

*Twelfth Regular Meeting*  
December 13, 2011

The Twelfth Regular Meeting of 2011 was held on December 13, 2011 and was called to order by the Chair at 6:00 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Huttleston to have a moment of prayer. "As I was driving here today for this special occasion and wonderful example of democracy, which many countries are unable to enjoy, I said to myself this is as good as it gets. I thought isn't it great to be an American and we are so lucky and blessed to be born in a great caring, loving and free country that gives us the freedom of religious choice and several other freedoms that other people in the world are unable to enjoy. Let us take the time to thank the many people from the past that have given and sacrificed so much to allow us to live free. Let us bless and thank our leaders and military forces who are making many sacrifices to ensure and protect our freedom. Let us pray that the entire world will someday be able to live in peace and all the people will be free of hate, anarchy, and terrorism. Thank you Lord for this great country and our freedom, and I ask you to guide and bless this Legislative body, our department heads, and employees."

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

Legislator Sauerbrey read and presented the following recognition resolution to Arlene Howe.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 246-11

*RESOLUTION RECOGNIZING  
ARLENE HOWE'S YEARS  
OF SERVICE TO TIOGA COUNTY*

WHEREAS: Arlene Howe was appointed to the position of Typist at the Department of Social Services on November 19, 1990 and then appointed Deputy Legislative Clerk of the Tioga County Legislature on May 24, 1993 and remained in this position for the remainder of her career; and

WHEREAS: Arlene Howe has been extremely dedicated in the performance of her duties and responsibilities over the years to the Legislative Office. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Mrs. Howe retired on December 31, 2009 and has worked part-time as Deputy Legislative Clerk for the past two years; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Arlene Howe for her years of dedicated service to the residents of Tioga County; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislative Clerk Maureen Dougherty spoke. "I want to thank Arlene for her years of service and dedication in helping me in the office and always being there, and she was pretty loyal about being there and not missing time or anything. She kept the accounts payable running and I do appreciate all the years and everything she has done. Thank you very much."

Arlene Howe spoke. "I would like to say thank you to the County for giving me the opportunity to have worked here. Now I will find out what full time retirement is and now it is going to be up to someone else to keep my candy dish filled. Thank you."

Legislator Huttleston read and presented the following recognition resolution to Peter Ward.

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

REFERRED TO	HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 247-11	<i>RECOGNITION OF PETER L. WARD'S 16 YEARS OF DEDICATED SERVICE TO THE TIOGA COUNTY HEALTH DEPARTMENT</i>

WHEREAS: Peter L. Ward was elected Tioga County Legislator from January 1, 1996 through December 31, 2004; and

WHEREAS: Peter L. Ward, was appointed to the part-time position of Director of Weights and Measures on January 3, 2005 in the Tioga County Health Department; the position he still holds; and

WHEREAS: Peter L. Ward has been extremely dedicated, loyal and professional in the performance of his duties and responsibilities during the past years to the County and to the Public Health Department. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Ward will retire on December 31, 2011; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Peter L. Ward for his total of over 16 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Peter L. Ward.

## ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. "Pete Ward is a long-time farmer from Candor. I have known Peter and some of his family for a good many years. His Uncle used to sign all my plans, Howard Ward. I will say that Peter is a good Christian and he has always been a gentleman, and above all he has always been a good friend. Thank you Peter."

Johannes Peeters, Public Health Director, spoke. "I just want to say these two gentlemen here are probably one of the original people that hired me to the job and I want to thank them both for doing that. It has been fun working for Tioga County. With Peter working for the Health Department, whenever I wanted to find out about how I ought to work with the Legislature, I would always rely on Peter to give me that information.

"It is especially sad to see Peter leaving and retiring. If you had seen how the weights and measures was run when I first came and where it is today, it is all based on what Peter did and I really appreciated that. He has done a good job for weights and measures. He has always been an inspiration to me and working with the County, and I know he has been a good advocate for all the residents of the County. Peter, thank you."

Peter Ward spoke. "Hans and I have that little thing, I hired him, but he is my boss. I told him when I took the job that I could be a good Indian. I have had good support from everyone I have worked with. We hired a lot of good people besides Hans and I have appreciated Denis McCann, the Finance man for the Health Department and his help. The list goes on and on.

“There is one thing I have to say and I do not want to offend anybody, but the Lord Jesus Christ has made it possible for me to do this. I am going to give you a little history. My father died just before his 75<sup>th</sup> birthday. My oldest sister died just before her 75<sup>th</sup> birthday. My brother died just before his 75<sup>th</sup> birthday. I took this job just before my 75<sup>th</sup> birthday.”

Chair Weston stated that the following recognition resolution on Kandi Saxton will just be noted.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 248-11

*RESOLUTION RECOGNIZING  
KANDI SAXTON'S YEARS  
OF SERVICE TO TIOGA COUNTY*

WHEREAS: Kandi Saxton was appointed to the position of Social Work Assistant II at the Department of Mental Hygiene on October 22, 2001 and remained in this position for over 10 years; and

WHEREAS: Kandi Saxton has been extremely dedicated in the performance of her duties and responsibilities over the years to the Mental Hygiene Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Kandi has performed her duties as a Case Manager in a kind, caring and supportive manner; and

WHEREAS: Kandi has been a strong advocate for many of the severely and persistently mentally ill clients within the community and has assisted them in obtaining the services and attention that they need, and that they deserve; and

WHEREAS: Kandi has been a successful advocate for our clients with some of the larger and more impersonal systems of care; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Kandi Saxton for her years of dedicated service to the residents of Tioga County; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Weston stated that due to unforeseen circumstances the Employee of the 4<sup>th</sup> Quarter 2011 will not be presented until the January 2012 meeting.

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		127.26
A1165	District Attorney		1,578.37
A1170	Public Defender		3,916.06
A1172	Assigned Counsel		20,273.76
A1325	Treasurer		1,027.80
A1345	Purchasing		92.48
A1355	Assessments		4.69
A1364	Expense of County Owned Property		750.00
A1410	County Clerk		625.90
A1411	Department of Motor Vehicles		131.97
A1420	Law		1,366.45
A1430	Personnel		116.00
A1450	Elections		16,976.78
A1620	Buildings		51,359.69
A1621	Buildings		22,820.85
A1680	Information Technology		24,776.81

A2490	Community College Tuition	354,880.46
A2960	Education of Handicapped Children	51,571.44
A3020	Public Safety Comm E911 System	5,289.93
A3110	Sheriff	198.99 13,335.57
A3140	Probation	1,297.57
A3146	Sex Offender Program	8,766.67
A3150	Jail	50,480.59
A3315	Special Traffic Programs	600.00
A3410	Fire	10,496.40
A3640	Emergency Mgmt Office	1,015.95
A4010	Public Health Nursing	33,836.50
A4011	Public Health Administration	11,221.01
A4012	Public Health Education	83.71
A4042	Rabies Control	778.72
A4044	Early Intervention	28,051.75
A4053	Preventive/Primary Health Svcs	1,378.08
A4054	Preventive Dental Services	4,566.41
A4062	Lead Poisoning Program	273.00
A4064	Managed Care-Dental Services	11,881.78
A4070	Disease Control	4,018.00
A4090	Environmental Health	711.39
A4210	Alcohol and Drug Services	20,658.79
A4211	Council on Alcoholism	9,923.66
A4309	Mental Hygiene Co Admin	12,129.63
A4310	Mental Health Clinic	110,116.82
A4320	Crisis Intervention Services	21,177.33
A4321	Intensive Case Management	1,579.91
A5630	Bus Operations	23.28
A6010	Social Services Administration	68,257.24
A6141	Energy Crisis Assistance Programs	1,200.00
A6422	Economic Development	1,937.93
A6510	Veterans' Service	35.00
A6610	Sealer Weights & Measures	97.14
A7310.41	Youth Programs, Refundable	3,778.65
A8020	Planning	90.91
A9060	Health Insurance	1,596.82
SOLID WASTE FUND		54,025.33
COUNTY ROAD FUND		32,928.91
CONSOLIDATED HEALTH FUND		70,825.35
CAPITAL FUND		703,380.73
LIABILITY INSURANCE FUND		126.00
WORKERS' COMP		<u>1,300.00</u>

GRAND TOTAL \$ 1,855,868.22

Legislator McEwen made a motion to approve the minutes of November 3, 15, 22, and 28, 2011, seconded by Legislator Hollenbeck, and carried.

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

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 249-11 *FIX TIME OF  
ORGANIZATIONAL MEETING*

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 A.M., Tuesday, January 3, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 250-11 *ADOPT STATE EQUALIZATION REPORTS*

RESOLVED: That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.



## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 251-11 YEAR END TRANSFERS

RESOLVED: That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That the County Treasurer is hereby authorized and directed to effect this resolution.

## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 252-11 *AUTHORIZE TREASURER TO  
ENCUMBER FUNDS*

RESOLVED: That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

RESOLVED: That said funds be encumbered before December 31, 2011 to allow proper coding of bills for payment in January.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 253-11 *ADOPT COUNTY BUDGET FOR 2012,  
APPROPRIATIONS AND SALARY  
SCHEDULE*

RESOLVED: That the tentative budget for Tioga County for the year 2012 submitted by the Budget Officer on November 15, 2011 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2012; and be it further

RESOLVED: That the several amounts specified in such budget as to the total for the several objects as set forth in Schedule 1 therein be appropriated for such objects, effective January 1, 2012; and be it further

RESOLVED: That the full time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 254-11 TOWN TAX LEVY

WHEREAS: There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2012; be it

RESOLVED: That there shall be, and there is, assessed against and levied upon and collected from the taxable property situate in the following Towns outside the incorporated Villages or partially located therein, the amounts indicated for Town purposes as specified in the Budgets of the respective Towns as follows:

<u>Part Town</u>	<u>General Outside</u>	<u>Highway Outside</u>
Barton	-	-
Candor	\$53,369.00	217,380.00
Newark Valley	-	-
Nichols	3,560.00	44,570.00
Owego	-	1,656,694.00
Spencer	32,250.00	395,853.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

Town of Barton	
Halsey Valley Fire Protection	15,931.00
Lockwood Fire Protection	37,000.00
Waverly Joint Fire Protection	250,347.00
Town of Berkshire	
Berkshire Fire District	126,100.00
Town of Candor	
Candor Fire District	419,600.00
Town of Newark Valley	
Newark Valley Fire District	180,771.23
Town of Nichols	
Lounsberry Fire Protection	3,000.00
Nichols Joint Fire Protection	135,400.00
Town of Owego	
Apalachin Fire District	700,613.00
Owego Fire District	945,913.00
Newark Valley Fire District	26,288.77
Town of Richford	
Richford Fire District	76,705.00
Town of Spencer	
Spencer Fire Protection District	75,000.00
Town of Tioga	
Tioga Fire District	180,469.00

Further

RESOLVED: That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within certain sewer, water and lighting Districts in the Town of Owego and the amounts specified in their annual budgets as follows:

Water District No. 4/Ext. 13	11,573.00
Water District No. 4/Ext. 15	7,350.00
Water District No. 4/Ext. 17	20,600.00
Water District No. 4/Ext. 20	17,275.00
Sewer District No. 2/Ext. 14	13,073.00
Sewer District No. 2/Ext. 15	11,438.00
Lighting District No. 1	5,669.00
Lighting District No. 2	11,761.00
Lighting District No. 3	10,233.00
Lighting District No. 4A	602.00
Lighting District No. 4B	1,891.00
Lighting District No. 5	6,370.00
Lighting District No. 6	15,433.00
Lighting District No. 7	1,965.00
Lighting District No. 8	1,274.00
Lighting District No. 9	585.00
Lighting District No. 10	818.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$214,491.72; be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$8,544.73; be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Tioga returned sewer and water rents in the amount of \$27.56; be it further

RESOLVED: That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	197,880.00	450,228.00
Berkshire	85,395.00	323,550.00
Candor	367,187.00	792,470.00
Newark Valley	265,728.00	304,300.00
Nichols	98,239.00	238,350.00
Owego	813,412.00	-
Richford	138,237.00	410,275.00
Spencer	292,225.00	60,501.00
Tioga	221,406.00	518,276.00

Further

RESOLVED: That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

#### ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 255-11 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. 253-11 dated December 13, 2011 adopted a Budget for the fiscal year 2012 and by Resolution No. 253-11 dated December 13, 2011 has made appropriations for the conduct of the County Government during said fiscal year and has by resolution No. 254-11 dated December 13, 2011 levied the taxes required for the support of the Government of the several Towns; therefore be it

RESOLVED: That this Legislature hereby levies the following for recycling purposes, upon the taxable real property liable therefore, in the County upon valuation as heretofore equalized by it.

Barton	127,547.10
Berkshire	23,129.06
Candor	97,078.75
Newark Valley	66,833.40
Nichols	45,738.44
Owego	405,121.80
Richford	23,000.09
Spencer	62,866.19
<u>Tioga</u>	<u>80,093.17</u>
 Total	 931,408.00

And be it further

RESOLVED: That pursuant to Section 360 of the County Law and Section 900 of the Real Property Tax Law, this Legislature hereby levied the following for County purposes, excluding Solid Waste set forth above, upon the taxable real property in the County upon valuation as heretofore equalized by it.

Upon all the taxable property liable for the support of County Government, the sum of \$20,596,898.00 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	413,081.53
For School Tax Returned	3,163,665.03
For Deficits from prior years' taxes	883.69
For Reimbursement of Erroneous taxes, etc.	10,732.06
All of the forgoing being subject to	
Credit for excess collection the prior year of	57.18

Further

RESOLVED: That the County Treasurer's Department be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. 254-11 on the rolls of the several Towns against each parcel of property set forth in said rolls, and that the Chair and the Clerk of the County Legislature be directed and empowered to execute under the seal of this Legislature the several Tax warrants for the collection of said taxes, and to cause the several tax rolls with said warrants annexed to be delivered to the Collectors of the several Tax Districts of the County on or before December 31, 2011; and be it further

RESOLVED: That the tax rates for each of the Towns, excluding Solid Waste, are as follows:

Barton	Out	8.629
	In	8.629
Berkshire		8.685
Candor	Out	116.983
	In	116.983
Newark Valley	Out	12.943
	In	12.943
Nichols	Out	30.666
	In	30.666
Owego	Out	10.605
	In	10.605
Richford		6.717
Spencer	Out	8.521
	In	8.521
Tioga		114.919

#### ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.



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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 256-11 *APPROPRIATION OF FUNDS*  
*PUBLIC HEALTH*

WHEREAS: Tioga County Health Department (TCHD) has received additional American Recovery and Reinvestment Act Immunization funding through the NYS Department of Health; and

WHEREAS: The funding is specifically earmarked for TCHD to purchase equipment and software items related to improved clinic services billing; and

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

RESOLVED: That funding be appropriated as follows:

From: A4401.00 Federal Funds	\$4,238
To: A4053.20-130 Preventive & Primary Health: Equipment	\$4,238

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 257-11                      *APPROPRIATE FUNDS TROPICAL LEE  
STORM WATER DAMAGE TO COUNTY  
FACILITIES*

WHEREAS: The County has suffered severe damages during the September Tropical Lee Storm water disaster, and

WHEREAS: The County has already appropriated and spent \$1,500,000 to replace items lost and cover expenses related to cleanup, and

WHEREAS: There will be claims made to FEMA, SEMO and our insurance for reimbursement of related expenses, and

WHEREAS: There is a system in place for the tracking and documentation of these expenses, and

WHEREAS: Reimbursements of expenditures will take several months, therefore be it

RESOLVED: That the sum of \$1,500,000 be appropriated for transfer as follows:

General Fund

From:

A599 Appropriated Fund Balance	\$1,500,000
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To:

A9950.93 Transfer to Capital All Other	\$1,500,000
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And

Capital Fund

From:

H5031.30 Interfund Revenue All Other	\$1,500,000
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To:

H1625.20 Tropical Storm Lee Disaster	\$1,500,000
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## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 258-11      *TRANSFER OF FUNDS*  
*HAZARD MITIGATION*

WHEREAS: The Emergency Management Office has received a grant in the amount \$70,000 to renew the County's Hazard Mitigation Plan; and

WHEREAS : The EMO budget will not be sufficient to handle the \$17,500 local share required in the grant and needs to have funds transferred; therefore be it

RESOLVED: That the amount of \$17,500 be transferred from Planning Personnel Account A8020.10-20 to Hazard Mitigation Plan Account A3957.40-590.

## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 259-11 *AUTHORIZE CONTRACT BETWEEN  
TWIN TIER PATHOLOGY  
ASSOCIATES, PC, AND TIOGA COUNTY*

WHEREAS: Beginning January 1, 2012 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$800.00 to be paid to Pathologists, \$400.00 for morgue fees, and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/12 through 12/31/12.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 260-11 *PROVISION OF PRINTING SERVICES  
CONTRACT*

WHEREAS: The Tioga County desires to enter into a contract for the provision of printing services; and

WHEREAS: Tioga County prepared and advertised Bid package Pur # 2012-01 for the provision of printing services; and

WHEREAS: Tioga County received one bid for the provision of printing services; and

WHEREAS: Smith-Ingalls-French of 75 Travis Avenue, PO. Box 1920, Binghamton, New York 13902 was the only responsive and responsible bidder; therefore be it

RESOLVED: That the Tioga County Legislature retain Smith-Ingalls-French of 75 Travis Avenue, PO, Box 1920, Binghamton, New York 13902 for the provision of printing services in accordance with all of the requirements of Bid package Pur # 2012-01 for the period January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 261-11      *AGREEMENT AMENDMENT  
CASSELLA WASTE MANAGEMENT  
HAULING CONTRACT*

WHEREAS: Casella Waste Management of New York, Inc. d/b/a Superior Disposal was awarded Tioga County's hauling contract for a three year period which began February 1, 2011, said bid being \$34.20 per ton with a minimum of 20 tons per load; and

WHEREAS: Barton Transfer was flooded from Tropical Storm Lee and closed due to said flooding; and

WHEREAS: The Tioga County Legislature temporarily opened the Barton Transfer Station for bagged garbage only until December 31, 2011, which is being collected in roll offs; therefore be it

RESOLVED: That the Tioga County Legislature hereby amend the February 1, 2011 agreement with Casella to reflect the change in hauling of municipal solid waste.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 262-11 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for household hazardous waste programs; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

## RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO:

LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 263-11

*AUTHORIZE BIDDING OUT OF BARTON  
TRANSFER STATION, REAL PROPERTY  
AND SOLID WASTE MANAGEMENT  
PERMIT*

WHEREAS: The Barton Transfer Station has suffered extensive damage due to Tropical Storm Lee; and

WHEREAS: It appears that is no longer in the best interests of the taxpayers of Tioga County to operate the Barton Transfer Station inasmuch as the cost exceeds the projected revenue; and

WHEREAS: If the Barton Transfer Station is not fully reopened by Tioga County, it would appear that the Real Property upon which it is situated would no longer be necessary for public use; and

WHEREAS: The Tioga County Legislature wishes to seek purchasers for the Barton Transfer Station and its New York State DEC Solid Waste Management Permit together with the real property upon which it is situated; and

WHEREAS: NYS County Law Section 215(6) provides that the property may be sold only to the highest responsible bidder after public advertisement; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs that the a Bid Package be prepared and publicly advertised to offer for sale the Barton Transfer Station, its NYS DEC Solid Waste Management Permit, and the real property upon which it is situated; and be it further

RESOLVED: That the County Attorney be authorized to retain the services of Coughlin and Gerhart LLP, retroactive to November 17, 2011, to assist in all aspects of the bidding and sale of the Barton Transfer Station.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.



Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator McEwen.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 264-11

*RESOLUTION TO APPROVE A  
CONTRACT BETWEEN THE TIOGA  
COUNTY PROBATION DEPT. AND  
THE FAMILY AND CHILDREN'S  
SOCIETY TO PROVIDE ADULT  
SEXUAL OFFENDER TREATMENT  
SERVICES*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult sex offender treatment in 2012; and

WHEREAS: The Family and Children's Society is continuing to offer a sexual offender treatment program for a maximum of 20 adult sex offenders at any point in time to Tioga County Probation for \$110,880 annually; now therefore be it

RESOLVED: That the Probation Director is approved to contract with The Family and Children's Society to provide adult sexual offender treatment services in the amount of up to \$110,880 annually.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: LEGAL/SAFETY COMMITTEE

RESOLUTION NO. 265-11      *RENEW CONTRACT  
PARTNERS IN SAFETY, INC.  
(CDL DRUG & ALCOHOL TESTING)*

WHEREAS: Federal Law requires random drug and alcohol testing of CDL drivers performing "safety sensitive" tasks; and

WHEREAS: The Safety Department has coordinated with several of the Towns and Villages within Tioga County to have this testing done by an outside agency since 1995; and

WHEREAS: All the municipalities involved, including the County are in agreement that the contract should be renewed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, pending approval by the County Attorney, to renew the contract with Partners in Safety, Inc. for random drug and alcohol testing in accordance with Federal regulations at the following rates indicated:

Complete DOT Random Testing Program      \$43.00 Per Employee Per Year

To Include:

- Random Selection of Employees (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- Blind Specimen Submissions
- MIS Reports
- Supervisor Training for Reasonable Cause
- Collection Site Management

ADDITIONAL CHARGES: For pre-employment, post-accident, reasonable cause or follow-up tests performed during business hours:

Drug Test (at lab or office of Partners in Safety):      \$46.00 per test

Drug Test (at Walk-In Medical Facilities, Hospitals, etc.): \$76.00 per test  
 Return to Duty/Follow-Up drug test including  
 observed Specimen collection performed at:  
 Offices of Partners in Safety: Approved walk-in  
 Medical facility \$76.00  
 Breath Alcohol Test: \$40.00 per test  
 DOT/19A Physicals (at the office of Partners in Safety): \$50.00 per person

Emergency Service \$125 per hour  
 Minimum 2 hours  
 plus the cost of the test

Split Specimen Testing (re-test of positive specimen by other SAMHSA  
 certified lab, including shipping and maintenance of chain of custody;  
 only when requested by employee within 72 hours of MRO's notification):  
 \$250.00

On-site 19A/DOT physicals available upon request (minimum volume  
 required).

Additional services are billed monthly. Payment is due prior to the 30th of  
 the month following the month in which services were provided.

and be it further

RESOLVED: That this contract shall be effective January 1, 2012 -  
 December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey,  
 Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 266-11      *AMEND RESOLUTION 215-11 AND  
242-11 TO AUTHORIZE THE  
SUBMISSION OF MITIGATION  
GRANT APPLICATION  
EMERGENCY MANAGEMENT*

WHEREAS: Resolution 242-11 requires amendment, which resolution was previously amended by Resolution 215-11; and

WHEREAS: Resolution 242-11 appointed the Director of Emergency Management the Point of Contact for the State Office of Emergency Management (SOEM) and FEMA and the Point of Contact should be the Director of Tioga County Soil and Water Conservation District; therefore be it

RESOLVED: That Resolution 242-11 be hereby amended to appoint Wendy Walsh, Director of Tioga County Soil and Water Conservation as the Point of Contact for the State Office of Emergency Management (SOEM) and FEMA; and be it further

RESOLVED: That the remainder of Resolutions 215-11 and 242-11 shall remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 267-11

*AUTHORIZE THE SUBMISSION OF  
HOMELAND SECURITY GRANT  
APPLICATION  
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security has issued a grant of \$75,142 to the Tioga County Office of Emergency Management. The grant will be used for the purchase of equipment to strengthen the command and control function of the Emergency Operation Center and to hire a consultant to update the county's All Hazards Emergency Comprehensive Plan; and

WHEREAS: The Tioga County Emergency Management Office has to submit an application for this funding; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Emergency Management Office apply for this grant.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 268-11      *AUTHORIZE THE SUBMISSION OF  
GRANT APPLICATION  
SHERIFF'S OFFICE*

WHEREAS: The NYS Office of Homeland Security has announced the FY'11 State Law Enforcement Terrorism Prevention Program (SLETPP) for Tioga County Law Enforcement; and

WHEREAS: Applications for these monies must be received no later than December 31, 2011; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant applications are submitted; 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, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 269-11      *APPROVE PUBLIC TRANSPORTATION  
BUS ROUTE CHANGES  
SOCIAL SERVICES*

WHEREAS: Tompkins Consolidated Area Transit, Inc. has decided to eliminate service in Tioga County via Route 38 to Newark Valley; and

WHEREAS: It has been determined that Ride Tioga can continue this service at no additional cost, by eliminating other service with low ridership or where other options are available to riders; and

WHEREAS: Adjustments to some fixed routes will enhance ridership and accommodate current riders; therefore be it

RESOLVED: That the Department of Social Services be authorized to make the following fixed route changes, effective January 15, 2012:

1. Eliminate Route #7 from Nichols to Waverly;
2. Eliminate Route #2 Owego to Spencer;
3. Add two AM and PM commuter runs from Owego to Ithaca via Route 38 and 79;
4. Adjust start time on Route 3 Owego to Ithaca.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 270-11

*INCREASE DELTA ENGINEERING  
SERVICES FEE FOR DESIGN OF  
GRIDLEYVILLE CROSSING RD. BRIDGE*

WHEREAS: Resolution 87-11 awarded the Design Services Contract to Delta Engineers, Endwell, NY for the Design Services of the Gridleyville Crossing Rd. Bridge (BIN: 3335090) in the amount of \$69,997 to be paid out of Gridleyville Crossing Rd. Bridge account H2011.10; and

WHEREAS: Detailed inspection has revealed the need for further work on the Gridleyville Crossing Rd. Bridge, which will change this project from a rehabilitation to a reconstruction; and

WHEREAS: The design effort for this project has increased as follows:

- Steel Framing Plan
- Girder Elevations and Details
- Diaphragm Details
- Moment/sheer tables/Design Load Tables
- Design of New Steel Beams
- Preparation of Dec/ACOE Permit including back-up drawings & Impact quantities (Now required for scour mitigation work at pier)

Therefore be it

RESOLVED: That the Tioga County Legislature authorizes the design fee to be increased for Delta Engineers, Endwell, NY in the amount of \$8,800 to be paid out of the Gridleyville Crossing Rd. Bridge Account H2011.10.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 271-11 *APPOINT MEMBER TO THE TIOGA COUNTY BOARD OF HEALTH*

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: Mark Corey, MD, resigned from the Board of Health 7/31/2011; and



WHEREAS: The appointed term for Mark Corey, MD, on the Board of Health expires 12/31/2014; and

WHEREAS: Vincent Leonti, MD, has agreed to fill the unexpired term of Mark Corey, MD; therefore be it

RESOLVED: That Vincent Leonti, MD, be appointed to the Board of Health to fill the unexpired term of Mark Corey, MD, for a term of 7/31/2011-12/31/2014.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 272-11

*REAPPOINT MEMBERS TO THE  
TIOGA COUNTY PLANNING  
BOARD*

WHEREAS: Three members terms on the Tioga County Planning Board expire as of 12/31/11; and

WHEREAS: The Village of Owego has nominated Georgeanne Eckley to serve another term as their representative; and

WHEREAS: The Town of Candor has nominated Gary Henry, Jr. to serve another term as their representative; and

WHEREAS: The Town of Newark Valley has nominated Heidi Mann to serve another term as their representative, therefore be it

RESOLVED: That the Tioga County Legislature reappoint Georgeanne Eckley, Gary Henry, Jr. and Heidi Mann to the Tioga County Planning Board, all to serve 3-year terms of 1/1/12 – 12/31/14.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 273-11      *AMEND RESOLUTION 488-93,  
AS AMENDED BY RESOLUTION  
NO. 241-10, AS AMENDED  
BY RESOLUTION 181-11  
GIS ADVISORY BOARD*

WHEREAS: The Tioga County GIS Advisory Board, created per resolution 488-93, serves to provide oversight and guidance to GIS activities in Tioga County including issues such as personnel, hardware and software resources, alternative program funding, application development and GIS program prioritization; and

WHEREAS: Resolution No. 241-10 amended resolution No. 488-93 to add the GIS Manager to the GIS Advisory Board and appoint as Chair; and

WHEREAS: Resolution No. 181-11 amended resolution No. 488-93 to appoint the current 12 members of the GIS Advisory Board with designees as the members sometimes cannot be available to attend meetings and would like to have a designee appointed to attend in their place if unavailable; and

WHEREAS: The GIS Board would like to additionally appoint members from the Probation Department and Board of Elections or their designees to the GIS Advisory Board for terms of office; therefore be it

RESOLVED: That Resolution No. 181-11 be amended to appoint members from the Probation Department and Board of Elections or their designees to the GIS Advisory Board as follows:

Board of Election Directors or designees	TERM OF OFFICE
Probation Department Director or designee	TERM OF OFFICE

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator McEwen introduced Local Law Introductory No. F of 2011:

County of Tioga

Local Law No. of the Year 2011.

A Local Law Amending Local Law No. 1 of the year 1974 Creating the Office of Public Defender and Assistant Public Defender in Tioga County.

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

SECTION 1:

That from the effective date hereinafter set forth the term of office for said Office of Public Defender is hereby fixed with Group One of the Tioga County Legislators pursuant to Local Law No. 2 of the year 2011.

## SECTION 2:

That the remainder of Local Law No. 1 of the year 1974 remains in full force and effect.

## SECTION 3:

This Local Law shall become effective upon filing with the Secretary of State.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 274 -11      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. F OF 2011*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. F of 2011 A Local Law amending Local Law No. 1 of the year 1974 Creating the Office of Public Defender and Assistant Public Defender in Tioga County in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, December 22, 2011 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 275 -11      *AUTHORIZE PURCHASE OF SPECIFIC AND  
AGGREGATE STOP-LOSS FOR  
CONSOLIDATED HEALTH INSURANCE  
PROGRAM*

WHEREAS: The Tioga County Consolidated Municipal Health Insurance Program's (TCCMHIP) specific and aggregate stop-loss policies expire December 31, 2011; and

WHEREAS: TCCMHIP continues to experience rising health insurance costs and large claims incurred by individual members; and

WHEREAS: The continuance of both specific and aggregate stop-loss coverage help to limit exposure to the TCCMHIP; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase specific and aggregate stop-loss retroactive to December 5, 2011, subject to review by the County Attorney, from an A Rated or better Insurance Company who can provide the best coverage not to exceed a cost of \$425,000 dependent on enrollment, for the Tioga County Consolidated Municipal Health Insurance Program for the period of January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 276-11 *AUTHORIZE CONTRACT WITH CSEA  
EMPLOYEE BENEFIT FUND*

WHEREAS: The current collective bargaining agreement between CSEA and the County allows for CSEA to select a Dental insurance plan for their membership; and

WHEREAS: The employees will pay 100% of the cost for said plan via payroll deductions; and

WHEREAS: THE CSEA requested an opportunity to select a Vision plan as well, with the same conditions applying, to which the County agreed; and

WHEREAS: The CSEA has selected the Solstice Dental and Solstice Vision plans available from the CSEA Employee Benefit Fund; and

WHEREAS: These same plans will be offered on a voluntary basis to eligible Non-Union employees; and

WHEREAS: CSEA Employee Benefit Fund requires the County sign a contract which addresses the financial aspects of the Solstice Dental and Solstice Vision plans; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a contract with CSEA Employee Benefit Fund for the purpose of facilitating the Solstice Dental and Solstice Vision plans, for the period of January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 277 -11      *AMEND RESOLUTION # 269-10  
EXTEND HIRING DELAY THROUGH 2012*

WHEREAS: Resolution #269-10 amended Resolution #224-10, thereby establishing a 90-day delay in backfilling vacancies; and

WHEREAS: Tioga County has saved significant money by prohibiting vacancies from being filled immediately; and

WHEREAS: The County Legislature would like to continue this practice through 2012 as one step toward controlling the 2012 County Budget; therefore be it

RESOLVED: That Resolution #269-10 is hereby amended to be effective through December 31, 2012.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 278-11      *SUSPEND RESOLUTION #195-09, AMEND  
RESOLUTION #412-01, PART-TIME,  
SEASONAL, AND TEMPORARY HOURLY  
RATES*

WHEREAS: Resolution #195-09 froze the hourly rates for part-time, seasonal and temporary positions at the 2009 rates; and

WHEREAS: Resolution #412-01 established that part-time, seasonal and temporary rates would be determined by pro-rating the full-time comparable title, then subtracting 3%; and

WHEREAS: The County Legislature believes that these employees are due an increase in 2012 after no increases for 3 years; and

WHEREAS: Instead of increasing the wages to 3% less than the pro-rated 2012 amount, the Legislature prefers to give an increase reflective of the change in Consumer Price Index (CPI); therefore be it

RESOLVED: That Resolution #195-09 is hereby suspended; and be it further

RESOLVED: That resolution # 412-01 be amended that effective January 1, 2012, all part-time, temporary and seasonal hourly rates shall be increased by 1.6%, in accordance with the 2010 change in CPI; and be it further

RESOLVED: That an additional adjustment of 2.8% shall be added effective January 1, 2012, in accordance with the year-to-date change in CPI for 2011.

#### ROLL CALL VOTE

Yes – Legislators Huttleston, Weston, Quinlan, Sauerbrey, Sullivan, and Hollenbeck.

No – Legislators McEwen and Roberts.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.



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

REFERRED TO: ADMINISTRATIVE COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 279-11 AUTHORIZATION OF  
TWO VOTING MACHINE TECHNICIANS  
PART-TIME POSITIONS  
BOARD OF ELECTIONS

WHEREAS: Legislative approval is required for positions within Tioga County; and

WHEREAS: The Federal Help America Vote Act, HAVA, and enacted changes in the New York State Election Laws, resulted in the mandated use of electronic voting machines; and

WHEREAS: The voting machines require quarterly testing, running of test ballots, monthly battery maintenance, and inspection assuring proper repair of voting machines in accordance with NYS Board of Elections regulations and manufacturer warranty requirements; and

WHEREAS: Resolution 125-09 created two part-time Voting Machine Technician positions (one Democratic and one Republican) to work on an as-needed basis through December 31, 2009 to provide the technical support required on the new voting machines and for ongoing training and work thereafter on an as-needed basis; and

WHEREAS: Resolution 308-09 authorized the extension through December 21, 2010 of the two part-time Voting Machine Technician positions with a review of the continued need and said use of such positions; and

WHEREAS: The Voting Machine Technician positions are mandated according to Election Law § 3-300 and § 3-302 which allows "every Board of Elections to fix their number, prescribe their duties, fix their titles and rank and establish their salaries within the amounts appropriated therefore by the local legislative body and shall secure in the appointment of the Board of Elections equal representation of the major political parties"; and

WHEREAS: Resolution 228-10 authorized to maintain the two part-time Voting Machine Technician positions to work on an as-needed basis through December 31, 2011 at a rate not to exceed the 2011 budgeted amount; and

WHEREAS: The Voting Machine Technicians worked over 300 hours each in 2009, the year the positions were created, worked over 430 hours each in 2010 and retired at the end of the year. New Voting Machine Technicians were hired in April 2011, attended training from Dominion Voting and continue to meet the increasing requirements necessary for fair, honest, and legal elections and have each worked 450 hours in 2011 through the General Election; and

WHEREAS: If the state Legislature fails to move its Senate and Assembly primary, there will be three Primary Elections in New York next year and a General Election, that will require the local Board of Elections to have voting machines ready for deployment in addition to mandated testing, programming and updates to the voting machines; therefore be it

RESOLVED: That the Board of Elections be authorized to maintain two part-time Voting Machine Technician positions to work on an as needed basis at a rate not to exceed the annual budgeted amount; and be it further

RESOLVED: That the hourly rate paid to the Voting Machine Technicians does not need to conform with the guidelines for other part-time hourly positions within Tioga County; and be it further

RESOLVED: That the authorized part-time head count for the Board of Elections be continued at 2.

#### ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PERSONNEL COMMITTEE  
 RESOLUTION NO. 280-11 STAFF CHANGES FOR 2012  
 (VARIOUS DEPARTMENTS)

WHEREAS: The Tioga County Legislature reviewed requests from various departments regarding staff changes for 2012; and

WHEREAS: These requests were considered during the 2012 Budget preparation process; therefore be it

RESOLVED: That the following position changes are effective January 1, 2012 unless noted otherwise:

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
<u>COUNTY CLERK'S OFFICE</u>			
L. Bogart	Account Clerk Typist (Grade 4)	Recording Clerk (Grade 5)	+\$1,280
D. Stoughton	Account Clerk Typist (Grade 4)	Recording Clerk (Grade 5)	+\$1,280
S. Ulrich	Account Clerk Typist (Grade 4)	Recording Clerk (Grade 5)	+\$1,280
<u>LAW DEPARTMENT</u>			
VACANT	Stenographer (P.T.)	Abolish	-\$6,281
<u>LEGISLATIVE OFFICE</u>			
A. Howe	Deputy Clerk to the Legislature (P.T.) (Non-Union)	Abolish	-\$15,114
<u>MENTAL HYGIENE DEPARTMENT</u>			
D. Stubecki	Administrative Secretary (Grade 5)	Abolish	-\$29,658
K. Saxton	Social Work Assistant II (Grade 11)	Abolish	-\$40,001

PUBLIC WORKS DEPARTMENT

V. Herrmann	Account Clerk Typist, (P.T.)	Abolish	-10,147
S. Lantz	Account Clerk Typist, (P.T.)	Abolish	-10,147
P. Lattimer	Account Clerk Typist, (P.T.)	Abolish	-10,147
C. Rudy	Account Clerk Typist, (P.T.)	Abolish	-10,147
D. Berry	HEO II (Grade 4)	MEO I (Grade 8)	-5,076

## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 281-11 *APPOINT SECRETARY TO COUNTY ATTORNEY*

WHEREAS: The full-time position of Secretary to County Attorney will be vacant on January 2, 2012; and

WHEREAS: Permission was given by the Finance/Legal Committee on November 15, 2011 to hire upon vacancy; and

WHEREAS: The County Attorney has identified a candidate for the position who is willing and eligible for appointment; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the County Attorney to appoint Diane Stephens as Secretary to County Attorney at an annual, non-union, salary of \$36,500, effective January 3, 2012.

## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO:               ADMINISTRATIVE SERVICES COMMITTEE  
  PERSONNEL COMMITTEE

RESOLUTION NO. 282-11     *AUTHORIZATION TO WAIVE 90-DAY  
HIRING DELAY; BACKFILL PART TIME  
REAL PROPERTY TAX SERVICE  
TECHNICIAN*

WHEREAS: The Real Property Office has a need to backfill a vacant part-time Real Property Tax Service Technician position effective January 1, 2012; and

WHEREAS: The Tioga County Legislature established a 90-day delay in backfilling vacant positions for the purpose of cost savings; and

WHEREAS: Real Property is in need of backfilling the part-time Real Property Tax Service Technician position, which has been vacant since January 2010, in order to have adequate trained staff coverage within the office; therefore be it

RESOLVED: That the Real Property Director is hereby granted a waiver from the 90-day hiring delay in order to fill the part time Real Property Tax Service Technician position; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Real Property Director to fill the part time Real Property Tax Service position from the appropriate civil service list at an hourly rate of \$15.344, effective January 3, 2012.

## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 283-11 *AUTHORIZE CONTRACTS WITH SADD  
SCHOOL ASSOCIATES*

WHEREAS: It is the desire of the STOP DWI Program to arrange six contracts with SADD School Associates which are defined as Independent contractors not entitled to County Employee benefits; and

WHEREAS: It is the desire to award the six SADD School Associate contracts for the calendar year 2012 to the following individuals; Matt Gelder to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Karen Curtis to serve the Spencer Van Etten School District; Janice Barto to serve the Tioga Central School District and Katie Carter-Benetiz to serve the Waverly School District; and

WHEREAS: Each SADD School Associate will be compensated \$100 each month for the ten months of the school year, but will not exceed \$1,000 for the year; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and outlines the compensation to be paid to the STOP DWI School Associates; therefore be it

RESOLVED: That said contracts for SADD School Associates be authorized for the 2012 calendar year.

## ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED UNANIMOUSLY.

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

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

REFERRED TO:

PUBLIC WORKS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 284-11

*ABOLISH VACANT HEO III POSITION  
AND CREATE HEO I & HEO II  
POSITIONS; AUTHORIZE TEMPORARY  
INCREASE OF FULL-TIME HEADCOUNT*

WHEREAS: Due to a series of internal promotions within the Tioga County Highway Department, a Heavy Equipment Operator (HEO) III position has been vacant since 9/18/11; and

WHEREAS: The Commissioner of Public Works is unable to fill said vacancy due to a lack of experienced staff to promote from within his department; and

WHEREAS: There is a desire to reorganize the Highway Department to reflect the capabilities of the workers and departmental needs; therefore be it

RESOLVED: That, effective December 14, 2011, the Tioga County Legislature authorizes the Commissioner of Public Works to abolish one (1) vacant HEO III position at an hourly rate of \$15.550 (CSEA Grade 3) and create one (1) HEO II at an hourly rate of \$14.966 (CSEA Grade 4) and one (1) HEO I position at an hourly rate of \$14.359 (CSEA Grade 5); and be it further

RESOLVED: That the Commissioner of Public Works shall abolish one vacant position resulting from the promotions into the newly created HEO II and HEO I positions, once those promotions are determined; and be it further

RESOLVED: That the Public Works authorized full-time head count for 2011 shall increase from 42 to 43 for the time being until such time a resolution is presented to abolish the vacant position resulting from the promotions.

ROLL CALL VOTE

Yes – Legislators Huttleston, McEwen, Weston, Quinlan, Roberts, Sauerbrey, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

The meeting was adjourned at 6:30 p.m.