

Tenth Regular Meeting
October 10, 2017

The Tenth Regular Meeting of 2017 was held on October 10, 2017 and was called to order by the Deputy Chair at 12:00 P.M. Seven Legislative members were present, Legislators Mullen and Sauerbrey being absent.

Deputy Chair Weston asked Legislator Hollenbeck to have a moment of prayer. "God Bless our Nation's first responders. These are the people that run towards danger while others flee from it. Please keep them in your thoughts and prayers."

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

Deputy Chair Weston noted that we have two recognition resolutions this month.

Legislator Standinger read and presented the following recognition resolution to Susan Haskett of the Public Health Department.

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

REFERRED TO

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 232-17

*RECOGNITION OF
SUSAN HASKETT'S 17 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
PUBLIC HEALTH DEPARTMENT*

WHEREAS: Susan Haskett was appointed to the position of Junior Computer Programmer on October 25, 1999, in the Tioga County Department of Information Technology; reclassified to Software Support Liaison on August 2, 2002; transferred to Tioga County Department of Public Health on January 1, 2006; reclassified to Communications & e-Services Coordinator on February 15, 2016; and also appointed Tioga County Information Security Officer on March 21, 2016; positions she still holds; and

WHEREAS: In the third quarter of 2013 Susan was honored as Team Member of the Quarter by her peers in Public Health; and

WHEREAS: Susan Haskett has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 17 years in Public Health. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Haskett will retire on October 28, 2017; 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 Susan Haskett for her over 17 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, Susan Haskett.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standing spoke. "I have to ask her one question, what is the name puppy on your license plate stand for?"

Susan Haskett spoke. "It is a very big SUV. It was a dare. My husband did not think I would put it on the license plate because I had puppy feet on these big tires. It started out being a Tahoe. He got embarrassed by being asked the same question all the time."

Susan Medina, Deputy Director of Public Health spoke. "I just want to share a couple of words. Sue started with Public Health working at 231 Main Street or here, I do not remember, but I started working with her in 2003 and we were in the 231 Main Street building, and it was always nice going to Sue's office because it was all a beach theme and she has always been so pleasant and sunny to interact with and always was that person you ran to with questions. She always had the answers. She kind of carried that beach theme with her to her different work sites and it has always been nice to go and having to talk to her about something, and she always had that sunny personality and that will definitely be missed.

"I also want to share that working with Sue, she would be doing different trainings and meetings and she would always talk about "I am wearing this hat" and either it is the IT hat or Worker Compliance hat, and I would always sit there and think of all these hats Sue must be floating around juggling all the time and that is another piece that definitely everybody is going to miss is Sue with all her various hats and roles that she had with us. I just have to say personally, I have been Sue number two since I have started and it is going to be very lonely being the only Sue there. I wish you well with everything and definitely know that we are going to miss you."

Lisa McCafferty, Public Health Director spoke. "Actually it just dawned on me, yes it is Sue one and two. We do not have to do that anymore, but we still have Lisa one and two. I do not know what more to say because Sue two kind of said along the lines of what I was going to say. In the short time I have been here in Tioga County it has been a pleasure working alongside Sue Haskett. She has had a lot of interesting insights to a lot of things, which have occurred in the County and all I will say in that line is she does communicable disease. We had some interesting cases that occurred under her watch.

"The one thing every day when I would see her in my travels throughout the building you always wear such bright colors and it is just always enjoyable to see somebody no matter what time of the year just the super bright colors. Yes, as you heard her office is always decorated with the ocean theme and I just have pictures of Sue hanging out down there by the Jersey shore and lounging and enjoying the ocean, and I envy you that because it has been a while since I have been down that way. Best wishes for your future and it has been a pleasure working with you. Congratulations."

Susan Haskett spoke. "I want to thank all of you and I will see you still because I am still here as Information Security Officer, so I will be still around. Thank you so much. I really appreciate it."

The following recognition resolution for Sharon Ulrich of the County Clerk's Office will just be noted.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO: 233-17 *RECOGNITION OF
SHARON ULRICH'S 17 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
CLERK'S OFFICE*

WHEREAS: Sharon Ulrich was hired as a Recording Clerk on October 10, 2000, in the Tioga County Clerk's Office; and

WHEREAS: Sharon Ulrich has been a loyal, conscientious, and professional employee in the performance of her duties and responsibilities during the past 17 years in the Clerk's Office; and

WHEREAS: Sharon has always been ready, willing, and able to assist with training new employees and providing a helping hand to whatever task needed to be done; and

WHEREAS: Sharon Ulrich will retire on October 28, 2017; 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 Sharon Ulrich for her 17 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, Sharon Ulrich

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Deputy Chair Weston stated that there are two Proclamations, one on National Arts and Humanities Month in Tioga County, and one on Lead Poisoning Prevention Week, which both will just be noted.

NATIONAL ARTS AND HUMANITIES MONTH OCTOBER 2017

WHEREAS: The month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for over 30 years; and

WHEREAS: The arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS: The arts and humanities enhance and enrich the lives of every American; and

WHEREAS: The arts and humanities play a unique role in the lives of our families, our communities, and our country; and

WHEREAS: The nonprofit arts industry also strengthens our national economy by generating \$135 billion in total economic activity annually, \$22.3 billion in government revenue, and by supporting the full-time equivalent of 4.1 million jobs; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim October as

National Arts and Humanities Month in Tioga County, NY

and call upon our citizens to celebrate and promote the arts and culture in our nation and to specifically encourage the greater participation by those said citizens in taking action for the arts and humanities in their towns and cities.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: Lead poisoning is a serious, permanent condition that can lead to medical ailments, stunted physical and mental growth, behavioral problems, and developmental delays in children; and

WHEREAS: Lead poisoned children have increased medical costs, educational needs and increased risk for criminal behavior as adults; and

WHEREAS: The goal of New York State's Healthy People 2020 is to eliminate lead poisoning in children; and

WHEREAS: New York State Public Health Law states that all one and two year olds be tested for lead levels to identify poisoned children; and

WHEREAS: Tioga County Public Health works with medical providers and parents to advocate child lead testing to reduce the risk of exposure to lead in the home; and

WHEREAS: Lead poisoning is completely preventable by knowing and eliminating all possible lead sources children may have access to; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the week of October 22-28, 2017 as

LEAD POISONING PREVENTION WEEK

and urges all residents to take steps to educate themselves, their families, and the community about the importance of lead poisoning prevention.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of September 12 and 21, 2017, seconded by Legislator Hollenbeck, and carried.

Deputy Chair Weston made the following appointment to the Municipal Electric and Gas Alliance Committee (MEGA):

Ellen Pratt – 11/13/17 to 11/12/21

Deputy Chair Weston stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 234-17	RESOLUTION HONORING JOHN V. SCOTT, TIOGA COUNTY FIRE COORDINATOR

WHEREAS: The Tioga County Legislature is interested in honoring the memory of long serving Tioga County Fire Coordinator John V. Scott who died on July 20th, 2016 in a motor vehicle accident while working as the Tioga County Fire Coordinator in response to an emergency situation in which the Tioga County Fire and Police radio communications tower was not transmitting due to the loss of electrical power; and

WHEREAS: The Tioga County Legislature recognizes that Tioga County Fire Coordinator John V. Scott served in the Fire Coordinator position for over 20 years; and

WHEREAS: The Tioga County Legislature recognizes that Tioga County Fire Coordinator John V. Scott served as an emergency responder in his role as Tioga County Fire Coordinator. The legislature hereby acknowledges that Tioga County Fire Coordinator John V. Scott in his capacity as Tioga County Fire Coordinator did respond to Fires and Hazardous Materials incidents and actively participated in the suppression of the fires and handling of Hazardous Material Incidents, usually in a leadership Incident Command System (ICS) role. The Tioga County Legislature acknowledges that for those purposes Tioga County Fire Coordinator John V. Scott was issued a Tioga County owned 4 wheel drive SUV equipped with fire and police Radios, red lights and siren, which he used on a 24 hour a day, 7 day per week – 365 days per year basis along with Tioga County issued personal protective equipment consisting of full jacket and pants turnout gear with helmet and boots. The Tioga County Legislature acknowledges that the Legislature was fully aware that the Tioga County Fire Coordinator participated in fire suppression and hazardous materials incidents as a part of his Tioga County Fire Coordinator position; and

WHEREAS: The Tioga County Legislature wishes to see Tioga County Fire Coordinator John V. Scott recognized for his dedicated service to Tioga County by supporting the nomination of Tioga County Fire Coordinator for Federal Public Safety Officer benefits in order that John V. Scott's name can be entered on the National and New York State walls honoring firefighting personnel who die in the line of duty; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the submission of this resolution to the United States Department of Justice Bureau of Justice Assistance for the purpose of supporting the application for benefits for Tioga County Fire Coordinator John V. Scott.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

Legislator Standinger spoke. "I would just like to say that John Scott provided many years of honorable service and unfortunately his demise was the result of his actions involved in examining an issue with the emergency communications tower. May he rest in peace."

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 235-17 *AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE VILLAGE OF OWEGO TO THE VILLAGE OF OWEGO*

WHEREAS: Property located in the Village of Owego transferred to Tioga County, identified as Tax Map number 118.17-1-1.2, parcel number 1803 owes 2015, 2016 and 2017 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by The Village Of Owego, who has made an offer to purchase the property for \$1.00 "as is"; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$1.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the Village Of Owego, identified on the Village of Owego Tax Map as number 118.17-1-1.2, parcel number 1803, to The Village Of Owego or assigns.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 236-17 *SET PUBLIC HEARING 2018 BUDGET*

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2018 be held at 6:00 P.M., Wednesday, November 15, 2017 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 237-17 TRANSFER OF FUNDS AND JAIL BUDGET MODIFICATION

WHEREAS: Funding for Jail Overtime within the Jail Budget will soon be depleted; and

WHEREAS: It will be necessary to continue to fund Correction Officer Overtime for the remainder of 2017 and unspent funds remain in an expense account within the Jail Budget; and

WHEREAS: Legislative approval is needed to modify the budget and transfer funds between an expense account and a personnel services account; now therefore be it

RESOLVED: That the following funds be transferred to re-appropriate the Jail Overtime account as follows:

From: A3150 540140	Contracting Services	\$ 40,000
To: A3150 510030	Overtime/Other	\$ 40,000

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 238-17 *TRANSFER OF FUNDS FROM
SHERIFF TO JAIL AND
BUDGET MODIFICATION*

WHEREAS: A budget modification is required for the Full Time line item within the Jail Budget to account for contractual raises agreed upon and enacted within the 2017 fiscal year; and

WHEREAS: The Director of Budget had appropriated surplus funds into the 2017 Sheriff's Full Time line item in anticipation; and

WHEREAS: Legislative approval is needed to modify the budget and transfer funds between departments; therefore be it

RESOLVED: That the budget be modified and the following funds be transferred as follows:

From:	A3110 510010	Sheriff	Full Time Salary	\$ 113,484.00
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To:	A3150 510010	Jail	Full Time Salary	\$ 113,484.00
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ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 239-17 *MODIFY 2017 BUDGET
EMERGENCY MANAGEMENT*

WHEREAS: The Emergency Management Office has made some upgrades to the Emergency Operating Center; and

WHEREAS: The 2017 budget needs to be modified to create a budget line item A3640 520090 for Computer Equipment to pay for such expenses; and

WHEREAS: There are available funds in the EMO A3640 budget to cover said expenses; therefore be it

RESOLVED: That the 2017 budget be modified and budget transfer authorized as below:

Transfer From:	A3640 540220 EMO Automobile Fuel	\$950.00
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Transfer To:	A3640 520090 EMO Computer	\$950.00
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ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 240-17 *BUDGET MODIFICATION/TRANSFER OF FUNDS
BOARD OF ELECTIONS*

WHEREAS: Legislative approval is required for a budget modification and transfer of funds; and

WHEREAS: The part-time Voting Machine Technicians are both new and need additional time to perform their duties, including programming the machines for the General Election on November 7th; and

WHEREAS: The additional funding needed will require a budget modification and transfer of funds; therefore be it

RESOLVED: That the following funds be transferred:

From:	A1450 540143 Election Inspectors	\$10,000
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To:	A1450 510020 Part Time/Temporary	\$10,000
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ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE/LEGAL COMMITTEE
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RESOLUTION NO. 241-17	<i>TRANSFER FUNDS AND FUND CAPITAL RESERVE ACCOUNT</i>
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WHEREAS: The Tioga County Legislature recognizes the importance of County Capital Infrastructure, Equipment, Computer Software and Hardware enhancements, and established funds for such needs in Resolutions No. 320-13 and No. 119-13; and

WHEREAS: The Tioga County Legislature would like to replenish the depleted Capital Reserves through funds it receives from Gaming Casino Revenue as the host county for the Tioga Downs Casino; and

WHEREAS: Tioga County has receipted into the General Operating Fund State Aid Casino Revenue for the period of 12/2016 through 6/2017 in the amount of \$665,874.00 into account A1340 430160; therefore be it

RESOLVED: That the Tioga County Treasurer transfer \$665,874.00 from the General Operating Fund to the Capital Fund; and be it further

RESOLVED: That the Tioga County Treasurer funds the Capital "Land, Equipment, and Infrastructure Reserve" with \$665,874.00 from the Capital Fund balance:

FROM: A1340 430160 State Aid Casino Revenue	\$ 665,874.00
TO: A9950.93-715 Transfer to Capital Fund	\$ 665,874.00
FROM: H5031.00 Interfund Transfer	\$ 665,874.00
TO: H387807 Capital Land, Equipment & Infrastructure Reserve	\$ 665,874.00

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 242-17 RESOLUTION ABOLISHING RABIES DONATION COMMITTEE PUBLIC HEALTH

WHEREAS: Tioga County Public Health, Tioga County Treasurer and the Chair of the Legislative Health & Human Services Committee have determined that the Rabies Donation Committee is no longer needed, as it is not required and has not met in over 18 years; and

WHEREAS: There is written policy for receipted donations, disbursement of funds as well as established criteria and internal controls; and

WHEREAS: Abolishing an existing Committee as well as appointments to a Committee requires Legislative approval; therefore be it

RESOLVED: That the Rabies Donation Committee be abolished and removed from the Committee list.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 243-17 *RESOLUTION ABOLISHING COMMITTEE*
PRESCHOOL SPECIAL EDUCATION
PUBLIC HEALTH

WHEREAS: Tioga County Public Health and the Tioga County Attorney have determined that the appointments to the Committee on Preschool Special Education (CPSE) are not required by resolution; and

WHEREAS: The CPSE Committee is not the responsibility of Tioga County Public Health, rather each individual school district maintains their own; and

WHEREAS: Abolishing an existing Committee as well as appointments to a Committee requires Legislative approval; therefore be it

RESOLVED: That the Committee on Preschool Special Education be abolished and removed from the Committee list.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 244-17 *AUTHORIZATION OF EARLY INTERVENTION
OFFICIAL DESIGNEE
PUBLIC HEALTH*

WHEREAS: Tioga County Public Health (TCPH) provides Early Intervention services; and

WHEREAS: Tioga County resolution #166-17 established the Community Health Program Supervisor as the Early Intervention Official (EIO); and

WHEREAS: TCPH wishes to clarify that the EIO is the one authorized to assign an Early Intervention Official Designee (EIOD) and that this assignment does not require Legislative approval via resolution; therefore be it

RESOLVED: That the Early Intervention Official is authorized to assign the Early Intervention Official Designee status without need of Legislative resolution.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 245-17

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS

WHEREAS: A project for the Day Hollow Road over Foster Creek Bridge Rehabilitation Project, PIN 9754.14 (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering / Design work, Right-of-Way Incidentals work and Right-of-Way Acquisition work;

NOW, THEREFORE, the Tioga County Legislature, duly convened does hereby

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED: That the Tioga County Legislature hereby authorizes the County of Tioga to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering / Design work, Right-of-Way Incidentals work and Right-of-Way Acquisition work for the Project or portions thereof; and it is hereby further

RESOLVED: That the additional sum of \$45,500 is hereby appropriated from Day Hollow Bridge Account H5110.540004.H1606 and made available to cover the cost of participation in the above phases of the Project; and it is hereby further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and it is hereby further

RESOLVED: That the Chair of the Tioga County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is hereby further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is hereby further

RESOLVED: That this Resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 246-17 *AUTHORIZE 2018 TAX MAP MAINTENANCE CONTRACT*

RESOLVED: That the Chair of the Tioga County Legislature, hereby is authorized to enter into a Tioga County tax map maintenance contract with MRB Group, for the calendar year 2018 for an annual charge of \$33,000. Payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and surveys, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 247-17 *RESOLUTION TO APPROVE A
CONTRACT BETWEEN THE TIOGA
COUNTY PROBATION DEPT. AND
BUDDI US, LLC*

WHEREAS: The Legislature has previously approved contracts between the Probation Department and companies for the use of Electronic Monitoring devices to be used with youth and adults as an alternative to incarceration or an alternative to detention; and

WHEREAS: The Probation Department has initiated a contract for electronic monitoring services from Buddi US, LLC at the cost of \$3.80 per day per device, with a minimum of two devices initially and this contract may be auto-renewed yearly per the written contract; and

WHEREAS: The NYS Office of Children and Family Services (OCFS) has directed every county to create Alternative to Detention programming and Tioga Probation has utilized Electronic Monitoring as an Alternative to Detention and is part of Tioga's STSJP funding request to NYS OCFS and that such services should be available to youth covered under Raise the Age legislation, beginning in 2018; and

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services in the amount of \$7,500 in account number A3142 540140 in the 2017 budget; therefore be it

RESOLVED: That the Tioga County Probation Director is approved to contract with Buddi, US, LLC to provide Electronic Monitoring hardware and internet accessible software for adults and juveniles to the Probation Department as part

of the County's Alternative to Incarceration and Alternative to Detention programming with the provision that the contract is approved by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 248-17 *ADOPT LOCAL LAW NO. 4 OF 2017*

WHEREAS: A public hearing was held on October 5, 2017, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2017 A Local Law providing for the collection of a hotel and motel tax in Tioga County; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 4 of 2017; therefore be it

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

County of Tioga

Local Law No. 4 of the Year 2017.

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

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

SECTION 1: TITLE

This local Law shall be known as the "Hotel/Motel Tax Law"

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

MOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

OCCUPANCY - The use or possession, or the right to the use or possession of any room in a hotel or motel.

OCCUPANT - A person who, for a charge or any consideration uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

OPERATOR - Any person operating a hotel or motel in Tioga County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT - A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

PERSON - An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT - The charge and/or consideration received for occupancy valued in money, whether received money, or otherwise.

RETURN - Any return filed or required to be filed as herein provided.

ROOM - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for rent or otherwise let out for the lodging of guests.

TREASURER – Tioga County Treasurer

SECTION 4: TAX

A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

SECTION 5: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6: REGISTRATION

Within three (3) days after commencing business or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

SECTION 7: ADMINISTRATION AND COLLECTION

(A) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Tioga County, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise may be provided by such local law.

(B) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for said

occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.

(C) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and such operator or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax by the operator or by the person entitled to be paid the rent or charge.

(D) The Treasurer may, whenever deemed necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Treasurer, the tax herein imposed.

(E) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

(F) Where an occupant claims exemption from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section five of this local law.

SECTION 8: RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

SECTION 9: RETURNS

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(B) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(C) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

SECTION 10: PAYMENT OF TAX

(A) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting or purporting to act under the provisions of this local law.

(B) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(C) In the event the Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer to such operator to that effect specifying the amount of the bond required.

(D) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5) days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

(E) In lieu of such bond, securities approved by the Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice of the depositor apply them to any tax and interest and penalties due, and for that purpose the securities may be sold by the Treasurer at public or private sale without notice to the depositor thereof.

SECTION 11: DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(A) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent

of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

SECTION 12: JUDICIAL REVIEW

(A) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

2. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such

denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 13: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Treasurer on the date due in the amount of ten (10%) per cent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 14: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 15: RESERVES

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

SECTION 16: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 17: REMEDIES EXCLUSIVE

The remedies provided by sections eleven (11) and twelve (12) of this local law shall be the exclusive remedies available to any person for the review of the tax

liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law

SECTION 18: PROCEEDINGS TO RECOVER TAX

(A) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Tioga County in any court of the State of New York or of any other state or of the United States.

(B) Notwithstanding any other provision of this section, if the Treasurer, in its discretion, believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(C) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Tioga County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property judgments of a court of record and for services in executing the

warrant the Sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

(D) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

(E) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

SECTION 19: GENERAL POWERS OF THE TREASURER

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(B) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed.

(C) To request information from the tax commissioner of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commissioner or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding

(D) To delegate said functions hereunder to any employee or employees of the Treasurer

(E) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents

(F) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer

(G) To assess, determine, revise and readjust the taxes imposed under this local law

SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

(A) The Treasurer, or the Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(B) The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the

enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(C) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(D) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(E) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided.

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

SECTION 21: REFERENCE TO TAX

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

SECTION 22: RETURNS TO BE SECRET

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law

when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

(B) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one year, or both, in the discretion of the court.

SECTION 23: EFFECTIVE DATE

This local law shall become effective December 1, 2017 and shall remain in effect until November 30, 2020.

SECTION 24: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

And be it further

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

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

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 249-17 *CONTRACT WITH EMPLOYEE NETWORK, INC. (ENI)
FOR EMPLOYEE ASSISTANCE
PROGRAM*

WHEREAS: Tioga County employees are covered under an Employee Assistance Program (EAP) that is currently administered by Employee Network, Inc. (ENI); and

WHEREAS: ENI, a company that has been providing EAP services for over 30 years and who has other NYS public sector clients, has submitted a proposal to continue providing Tioga County's EAP for 2018 at the current rate of \$1.45/per covered employee per month; and

WHEREAS: ENI can continue to provide up to 8 in-person counseling sessions for eligible employees and members of their household, along with two hours of training per year, and two hours of critical incident stress debriefing; and

WHEREAS: ENI has multiple provider offices within the local region including some in Pennsylvania where employees are able to obtain services; and

WHEREAS: The EAP is a negotiated benefit for CSEA union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with ENI, subject to review by the County Attorney, to administer our Employee Assistance Program for full-time and part-time employees at a cost of \$1.45/per covered employee per month effective January 1, 2018 through December 31, 2018.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 250-17 *AUTHORIZE PURCHASE OF SPECIFIC EXCESS AND EMPLOYERS' LIABILITY INSURANCE FOR WORKERS' COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy and employers' liability insurance policy expire December 31, 2017; and

WHEREAS: The Tioga County Self-Insurance Plan by-laws allow the committee to purchase excess or catastrophic insurance; and

WHEREAS: The continuance of both excess and employers' liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of specific excess insurance and employers' liability insurance, subject to review by the County Attorney, from an A- Rated or better insurance company for the period of January 1, 2018 through December 31, 2018 to be paid for out of the 2018 Tioga County Self-Insurance budget.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 251-17 *CONTRACT WITH LIFETIME BENEFIT SOLUTIONS, INC. TO ADMINISTER FLEXIBLE SPENDING AND HEALTH REIMBURSEMENT ACCOUNT PROGRAMS*

WHEREAS: Tioga County currently uses the services of Lifetime Benefit Solutions, Inc. to administer Tioga County's flexible-spending and health reimbursement account programs; and

WHEREAS: Lifetime Benefit Solutions, Inc. has submitted a new contract to continue administering said programs and conduct all required compliance testing services; and

WHEREAS: The Flexible-Spending program is a negotiated benefit for all Tioga County unionized employees; and

WHEREAS: The Health Reimbursement Account is a negotiated benefit for CSEA union employees; and

WHEREAS: Both the employees and the County can save tax dollars on money channeled through the flexible spending program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Lifetime Benefit Solutions, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2018 through December 31, 2018; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2018 through December 31, 2018.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 252-17 CREATE DEPARTMENT OF
EMERGENCY SERVICES

WHEREAS: Tioga County has historically separated the County Fire services from the Emergency Management Services into two separate Departments; and

WHEREAS: These two departments have been staffed by part-time positions, and consequently some of the emergency response programs are not as adequate as they should be; and

WHEREAS: The County's goal is to have emergency response programs that will provide County residents with outstanding service; and

WHEREAS: The New York State Emergency Management Agency has recommended that Tioga County take measures to improve upon Emergency response programs in order to better prepare the community for future disasters; therefore be it

RESOLVED: That Tioga County hereby creates the Department of Emergency Services effective January 1, 2018, to be led by a full-time Director of Emergency Services and supported by a part-time Deputy Director of Emergency Services and various additional part-time positions; and be it further

RESOLVED: That the Director of Emergency Services shall be appointed by and serve at the pleasure of the County Legislature

ROLL CALL VOTE

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

No – Legislators Hollenbeck and Monell.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 253-17 *CREATE AND FILL TEMPORARY, PART-TIME
CLERK POSITION
TREASURER'S OFFICE*

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

WHEREAS: The Tioga County Treasurer has a need to hire a temporary, part-time Clerk to work during October and November to provide clerical support within the Treasurer's Office; and

WHEREAS: The Treasurer has budgeted funds for this position; therefore be it

RESOLVED: That the County Treasurer is hereby authorized to create and fill one (1) temporary, part-time position of Clerk at the rate of \$11.39/hour effective October 11, 2017 through December 1, 2017.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 254-17 *STANDARD WORK DAY AND
REPORTING RESOLUTION*

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for

elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

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)
Appointed Officials					
Information Security Officer	Susan Haskett	7	03/21/16 – 12/31/17	Y	2.52

I, Maureen L. Dougherty, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the tenth day of October, 2017 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this tenth day of October, 2017.

Tioga County Legislative Clerk

Affidavit of Posting: I, Maureen L. Dougherty, being duly sworn, depose and say that the posting of the resolution began on October 10, 2017 and continued for at least 30 days. That the resolution was available to the public on the

- Employer's website at www.tiogacountyny.com
- Official sign board at Tioga County Legislative Office.
- Main Entrance Clerk's Office at _____

ROLL CALL VOTE

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

No – None.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 255-17 *RESOLUTION TO SUPPORT CORNELL
COOPERATIVE EXTENSION
ASSOCIATIONS IN THE STATE OF NEW YORK*

WHEREAS: The mission of Cornell Cooperative Extension is “CCE puts knowledge to work in pursuit of economic vitality, ecological sustainability and social well-being. We bring local experience and research based solutions together, helping New York State families and communities thrive in our rapidly changing world”; and

WHEREAS: NYS County Law 224 adopted in 1914 established the ability for NYS and County’s to contribute funds to support the creation of Cornell Cooperative Extension Associations in each county and there are now 56 associations across NYS; and

WHEREAS: The key objectives of the associations as stated in their constitutions, are

- To provide for an association of residents in cooperation with Cornell University and USDA.
- To extend educational resources of Cornell (including Ag and Life Sciences, Human Ecology, Vet Med), land grant system, and other educational institutions to foster economic, social, and environmental improvement of individuals families, and communities.
- To further the objectives of CCE associations and the CCE system in the fields of agriculture, community and economic vitality, environment and energy, nutrition and healthy families, and youth development; and

WHEREAS: Cornell Cooperative Extension Associations provide research and experienced based information and programs that are aligned with the primary mission areas of the National Institute of Food and Agriculture and the programs are tailored to meet the needs of local communities in order:

- o To strengthen and support gardening, agriculture, and our local FOOD system.
- o To improve individual and community nutrition, HEALTH and overall well-being in a healthy environment.
- o To provide YOUTH with opportunities to have fun and learn valuable life skills from caring adults; and

WHEREAS: CCE programs are directly linked to a list of 8 of 16 goals of Governor Cuomo's initiatives for improving NYS, and CCE educators are key community partners in helping to implement these initiatives state-wide, including maximizing agriculture and beverage production, strengthening the upstate economy, promoting a healthier NY, fighting poverty, preserving our environment, building opportunity through education, designing a clean energy economy, and investing in tourism; and

WHEREAS: CCE associations are invaluable partners at the County level and NYS expects CCE educators to assist in supporting state initiatives; and

WHEREAS: Costs for operating CCE Associations (501C3 subordinate organizations) have increased significantly yet the annual funding allocated by the state for this system has remained stagnant for more than 17 years; therefore be it

RESOLVED: That the Legislature of Tioga County, requests that NYS allocate an additional \$4 million dollars per year to County Law 224A funding to a total of \$8 million to support Cooperative Extension Associations in NYS.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, and Standing.

No – Legislator Sullivan.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

Legislator Monell moved to have the following late-filed resolutions considered, seconded by Legislator Hollenbeck and carried.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 256-17 AUTHORIZE POSITION RECLASSIFICATION
COUNTY CLERK

WHEREAS: Legislative approval is required for position reclassification; and

WHEREAS: A part-time Recording Clerk (\$13.32/hour) position has been vacant and funded within the County Clerk's office since May 12, 2015; and

WHEREAS: Upon review of positions within her divisions, the County Clerk has determined that said vacancy would be better utilized within the Department of Motor Vehicles and classified as a part-time Motor Vehicle Examiner (\$12.62/hour); therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of a vacant, part-time Recording Clerk to Motor Vehicle Examiner effective October 11, 2017 through September 28, 2018; and be it further:

RESOLVED: That said position will be temporary part-time and may be filled provisionally pending the outcome of the civil service examination; and be it further

RESOLVED: That the possible continuation of this position beyond September 28, 2018 shall be analyzed and decided upon prior to that date by the County Clerk and the Administrative Services Committee.

ROLL CALL VOTE

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

No – Legislator Roberts.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 257-17

*AUTHORIZATION TO ENTER
INTO A RETAINER AGREEMENT WITH NAPOLI
SHKOLNIK, PLLC TO PROVIDE
REPRESENTATION REGARDING OPIOID
LITIGATION*

WHEREAS: The Tioga County Legislature understands that the County may have various viable causes of action under state law against manufacturers, distributors and physicians of prescription opiates arising out of negligent marketing and distribution of opiates in and to the County; and

WHEREAS: The Tioga County Legislature wishes to retain the services of Napoli Shkolnik, PLLC to determine the feasibility of bringing an action against the manufacturers, distributors and physicians of prescription opiates for said negligent marketing and distribution; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to enter into a Special Counsel Agreement with Napoli Shkolnik, PLLC to provide the services set forth in said agreement.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Huttleston, Monell, Weston, Roberts, and Standing.

No – Legislator Sullivan.

Absent – Legislators Mullen and Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:19 P.M.