

Seventh Regular Meeting
July 11, 2023

The Seventh Regular Meeting of 2023 was held on July 11, 2023 and was called to order by the Chair at 12:00 P.M. All nine Legislators were present.

Chair Sauerbrey asked Legislator Ciotoli to have a moment of prayer. "Dear God, thank you for allowing us to meet today. Please guide over us as we make decisions for the people of Tioga County."

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

There were 6 people in attendance.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of June 13 and 22, 2023, seconded by Legislator Mullen and carried.

Chair Sauerbrey made the following temporary appointment to the Personnel Legislative Standing Committee:

Legislator William Standinger – 7/11 – 12/31/23

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

Legislator Mullen introduced Local Law Introductory No. B of 2023.

Local Law Filing	New York State Department of State 41 State Street, Albany, NY 12231
------------------	---

County of Tioga

Local Law No. X of the Year 2023.

A Local Law providing Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law.

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

SECTION 1: PURPOSE

The Tioga County Legislature has determined that attracting and retaining quality volunteer firefighters and ambulance workers is a key component in providing for

the safety and welfare of County residents, but also presents a significant challenge throughout the municipalities of the County.

The Tioga County Legislature has also determined that real property tax exemptions are an appropriate way to recognize the sacrifice and dedication of volunteer firefighters and ambulance workers and are an appropriate tool to help recruit and retain these volunteers.

Accordingly, it is the purpose of this Local Law to adopt the Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law.

SECTION 2: REAL PROPERTY TAX EXEMPTION

Real Property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service, or by such enrolled member and their spouse, shall be exempt for ten percent (10%) of the assessed value of their property for calculation of real property taxes for the County of Tioga, exclusive of special assessments.

SECTION 3: ELIGIBILITY REQUIREMENTS

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, provided that:

- A. The volunteer firefighter or ambulance worker resides in the County of Tioga, and the County of Tioga is served by such incorporated fire company, fire department, or incorporated voluntary ambulance service; and
- B. The property is owned by the volunteer firefighter or ambulance worker, including property owned jointly with their spouse; and
- C. The property is the primary residence of the volunteer firefighter or ambulance worker; and
- D. The property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence, but is used for other purposes, such portion shall be subject to taxation, and the remaining portion only shall be entitled to the exemption provided by this Local Law; and

- E. The volunteer firefighter or ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or ambulance worker meets the minimum service requirement established by the County of Tioga for exemption from Tioga County real property taxes, which is hereby established as two (2) years of service.

SECTION 4. LIFETIME EXEMPTION

Any eligible enrolled member who accrues more than 20 years of active volunteer service, as certified by the authority having jurisdiction, shall be granted the ten percent (10%) exemption, as authorized by this Local Law, for the remainder of their life, as long as their primary residence is located within the County of Tioga.

SECTION 5: UN-REMARIED SURVIVING SPOUSE OF ENROLLED MEMBER KILLED IN THE LINE OF DUTY

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive the ten percent (10%) exemption, as long as the deceased volunteer had been an enrolled member for at least five (5) years of service and had been receiving the exemption prior to their death.

SECTION 6: UN-REMARIED SURVIVING SPOUSE OF ENROLLED MEMBER WITH LIFETIME EXEMPTION

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, who had been receiving a lifetime exemption as a result of accruing over twenty (20) years of service is qualified to continue to receive the ten percent (10%) exemption as long as the deceased volunteer had been receiving the exemption prior to their death.

SECTION 7: CERTIFICATION AND APPLICATION PROCESS

- A. The volunteer firefighter and ambulance service organizations in the County of Tioga are responsible for certifying which members, and un-

- remarried surviving spouses, are qualified for the ten percent (10) real property tax exemption.
- B. The volunteer firefighter and ambulance service organizations in the County of Tioga must annually submit to the appropriate Town Assessor, by the last business day on or before January 31st, a list of members, and un-remarried surviving spouses, who they have certified as eligible to receive the real property tax exemption.
 - C. The volunteer firefighter and ambulance service organizations in the County of Tioga must annually provide to their members, and un-remarried surviving spouses, upon request, a certification of the member's or un-remarried spouse's eligibility for the real property tax exemption, to include the number of years of service, confirmation of enrollment as of the date of certification, or date of death, and the address of the residence.
 - D. Members or un-remarried surviving spouses not receiving a lifetime exemption must file, annually, on or before taxable status date of March 1st, an application for this exemption with the appropriate Town Assessor. The Town Assessor will have the proper form and instructions, as prescribed by the New York State Commissioner of Taxation and Finance.
 - E. Members or un-remarried surviving spouses receiving a lifetime exemption do not need to file annually, so long as their eligibility status is unchanged.

SECTION 8: NO DIMINUTION OF BENEFITS

No applicant who is a volunteer firefighter or ambulance worker who by reason of such status is receiving any benefit under the provisions of the law on the effective date of this Local Law shall suffer any diminution of such benefits because of the provisions of this Local Law.

SECTION 9: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 10: EFFECTIVE DATE

This Local Law will take effect on January 1, 2024, and shall apply to taxable status dates occurring on or after such date.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 262-23 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY NO. B OF 2023*

RESOLVED: That a Public Hearing shall be held on Thursday, July 20, 2023 at 10:00 A.M. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY 13827 on Local Law Introductory No. B of 2023 A Local Law Providing Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 263-23 *RESOLUTION URGING THE GOVERNOR TO VETO
A.04282B/S.3505B TO MOVE CERTAIN LOCAL
ELECTIONS TO EVEN-NUMBERED YEARS*

WHEREAS: The Tioga County Legislature believes that increasing participation in the election process and reducing costs of government operations is good for our republic; and

WHEREAS: Assembly Member Amy Paulin and State Senator James Skoufis re-introduced legislation that would move local elections to even-number years during the 2023 Legislative session; and

WHEREAS: Versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support; and

WHEREAS: After the 2022 Legislative session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; however, there were no hearings held; and

WHEREAS: The legislation passed in the middle of the night on the last days of the Legislative session which is counter to the idea of an open and transparent government; and

WHEREAS: The Tioga County Legislature has several concerns with this bill; and

WHEREAS: This legislation usurps the Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority; and

WHEREAS: Local municipalities have had the ability to change their elections to even-number years for decades, and chose not to do so; and

WHEREAS: We believe that establishing the schedule of local elections is the right of the local government, and has been for more than 100 years; and

WHEREAS: The Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation; and

WHEREAS: This legislation excludes more than half of all New Yorkers who vote in cities and villages from the changes to election law, creating an inequity among New York voters; and

WHEREAS: This legislation unfairly excludes the elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns; and

WHEREAS: The proposed legislation circumvented the legislative committee process during this session, limiting public input and understanding of the impacts; and

WHEREAS: There has been no financial analysis or operational analysis of the impacts on local Boards of Elections; and

WHEREAS: There are concerns that the current election and ballot counting technology would not be able to adequately meet the demands of the significantly increased ballot size; and

WHEREAS: This will create confusion amongst voters in towns and counties across New York State; and

WHEREAS: Separating the elections affords voters more time and focus to better understand important local issues and provides candidates the appropriate platforms to explain their stance on issues without having to compete against national and state level campaigns; and

WHEREAS: Moving local elections to even-numbered years would increase the cost of campaigns for local office, reducing the number of candidates willing to invest funds into their own campaign, because the cost of media will increase to compete with national and state level campaign advertisements; and

WHEREAS: There are significant legal and constitutional questions regarding the legality of this measure that have not been adequately addressed; therefore be it

RESOLVED: That the Tioga County Legislature urges the Governor to oppose this legislation and utilize her veto authority to reject this proposal; and be it further

RESOLVED: That copies of this resolution be distributed by the Clerk of the Tioga County Legislature to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Senator Thomas O'Mara, Assemblyman Christopher Friend, and the New York State Association of Counties.

Legislator Standinger spoke. "We have been having staggered term elections for the Legislature for quite some time and it seems to work well for us. Under Home Rule, there is no reason the State needs to stick their nose into it, in my opinion."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 264-23 APPOINT NEW YOUTH BOARD MEMBER TERM
YOUTH BUREAU

WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and

WHEREAS: The purpose of the Youth Board is to carry out the provision of Section 95 of the General Municipal Law of the State of New York and Resolution No. 140 of 1981 of the Tioga County Legislature; and

WHEREAS: The Tioga County Youth Board Bylaws provides for representatives to the Youth Board be appointed by the County Legislature; and

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 60-19 and vacancies exist; therefore be it

RESOLVED: That the following representative be appointed as a member of the Tioga County Youth Board with the corresponding term of office as follows:

NAME	TERM
Tara Hauptfleisch	7/1/2023 – 5/30/2026

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: PUBLIC SAFETY COMMITTEE
 RESOLUTION NO. 265-23 *AUTHORIZE THE SUBMISSION OF
 2022-2023 PSAP OPERATIONS GRANT
 SHERIFF'S OFFICE*

WHEREAS: The NYS Office of Interoperable and Emergency Communications has announced the 2022-2023 PSAP (Public Safety Answering Point) Operations grant funding, which has no county share; and

WHEREAS: County Policy requires that a resolution be approved before any such grant application is submitted; and

WHEREAS: The grant application deadline was June 19, 2023, therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding, after the fact due to the short deadline, and authorizes the Chair of the Legislature to sign such application after review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 RESOLUTION NO. 266-23 *SEQRA CONSIDERATION FOR NEW YORK STATE
 OFFICE OF PARKS, RECREATION AND HISTORIC
 PRESERVATION 2023-2024 SNOWMOBILE TRAILS
 GRANT-IN-AID PROGRAM, PHASE II APPLICATION*

WHEREAS: All new or modified snowmobile trails must have a SEQRA Determination approved; and

WHEREAS: The trail changes for upgrades/reroutes to all trails in Tioga County, as presented to NYSOPRHP are an Unlisted Action requiring Tioga County to consider the environmental significance of these changes; and

WHEREAS: A Short Form Environmental Assessment Form has been prepared for review by the Tioga County Legislature; therefore be it

RESOLVED: That the Tioga County Legislature does hereby declare itself to be the Lead Agency and that it will undertake an uncoordinated review of the project; and be it further

RESOLVED: That the Tioga County Legislature has reviewed the Short Form Environmental Assessment Form, including the impact assessment, and has determined, based on the information and analysis set forth therein that the proposed action WILL NOT result in any significant adverse environmental impacts; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair to execute the Impact Assessment and the Determination of Significance of the Short Form Environmental Assessment Form and a Notice of Determination of Non-Significance (a Negative Declaration) in a manner consistent with this determination.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 267-23 *AUTHORIZE LOCAL SPONSORSHIP FOR
SNOWMOBILE CLUBS*

WHEREAS: The purpose of this resolution is to enable the County of Tioga to request State funding on behalf of the Tioga Ridge Runners, Ridge Riders Snowmobile Club, Spencer Van-Etten Snowmobile Club, Dryden Caroline Drifters, and Candor Valley Riders for the costs incurred in performing the work

required in the development and maintenance of the snowmobile trail system according to the provisions of Section 27.17 of the Parks, Recreation, and Historic Preservation Law of New York State; and

WHEREAS: The Tioga Ridge Runners, Ridge Riders Snowmobile Club, Spencer Van- Etten Snowmobile Club, Dryden Caroline Drifters, and Candor Valley Riders have all agreed to have the County of Tioga be the local sponsor; and

WHEREAS: The snowmobile clubs will work with the Tioga County Department of Economic Development and Planning to submit grant applications for funding; therefore be it

RESOLVED: That the County of Tioga be the local sponsor for the Tioga Ridge Runners, Ridge Riders Snowmobile Club, Spencer Van-Etten Snowmobile Club, Dryden Caroline Drifters, and Candor Valley Riders from July 11, 2023 until July 1, 2024; and be it further

RESOLVED: That the County of Tioga will continue to realize a six percent (6%) administration fee for services provided on an annual basis prior to distribution of the award.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 268-23 *MUNICIPAL ENDORSEMENT OF WHITNEY POINT RIDGE RIDERS SNOWMOBILE CLUB FOR NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION 2023-2024 RECREATION TRAILS GRANT PROGRAM APPLICATION*

WHEREAS: The Whitney Point Ridge Riders Snowmobile Club is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9

of the Environmental Protection Act of 1993 for trail equipment to be used in Tioga County, a site located within the territorial jurisdiction of the Tioga County Legislature; and

WHEREAS: As a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the equipment/project will be located"; therefore be it

RESOLVED: That as the local sponsor of the Whitney Point Ridge Riders Snowmobile Club, the Tioga County Legislature of Tioga County hereby does approve and endorse the application of the Whitney Point Ridge Riders Snowmobile Club for a grant under Title 9 of the Environmental Protection Act of 1993 for equipment (Trail Groomer lease) and located within this community.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 269-23 *APPROVE TECHNICAL ASSISTANCE
PROVIDED TO TI-AHWAGA COMMUNITY PLAYERS*

WHEREAS: A resolution is required by County policy to disclose any Technical Assistance by the Community Development Specialist on behalf of a municipality or entity; and

WHEREAS: The Community Development Specialist assisted the Ti-Ahwaga Community Players with the Village of Owego Downtown Revitalization Initiative (DRI) Request for Proposal (RFP) documentation; and

WHEREAS: The Tioga County Community Development Specialist provided Technical Assistance for said assistance for a period of thirty (30) minutes; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Technical Assistance provided by the Community Development Specialist to the Ti-Ahwaga Community Players.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 270-23 *AWARD BID FOR CRUMTOWN ROAD
PAVEMENT OVERLAY*

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On June 21, 2023 the Department of Public Works received sealed bids from the following contractors:

Broome Bituminous Products, Vestal NY	\$739,485.00
Dalrymple Gravel and Contracting, Pine City NY	\$768,525.00
Lancaster Development, Richmondville NY	\$809,953.11
Suit-Kote Corporation, Cortland NY	\$866,781.00
Bothar Construction, Binghamton NY	\$881,991.76

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Broome Bituminous Products, Vestal NY not to exceed \$739,485.00 to be paid out of the Paving Projects Account H5110.540001.H2301.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 271-23 AWARD BID FOR HARFORD ROAD PAVEMENT OVERLAY

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On June 21, 2023 the Department of Public Works received sealed bids from the following contractors:

Broome Bituminous Products, Vestal NY	\$258,795.00
Seneca Stone, Seneca Falls NY	\$260,965.00
Lancaster Development, Richmondville NY	\$270,008.56
Suit-Kote Corporation, Cortland NY	\$297,927.00
Bothar Construction, Binghamton NY	\$298,330.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Broome Bituminous Products, Vestal NY not to exceed \$258,795.00 to be paid out of the Paving Projects Account H51 10.540001.H2301.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 272-23 *AWARD BID FOR WEST CREEK ROAD
PAVEMENT OVERLAY*

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On June 27, 2023 the Department of Public Works received sealed bids from the following contractors:

Broome Bituminous Products, Vestal NY	\$1,141,450.00
Suit-Kote Corporation, Cortland NY	\$1,161,045.60
Seneca Stone, Seneca Falls NY	\$1,168,350.00
Lancaster Development, Richmondville NY	\$1,239,032.33
Bothar Construction, Binghamton NY	\$1,285,777.00
Barrett Paving, Binghamton NY	\$1,473,115.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Broome Bituminous Products, Vestal NY not to exceed \$1,141,450.00 to be paid out of the Paving Projects Account H5110.540001.H2301.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 273-23 *AUTHORIZE CONTRACT WITH UNITED HEALTH CARE (UHC) FOR RETIREE MEDICARE ADVANTAGE PLAN/MEDICARE PART D PRESCRIPTION DRUG COVERAGE THROUGH BROOME COUNTY PURCHASING ALLIANCE (BCPA)*

WHEREAS: Resolution 214-22 authorized a contract with United Health Care (UHC) through the Broome County Purchasing Alliance (BCPA) electing Plan 1 Medicare Advantage and Medicare Part D Prescription Drug Benefits for Tioga County Medicare eligible retirees and their eligible spouses for the period of January 1, 2023 through December 31, 2023; and

WHEREAS: UHC offered a three-year rate guarantee of \$260 per month per policy for 2022 through 2024, with a potential increase to \$275 per month per policy in 2024, through the BCPA but allows for opting out in any given year; and

WHEREAS: Tioga County has received positive feedback from retirees regarding the UHC Plan 1, and UHC provides a team that helps Tioga County with administration of the benefits; and

WHEREAS: UHC provided the 2024 renewal letter for the Medicare Advantage Plan 1 establishing that the 2024 rate will increase to \$275 per policy per month from the current rate of \$260 per policy per month; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with United Health Care, subject to review by the County Attorney, continuing with Plan 1 Medicare Advantage and Medicare Part D Prescription Drug Benefits for Tioga County Medicare eligible retirees and their eligible spouses for the period of January 1, 2024 through December 31, 2024.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 274-23 *AUTHORIZE CONTRACT WITH BERKSHIRE FARMS
SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with Berkshire Farms to provide alternatives to foster care and early intervention to serve parents and children of Tioga County; and

WHEREAS: The Department of Social Services wishes to renew the contract for July 1, 2023 through June 30, 2024 in an amount not to exceed \$114,949; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Berkshire Farms for the period July 1, 2023 through June 30, 2024.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 275-23 *AUTHORIZE CONTRACT WITH LIBERTY RESOURCES
SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with Liberty Resources for Multi-systemic Therapy Services; and

WHEREAS: The Department of Social Services wishes to renew the contract for April 1, 2023 through March 31, 2024 in an amount not to exceed \$275,611; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Liberty Resources for Multi-systemic Therapy Services for the period April 1, 2023 through March 31, 2024.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 276-23	<i>AUTHORIZE CONTRACT WITH CATHOLIC CHARITIES OF TOMPKINS/TIOGA COUNTIES SOCIAL SERVICES</i>

WHEREAS: The Department of Social Services contracts with Catholic Charities of Tompkins/Tioga Counties to provide emergency and diversion services to needy families of Tioga County at its Tioga Outreach Center; and

WHEREAS: The Department of Social Services wishes to renew the contract for July 1, 2023 through June 30, 2024 in an amount not to exceed \$90,469; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Catholic Charities of Tompkins/Tioga Counties for the period July 1, 2023 through June 30, 2024.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 277-23 *AUTHORIZE CONTRACT WITH CATHOLIC CHARITIES OF TOMPKINS/TIOGA COUNTIES SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with Catholic Charities of Tompkins/Tioga Counties to coordinate a project within the Spencer and Newark Valley school districts that addresses specific cultural and behavioral issues among middle and high school aged children, particularly those who are considered to be "at risk"; and

WHEREAS: The Department of Social Services wishes to renew the contract for July 1, 2023 through June 30, 2024 in an amount not to exceed \$111,975; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Catholic Charities of Tompkins/Tioga Counties for the period July 1, 2023 through June 30, 2024.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 278-23 *AUTHORIZE CONTRACT WITH TIOGA OPPORTUNITIES, INC. SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with Tioga Opportunities, Inc. for the provision of Intensive Case Management Services for the Disabled Population on Public Assistance; and

WHEREAS: The Department of Social Services wishes to renew the contract for July 1, 2023 through June 30, 2024 in an amount not to exceed \$67,000; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Tioga Opportunities, Inc. for the period July 1, 2023 through June 30, 2024.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE, LEGAL & SAFETY COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 279-23 *AUTHORIZE CONTRACT WITH
AXON ENTERPRISE INC. FOR
BODY WORN CAMERAS
SHERIFF'S OFFICE*

WHEREAS: The Sheriff's Office applied for and was awarded a NYS DCJS Body Worn Camera (BWC) grant in the amount of \$50,000; and

WHEREAS: Resolution No. 79-23 authorized acceptance of the 2022 NYS DCJS Body Worn Camera (BWC) Grant in the amount of \$50,000; and

WHEREAS: The funding will help mitigate the costs of Body Worn Cameras, required accessories, and data storage; and

WHEREAS: AXON Enterprise, Inc. has been identified as a New York State OGS supplier and has offered a rate guarantee for 5 years at a cost of \$34,956.69 per year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sheriff to enter into a five-year contract with AXON Enterprise, Inc. for Body Worn Cameras,

required accessories and data storage for the period of July 1, 2023 to June 30, 2028 at an annual cost not to exceed \$34,956.69 to be paid out of A3110 520130 BWC22 – Equipment (Not Car).

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 280-23 *AUTHORIZE THE SALE AND TRANSFER OF PROPERTIES FROM TIOGA COUNTY TO THE TIOGA COUNTY PROPERTY DEVELOPMENT CORPORATION*

WHEREAS: The County has been approached by The Tioga County Property Development Corporation, which has made an offer to purchase properties acquired by Tioga County for non-payment of taxes in the Villages of Waverly and Owego; and

WHEREAS: Tioga County has agreed to sell and transfer the following properties in the Villages of Waverly and Owego, NY within Tioga County to the Tioga County Property Development Corporation for One Dollar (\$1.00) each; and

WHEREAS: These acquisitions include the following properties:

121 Providence Street	Village of Waverly, NY	# 166.19-4-75
32 Lyman Avenue	Village of Waverly, NY	# 166.11-1-55
98 Spencer Ave	Village of Owego, NY	# 128.08-3-39
54 Temple St	Village of Owego, NY	# 128.08-7-71

Therefore be it

RESOLVED: That these properties will be transferred from Tioga County to the Tioga County Property Development Corporation for One Dollar (\$1.00) each.

Legislator Mullen spoke. "I appreciate the Land Bank's interest in the revitalization of these properties, as well as the Treasurer's Office and Law Office for their hard work on this once again."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 281-23 *AUTHORIZE SALE OF COUNTY OWNED PROPERTIES ACQUIRED FOR DELINQUENT TAXES*

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; therefore be it

RESOLVED: That the following properties be sold at a public auction to be held in the former Treadway Conference Center at 1100 NY-17C, Owego, New York 13827 on August 10, 2023, conducted by Manasse Auctioneers.

Village of Waverly:

166.18-2-19; Raupers Raymond

Town of Barton:

167.09-1-22; Casterline Estate Deborah S

Village of Candor

61.09-1-10.10; Jackson Daniel J

Town of Candor61.05-1-11; Pettis Barbara JTown of Newark Valley:54.00-1-5.20; Horizon TransportTown of Owego:143.17-1-10; Franzenburg Margaret143.17-1-11; Franzenburg Margaret143.17-1-12; Franzenburg Margaret143.17-1-16.1; Franzenburg Margaret ETown of Richford:11.00-2-2.12; Allen Gary D Jr12.00-1-10; Glezen Richard Jr.12.00-1-11; Glezen Richard Jr.12.00-1-12.20; Glezen Richard Jr.12.00-1-13.50; Glezen Richard Jr.5.00-1-40.42; Wells Bonnie JVillage of Spencer:68.12-2-26; Winans David RandolphTown of Spencer:57.00-1-51; Lindblad Michael Francis

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 282-23 *AUTHORIZE PURCHASES OUTSIDE COUNTY
POLICIES FOR STRENGTHENING PUBLIC HEALTH
INFRASTRUCTURE AND WORKFORCE
PUBLIC HEALTH*

WHEREAS: Tioga County Public Health (TCPH) has received funds from the Centers for Disease Control (CDC) for the Strengthening Public Health Infrastructure and Workforce (SPHIW) initiative, which was appropriated via Resolution No. 260-23; and

WHEREAS: Some SPHIW-allowed expenditures fall outside of County Policies, yet are clearly part of the fundings intent of Recruitment and Retention of the Public Health Workforce over the five-year funding period; and

WHEREAS: Current County policies address non-allowable expenses due to the appropriateness of using Local County Cost for the funding; and

WHEREAS: SPHIW comes from the CDC and are Federal funds, and are neither local costs nor New York State costs; and

WHEREAS: In coordination with the County Auditor, TCPH desires to establish clear approvals for these expenditures by receiving Legislative authorization via Resolution for TCPH to make expenditures within SPHIW funding that may be outside normal County Policies such as food/refreshments, staff recognition event and clothing items; and

WHEREAS: Authorization outside of County Policies requires Legislative Approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes Tioga County Public Health to purchase SPHIW-allowable items during the five-year period of the award, with the understanding and direction that no local funds will be used.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 283-23 *REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO EXCEED FOOD & BEVERAGE PURCHASE GUIDELINES*

WHEREAS: The Tioga County Veterans Service Agency (TCVSA) conducts multiple community outreach events monthly and at these events provides food, beverages, and supplies to those in attendance as well as information on resources, benefits, and services available to veterans, military and their families; and

WHEREAS: The soon-to-be amended County Policy – Section III; Subsection H. Purchase of Food, Beverages and Supplies will limit expenses to \$150 per event; and

WHEREAS: The TCVSA will be holding the following events in July, with grant funds being used, that will exceed the \$150.00 per event limit, and requests to exceed the event limit must be made by resolution and require the approval of the County Legislature:

July 14 – Unplugged Family Fun Night @ Owego Nazarene Church, Dwyer Program: \$750.00

July 16-19 – Onward Ops @ Ft. Drum, ETS Sponsorship: \$750.00

July 21 – Coffee Mess Breakfast @ Hickories Park, MH Outreach: \$400.00

July 27 – Red, White & Blue Picnic – A Salute to Korean War Veterans, Dwyer Program: \$7,000.000

July 28 – Lunch & Learn, Dwyer Program: \$250.00

Therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to exceed the per event limit using grant funding as identified, noting that TCVSA will not exceed the total amount mentioned for each event above.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 284-23 UPDATE PUBLIC HEALTH CHART OF ACCOUNTS

WHEREAS: Updates have been made to the expense categories in the NYS Comptroller Accounting Reporting Manual (ARM); and

WHEREAS: Tioga County Public Health has agreed to update their chart of accounts to coincide with the NYS Comptroller's ARM; and

WHEREAS: Legislative approval is required to amend budget; therefore be it

RESOLVED: That the following orgs be merged and updated in the chart of accounts:

From: A4011 To: A4010 (Public Health)

From: A4044 To: A4059 (Early Intervention Program)

From: A4053 To: A4070 (Child Health Program)

From: A4064 To: A4050 (Public Health, Other-Dental)

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ITCS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 286-23 *TRANSFER FUNDS TO PURCHASE CONFERENCE ROOM CHAIRS FOR ITCS CONFERENCE ROOM*

WHEREAS: The Information Technology and Communication Services Department has been assigned a new conference room; and

WHEREAS: The Chief Information Officer has identified a need to purchase chairs for that conference room; and

WHEREAS: The Information Technology and Communication Services Operational Budget does not have allocation in the appropriate budget line; and

WHEREAS: Legislative approval is needed to amend the ITCS 2023 Operational Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the ITCS 2023 Operational Budget:

From: A1680 540140	Contracting Services	\$380.00
To: A1680 520070	Chairs	\$380.00

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 287-23 *TRANSFER FUNDS TO PURCHASE BACKUP AND
OFFSITE COLD STORAGE SOLUTIONS FOR
INFORMATION TECHNOLOGY AND
COMMUNICATION SERVICES*

WHEREAS: The Chief Information Officer and Deputy Director of Information Technology and Communication Services have identified a critical need to improve the Disaster Recovery capabilities within Tioga County; and

WHEREAS: The Chief Information Officer and Deputy Director have designed a robust, multi-layered backup and Disaster Recovery solution targeted toward protecting the integrity and availability of critical County data; and

WHEREAS: This solution includes an on-site and off-site backup and recovery solution; and

WHEREAS: An off-site location has been identified to host the offline cold storage solution; and

WHEREAS: Legislative approval is needed to amend the ITCS 2023 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the ITCS 2023 Capital Budget:

From: H387805	Capital Hardware Reserve	\$28,000.00
To: H1680 521090	Computers	\$28,000.00

And be it further

RESOLVED: That the Chief Information Officer is authorized to purchase the necessary hardware for multi-layered Disaster Recovery solution from the Omnia Cooperative Purchase Program, not to exceed \$28,000.00.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
HEATH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 288-23 *TRANSFER FUNDS TO PURCHASE UPGRADED SECURITY CAMERAS FOR REMAINING HEALTH AND HUMAN SERVICE BUILDING CAMERA LOCATIONS*

WHEREAS: The County Information Technology and Communication Services Department has determined the need for security cameras at the Health and Human Services Building; and

WHEREAS: Three cameras were not included in the initial funding request; and

WHEREAS: The purchase will be funded utilizing ITCS Capital Hardware Reserve funds which will be allocated into account H1621 520255; and

WHEREAS: Legislative approval is needed to amend or modify budget and appropriate funds; therefore be it

RESOLVED: That the following funds be transferred and the 2023 budget be modified as follows:

FROM:	H387805	Capital Hardware Reserve	\$7,032.61
TO:	H1621 520255	Security Equipment	\$7,032.61

Legislator Standinger spoke. "The preceding resolutions and this one are a tribute to our new IT Director who has been very aggressive about resolving some issues that were present when he took office."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ITCS COMMITTEE
 FINANCE COMMITTEE
 HEALTH AND HUMAN SERVICES COMMITTEE
 PUBLIC WORKS COMMITTEE

RESOLUTION NO. 289-23 *TRANSFER FUNDS AND AUTHORIZE PURCHASE OF
 HARDWARE AND INSTALLATION SERVICES TO
 UPGRADE ACCESS CONTROL AND SECURITY
 CAMERA SYSTEMS AT HEALTH AND HUMAN
 SERVICES AND COURT ANNEX BUILDINGS*

WHEREAS: The existing Access Control system at the Health and Human Service building was initially installed when the building was opened. This system is managed via software running on an unsupported and end of life Windows Operating System; and

WHEREAS: Tioga County does not have a current support agreement to support or upgrade the existing management software, thus forcing ITCS staff to spend excessive amounts of time keeping the system operational; and

WHEREAS: Tioga County has outlined an initiative to standardize and centralize all building security into one platform which uses hardware and software from the vendor Verkada; and

WHEREAS: Existing security cameras at the Health and Human Services building have already been upgraded to the Verkada platform and additional exterior security camera coverage requirements have been identified by key stakeholders; and

WHEREAS: The current Access Control management system also controls the Access Control system at the Tioga County Court Annex building, thus requiring the system to be upgraded at that location as well; and

WHEREAS: Existing security cameras at the Tioga County Court Annex need to be upgraded to the Verkada security camera system; and

WHEREAS: The hardware and installation, totaling \$73,905.04, and software licensing services, totaling \$54,643.86, will be purchased using the PEPPM Cooperative Purchasing Program from AR Technology Solutions; and

WHEREAS: The hardware purchase will be funded utilizing ITCS Capital Hardware Reserve funds which will be allocated into account H1621 520255 for the Health and Human Services portion of the project and into H1680 521090 for the Court Annex portion of the project; and

WHEREAS: The software license subscription will be funded utilizing ITCS Capital Software Reserve funds which will be allocated into account H1621 520255 for the Health and Human Services portion of the project and into H1680 520620 for the Court Annex portion of the project; and

WHEREAS: Legislative approval is needed to amend or modify budget and appropriate funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the 2023 Capital Budget:

From: H 387805	Capital Hardware Reserve	\$73,905.04
To: H1680 521090	Computers	\$16,625.29
	H1621 520255 Security Equipment	\$57,279.75
From: H387804	Capital Software Reserve	\$54,643.86
To: H1680 520620	Software Expense	\$14,062.63
	H1621 520620 Software Expense	\$40,581.23

And be it further

RESOLVED: That the Tioga County Legislature authorizes the purchase of (7) Verkada CD62-E Outdoor Dome Cameras with mounts, (5) Verkada CD62 Indoor Dome Cameras, (10) Verkada AC42 4-Door Controllers, (30) Verkada AD33 Multi-format Card Readers, 10 Year licenses for all doors and cameras, and professional installation services using prevailing wage rates from accounts H1621 520255 for the Health and Human Services building portion of the project and H1680 521090 and H1680 520620 for the Tioga County Court Annex portion of the project.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 291-23 *APPROPRIATION OF FUNDS AND
AMEND 2023 BUDGET
SOCIAL SERVICES*

WHEREAS: Tioga County Department of Social Services has budgeted 2023 A6070 Title XX Services expenses based on historical trends; and

WHEREAS: Title XX expenses receive 100% reimbursement from State and Federal funds; and

WHEREAS: 2023 A6070 Title XX expenses will exceed the budgeted amount due to State policy changes and unforeseen expenses; and

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

RESOLVED: That funding be appropriated as follows:

From: A6070.436700 RTA State Aid: Services for Recipients	\$ 22,360
To: A6070.540487 RTA Program Expense	\$ 22,360
From: A6070.446700 Federal Aid: Services for Recipients	\$ 94,900
To: A6070.540487 Title XX Program Expense	\$ 94,900

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 292-23 *APPROPRIATE ADDITIONAL FUNDS
PUBLIC WORKS*

WHEREAS: Tioga County has been awarded additional funds from New York State Department of Transportation for CHIPS, PAVENY, EWR and POP programs; and

WHEREAS: Tioga County budgeted \$2,763,847.30 for paving in 2023; and

WHEREAS: Tioga County has been awarded \$3,543,150.28 from the above-mentioned programs; and

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

RESOLVED: That the additional funds be appropriated to the following accounts:

FROM:	H5110.435010 – (CHIPS)	\$779,302.98
TO:	H5110.540001.H2301 – Paving Projects	\$779,302.98

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 293-23 *AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH*

WHEREAS: Resolution 193-23 authorized Tioga County Public Health (TCPH) to apply for a Community Foundation grant to provide funding toward the Child Passenger Safety Program; and

WHEREAS: TCPH has been awarded the grant; and

WHEREAS: Legislative approval is required to amend budget and appropriate funds; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4053 422800-CFCS Public Health: Local Grants \$ 5,000

To: A4053 540640-CFCS Public Health: Supplies \$ 5,000

And be it further

RESOLVED: That available funds on 12/31/23 of the original \$5,000 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 294-23 *APPROVE ALTERNATIVES TO INCARCERATION
2023-2024 SERVICE PLAN*

WHEREAS: The Alternatives to Incarceration Service Plan for 2023-2024 was presented to the Alternatives to Incarceration Board meeting on April 20, 2023; and

WHEREAS: The Alternatives to Incarceration Programs in Tioga County for Pre-Trial Release and Community Service have a long-standing tradition of being an effective tool to reduce the amount of inmates in the Tioga County Jail; the ATI Board approves the plan, the Tioga County Legislature will also support it; therefore be it

RESOLVED: That the Tioga County Legislature approves the Alternatives to Incarceration Service Plan for the time period of 7/1/2023 to 6/30/2024 and submit same to the NYS Division of Criminal Justice Services and Office of Probation and Correctional Alternatives to continue state-grant funding for Pre-Trial Release, Community Service, and Specialized Treatment.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 295-23 *ADOPT DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM*

WHEREAS: The Department of Transportation (DOT) requires the establishment of a Disadvantaged Business Enterprise Program (DBE) when two hundred and fifty thousand dollars (\$250,000) or more in financial assistance is received from the DOT; and

WHEREAS: Tioga County is the recipient of federal-aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 105-178, 112 Stat. 107; and

WHEREAS: Tioga County has received more than two hundred and fifty thousand dollars (\$250,000) in Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Tioga County has signed an assurance that it will comply with 49 CFR Part 26; and

WHEREAS: The County Attorney, in conjunction with the Deputy Director of Public Works, has written and proposed a new program entitled Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26; therefore be it

RESOLVED: That the Tioga County Legislature authorizes adoption and implementation of the Disadvantaged Business Enterprise (DBE) Program for Tioga County.

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)

Tioga County Disadvantaged Business Enterprise Program (DBE)

- I. Policy Statement
- II. General Requirements
- III. Administrative Requirements
- IV. Goals, Good Faith Efforts, and Counting
- V. Certification Standards
- VI. Certification Procedures
- VII. Compliance and Enforcement

POLICY STATEMENT

Tioga County has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Tioga County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Tioga County has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Tioga County to ensure that DBEs have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure non-discrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Deputy Commissioner of Public Works has been appointed as the DBE Liaison Officer (DBELO). In that capacity, the Deputy Commissioner of Public Works is

responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by Tioga County in its financial assistance agreements with the Department of Transportation.

Tioga County has disseminated this policy statement to the Tioga County Legislature and all of the components of our organization. Tioga County has distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts as a contract attachment.

Martha Sauerbrey, Legislative Chair

Date

GENERAL REQUIREMENTS

Tioga County is the recipient of federal-aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 105-178, 112 Stat. 107.

Tioga County is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of TEA-21, Pub. L. 105-178.

Non-discrimination Requirements:

Tioga County will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, Tioga County will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

Record Keeping Requirements:

Tioga County will report DBE participation to DOT as follows:

- FHWA Recipients will report DBE participation on a quarterly basis, using DOT Form 4630.
- FTA Recipients will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List:

Tioga County will utilize a bidders list from the New York State Unified Certification Directory and the New York State MWBE Directory to provide information on contracting opportunities to all DBE and non-DBE firms that bid or quote on FTA/FHWA-assisted contracts.

The bidders list includes the name, address, phone number, fax number, e-mail address of the small business, as well as the contract person and general description of goods and/or services available from each specific small business. In addition, the bidders list will include the DBE/non-DBE status.

The DBELO or designee will collect this information by requiring any firm registering for its bidders list to submit proof of their certification as a DBE by NYS Unified Certification Program (UCP). The DBELO or their designee will confirm the vendor's registration through the UCP.

Federal Financial Assistance Agreement:

Tioga County has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance:

Tioga County shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the [Recipient] of its failure to carry out its approved program, the Department may

impose sanction as provided and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance:

Tioga County will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

ADMINISTRATIVE REQUIREMENTS

DBE Program Updates:

Since Tioga County has received an FTA and/or FHWA grant(s), Tioga County will continue to carry out this program until all funds from DOT financial assistance have been expended. Tioga County will provide to DOT updates representing significant changes in the program.

DBE Liaison Officer (DBELO):

Tioga County has designated the Deputy Commissioner of Public Works, 477 Route 96, Owego, NY 13827, 607-687-0302, as Tioga County's DBE Liaison Officer.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that Tioga County complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Chair of the Legislature concerning DBE Program matters.

The DBELO is responsible for developing, implementing, and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO has staff to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by FTA/FHWA.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Determines Tioga County's annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements that include DBE reporting when necessary.
6. Analyzes Tioga County's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Commissioner of Public Works on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Utilize NYSDOT's UCP Directory to identify Certified DBE's.

DBE Financial Institutions:

It is the policy of Tioga County to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Tioga County has made efforts to identify and use such institutions, however no such institutions exist in Tioga County.

Prompt Payment Mechanisms:

Tioga County will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven days from the receipt of each payment the prime contract receives from Tioga County. Any delay or postponement of payment from the above-referenced timeframe may occur only for good cause following written approval of Tioga County. This clause applies to both DBE and non-DBE subcontracts.

Directory:

Tioga County is a non-certifying member of the New York Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs which contains all the elements required. The New York UCP Directory can be found at <https://nysucp.newnycontracts.com/>.

Overconcentration:

Tioga County has not identified that overconcentration exists in the types of work that DBEs perform.

Business Development Programs:

Tioga County has a business development program. The daily work of responding to the needs of industry and businesses is the task of Tioga County Economic Development and Planning. However, full implementation of assistance also requires the assistance of the County's Local Development Corporation and Industrial Development Agency. For information regarding Tioga County's business development programs, please contact Tioga County Economic Development and Planning located at 56 Main Street, Room 109, Owego, New York 13827.

Monitoring and Enforcement Mechanisms:

Tioga County will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. Tioga County will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. Tioga County will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by the DEBLO.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

GOALS, GOOD FAITH EFFORTS, AND COUNTING**Set-asides or Quotas:**

Tioga County does not use quotas in any way in the administration of this DBE Program.

Overall Goals:

Tioga County will establish an overall DBE goal covering three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. Tioga County will submit its Overall Three-year DBA Goal to FTA/FHWA by August 1 of the year in which the goal is due.

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If Tioga County does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and Tioga County will seek to fulfill the objectives outlined elaborated in the policy statement located on the first page of this program.

Step 1: The first step is to determine a base figure for the relative availability of DBEs in the market area. Tioga County will use the DBE Directory Information and Census Bureau Data as a method to determine the base figure.

Step 2: The second step is to adjust, if necessary, the base figure percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Tioga County will examine all the evidence that is available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstratable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the Tioga County market.

Following this consultation, Tioga County will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Ronald E. Dougherty County Office Building for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, Tioga County will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Tioga County's overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

Tioga County will begin using our overall goal on October 1 of each year unless having received other instructions from DOT. If Tioga County establishes a goal on a project basis, Tioga County will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Transit Vehicle Manufacturers Goals:

Tioga County will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA and/or FHWA procurements, to certify that it has complied with the requirements of this section. Alternatively, Tioga County may, at its discretion and with FHWA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the Transit Vehicle Manufacture complying with this element of the program.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

Tioga County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE goal.

Race-neutral means include but are not limited to the following:

1. DBE participation through a prime contract that a DBE obtains through customary competitive procurement procedures;
2. DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
3. DBE participation on a prime contract exceeding a contract goal;
4. DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Contract Goals:

Tioga County will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. Tioga County need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract.

Tioga County will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Good Faith Efforts Procedures:

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts.

Tioga County will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted:

Tioga County treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration:

Within thirty days of being informed by Tioga County that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: The County Attorney's Office located at 56 Main Street, Room 103, Owego, New York 13827, 607-687-8253. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to

discuss the issue of whether it met the goal or made adequate good faith efforts to do. Tioga County will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract:

Tioga County will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. Tioga County will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, Tioga County will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, Tioga County will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, Tioga County may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Tioga County to practice non-discrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror shall make good faith efforts to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) written confirmation from the DBE that it is

participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Counting DBE Participation:

Tioga County will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

CERTIFICATION STANDARDS

Certification Process:

Tioga County does not certify DBEs and will rely on NYSDOT United Certification Program to certify DBEs and will accept all certification decisions made by NYSDOT's UCP. Any business wishing to be certified as a DBE business will be referred to NYSDOT.

For information about the certification process or to apply for certification, firms should contact:

Department of Transportation, Departmental Office of Civil Rights
1200 New Jersey Ave, S.E. Washington, DC 20590.
Phone: 202-366-4648
Fax: 202-366-5575

CERTIFICATION PROCEDURES

Unified Certification Programs:

Tioga County is a member of a United Certification Program (UPC) administered by the New York State Department of Transportation. The UCP will meet all the requirements of this section.

COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation:

Tioga County will safeguard from disclosing to third parties' information that may reasonably be regarded as confidential business information, consistent with Federal, State, and Local law. It is the policy of Tioga County government that the public should generally have free and easy access to county government records except as restricted by Federal or State law or to support individual personal privacy. The County's records management and FOIL process is governed by NYS

Public Officers Law, Article 6 and the County follows the New York State LGS-1 Schedule for managing document retention and disposition.

Notwithstanding any contrary provisions of State or Local law, Tioga County will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs:

Tioga County will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Tioga County or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Tioga County will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE LEGISLATIVE WORKSESSION FINANCE, LEGAL & SAFETY COMMITTEE
--------------	---

RESOLUTION NO. 296-23	AMEND RESOLUTION NO. 193-18, AS AMENDED BY RESOLUTION NO. 45-23; AS AMENDED BY RESOLUTION NO. 255-23 ADOPTION OF TIOGA COUNTY TITLE VI PLAN, ENVIRONMENTAL JUSTICE PLAN, LIMITED ENGLISH PROFICIENCY PLAN, DATA COLLECTION PLAN, ADA TRANSITION PLAN AND EMPLOYEE TRAINING PLAN
-----------------------	---

WHEREAS: The Tioga County Legislature adopted the Tioga County Title VI Plan, Environmental Justice Plan, Limited English Proficiency Plan, Data Collection Plan, ADA Transition Plan, and Employee Training Plan by way of Resolution No. 193-18 on August 17, 2018, and amended the Plan by way of Resolution No. 45-23 on January 10, 2023, and Resolution No. 255-23 on June 13, 2023; and

WHEREAS: The Federal Transit Administration recently audited the County's Title VI Plan; and

WHEREAS: The Federal Transit Administration is requiring minor revisions to the County's Title VI Plan as follows:

- Title VI Plan Table of Contents Attachment 4—Title VI Nondiscrimination Policy be renamed Attachment 4—Nondiscrimination Policy
- The Tioga County Title VI Complaint Form be renamed the Tioga County Civil Rights Complaint Form
- Attachment 4: Title VI/Non-Discrimination Policy be renamed Non-Discrimination Policy

Therefore be it

RESOLVED: That this resolution shall amend Resolution No. 193-18, as amended by Resolution No. 45-23, as amended by Resolution No. 255-23, only for the following revisions to the Tioga County Title VI Plan:

- Title VI Plan Table of Contents Attachment 4—Title VI Nondiscrimination Policy be renamed Attachment 4—Nondiscrimination Policy
- The Tioga County Title VI Complaint Form be renamed the Tioga County Civil Rights Complaint Form
- Attachment 4: Title VI/Non-Discrimination Policy be renamed Non-Discrimination Policy

And be it further

RESOLVED: That the remainder of the Tioga County Title VI Plan remains unchanged.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 297-23 *AMEND EMPLOYEE HANDBOOK:
SECTION III. FINANCIAL RULES;
SUBSECTION H. PURCHASE OF FOOD, BEVERAGE,
SUPPLIES AND SMALL ELECTRONICS*

WHEREAS: Section III. Financial Rules; Subsection H. entitled Purchase of Food, Beverage, Supplies and Small Electronics was last revised on August 12, 2014; and

WHEREAS: The policy has been reviewed and recommendations were made that the policy be amended in its entirety, replaced, and renamed; therefore be it

RESOLVED: That Section III. Financial Rules, Subsection H. Purchase of Food, Beverage, Supplies and Small Electronics be amended in its entirety, replaced, and renamed as follows:

h. Purchase of Food, Beverage, Supplies, Small Electronics/Appliances, Gas Cards, and Gift Cards
(FORMERLY POLICY #54)

SECTIONS:

- I. Procurement Policy & Procedure**
- II. Purchase of Food and Beverage**
- III. Purchase of Supplies and Small Electronics/Appliances**
- IV. Purchase of Gas Cards and Gift Cards**
- V. Effective Date**

I. Procurement Policy & Procedure

The purpose of this policy is to establish a standard purchasing and procurement procedure for all County departments and to ensure all County departments enforce the policies established by the Tioga County Legislature in regard to the expenditure of public taxpayer funds.

Funds must be allocated in your annual budget and purchases should be kept to a reasonable amount to avoid over-purchasing.

This policy must be followed regardless of the source of funds and whether that source allows for funds to be used for a particular purpose. Purchases must be allowable within the purchasing policies of Tioga County as well as any applicable Federal, State, or Local Grant requirements. **If grant funds are utilized, the official award notification must be received by Tioga County prior to the transaction of any purchases. NOTE: The County's Purchasing and Procurement Policies are often more restrictive than what is required under Federal, State, and Local Grant fund sources.** Any employee who violates the terms of the County's purchasing policies shall be personally responsible for reimbursing the County if return of purchase to the vendor is not possible.

II. Purchase of Food and Beverage

In recognition of the time and effort devoted by our volunteers serving on Legislatively appointed Boards, County funds (Local, State, & Federal) may be used to purchase light refreshments in an amount not to exceed \$150.00 for all Boards whose members are appointed by the Tioga County Legislature. Employees present at such meetings are also welcome to imbibe. Staff meetings and Legislative meetings are excluded.

In addition to our volunteer Boards, the Legislature also recognizes specific special events, meetings, and trainings where the purchase of food/beverage is permissible.

PERMISSIBLE MEETINGS/TRAININGS/EVENTS (NOT TO EXCEED \$150.00):

- a. Boards whose members are appointed by the Tioga County Legislature
- b. Recognition Ceremonies organized by the County's Employee Recognition Program (**exempt from threshold limit**)
- c. Institute for Advancement (I4A) (**exempt from threshold limit**)
- d. Meetings with State and Federal Elected Officials
- e. Business Meetings with Non-County Business Associates (**Employees only will be held to the per-diem rate established for the specific meal**).
- f. Foster Parent Training Classes
- g. Tioga County Sponsored Trainings
- h. Lunch during Required All-Day Staff Meetings
- i. Business Shows/Job Fairs
- j. Open Houses
- k. Veterans Community Outreach Events
- l. Other events, meetings, and trainings as pre-authorized by resolution of the Tioga County Legislature, including any expenditures in excess of the \$150.00 threshold limit not listed above. (**NOTE: Departments should plan in advance for upcoming events that will exceed the established threshold and submit one resolution for all events in a given month versus individual resolutions for each event**).

PROHIBITED EXPENSES:

- a. Office Luncheons
- b. Staff/Team Meetings
- c. Legislative Meetings
- d. Staff Birthdays/Retirements
- e. "Working Luncheons" comprised of County Staff
- f. Half-Day Trainings
- g. Employee Picnics
- h. Employee Recognition Ceremonies not part of the County's Employee Recognition Program
- i. Food/Beverage for Extended Work Hours
- j. Office Drinking Water (See Section III. Financial Rules, Subsection g. Water Coolers)
- k. Bottled Water*
- l. Office Coffee & Supplies*

***Bottled Water, coffee & supplies are allowable only when purchased as part of the permissible meetings, trainings, and events listed above and should be kept to a reasonable amount to avoid over-purchasing.**

Food/beverage listed under Prohibited Expenses may be offered, however at the employee's expense.

III. Purchase of Supplies and Small Electronics/Appliances

Departments shall not purchase small electronics/appliances such as coffee makers, microwaves, refrigerators, etc. from County budgets for employee use. If there is a common breakroom in any building, such breakroom shall be exempt from these purchases.

Departments shall not purchase paper plates, plastic utensils, disposable cups, and napkins for employee use. These purchases are only allowable if associated with one of the permissible meetings, trainings, or events with the understanding that purchases are to be kept to a reasonable amount to avoid over-purchasing.

IV. Purchase of Gas Cards and Gift Cards

Departments are allowed to purchase gas cards and gift cards as part of their programmatic needs for clientele use only. Tioga County employees are not eligible to receive a County paid/issued gas or gift card, with the exception of the Wellness Trust Account funds managed by the County Treasurer through the Public Health Department for their monthly Wellness promotions.

Departments are allowed to purchase gift cards as part of a County Department promotional giveaway for public use only. Tioga County employees are prohibited from entering promotional contests.

Departments are required to maintain a record of the number of gas and gift cards purchased, to whom they have been issued, and for said purpose.

Departments are required to keep all purchased gas and gift cards in a secure location until time of issuance.

Departments are required to adhere to the County's Purchasing and Procurement Policy including sales tax, gratuity, and Purchase Card requirements. Purchases will not be reimbursed without an itemized receipt. Failure to obtain an itemized receipt will result in the cardholder reimbursing the Tioga County Treasurer for said purchase.

V. Effective Date

This policy has been revised in its entirety, replaced, and renamed and the effective date of this policy shall be July 11, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. 298-23 *AMEND EMPLOYEE HANDBOOK:
ADD NEW POLICY TO SECTION IX. SAFETY RULES;
SUBSECTION E. ENTITLED TIOGA COUNTY
RESPIRATORY PROTECTION PROGRAM FOR THE
VOLUNTARY USE OF RESPIRATORS*

WHEREAS: The current Tioga County Respiratory Protection Program policy does not address voluntary use of respirators; and

WHEREAS: Many Tioga County departments have a supply of N95 masks due to the COVID-19 pandemic, however, there is not a County policy that allows for continued voluntary use once the pandemic emergency orders expired; and

WHEREAS: The Safety Officer in cooperation with Tioga County Public Health has written a policy to address the voluntary use of respirators for Tioga County employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the adoption of Tioga County Respiratory Protection Program for the Voluntary Use of Respirators; and be it further

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to Section IX, Subsection e. entitled Tioga County Respiratory Protection Program for the Voluntary Use of Respirators.

e. TIOGA COUNTY RESPIRATORY PROTECTION PROGRAM FOR THE VOLUNTARY USE OF RESPIRATORS

CONTENTS:

- I. SCOPE AND APPLICATION
- II. PROGRAM ADMINISTRATOR'S RESPONSIBILITIES
- III. MEDICAL EVALUATION
- IV. CLEANING, MAINTAINING, AND STORING THE RESPIRATORS
- V. PROGRAM REVIEW

APPENDIX D - §1910.134- INFORMATION FOR EMPLOYEES USING THE RESPIRATORS WHEN NOT REQUIRED UNDER THE STANDARD

FORM 1: RESPIRATORS FOR VOLUNTARY USE DETERMINED THROUGH HAZARD ASSESSMENTS

SIGN-OFF FORM FOR VOLUNTARY RESPIRATOR USE: APPENDIX D

I. SCOPE AND APPLICATION

This program applies when employees request to use respirators in situations where the Tioga County Safety Officer has determined, through an evaluation of the hazards as outlined in Table 1, that respirator use is not required by any applicable OSHA standard. In these situations, employees may be given supervisory permission to use respiratory protection for comfort or for additional protection. This policy covers the use of dust masks or N95 filtering facepiece respirators only.

Respirators are an effective method of protection against designated hazards when properly selected and worn. Respirator use is sometimes advisable, even when exposures are below the exposure limit, to provide an additional level of comfort and protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker.

Any employee who wants to wear a respirator – other than a dust mask – on a voluntary basis is subject to the medical evaluation requirement; all voluntary users are subject to the cleaning, maintenance, and storage elements of this program.

II. PROGRAM ADMINISTRATOR'S RESPONSIBILITIES

The Respiratory Protection Program Administrator is the knowledgeable person at the workplace who is responsible for overseeing this program for the voluntary use of respiratory protection. The Program Administrator for Tioga County is the Safety Officer.

The Program Administrator has the following duties:

- Evaluate the workplace for respiratory hazards.
- Ensure that the respirators being used voluntarily are appropriate for the employee's job and intended function.
- Ensure that employees maintain and store their respirators in a sanitary condition.
- Provide voluntary users with the information contained in OSHA's Respiratory Protection Standard, 29CFR1910.134: Appendix D "Information for employees using respirators when not required under the standard."
- Maintain any training records and/or the employee's acknowledgement for receiving Appendix D.

III. MEDICAL EVALUATION

Dust masks and N95 filtering facepiece respirators do not require a medical evaluation for voluntary use.

IV. CLEANING, MAINTAINING, AND STORING THE RESPIRATORS

Cleaning

Dust masks and N95 filtering facepiece respirators are "disposable respirators." They must be discarded after use, or when they become damaged or soiled. Replace dust masks and N95 respirators regularly after use or when the surface is torn, dirty or the straps break.

Maintenance

Reusable respirators must be properly maintained. Maintenance includes a thorough visual inspection for cleanliness and defects. It must be discarded after use, or when it becomes damaged or soiled.

Respirator Storage

Respirators must be stored in a clean, dry area according to the manufacturer's recommendations. Respirators should be stored in a manner so that the dust mask is not bent or distorted.

V. PROGRAM REVIEW

The Program Administrator will evaluate the Voluntary Respirator Program annually to ensure that it's adequate and that employee concerns regarding respiratory protection are addressed.

APPENDIX D TO §1910.134: INFORMATION FOR EMPLOYEES USING RESPIRATORS WHEN NOT REQUIRED UNDER THE STANDARD (MANDATORY)

Respirators are an effective method of protection against designated hazards when properly selected and worn. Respirator use is encouraged, even when exposures are below the exposure limit, to provide an additional level of comfort and protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker. Sometimes, workers may wear respirators to avoid exposure to hazards, even if the amount of hazardous substance does not exceed the limits set by OSHA standards. If your employer provides respirators for your voluntary use, or if you provide your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard.

You should do the following:

1. Read and heed all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirator's limitations.
2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
3. Do not wear your respirator in atmospheres containing contaminants which your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors, or very small solid particles of fumes or smoke.
4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.

[63 FR 1152, Jan. 8, 1998; 63 FR 20098, 20099, April 23, 1998; assembled at 69 FR 46993, Aug. 4, 2004, 71 FR 16672, April 3, 2006; 71 FR 50187]

FORM 1: RESPIRATORS FOR VOLUNTARY USE – DETERMINED THROUGH HAZARD ASSESSMENTS

Respirators for voluntary use at Tioga County Department of Public Works

Respirator	Area affected	Hazard
Dust Mask Filtering facepiece-N95	Mowing and trimming operations	Grass chaff, pollen and dust. Respirators are not required by OSHA standard, but dust masks/N95 may be used for employee comfort.

Respirators for voluntary use at all Tioga County Departments

Respirator	Area affected	Hazard
Dust Mask Filtering facepiece-N95	All outdoor work	Decreased air quality due to fine particulate matter in the atmosphere. Respirators are not required by OSHA standard, but dust masks/N95 may be used for employee comfort.

SIGN-OFF FORM FOR VOLUNTARY RESPIRATOR USE: APPENDIX D

Some Tioga County employees may choose to use filtering facepiece respirators, also referred to as N95 disposable dust masks, on a voluntary basis during activities that involve exposures to low-level, non-hazardous nuisance dust or other similar particulate. According to the Tioga County Respiratory Protection Program for the Voluntary Use of Respirators and Occupational Safety and Health Administration (OSHA) regulations, Tioga County must provide you with the following information if you wear a filtering facepiece respirator voluntarily. The following information is copied from the OSHA Respiratory Protection Standard and pertains to the voluntary use of respirators. After reading the information below, please complete the section at the end of this form.

The filtering facepiece respirator you have elected to use is approved, when fitted properly, for use against nuisance non-hazardous particulate (sawdust, dirt, pollen, animal dander and atmospheric fine particulates). It will not provide protection from any chemical vapors such as those associated with spray paints or solvents. It is not intended for use during work that may involve exposure to airborne asbestos fibers, silica dust, or lead dust. Work you perform that may involve airborne asbestos fibers, silica dust, or lead dust should be reviewed by the Safety Office before the project proceeds. If you have questions concerning any of this information, please call the Safety Office at (607) 687-8238.

Please complete the section below:

Name (print): _____

Job Location/Department: _____

I have read and understood the information provided above:

Signature:

Date:

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 299-23 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	Days/Month (based on Record of Activities)	Pay Frequency	Not Submitted
Appointed Officials						
Assistant County Attorney	Ronald Lanouette	3.65	01/17/2023-12/31/2025	22	Biweekly	

I, Cathy Haskell, 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 11th day of July, 2023 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 11th day of July, 2023.

Tioga County Legislative Clerk

Affidavit of Posting: I, Cathy Haskell, being duly sworn, depose and say that the posting of the resolution began on July 11, 2023 and continued for at least 30 days. That the resolution was available to the public on the

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

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell made a motion to bring forth one late-file resolution for Legislature consideration, seconded by Legislator Brown. Motion carried.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE PERSONNEL COMMITTEE LEGAL, FINANCE, & SAFETY COMMITTEE
--------------	--

RESOLUTION NO. 300-23	<i>AUTHORIZE APPOINTMENT OF CAPTAIN-OPERATIONS OFFICER SHERIFF'S OFFICE</i>
-----------------------	---

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: Due to a retirement, the position of Captain-Operations Officer within the Sheriff's Office became vacant on June 9, 2023; and

WHEREAS: The Sheriff has identified a qualified candidate to appoint to the position; and

WHEREAS: During the July 6, 2023 Legislative Worksession, consensus was given to the Sheriff on the salary offer for his selected candidate; therefore be it

RESOLVED: That the Sheriff is hereby authorized to promote Trevor Yaeger to the title of Captain-Operations Officer at an annual, Management/Confidential salary of \$102,000 effective July 15, 2023 with no increase in pay on January 1, 2024; and be it further

RESOLVED: That the salary for the Undersheriff shall increase to \$103,000 effective January 1, 2024. The Sheriff's salary will increase to \$104,055, per Local Law No. 1 of 2023 effective January 1, 2024.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, and Brown.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Meeting adjourned at 12:18 p.m.