on March 16, 2009; and

WHEREAS: All loan programs currently administered by the TCLDC are being prepared for transfer to the Tioga County Industrial Development Agency (TCIDA); and

WHEREAS: The HUD CDBG RLF is a program that could be administered by the TCIDA; therefore be it

RESOLVED: That the Tioga County Legislature shall execute an agreement with the Tioga County Industrial Development Agency for the management of the HUD CDBG RLF and authorizes the Chair or appointee of the Tioga County Legislature to execute the necessary documents per County Attorney approval; and be it further

RESOLVED: That the resolution attached hereto as Exhibit A shall be the resolution utilized to transfer the RLF to the TCIDA for loan disbursement.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

“EXHIBIT A”**REFERRED TO:****ED&P COMMITTEE
FINANCE COMMITTEE****RESOLUTION NO. –08****AUTHORIZE DISBURSEMENT OF
HUD CDBG REVOLVING LOAN
FUNDS TO TIOGA COUNTY
INDUSTRIAL DEVELOPMENT
AGENCY (TCIDA) FOR**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: Tioga County and the Tioga County Industrial Development Agency (TCIDA) entered into a Small Cities Community Development Block Grant Program Subrecipient Agreement for a revolving loan program funded by the settlement proceeds with Howland Brothers Co., Inc. and others; and

WHEREAS: The Legislature needs to authorize the Treasurer to disburse funds from the settlement account to the TCIDA prior to each and every disbursing of loan proceeds; and

WHEREAS: The TCIDA has certified to Tioga County that the loan applicant has satisfied all of the requirements which are conditions precedent to the execution of loan documents and the disbursement of loan proceeds in the sum of \$_____;
and

WHEREAS: The Department of Economic Development and Planning has reviewed and approved the certification and the required checklist of conditions precedent to execution of loan documents and disbursement of funds in the sum of \$_____; therefore be it

RESOLVED: The Legislature authorizes the Treasurer to disburse the sum of \$_____ from the HUD CDBG account number CE8668.40 to the TCIDA to be loaned and utilized according to the Small Cities Community Development Block Grant Program Subrecipient Agreement.

REFERRED TO: LEGISLATIVE WORKSESSION

**RESOLUTION NO. 118-09 *APPOINT FREEDOM OF
INFORMATION OFFICER***

**Adoption moved by Legislator Roberts,
seconded by Legislator Oberbeck.**

WHEREAS: The Tioga County Sheriff’s Office handles a significant number of Freedom of Information requests; and

WHEREAS: Maureen Dougherty, Clerk of the Tioga County Legislature, is the Freedom of Information Officer for Tioga County with the County Attorney acting as Freedom of Information Officer in her absence; and

WHEREAS: It is the desire to have a Freedom of Information Officer appointed to handle the significant amount of Freedom of Information requests that are received by the Tioga County Sheriff’s Office; therefore be it

RESOLVED: That Lieutenant Jeff Anderson of the Tioga County Sheriff’s Office be and hereby is appointed Freedom of Information Officer for Tioga County to handle the Freedom of Information requests received by the Tioga County Sheriff’s Office; and be it further

RESOLVED: That in the event the Freedom of Information Officer makes a personal request for information, said request shall be reviewed by the County Attorney.

CARRIED

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE**

RESOLUTION NO. 119-09 *REAPPOINTMENT OF COUNTY HISTORIAN*

**Adoption moved by Legislator Sullivan,
Seconded by Legislator McEwen.**

WHEREAS: Emma Sedore was appointed Tioga County Historian on November 13, 2001; and

WHEREAS: She is a dedicated Historian; and

WHEREAS: Her term is set to expire March 31, 2009 and she has expressed a desire to continue as the Tioga County Historian for another term; therefore be it

RESOLVED: That Emma Sedore of Owego, New York, be hereby re-appointed County Historian for a two year term from April 1, 2009 until March 31, 2011.

CARRIED

**REFERRED TO: PUBLIC WORKS
PERSONNEL**

**RESOLUTION NO. 120-09 *CREATE TEMPORARY SUMMER LABORERS
PUBLIC WORKS***

**Adoption moved by Legislator Roberts,
seconded by Legislator Monell.**

WHEREAS: There will be a need for the Highway Department to employ six temporary laborers for the summer 2009; and

WHEREAS: There will be a need for the Buildings & Grounds Department to employ one temporary laborer for the summer 2009; and

WHEREAS: The Commissioner of Public Works has budgeted money to cover expenditures of such employment; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works to create and fill a total of seven temporary laborers at an hourly rate of \$10.315/hr. effective 3/31/09 for a temporary duration not to exceed 11/30/09.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

**REFERRED TO: PUBLIC WORKS
PERSONNEL**

**RESOLUTION NO. 121-09 RECLASSIFY CLEANER POSITION TO TITLE
OF MAINTENANCE MECHANIC I IN THE
DEPARTMENT OF PUBLIC WORKS**

**Adoption moved by Legislator Roberts,
seconded by Legislator Monell.**

WHEREAS: Legislative approval is required for positions to be reclassified that would have budgetary impact; and

WHEREAS: The Personnel Office has received a request for reclassification from the Department of Public Works for a Cleaner position currently held by Thomas Murray; and

WHEREAS: Upon review of the position questionnaire which has been completed by the incumbent and his immediate supervisor, it has been determined that the current title of Cleaner is not an adequate reflection of the duties being assigned to and performed by Mr. Murray; and

WHEREAS: The Personnel Department has determined that the Maintenance Mechanic I job description more accurately reflects the work performed by Mr. Murray and is in agreement that the position be reclassified to said title; and

WHEREAS: The Commissioner of Public Works has budgeted appropriately in 2009 for the position's reclassification; therefore be it

RESOLVED: That the Tioga County Legislature authorize Thomas Murray's position of Cleaner (CSEA salary grade 9) be reclassified to a Maintenance Mechanic I position (CSEA salary grade 5) at an annual salary increase of \$5,761.16 effective March 11, 2009.

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

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

RESOLUTION NO. 122-09 *AUTHORIZE CONTRACT AND
TRANSFER FUNDS
PUBLIC HEALTH*

Adoption moved by Legislator Huttleston,
seconded by Legislator Oberbeck.

WHEREAS: Kim Kavulich, Public Health Educator, is out on an extended leave of absence beginning on February 4th 2009; and

WHEREAS: The New York State Tobacco Control Grant requires adequate levels of staffing to implement the strategies and outcomes to meet grant objectives; and

WHEREAS: The Health Department has a need to have the work performed during the leave of absence to meet the grant requirements; and

WHEREAS: Deborah C. Lysczek is available to perform the work for the period of time defined; and

WHEREAS: The Health Department would like to contract with Deborah C. Lysczek to meet our current grant needs and outcomes; and

WHEREAS: Funding for the contract is available due to the leave of absence, yet requires transfer to the appropriate line item; therefore be it

RESOLVED: That the Public Health Director is hereby authorized to enter into a contract with Deborah C. Lysczek to provide Public Health Education services at a bi-weekly rate of \$900.00, for the period starting March 10, 2009 and ending on or before September 11, 2009; therefore be it further

RESOLVED: That funds be transferred as follows:

From: A4012.10-10 Health Education: Personal Services \$ 7,200

To: A4012.40-130 Health Education: Contract Services \$ 7,200

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

**REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE**

**RESOLUTION NO. 123–09 ABOLISH ONE PRINCIPAL ACCOUNT CLERK
AND CREATE ONE SENIOR ACCOUNT
CLERK TYPIST
SOCIAL SERVICES**

**Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.**

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

WHEREAS: The Department of Social Services has submitted a New Position Duties Statement to the Personnel Department which identifies how certain efficiencies can be met within the Accounting Department by restructuring positions; and

WHEREAS: Based upon this statement, the Personnel Officer has determined that the position sought is reflective of a Senior Account Clerk-Typist; and

WHEREAS: A salary decrease of \$5,111 would be realized by abolishing one Principal Account Clerk (grade VII), currently filled provisionally, and creating one Senior Account Clerk Typist (grade V); therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Social Services to abolish one Principal Account Clerk and create one Senior Account Clerk Typist at a total annual salary decrease of \$5,111, effective March 11, 2009; and be it further

RESOLVED: That the previous provisional incumbent would be eligible for permanent appointment to Senior Account Clerk Typist from an appropriate eligible list for said title; and be it further

RESOLVED: That the above position modifications will not change the 2009 authorized headcount for the Department of Social Services.

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 PERSONNEL COMMITTEE
 FINANCE COMMITTEE**

**RESOLUTION NO. 124-09 *AUTHORIZE CONTRACTS WITH
 OWEGO-APALACHIN CENTRAL SCHOOL
 DISTRICT AND CENTRAL NEW YORK
 SERVICES FOR SCHOOL-BASED SOCIAL
 WORKER, AND APPROPRIATION OF FUNDS***

**Adoption moved by Legislator Huttleston,
 seconded by Legislator Sauerbrey.**

WHEREAS: The mission of Tioga County Mental Hygiene is to insure that the mental health needs of the children of Tioga County are addressed; and

WHEREAS: Providing mental health services in community settings such as schools is a well-established method of overcoming the barriers of transportation and stigma associated with going to a mental health clinic site; and

WHEREAS: Tioga County Mental Hygiene has a long and successful history of providing mental health services in schools in Tioga County; and

WHEREAS: Owego-Apalachin Central School District has identified students with significant mental health problems that impact their ability to succeed in school and at home and may impact other students or the learning environment at the school; and

WHEREAS: The Owego-Apalachin School District is requesting one (1) school-based Social Worker be provided by the Tioga County Department of Mental Hygiene to provide mental health services on site to its students; and

WHEREAS: The Owego-Apalachin School Board has approved funding for the addition of one (1) school-based Social Worker; and

WHEREAS: The Department of Mental Hygiene is able to bill Medicaid and third-party payers for services to generate revenue which pays for 60% of the cost of the school-based Social Worker and Owego-Apalachin School District is willing to pay for 40% of the cost of the school-based Social Worker, the total cost of this position is funded with non-County funds with no cost to the County; and

WHEREAS: Central New York Services is willing to contract to provide the school-based Social Worker for this purpose; and

WHEREAS: The Mental Hygiene department seeks authorization to enter into contracts on an annual basis (to end December 31 each year) with Central New York Services and Owego-Apalachin Central School District to provide a school-based social worker; and

WHEREAS: Information on this position will be presented to the Legislature on a quarterly basis or as requested; and

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

RESOLVED: That the Department of Mental Hygiene is authorized to contract with Owego-Apalachin Central School District and Central New York Services for the provision of a school-based Social Worker to the Owego-Apalachin School District; and be it further

RESOLVED: That funding be appropriated as follows:

From: A1620.00 Mental Health: Clinic Fees	\$ 14,400
A1620.10 Mental Health: School Recovery Fee	\$ 9,600
To: A4310.40-120 Mental Health Clinic	\$ 24,000

On roll call vote on the above resolution six members voted Aye, Legislators Oberbeck, Roberts and McEwen voting no, and the resolution was adopted.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 125– 09 *AUTHORIZATION TO CREATE AND FILL
TWO VOTING MACHINE TECHNICIAN
POSITIONS
BOARD OF ELECTIONS*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Monell.

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

WHEREAS: In order to comply with the Federal Help America Vote Act, HAVA, and recently enacted changes in the New York State Election Laws, the Board of Elections has budgeted for and now needs to create and fill two part-time positions (one Democrat and one Republican) to provide technical assistance to insure accuracy, reliability and security of new voting machines in accordance with New York State Election Law §3-300 and §3-302; and

WHEREAS: The Board of Election Commissioners have submitted a new position duties statement to the Personnel Office, which has been reviewed and determined to be classified as Voting Machine Technician; therefore be it

RESOLVED: That the Board of Election Commissioners be authorized to create and fill two part-time Voting Machine Technicians at a rate of \$11.00 per hour retroactive to March 5, 2009 in order for mandatory training to be obtained and work thereafter on an as-needed basis; and be it further

RESOLVED: That Voting Machine Technician positions will be reviewed prior to 12/31/09 in order for the Legislature to evaluate the continued need and use of said positions; and be it further

RESOLVED: That the 2009 authorized part-time headcount for the Board of Elections be increased from 0 to 2.

On roll call vote on the above resolution five members voted Aye, Legislators Oberbeck, Quinlan, Roberts and McEwen voting no, and the resolution was adopted.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 126-09 *INTER-MUNICIPAL AGREEMENT
HAZARDOUS WASTE*

Adoption moved by Legislator Roberts,
seconded by Legislator Oberbeck.

WHEREAS: Tioga County has had a contract and inter-municipal agreement for the disposal of hazardous waste with Broome County over the last eight years; and

WHEREAS: Broome County has developed a proposal plus an inter-municipal agreement allowing Tioga County to utilize Broome County's Hazardous Waste Facility for the year 2009; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to renew the contract and inter-municipal agreement for the disposal of hazardous waste with Broome County for the year 2009.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 127-09 *RESCIND ACCEPTANCE OF SALE
FOR JOHN MARTYAK REAL PROPERTY
ACQUIRED FOR NON-PAYMENT OF TAXES
AND AUTHORIZE REFUND OF BID TO
RICHARD MULE*

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: Property acquired by Tioga County for nonpayment of taxes in the Town of Newark Valley, Tax Map# 43.00-1-31, was approved by the Legislature for sale at Public Auction, which was conducted on August 7, 2008; and

WHEREAS: At said Auction conducted on August 7, 2008, Richard Mule made a bid of \$665,000.00, which was accepted; and

WHEREAS: At that time, Richard Mule made a deposit on the property for \$69,200.00; and

WHEREAS: John Martyak filed Bankruptcy, which bankruptcy is in litigation at this time; and

WHEREAS: Richard Mule has requested the deposit in the amount of \$69,200.00 be returned to him and his bid of \$665,000.00 rendered null and void; and

WHEREAS: This body is agreeable to rescinding its acceptance for sale in the amount of \$665,000.00 and refund of deposit in the amount of \$69,200.00, made at Public Auction, as requested by bidder Richard Mule, provided Richard Mule executes and delivers to the County a release of the agreement to purchase and of any and all claims thereunder, as Bankruptcy filed against the property by the previous owner John Martyak renders the property unavailable for sale by the County at this time; be it therefore

RESOLVED: That the acceptance for Sale at Public Auction is rescinded and Refund of Bid in the amount of \$69,200.00 be hereby approved to Richard Mule, provided Richard Mule executes and delivers to the County a release of the agreement to purchase any and all claims thereunder, for the property hereinafter identified effective immediately:

Town of Newark Valley
Tax Map #43.00-1-31
Assessed Owner: John Martyak
Resolution Number C30-09

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 128-09 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.

WHEREAS: New York State Highway Safety Program grant funding has been awarded to the Tioga County Public Health Department; and

WHEREAS: The funding is specifically designated for the purchase of grant deliverables; and

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

RESOLVED: That funding be appropriated as follows:

From: A3401.12 State Aid – Health Education \$32,000

To: A4012.20-130 Health Education: Equipment \$ 6,000

To: A4012.40-640 Health Education: Non-Office Supplies \$26,000

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

The meeting was adjourned at 6:46 p.m.