

*Second Regular Meeting*  
February 9, 2021

The Second Regular Meeting of 2021 was held on February 9, 2021 and was called to order by the Chair at 12:03 P.M. Eight Legislative members were present with Legislator Weston being absent.

Chair Sauerbrey asked for a moment of prayer. "Heavenly Father, I ask that you bless us and protect us from harm. Watch over us and help us in the decision-making, as we lead the citizens of this community."

Chair Sauerbrey led all Legislators and those in attendance in the Pledge of Allegiance.

There were 31 people in attendance.

Chair Sauerbrey spoke. "I would like to welcome Mr. Shriver, Joy Bennett's father. It is very nice to have you with us today."

Chair Sauerbrey asked for a unanimous motion for the following four recognition resolutions, seconded unanimously and carried.

Legislator Mullen read and presented the following resolution to Donna Joy Bennett, Probation Director.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 43-21      *RESOLUTION RECOGNIZING  
DONNA JOY BENNETT'S 39 YEARS  
OF DEDICATED SERVICE TO TIOGA  
COUNTY*

WHEREAS: Joy Bennett began her employment with Tioga County on March 23, 1981 as a Caseworker at Tioga County Department of Social Services. On October 27, 1986, Joy accepted the position of Probation Officer with the Tioga County Probation Department. She was promoted to Senior Probation Officer on January 13, 1992. She was promoted to Probation Supervisor on June 30, 1992; and promoted to Probation Director on January 15, 2003 which is the position she will retire from; and

WHEREAS: Joy Bennett has been a dedicated and loyal employee in the performance of her duties and responsibilities during the past 39 years. During those 39 years, she was a staunch advocate for the citizens of Tioga County at the State and National level through her representation and leadership as the President of the NYS Council of Probation Administrators (COPA) and participation in the American Probation and Parole Association (APPA). In addition, Joy was at the forefront of the statewide Probation Reform efforts becoming an authority and resource regarding Leandra's Law legislation, and a valuable voice during the role out of Raise the Age legislation, bail reform, and implementation of the Caseload Explorer data system; and

WHEREAS: Joy Bennett will retire on January 31, 2021; 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 Joy Bennett for her thirty-nine years of dedicated and loyal service to Tioga County and it is most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Joy Bennett.

#### ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Mullen spoke. "I have known Joy for many years, but I really got to know Joy as the Chair of the Public Safety Committee and we have been extremely blessed to have Joy the last few years. With the changes with Raise the Age, Bail Reform, Indigent Legal Services, and all these huge changes in not only Public Safety, but also Probation, Joy's voice and leadership in that was beyond measure. She has always been a very calming influence and I have seen her roll with the punches when most people are getting knocked out. She is extremely innovative; when we needed pizza, Joy found a lot of pizza and that program is for the youth. I can tell you that Joy is very dedicated to the youth aspect of Probation. You get them on the right path young and they stay on the right path the rest of their lives. Everybody in this room knows somebody in their life that Joy's career has had an impact on. Being a retired police officer spending 17 ½ years

in Tioga County, I can tell you Tioga County Probation was one of the shining departments in the County in my time as a State Trooper. I could always get ahold of Probation and they always had sound advice on how to handle a Probation situation.

"Thank you. I am personally going to miss you. I am very glad who is stepping in your position and I am also very glad that you will not be gone forever with the new position you are going to be taking."

Joy Bennett spoke. "I just want to say that I have had a lot of experiences that I can thank Tioga County for; some of them great, some of them in the middle, and some of them the stuff of nightmares. But, I have been privileged to work for Tioga County and because of the support of the system here also be able to do some things with COPA and APPA and be exposed to not only County leadership, but also State and National leadership. That was because of the open-mindedness here about people being participants outside of the County, so I really appreciate that. I have a great staff. I have spent the last year working very hard on preparing everybody for my leaving. They are all ready to do that and the next round of leadership is there ready to take charge and will be fantastic. Thank you all."

Legislator Mullen read and presented the following recognition resolution to Frank Lavore, Jr., Sergeant, Road Patrol, of the Sheriff's Office.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 44-21                      *RESOLUTION RECOGNIZING  
FRANK LAVORE'S 24 YEARS OF  
DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Frank Lavore was appointed as a Corrections Officer on March 8, 1997; promoted to Corrections Sergeant on April 13, 2000; promoted to Deputy Sheriff on December 30, 2000; and promoted to his present position of Sergeant, Road Patrol on August 24, 2013; and

WHEREAS: Frank Lavore has been dedicated and loyal in the performance of his duties and responsibilities during the past 24 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Frank Lavore retired from the Tioga County Sheriff's Office on January 29, 2021; 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 Frank Lavore for his 24 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, Frank Lavore.

#### ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Mullen spoke. "This is one of the good things about being Chair of Public Safety. This is one of the guys I rolled around in the mud, blood, and the beer for many, many years out there, where he seemed to enjoy the west end more than the populated east end of the County. Frank was a Spencer boy, I am a Lockwood/Barton boy, and we policed those townships for 17 years together. There were many times when you get a call in this job and this type of policing when the radio cracks and that car is sent to a domestic at 141 East Spencer Road, 280 Dean Creek Road, or 197 Route 17c (Town of Barton). The officers here today know these addresses. Sometimes, you are the only guy, but I can tell you there were many times when I was headed to one of these type of calls and I hear the radio crack and it was Frank saying he was on his way. Frank was always there. I remember the Dandy Mini Mart case when bath salts were really going crazy in this county. It was a Monday morning and dispatch sent me to the Dandy Mini Mart in Nichols, NY for an out of control patron. I got there and there was a young man and a young woman who there was no doubt who the problem was. If it was not for Frank and a spare set of handcuffs that I still have, because there were several people handcuffed laying on the floor in the Dandy Mini Mart that day. I know there are a few times in your life that you get to say thank you to someone because they made a difference in your life. This man made a big difference in my life and I love you. Frank is a good man."

Frank Lavore, Jr. spoke. "It was an honor to work for Tioga County. I do not miss the job so much, as I do the people. I want to thank them for making my job easier and the things they deal with every day. Thank you."

Sheriff Howard spoke. "Everyone remembers the 18" of snow, worst-case scenario that was expected a few weeks ago, and we woke up to 4' of snow. On

that morning, we were receiving many calls from people in the county regarding having no heat and asking what they can do. Frank Lavore went home to get some ladders and he, Deputy Longo, and Deputy Bunce got in his 4x4 truck and was driving around, climbing up on roofs, cleaning off roofs, and getting furnaces started because the exhaust was blocked. That is what they did all day long. You do not get dedication like that. Frank and I had a great experience that morning with a woman who did not have any heat and had a wood burner that she could not get to, so Frank and I went there and waded through waist deep snow to get to the house, went through a window with both of us falling out into the snow. We had a great time doing it. It was a great experience. We were able to load up her woodstove and got her heat. That is the dedication these people have."

Chair Sauerbrey reported this resolution will just be noted for the minutes, as Ms. Kipling, Investigator, Sheriff's Office is not in attendance.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 45-21                      *RESOLUTION RECOGNIZING  
JULIE KIPLING'S 22 YEARS OF  
DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Julie Kipling was appointed as a Corrections Officer on January 27, 1999; appointed as a part-time Deputy Sheriff on April 27, 1999; appointed as full-time Deputy Sheriff on January 26, 2002; promoted to Sergeant, Road Patrol on December 24, 2016; and promoted to her present position of Investigator on January 1, 2018; and

WHEREAS: Julie Kipling has been dedicated and loyal in the performance of her duties and responsibilities during the past 22 years to Tioga County, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Julie Kipling will retire from the Tioga County Sheriff's Office on February 27, 2021; 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 Julie Kipling for her 22 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, Julie Kipling.

## ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Mullen spoke. “I wish to send the very best in her retirement and I reached out to Julie personally.”

Sheriff Howard spoke. “Julie Kipling is retiring. She was the first female investigator with the Sheriff’s Office, a big milestone. Everybody looked to her to take care of any animal complaint because she is a big advocate for the animals. She did a fantastic job. There are some people out there that did not like to see her come, especially if you owned animals and you were not taking care of them.”

Legislator Mullen read and presented the following recognition resolution to Sean Shollenberger, Corrections Officer of the Sheriff’s Office.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 46-21      *RESOLUTION RECOGNIZING  
SEAN SHOLLENBERGER’S 20 YEARS OF  
DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Sean Shollenberger was appointed as a Corrections Officer on September 20, 1995; promoted to Corrections Sergeant on September 26, 1998; transferred to Tompkins County and then transferred back to Tioga County as a Corrections Officer on October 15, 2006; and

WHEREAS: Sean Shollenberger has been dedicated and loyal in the performance of his duties and responsibilities during his 20 years of employment with Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Sean Shollenberger retired from the Tioga County Sheriff’s Office on February 1, 2021; 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 Sean Shollenberger for his 20 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, Sean Shollenberger.

#### ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Mullen spoke. "I wish to send the very best in his retirement and I will reach out to Sean personally. These are four very dedicated servants retiring from the County."

Sheriff Howard spoke. "I wish Sean Shollenberger could be here today. He is a great guy working in the Jail. He left for a time and then said his home is Tioga County and came back and finished out with us.

"We are talking about 70 years' worth of experience down the road and it seems like I have been here every other month during the last year or so. But, the job is getting harder and harder, so when these people have their time in they are saying it is time to go. I do not necessarily blame them. I am losing a lot of experience, but they trained a lot of people to follow them and did a nice job with that. They will all be surely missed by, not just me, because as a Department Head you do not want to see these people leave because when I go home at night I know they will take care of it. Congratulations to all."

There was no privilege of the floor.

Legislator Sullivan made a motion to approve the minutes of January 4, 7, and 12, 2021, seconded by Legislator Monell and carried.

Chair Sauerbrey stated, due to the snowstorm, only a couple of the Legislative Committees met this month, however, the minutes and reports 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 Monell.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 47-21 *APPOINT MEMBER TO BOARD OF ETHICS*

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (B) – Ethics Board Membership states members who have served two full three-year terms may not be reappointed for at least one year after the expiration of their last term; and

WHEREAS: Stuart Yetter, Jr. will conclude his two full three-year terms as of March 31, 2021; and

WHEREAS: Charles E. Davis, a resident of Richford, NY has agreed to serve on the Board of Ethics to fill the vacancy of Stuart Yetter, Jr.; therefore be it

RESOLVED: That Charles E. Davis be and hereby is appointed to the Board of Ethics for a three-year term effective April 1, 2021 through March 31, 2024.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 48-21 *SET PUBLIC HEARING FOR 2021 ANNUAL AGRICULTURAL DISTRICT INCLUSIONS*

WHEREAS: The Tioga County Legislature, as per Resolution 296-03 designated January 2<sup>nd</sup> through January 31<sup>st</sup> as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and



WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and said law requires that the Tioga County Legislature hold a public hearing before making a decision on inclusion of lands; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2021 on February 18, 2021 at 10:05 A.M. in the Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY. All interested parties will be heard by the Tioga County Legislature at this hearing.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 49-21 *HOME RULE REQUEST IN SUPPORT OF S2031/A4044: AMEND COUNTY LAW AND TAX LAW, IN RELATION TO AUTHORIZING THE COUNTY OF TIOGA TO IMPOSE AN ADDITIONAL SURCHARGE TO PAY FOR COSTS ASSOCIATED WITH UPDATING THE TELECOMMUNICATION EQUIPMENT AND TELEPHONE SERVICES NEEDED TO PROVIDE AN ENHANCED 911 EMERGENCY TELEPHONE SYSTEM TO SERVE SUCH COUNTY AND PROVIDING FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF*

WHEREAS: The current County of Tioga Enhanced 911 Emergency Telephone System is in need of updating; and

WHEREAS: State Legislative authority is needed to amend the current County Law by adding section 337 authorizing and empowering Tioga County Legislature to

adopt, amend or repeal local laws to impose an additional surcharge per access line for the costs associated with obtaining, operating and maintaining an enhanced 911 system; and

WHEREAS: State Legislative authority is needed to amend Section 186-g of the Tax Law, paragraphs (b) and (c) of subdivision 2, as separately amended by chapters 120 and 711 of the laws of 2019, to impose a surcharge on each wireless communications device; and

WHEREAS: The additional imposed surcharges will pay for costs associated with obtaining, operating, and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve Tioga County; therefore be it

RESOLVED: That the Tioga County Legislature hereby requests the enactment of Senate Bill number S2031 and Assembly Bill number A4044 entitled "An Act to amend the County Law and the Tax Law, in relation to authorizing the County of Tioga to impose an additional surcharge to pay for the costs associated with updating the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such county; and providing for the repeal of such provisions upon expiration thereof.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 50-21

*RESOLUTION TO APPROVE A SOLE SOURCE CONTRACT AND MAINTENANCE AGREEMENT BETWEEN THE TIOGA COUNTY PROBATION DEPARTMENT AND AUTOMON LLC TO PROVIDE SOFTWARE AND MAINTENANCE OF THE CASELOAD EXPLORER PRODUCT*

WHEREAS: The Tioga County Legislature has approved contracts between Tioga County Probation Department and AutoMon LLC since 2008; and

WHEREAS: AutoMon LLC has changed their contract status with New York State, the Tioga County Legislature is approving that the Probation Department can contract with AutoMon LLC as a sole source provider of Caseload Explorer, a software program that meets the qualifications of 9 NYCRR 345, which mandates NYS Probation Departments to use a software program that automatically sends Presentence Investigation completed in the software program to the DCJS PSI Repository in Albany, NY. Caseload Explorer software is the only software in New York State that meets this criteria; and

WHEREAS: AutoMon, LLC has submitted their yearly Maintenance Agreement to Tioga County Probation which consists of the base charge of \$4,577.04 plus a fee of \$248.80 per user. Probation has 17 registered users of the software, so the total cost for basic software maintenance for 2021 is \$8,806.64; and

WHEREAS: AutoMon, LLC has agreed to credit Tioga County Probation \$419.25 towards this invoice for a "2020 COVID discount"; therefore be it

RESOLVED: That the Probation Director is approved to contract with AutoMon, LLC as a sole source provider for software and maintenance costs in 2021 for Caseload Explorer and Ce Assessments in the amount of \$8,387.39.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standing, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 51-21

*AUTHORIZING THE IMPLEMENTATION AND FUNDING OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT WHICH MAY BE ELIGIBLE FOR FEDERAL AID AND OR STATE AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS*

WHEREAS: A project for the rehabilitation of BIN 3335200 – West Creek Road over West Branch Owego Creek, PIN 9754.80, (the Project) is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal Funds and 5% non-Federal Funds; and

WHEREAS: The County of Tioga will design, let and construct the “project”; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the costs of the work of the Project or portions thereof;

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 100% of the cost of the Preliminary Engineering / Design and Construction, Construction Support and Construction Inspection work for the Project or portions thereof, with the understanding that qualified costs may be eligible for Federal-aid, State-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED: That the sum of \$1,339,000 is hereby appropriated from West Creek Road Bridge account H5110.540004.H1904 and made available to cover the costs of participation in the Construction, Construction Support and Construction Inspection phase of the Project; and it is further

RESOLVED: That the Tioga County Legislature hereby agrees that the County of Tioga shall be responsible for all costs of the project which exceed the amount of Federal-aid, State-aid, or NY Bridge Funding Awarded to the County of Tioga; and it is further

RESOLVED: That in the event the Project costs not covered by Federal-aid, State-aid, or NY Bridge funding 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 further

RESOLVED: That the County of Tioga hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and that the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED: That the Chair of the Tioga County Legislature be and is hereby authorized to execute on behalf of the County of Tioga, all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid 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 County of Tioga's 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 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 further

RESOLVED: That this Resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 52-21 AWARD CONSTRUCTION  
WEST CREEK ROAD BRIDGE BIN: 3335200

WHEREAS: Tioga County was awarded funding for this project through NYSDOT; and

WHEREAS: Funding is available for the construction of the project; and

WHEREAS: The Commissioner of Public Works received sealed bids on January 29, 2021 and the bids results were as follows:

Silverline Construction	\$ 937,529.00
Procon Contracting LLC	\$1,066,000.00
R. DeVincentis Construction, Inc.	\$1,080,000.00
Economy Paving	\$1,075,757.00

Bothar Construction	\$1,256,769.40
Vector Construction	\$1,019,186.43
ING Civil Inc.	\$1,062,400.00
Slate Hill Constructors	\$1,182,030.28

WHEREAS: Delta Engineers have completed the review of the bids and finds the low bidder Silverline Construction meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Silverline Construction not to exceed \$937,529.00 to be paid out of the following account:

H5110.540004.H1904 – West Creek Road Bridge – BIN 3335200

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 53-21 AMEND BUDGET & APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded funding from New York State Department of Health (NYSDOH); and

WHEREAS: The funding is specifically designated for Public Health efforts toward Influenza Vaccination capacity in Tioga County; and

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

RESOLVED: That funding be appropriated as follows:

From: A4011 434010      Public Health: State Aid                      \$13,565.95  
 To:    A4011 540595      Public Health: Services Rendered                      \$13,565.95

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:                                      HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 54-21                      *APPROVE FUNDING 2020 YOUTH BUREAU PROGRAM FUNDING INCREASE*

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

WHEREAS: The Tioga County Youth Bureau's 2020 program funding was initially approved by Resolution 232-20; and

WHEREAS: New York State Office of Children and Family Services has now increased funding for County sponsored Youth Bureau programs by \$4,550; and

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

Kali's Klub House 7 Keys to Success Program	\$4,550
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Therefore be it;

RESOLVED: That the above program, as recommended by the Tioga County Youth Board, be approved by the Tioga County Legislature for this increased funding in the amount indicated above.

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 55-21 RE-ESTABLISH PRIOR YEAR 2020  
UNSPENT FUNDS FOR 2021 BUDGET  
SOCIAL SERVICES

WHEREAS: NYS has not billed the Department of Social Services for the local share of Secure Detention Services for 2015 through 2020; and

WHEREAS: The Department of Social Services has estimated the amount of unbilled services to be \$191,228; and

WHEREAS: Re-establishment of prior year funds requires Legislative approval; therefore be it

RESOLVED: That the following account and amount are re-established and the 2021 budget is amended.

A6010.540487 JD Program Expense	\$191,228.00
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## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.



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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 56-21 RE-ESTABLISH PRIOR YEAR 2020  
UNSPENT FUNDS FOR 2021 BUDGET  
SOCIAL SERVICES

WHEREAS: Pending final approval of the 2020 Raise the Age Plan, the Department of Social Services has not been billed for related Maintenance and Aftercare Services; and

WHEREAS: The Department of Social Services has estimated the amount of unbilled services to be \$325,872.28; and

WHEREAS: Budget Officer shall be authorized to make necessary budget transfers based on final year-end numbers; and

WHEREAS: Re-establishment of prior year funds requires Legislative approval; therefore be it

RESOLVED: That the following DSS accounts and amounts are re-established and the 2021 budget be amended as follows:

**DSS PROGRAM – Raise the Age**

A6123 540487 RTA	JD Program Expense	\$	307,672.28
A6123 436230 RTA	State Aid-Juvenile Delinquent	\$	307,672.28
A6070 540487 RTA	JD Program Expense	\$	18,200.00
A6070 436700 RTA	State Aid-Services for Recipients	\$	18,200.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY  
PERSONNEL COMMITTEE

RESOLUTION NO. 57-21 *AUTHORIZE APPOINTMENT:  
NETWORK ADMINISTRATOR*

WHEREAS: Legislative approval is required for any appointment to a non-union position within Tioga County; and

WHEREAS: The position of Network Administrator (\$52,824-\$62,824, Non-union) has been vacant since August 29, 2020, due to resignation; and

WHEREAS: The Chief Information Officer has recruited for said vacancy and has identified a qualified candidate; therefore be it

RESOLVED: That the Chief Information Officer is authorized to provisionally appoint Cuyler Kochin to the title of Network Administrator at an annual salary of \$55,000.00 effective February 16, 2021, pending successful completion of all civil service examination requirements.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 58-21 *APPOINTMENT OF DEMOCRATIC  
DEPUTY COMMISSIONER OF ELECTIONS BOARD*

WHEREAS: Legislative approval is required for any appointment to a non-union position within Tioga County; and

WHEREAS: The position of Deputy Commissioner of Elections Board (Democratic) has been vacant since December 31, 2020, due to removal; and

WHEREAS: The Democratic Election Commissioner received verbal authorization at the December 22, 2020, Legislative Worksession to fill said position prior to the 90-day delay implemented by Resolution 195-20; and

WHEREAS: The Democratic Election Commissioner has selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Sandra Cooper shall be appointed as Deputy Commissioner of Elections effective February 17, 2021, annual non-union salary of \$36,235.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 59-21      *AUTHORIZE WAIVER OF 90-DAY HIRING DELAY  
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Resolution 195-20 created a 90-day hiring delay effective October 1, 2020; and

WHEREAS: The Department of Social Services has several vacancies and new hires in its Children's Services division; and

WHEREAS: Megan Weed, Caseworker, resigned on December 3, 2020 and has expressed an interest in being reinstated to the position of Caseworker; and

WHEREAS: The backfill date for Ms. Weed's vacancy with the 90-day delay is March 3, 2021; therefore be it

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver from the 90-day hiring delay and is authorized to fill one Caseworker vacancy with the reinstatement of Megan Weed effective February 16, 2021.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Monell made a motion to have the following two late-file resolutions considered, seconded by Legislator Hollenbeck and carried.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 60-21      *ERRONEOUS ASSESSMENT*  
*TOWN OF BERKSHIRE*

WHEREAS: An application for Corrected Tax Roll for the year 2020 indicates that parcel #23.19-1-16.1 Account #359 in the Town of Berkshire assessed to Mitchell T Arnold on the 2020 tax roll of the Town of Berkshire is erroneous in that the exemptions were removed when a new deed was filed; and

WHEREAS: The deed gives the previous owner, Betty Pitcher, life use of the parcel therefore allowing her exemptions to remain; therefore be it

RESOLVED: That a new 2021 tax bill be issued to Mitchell T Arnold as follows:

	Original Bill #	Corrected Bill #
County	139.77	69.89
Townwide	89.53	49.24
Return School	342.50	0.00
Fire	31.21	31.21
<b>Total</b>	<b>603.01</b>	<b>150.34</b>

And be it further

RESOLVED: That the erroneous county tax of \$69.88 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous town tax of \$40.29 be charged back to the Town of Berkshire; and be it further

RESOLVED: That the erroneous School tax of \$320.09 be charged back to the Newark Valley Central School District; and be it further

RESOLVED: That the erroneous penalty on the return school tax of \$22.41 be charged back to the correct accounts in the Office of the Treasurer.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO: 61-21 *AMEND RESOLUTION NO. 109-08 AND ABOLISH POSITION IN ITCS DEPARTMENT AND CREATE POSITION IN COUNTY CLERK'S OFFICE; TRANSFER FUNDS FROM ITCS BUDGET TO COUNTY CLERK BUDGET AND MODIFY BUDGETS*

WHEREAS: By Resolution No. 109-08 the position of Director of Records Management and Fixed Assets was abolished and the records management and fixed assets programs placed under the Information Technology and Communications Department (ITCS) and established the position of Records Management Officer; and

WHEREAS: The Tioga County Legislature is desirous of moving the records management and fixed asset programs from ITCS to the County Clerk's Office; and

WHEREAS: The Tioga County Legislature is also desirous of moving the duties being performed by the title of Records Management Officer, as created by Resolution No. 109-08, from ITCS to the Tioga County Clerk's Office and establish the position of Director of Assets and Records Management within the Clerk's Office; and

WHEREAS: The New York State Local Government Records Law requires that the Legislature identify the local public officer who will be responsible for the County records program and it appears appropriate to name the Tioga County Clerk as the official Records Management Officer; and

WHEREAS: It is necessary for budget modifications and a transfer of funds to be made from ITCS to the County Clerk for the new position of Director of Assets and Records Management; therefore be it

RESOLVED: That the records management and fixed asset programs be and hereby are moved from ITCS to the County Clerk's Office; and be it further

RESOLVED: That the position of Records Management Officer (Non-Union \$31,869-41,869) in the ITCS department be abolished effective February 15, 2021 which decreases the full time head count to nine (9); and be it further

RESOLVED That the position of Director of Assets and Records Management (Non-Union \$31,869-41,869) be created in the Tioga County Clerk's Office effective February 15, 2021 which increases the full time head count to thirteen (13); and be it further

RESOLVED: That the following budget modification and transfer of funds be made:

FROM:	A1680.510010 – ITCS full time payroll	\$ 37,463.00
	A1680.581088 – Retirement	\$ 7,587.00
	A1680.583088 – Social Security	\$ 2,865.92
	A1680.584088 – Workers' Comp	\$ 1,225.00
	A1680.585588 – Disability	\$ 68.00
	A1680.586088 – Health Ins/HRA	\$ 12,596.00
	A1680.588988 – EAP	\$ 15.00

TO:	A1410.510010 – Cty. Clk. full time payroll	\$ 37,463.00
	A 1410.581088 – Retirement	\$ 7,587.00
	A1410.583088 – Social Security	\$ 2,865.92
	A1410.584088 – Workers’ Comp	\$ 1,225.00
	A1410.585588 – Disability	\$ 68.00
	A1410.586088 – Health Ins/HRA	\$ 12,596.00
	A1410.588988 – EAP	\$ 15.00

And be it further

RESOLVED: That the County Clerk shall be identified to the New York State Commissioner of Education as the local official responsible for the records management program and is hereby appointed as the Tioga County Records Management Officer.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Balliet, Hollenbeck, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:28 P.M.