

Legal/Safety Committee

Meeting Agenda

December 14, 2021

10:30am

MINUTES

- Approval of minutes from November 9, 2021 meeting

YTD Budgets

- Safety & County Attorney budgets tracking well

NEW BUSINESS

- Hochul/NYSDOH masking guidance
- Resolutions:
 - (1) Contract with Twin Tiers Drug & Alcohol for 2022 CDL Testing. No increase from 2021.
 - (2) Law Department staff Changes. Safety Officer hours increased to full time.
 - (3) Authorize withdrawal of bid and sale of property at 6125 State Route 17c Campville to the Town of Owego.
- Ethics Board has one current vacancy, two upcoming at the end of December due to the election and a resignation, one more at the end of March 2022 due to term limits.
- County Insurance Renewal
 - Renewal policy for 2022 was submitted. As expected Cyber Insurance is becoming an issue.
- Tax Foreclosure:
 - 2018 largely completed. 2019 is expected to have 31 properties with a large number currently inhabited. In meeting with affected Departments and in light of current eviction moratoriums and the desire to not have the County become landlords for a potentially extended period of time we recommend waiting to conclude the 2019 until the spring.
- Claims and Litigation:

- No new claims to report. Opioid cases proceeding and others being managed. Juvenile cases on track for yearly increase.
- Contracts
 - Processed thirteen (13) new contracts
- Census Redistricting Presentation. Two viable solutions are presented with the lines in purple representing the new lines. The current recommendation is Scenario 1 due to the reduced impact it has upon voter access to polling sites.
- FOIL Appeal pertaining to Elections records.
- Meeting/Trainings
 - Family First, Youth Assessment Team, Executive Policy, Child Advocacy Center, Leaders, Shared Services, DSS and Probation AOs procedures for after hours

SAFETY

- Five new Workplace Violence Claims (1 Probation, 4 DSS) and continued closeout of older cases.
- Conducted required DOT random Drug Testing
- Held regular safety meetings with public works
- Distributed annual safety training, sexual harassment and Title VI materials.

LEGAL/SAFETYCOMMITTEE MEETING MINUTES

November 9, 2021

PRESENT: Legislators: Chair Sauerbrey, Monell, Balliet, Standinger, Hollenbeck, Mullen, Sullivan, and Roberts, County Attorney Peter DeWind, Treasurer Jim McFadden, Stephanie Jerzak, Chief Accountant, Katie Chandler, Deputy Treasurer, Irene Graven, ILS Administrator, George Awad, Public Defender, Bethany O'Rourke, Personnel Officer (and County Attorney Secretary Christine Freyvogel – Minutes)

Meeting convened by Legislator Monell at 10:30 a.m.

Minutes: On motion of Legislator Mullen, seconded by Legislator Hollenbeck and unanimously carried the minutes from the October 12, 2021 were approved.

YTD budget: Law and Safety are on track with their respective budgets for the fiscal year. Law is in the process of obtaining a Surface Pro to manage after hour county issues to replace an outdated iPad.

New Business: The County renewal insurance policy for 2022 is in process and should be completed by the end of November. Little change is expected although there could be an issue with cyber insurance as many policies are requiring a two factor authentication process and this might result in needing to find new carriers and/or an increase in premiums. The 2021 flood insurance premium has been processed with a slight increase from the previous year. We will continue to keep the Legislature informed about insurance coverage and costs.

Foreclosures: In regards to the recent County Auction Paralegal Humes is currently handling 3 years of work processing the 2020 and 2019 In Rem paperwork while also conducting the 2018 closings from the recent auction. This is partly due to the foreclosure moratorium which has interrupted our usual processing schedule. Closings are proceeding but there is one property which hasn't been scheduled yet which is the property that the Treasurer previously informed the Legislature was the subject of discussions between the bidder and Town of Owego.

County Attorney DeWind has spoken to other counties regarding their tax foreclosure processes in the effort to codify Tioga's In Rem procedures. Some counties do not have a policy to allow redemption after the County takes title, some do have a policy but do not restore any vacated liens and still other counties have owners file a CPLR 5015 motion to ask the Court to vacate the County's title which also serves to restore the original liens. Options are being explored for a policy including the suggestion that there be a one-time redemption after the County takes possession. Chair Sauerbrey asked for clarification regarding who would pay the property liens if there was redemption policy and Legislator Sullivan asked if there was a redemption policy would financial institutions still be motivated to pay the outstanding taxes. Legislator Mullen stated the

County would still be the primary lien holder. Attorney DeWind explained that the notification does have manpower implications and that the practicalities of who would be notified will be put to the legislature moving forward.

Claims and Litigation: Claim regarding training certificates has been sent to NYMIR and is moving forward through counsel. The opioid claims are proceeding without issue although Attorney DeWind would like more updates. Juvenile delinquent cases are being processed in a timely fashion and Attorney DeWind is working closely with the Department of Social Services to implement the new Family First requirements.

Contracts: There have been over thirty (30) new contracts in October.

Census Redistricting: As a result of the 2020 Census Tioga County will need to make some adjustments to the Tioga Districts. Population growth in the western part of the County has resulted in an imbalance. There are two options being worked on: Plan A is a simple plan that will make the County compliant by balancing three districts while Plan B is a more comprehensive plan that will bring all of the districts closer to evenly sized. There are potential budgetary implications if a new polling site is needed but it's not yet clear that one will be. Legislator Mullen wanted it noted the western side of the County is growing relative to the rest of the County. Attorney DeWind noted that population did shrink since 2010. Legislators asked for more data on the census. County Attorney will be working with Elaine Jardine in Planning, Bill Ostrander in IT and Election Commissioners Jamie Wahls and Bernadette Toombs to solidify plans to present to the County Legislature. The census came out late and voting is occurring earlier. The intent is to present to the Legislator next month to get the local law process moving and give elections enough time to do their work.

ILS Budget: ILS Administrator Graven presented a working budget for Indigent Legal Services (ILS) for the upcoming year asking that it be approved for submission to the State. There was an increase from year three to year four due to upgrades to the First Public Defender's Salary which takes effect January 1, 2022. Investigations are the largest line increase with the utilization of a mitigation specialist and a digital document specialist. Both positions will be contracted out at a rate of one thousand dollars (\$1,000) per mitigation case and a sixteen dollars and fifty four cents (\$16.54) for the digital document specialist. First Public Defender Awad explained these positions are needed due his office receiving large volumes of unorganized documentation. Attorney DeWind clarified many counties already utilize a mitigation and digital document specialist and this will help to elevate the tremendous amount of paperwork required by the court. Legislator Sullivan asked if these contracted positions would be remote or would the employees be required to work from the Public Defender's Office. First Public Defender Awad clarified these positions would be done remotely however he did have room at his office if needed. Chair Sauerbrey asked First Public Defender Awad if he had spoken to Information Technology to request a blanket exemption to allow his office to keep using flash drives. First Public Defender Awad stated his office is currently working on the required form and stressed the need for this exemption noting the

District Attorney's Office has already been granted their exemption. ILS Administrator Graven stated they are in the process of contracting an attorney mentor to help attract younger attorneys to their office. The attorney mentor would be paid out of ILS funds at a rate of one hundred fifty (\$150) to two hundred (\$200) dollars an hour. The bulk of ILS's one hundred and fifty thousand (\$150,000) is for investigators. County Attorney DeWind asked for passive approval of the ILS budget which the Legislators unanimously approved.

Meeting/Trainings: County Attorney DeWind briefly discuss the meetings and trainings he has recently attended: Family First, Youth Assessment Team, MUNIS, Executive Policy, Child Advocacy Center, Leaders, Shared Services, and Solar Farm/IDA.

Safety: Workplace violence claims are lower this month with only one incident. Legislator Mullen asked that it be clarified this incident was a DSS client threatening staff. Safety has joined an investigation regarding a workplace violence complaint and has been holding multiple interviews, conducted the required DOT random drug screens without issue, held regular safety meetings with Public Works to help mitigate losses, presented at the DSS joint services meeting to clarify how workplace violence and the reporting process, and has finalized the approved driver list. Ongoing training enrollment, as a county policy, will be discussed at an executive session. Chair Sauerbrey has reached out to NYMIR to discuss options and the benefit to the county regarding the driver program.

Executive: Following the Finance portion of the meeting the Legislature moved to enter into Executive Session to discuss two litigation matters.

Meeting adjourned at 11:05 a.m.

**Tioga County
YEAR-TO-DATE BUDGET REPORT**

FOR 2021_12

	ORIGINAL APPROP	TRANSFERS/ADJUSTMENTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
A General Fund							
A1420 Law							
A1420 412706 Shared Services-At	-50,079	0	-50,079	-24,485.19	.00	-25,593.81	48.9%*
A1420 510010 Full Time	198,475	0	198,475	172,718.16	.00	25,756.84	87.0%
A1420 520200 Office Equipment	200	0	200	125.00	.00	75.00	62.5%
A1420 520210 Other Furniture	200	0	200	109.99	.00	90.01	55.0%
A1420 540010 Advertising	100	0	100	.00	.00	100.00	.0%
A1420 540040 Books	550	0	550	55.44	.00	494.56	10.1%
A1420 540180 Dues	1,245	0	1,245	1,079.00	.00	166.00	86.7%
A1420 540320 Leased/Service Equ	100	0	100	3.90	.00	96.10	3.9%
A1420 540330 Legal Fees	45,500	0	45,500	41,133.75	.00	4,366.25	90.4%
A1420 540420 Office Supplies	475	0	475	287.05	.00	187.95	60.4%
A1420 540480 Postage	200	0	200	131.01	.00	68.99	65.5%
A1420 540731 Training/State Reg	400	0	400	100.00	.00	300.00	25.0%
A1420 581088 State Retirement F	17,620	0	17,620	14,733.17	.00	2,886.83	83.6%
A1420 583088 Social Security Fr	15,183	0	15,183	13,183.54	.00	1,999.46	86.8%
A1420 584088 Workers Compensati	3,675	0	3,675	3,249.21	.00	425.79	88.4%
A1420 585588 Disability Insuran	204	0	204	180.09	.00	23.91	88.3%
A1420 586088 Health Insurance F	47,335	0	47,335	45,465.85	.00	1,869.15	96.1%
A1420 588988 Eap FrInge	45	0	45	38.64	.00	6.36	85.9%
TOTAL Law	281,428	0	281,428	268,108.61	.00	13,319.39	95.3%
TOTAL General Fund	281,428	0	281,428	268,108.61	.00	13,319.39	95.3%
TOTAL REVENUES	-50,079	0	-50,079	-24,485.19	.00	-25,593.81	
TOTAL EXPENSES	331,507	0	331,507	292,593.80	.00	38,913.20	
GRAND TOTAL	281,428	0	281,428	268,108.61	.00	13,319.39	95.3%

** END OF REPORT - Generated by Freyvogel, Christine **



TIOGA COUNTY, NEW YORK

Tioga County YEAR-TO-DATE BUDGET REPORT

FOR 2021 12

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD. ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
CI Liability Insurance Fund							
CI8042 504 Coordinator/Safety							
CI8042 424010 Interest And Earn	0	0	0	-14.71	.00	14.71	100.0%
CI8042 510020 Part Time/Tempora	28,608	0	28,608	24,596.22	.00	4,011.78	86.0%
CI8042 540140 Contracting Servi	1,530	0	1,530	620.00	.00	910.00	40.5%
CI8042 540320 Leased/Service Eq	225	0	225	1.33	.00	223.67	.6%
CI8042 540340 Literature	45	0	45	.00	.00	45.00	.0%
CI8042 540410 Nursing Supplies	900	0	900	.00	.00	900.00	.0%
CI8042 540420 Office Supplies	540	0	540	399.91	.00	140.09	74.1%
CI8042 540480 Postage	100	0	100	.00	.00	100.00	.0%
CI8042 540640 Supplies (Not Off	540	0	540	.00	.00	540.00	.0%
CI8042 540660 Telephone	600	0	600	354.88	.00	245.12	59.1%
CI8042 540733 Training/All Othe	3,150	0	3,150	1,772.30	.00	1,377.70	56.3%
CI8042 581088 State Retirement	2,667	0	2,667	2,321.66	.00	345.34	87.1%
CI8042 583088 Social Security F	2,189	0	2,189	1,841.88	.00	347.12	84.1%
CI8042 584088 workers Compensat	1,411	0	1,411	1,035.98	.00	375.02	73.4%
CI8042 588988 Eap Fringe	15	0	15	12.32	.00	2.68	82.1%
TOTAL 504 Coordinator/Safety	42,520	0	42,520	32,941.77	.00	9,578.23	77.5%
TOTAL Liability Insurance Fund	42,520	0	42,520	32,941.77	.00	9,578.23	77.5%
TOTAL REVENUES	0	0	0	-14.71	.00	14.71	
TOTAL EXPENSES	42,520	0	42,520	32,956.48	.00	9,563.52	
GRAND TOTAL	42,520	0	42,520	32,941.77	.00	9,578.23	77.5%

** END OF REPORT - Generated by Freyvogel, Christine **

ADOPTED

REFERRED TO: LEGAL/FINANCE

RESOLUTION NO. L23 ENTER INTO CONTRACT WITH TWIN TIERS DRUG & ALCOHOL TESTING, LLC FOR CDL DRUG AND ALCOHOL TESTING

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

WHEREAS: Tioga County has coordinated with towns and villages within Tioga County to have testing done by an outside agency; and

WHEREAS: Tioga County has received a proposal from Twin Tiers Drug & Alcohol Testing, LLC to perform this service; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a one-year contract for 2022 with Twin Tiers Drug & Alcohol Testing, LLC to perform this service at the rates indicated:

Complete DOT/Non-DOT Random Testing Program:

- Random Selection of Employees Calculated Quarterly (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests performed quarterly on-site
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- MIS Reports
- Collection Site Management
- Supervisor Training
- Laboratory and MRO Set-up with own Laboratory Account
- Online Access to Reporting 24 hours a day
- Online Order of Pre-employment, Follow-up, or Return to Duty Testing
- Training to Navigate Online Portal
- Assistance with Mediation Between MRO and DER
- Over 50 years of collective DOT knowledge

Additional Charges: Pre-employment, post-accident, reasonable suspicion, follow-up, or return to duty tests:

Normal Business Hours:

- Quest Diagnostics/Medical Facilities, Hospitals, etc.: \$65.00 per test

REFERRED TO:

PERSONNEL COMMITTEE
WORKSESSION
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. L35

2022 STAFF CHANGES
LAW DEPARTMENT

WHEREAS: The Law Department requested staffing changes as part of the 2022 Budget process; and

WHEREAS: These requests were approved by the County Legislature; therefore be it

RESOLVED: That the following staffing changes be effective January 1, 2022:

<u>Name</u>	<u>Current Title/ Salary</u>	<u>New Title/ Salary</u>	<u>Budget Impact</u>
D. Thorpe	Safety Officer PT (Non-Union)	Safety Officer FT (Non-Union)	+ up to \$19,507

and be it further:

RESOLVED: That the Law Department's authorized full-time headcount is increased from 7 to 8 and their part-time headcount is reduced from 2 to 1.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -21

L55

AUTHORIZE THE SALE OF COUNTY OWNED
PROPERTY LOCATED IN THE TOWN OF
OWEGO, TO THE TOWN OF OWEGO

WHEREAS: Property located in the Town of Owego at 6125 State Route 17C, assessed to Cecil J Van Patten and identified as Tax Map number 131.19-1-23, parcel number 12370, is delinquent on 2018, 2019, 2020 and 2021 taxes with the last date of redemption for the 2018 taxes having passed; and

WHEREAS: James Walley was the apparent winning bidder at the October 7, 2021 Tioga County Property Auction having bid \$14,000 for the parcel and having put down a deposit of \$4,100 which is currently being held by the County; and

WHEREAS: For reasons beyond Mr. Walley's control he will not be able to develop the property as intended and wishes to withdraw his bid without being in default; and

WHEREAS: The Town of Owego is interested in acquiring said property from the County for \$14,000, "as is" for municipal purposes and entering into an agreement with Mr. Walley to make him whole for the Auctioneers Fee and consideration for the agreement; therefore be it

RESOLVED: Upon concluding an agreement with the Town concerning his expenses, James Walley is allowed to withdraw his auction bid with said withdrawal not thereafter being held against him when considering his eligibility to participate in future Tioga County property auctions, the Tioga County Treasurer is directed to then return Mr. Walley's deposit of \$4,100 and the County rescinds its previous resolution to sell said property to James Walley; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$14,000 and recording costs, a Quit Claim Deed conveying the property assessed to Cecil J Van Patten located in the Town of Owego identified on the Town of Owego Tax Map as number 131.19-1-23, parcel number 12370, to the Town of Owego.

- G. Any person who is required to file an annual statement of financial disclosure may request, prior to May 1 of the year for which the employment is in effect, an extension of filing for an additional specific period of time. Such request shall be made in writing to the Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.
- H. Any person required to file an annual statement of financial disclosure who becomes so required, or experiences a change in reporting levels after March 15, of the year for which the employment is in effect, shall file the appropriate annual statement within thirty (30) days.

V. ANNUAL CODE OF ETHICS REVIEW

Every official and employee is required to attest on an annual basis that he or she has reviewed the Code of Ethics of the County of Tioga, to be made on or before March 31 of the year for which the employment is in effect. Said attestation is to be filed with the Tioga County Board of Ethics.

VI. ETHICS BOARD

A. ESTABLISHMENT

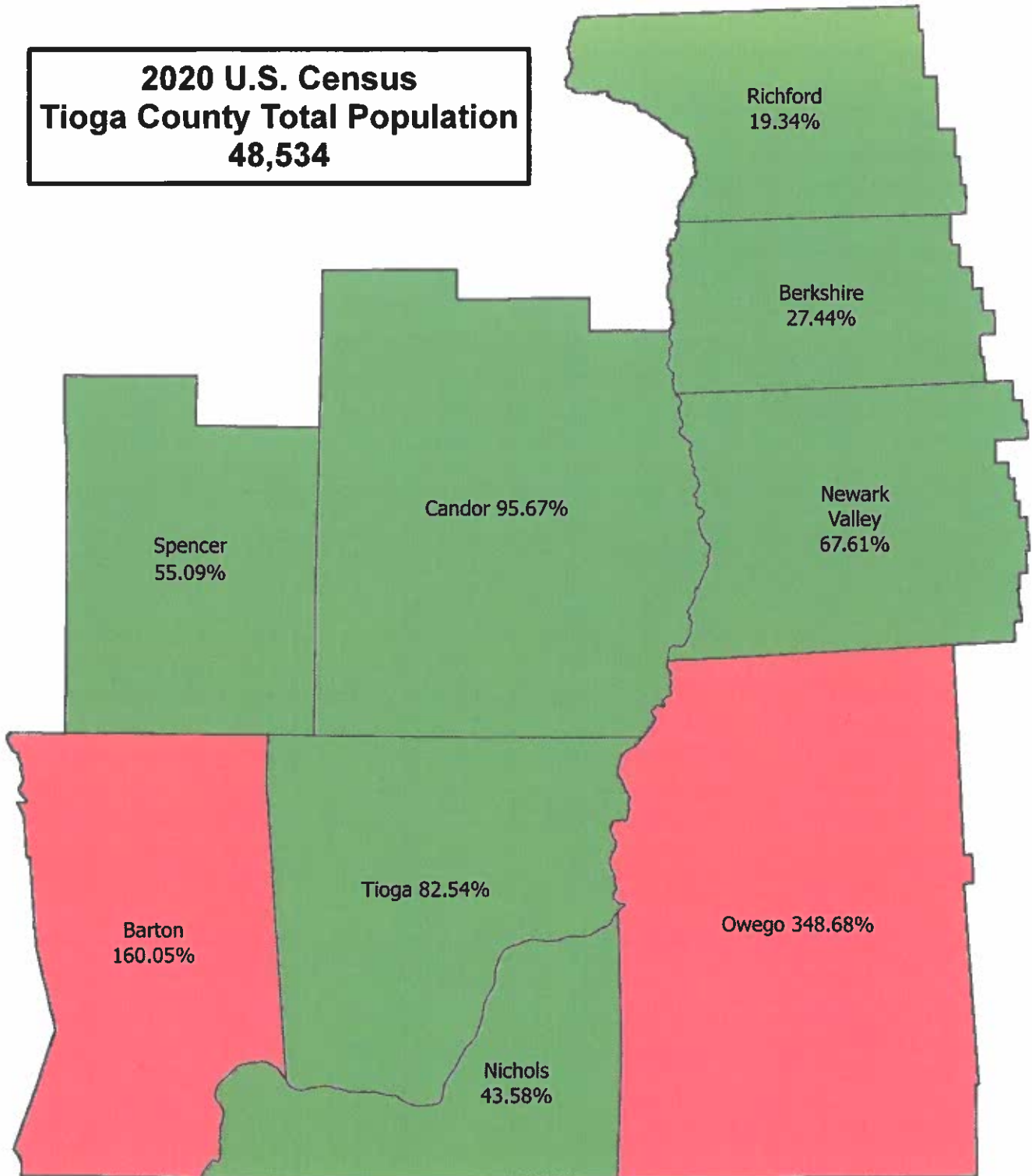
The Legislature of the County of Tioga, pursuant to Article 18 of the New York State General Municipal Law, hereby establishes the Tioga County Board of Ethics, responsible for ensuring full compliance with this code of ethics and disclosure. The Ethics Board shall consist of seven members, two of whom shall be nominated by the Tioga County Legislature Majority Leader. Two shall be nominated by the Minority Leader of that body except that in the event there is no Minority Leader, then the two otherwise nominated by the Minority Leader shall be nominated by the Majority Leader. Three shall be nominated by the chief Elected Official of Tioga County. No more than two shall be of the same enrolled party affiliation. A majority of the members shall not be officers or employees of the county or municipalities wholly or partially located in the county. At least one member shall be an elected or appointed officer or employee of a municipality located within the county, or an appointed officer or employee of the county, except that no more than one member shall presently be a county officer or employee, and none shall presently hold elected office. All shall be approved by majority vote of the Legislature. Failure to gain approval or in the instance of the creation of a vacancy, such succeeding member shall be determined by the entity through which the original member was selected.

Any action of the Board requires four affirmative votes.

B. MEMBERSHIP

The members of the Ethics Board shall serve staggered 3 year terms, provided that the first appointments to the Ethics Board shall be as follows: one member, appointed by the Chief Elected Official, for a one year term; one member appointed by the Chief Elected Official, one member appointed by the Majority Leader of the Tioga County Legislature and one appointed by the Minority Leader of the Tioga County Legislature, each for a two year term; one member,

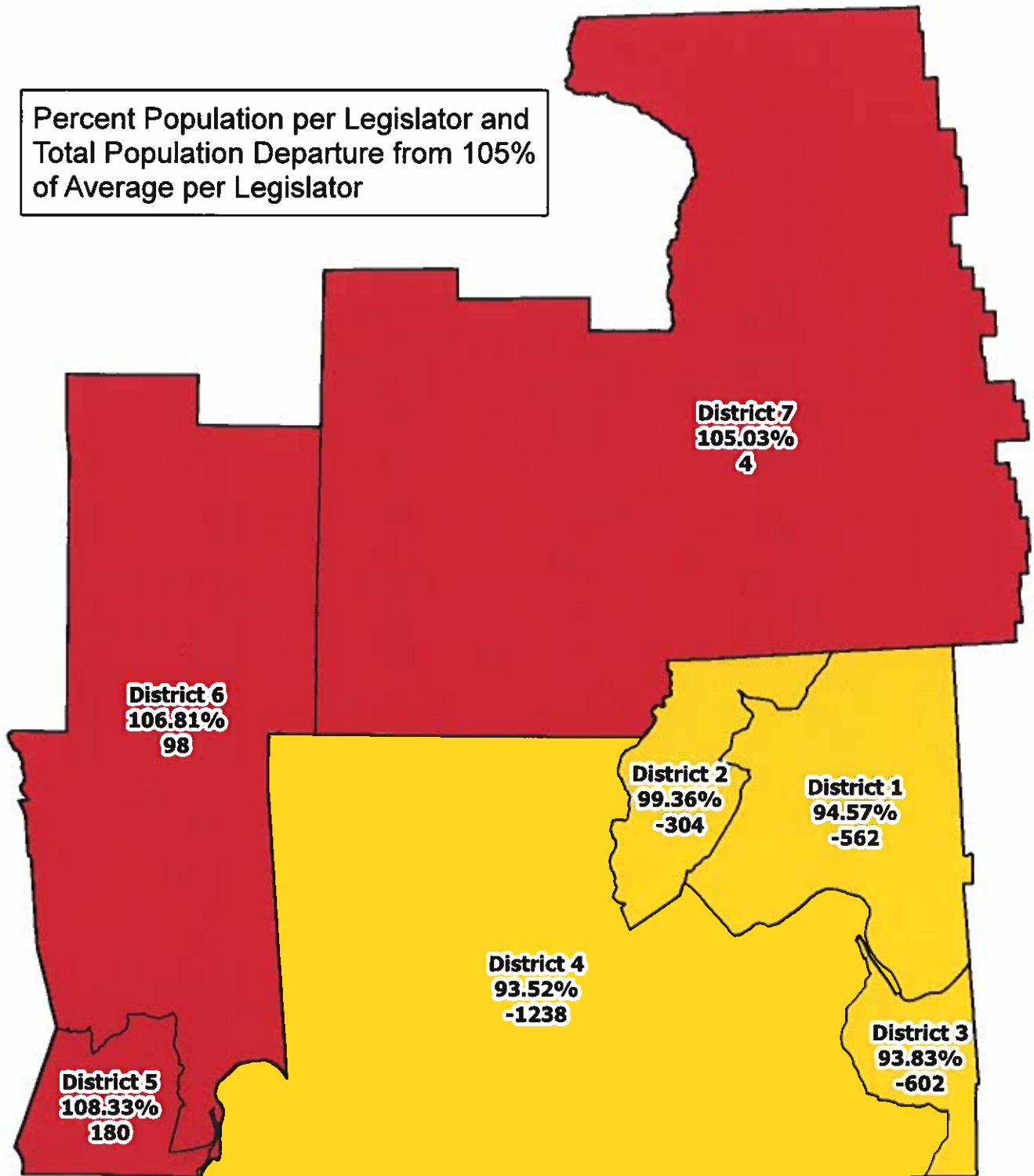
**2020 U.S. Census
Tioga County Total Population
48,534**



A plan of apportionment shall comply with the following standards, which shall have priority in the order herein set forth, to the extent applicable:

- I. The plan shall provide substantially equal weight for the population of that local government in the allocation of representation in the local legislative body.
- II. In such plan adopted by a county, no town except a town having more than one hundred and ten per cent of full ratio for each representative, shall be divided in the formation of representation areas...

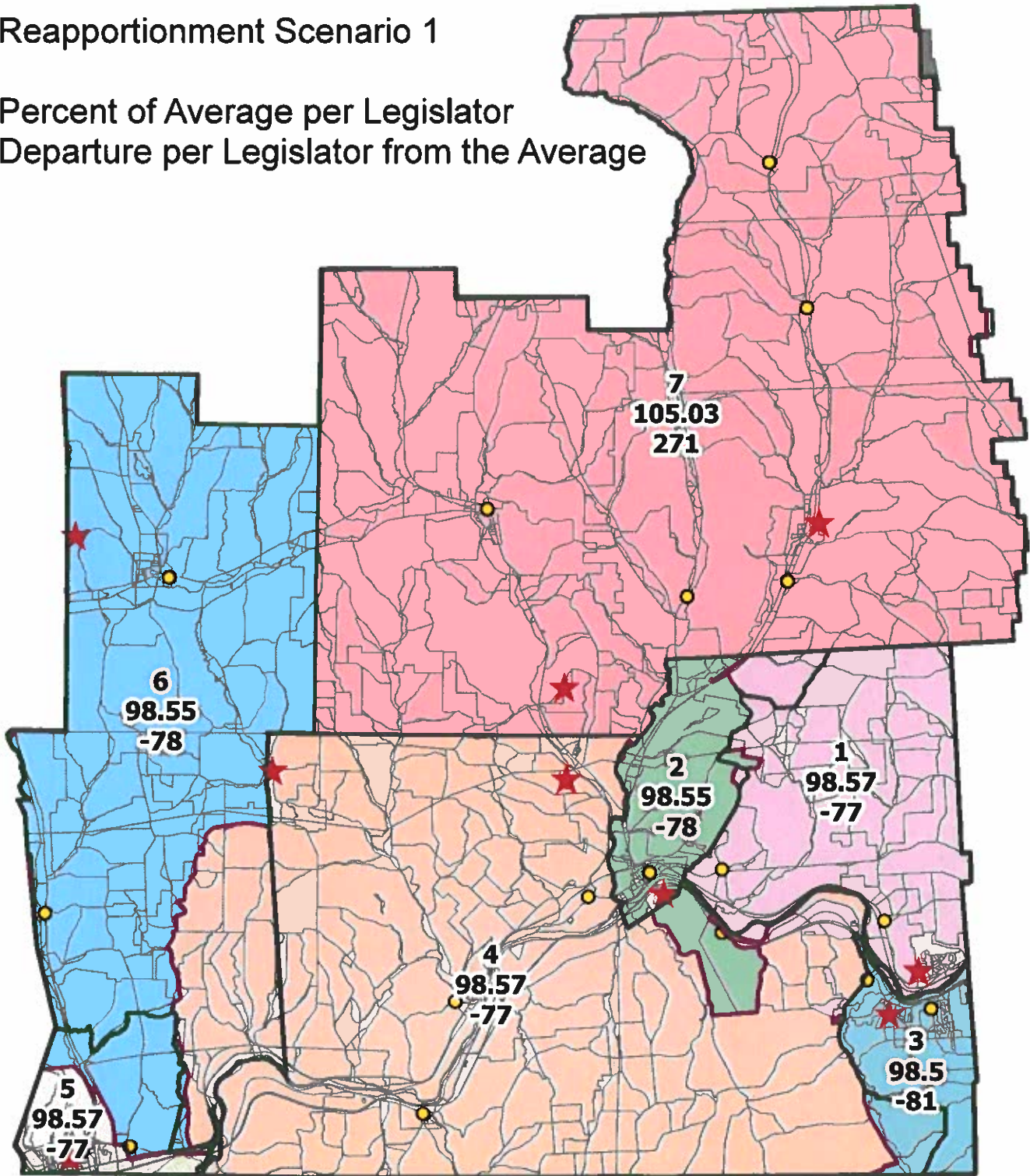
Percent Population per Legislator and
Total Population Departure from 105%
of Average per Legislator



II. In such plan adopted by a county, no town except a town having more than one hundred and ten per cent of full ratio for each representative, shall be divided in the formation of representation areas. Adjacent representation areas in the same town or city shall not contain a greater excess in population than five per cent of a full ratio for each representative.

Reapportionment Scenario 1

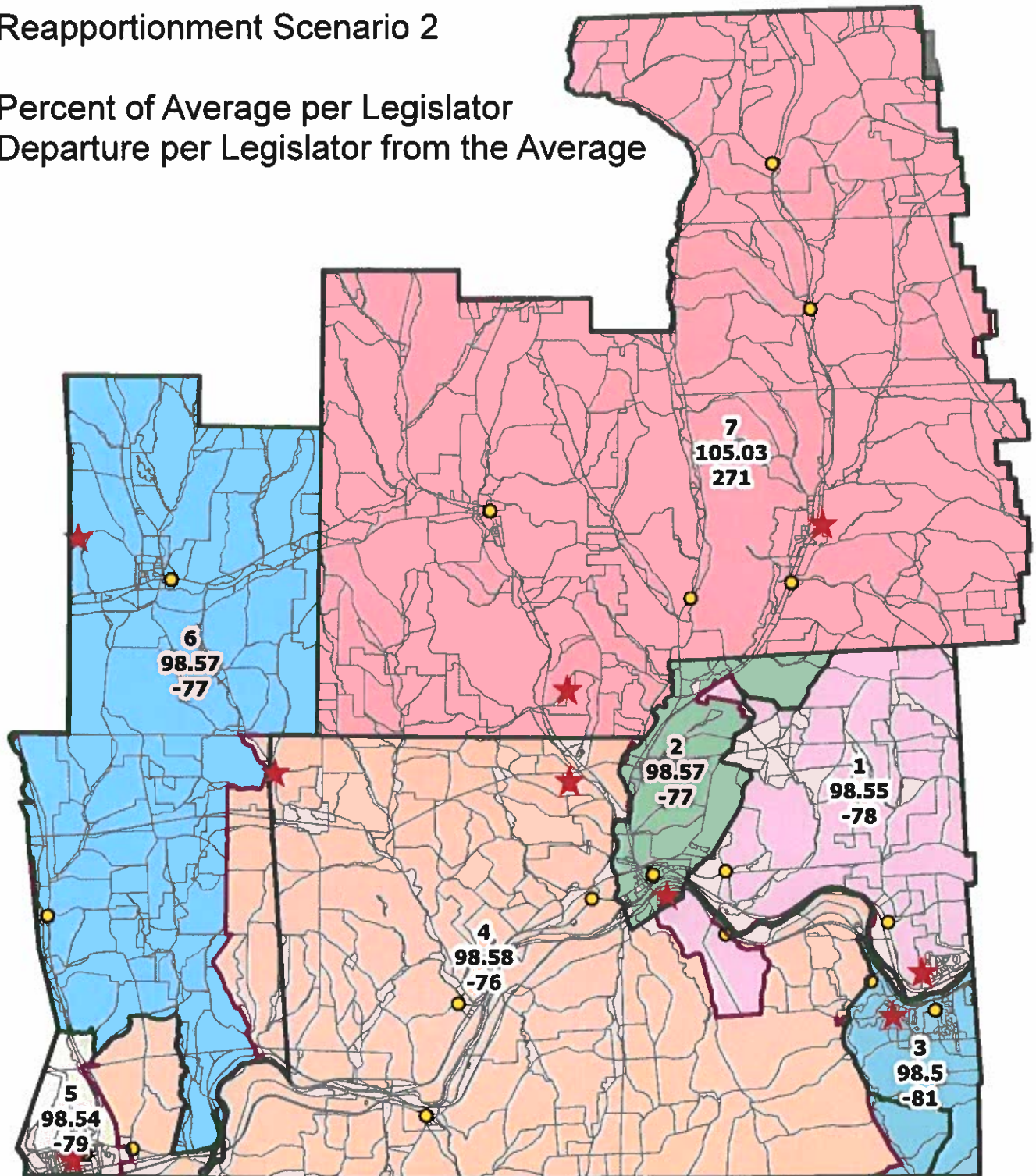
Percent of Average per Legislator
Departure per Legislator from the Average



- ★ Legislator Residences
- Polling Places

Reapportionment Scenario 2

Percent of Average per Legislator
Departure per Legislator from the Average



- ★ Legislator Residences
- Polling Places

Renee Cook



Date: 11/4/2021

Kevin Humes
FOIL Officer
Tioga County
56 Main Street
Owego, NY 13827

Sent: VIA USPS Certified Mail # [REDACTED] 3953

Re: Communications Request

Dear Kevin Humes:

Pursuant to the New York Freedom of Information Law ("FOIL"), Public Officers Law § 89 *et seq.*, I hereby request the following records, in the original or common electronic format as described below:

- 1) All records, starting January 1, 2019, until 11/4/2021 including any written report or document or portion concerning the following:
 - a) All communications between election officials including the Secretary of State (SOS), Election Administrators, County Clerks, printing companies, machine companies, all the assistants of the state and county employees that run the elections.
- 2) All records, starting January 1, 2019, until 11/4/2021, of the Tioga County Board of Elections pertaining to the county elections including:
 - a) Correspondences, emails and logs of telephone calls between the Tioga County attorney and election officials including the Secretary of State (SOS), Election Administrators, County Clerks, printing companies, machine companies, all the assistants of the state and county employees that run the elections.
 - b) All worksheets, reports, employee time records and associated relevant information gathered pursuant to the communications between election officials including the SOS, Election Administrators, County Clerks, printing companies, machine companies, all the assistants of the state and county employees that run the elections.

- CONTINUED -

FOIL Communications Request

Tioga County

Kevin Humes

Page 2 of 2

I am requesting certified digital copies of the above public records in any of the following formats: .csv, .xls, .xlsx, which I ask to be put on the 2 blank DVD-R discs that accompany the original, hardcopy of this letter. For records that only exist on paper, Adobe PDF scans will be sufficient. I am requesting that these PDF scans be put on the DVDs. In all cases, the DVDs should be USPS mailed to the above address.

If records are too voluminous to transmit on the two enclosed blank DVD discs, advise me by the email above.

If my request does not adequately describe the records to be produced, contact me via email so that I may clarify my request, and, when appropriate, inform me of the way in which records are filed, retrieved, or generated.

If for any reason any portion of my request is denied, forward the non-denied records, and inform me of each specific reason for the denial of each item in writing. Also, kindly provide the name, street address and email address of the person or body to whom an appeal should be directed.

If no records exist responsive to the above request(s), I hereby request a certification to that effect. For records produced in response to the above request(s), I hereby request a certification that the record(s) produced are correct.

Pursuant to Public Officers Law § 89 (3), within five business days of the receipt of this request, you must grant the request, deny the request in writing, as well as provide a response for the reason of any denial in whole or part, or provide a date certain when such a response will be provided. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

Please feel free to email me with any questions or suggestions you may have.

Sincerely,

Renee Cook
cc: Attorney File

From: Humes, Kevin
Sent: Tuesday, November 16, 2021 9:46 AM
To: 'Renee Cook' [REDACTED]
Subject: RE: [EXTERNAL] Fw: [EXTERNAL] Confirmation of receipt, Do not duplicate

Good Morning Ms. Cook

The Board of Elections has informed me that your request was overly broad, you will have to narrow down the timeline you are requesting, and therefore your request is denied .The Freedom of Information Law requires a reasonable description of the records sought.

You have the right to appeal this decision. If you wish to do so, you must file a written appeal within thirty days of the date of this letter to the Tioga County Legislature. The appeal must contain the following information: the date and location of a request for records, the records that were denied and the name and address of the appellant.

Kevin A. Humes
Tioga County Law Department
Paralegal
56 Main Street
Owego, New York 13827
[REDACTED]

From: Renee Cook [REDACTED]
Sent: Monday, November 15, 2021 9:50 AM
To: Humes, Kevin [REDACTED]; FOIL <foil@tiogacountyny.gov>
Subject: [EXTERNAL] Fw: [EXTERNAL] Confirmation of receipt, Do not duplicate

Good morning Kevin,

I thought I would check in with you on how I can submit payment for the FOIL request that you received from me on 11/9/2021. Please let me know the best way to submit payment at your earliest convenience.

Thanks,
Renee

From: Renee Cook [REDACTED]
Sent: Wednesday, November 10, 2021 1:59 PM
To: Humes, Kevin [REDACTED]
Subject: Re: [EXTERNAL] Confirmation of receipt, Do not duplicate

Hi Kevin,

I would be happy to pay for the information. What is the easiest way to pay? Should I mail a check or is there another way I can make this payment? The postage would likely be around \$5 as well.

Thank you,
Renee

From: Humes, Kevin [REDACTED]
Sent: Tuesday, November 9, 2021 11:34 AM
To: 'Renee Cook' [REDACTED]
Subject: RE: [EXTERNAL] Confirmation of receipt, Do not duplicate

Good Morning

The Tracking number you provided states that your mail may arrive by 9pm today 11/09/2021 so the request for any information will start on the date in which I received the request which is today 11/09/2021. If For the production of paper records, the fees are \$.25 per printed page, and \$5 for a provided CD\DVD, also must supply the postage for the information you requested. All fees must be collected first before we will send the information.
2 CD request will equal \$10 plus postage

We will continue work on your request only after you have provided the demonstration or amount noted above. If we do not receive your advance payment within 20 workdays after the date of this letter, we will presume that you are no longer interested and will close the file on your request.

Kevin A. Humes
Tioga County Law Department
Paralegal
56 Main Street
Owego, New York 13827
[REDACTED]

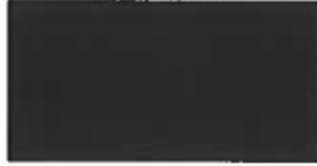
From: Renee Cook [REDACTED]
Sent: Tuesday, November 9, 2021 9:47 AM
To: FOIL <foil@tiogacountyny.gov>
Subject: [EXTERNAL] Confirmation of receipt, Do not duplicate

Good morning,

I sent the attached communications request to Kevin Humes on 11/4/2021 via certified mail. Please confirm that you received this, and that it is being processed. Please let me know if you have any questions or need additional information.

Thank you,
Renee

Renee Cook



Date: 11/22/2021

Martha Sauerbrey
Legislative Chairwoman
Tioga County FOIL Appeals
56 Main Street
Owego, NY 13827

Sent: VIA USPS Certified Mail # [REDACTED] 3977

Re: Communications FOIL Appeal dated: 11/16/2021

Dear Martha:

I submitted a certified FOIL request for the Communications of Tioga County BOE by written statement made on 11/4/2021. I received notification that my request was denied on 11/16/2021 by email. The following information is stated in the original certified FOIL request dated 11/4/2021. Consequently, I am submitting an appeal on that basis.

1. All records, starting January 1, 2019 through 11/4/2021 including any written report or document or portion concerning the following:

a. All communications between election officials including the Secretary of State (SOS), Election Administrators, County Clerks, printing companies, machine companies, all the assistants of the state and county employees that run the elections.

2. All records, starting January 1, 2019 through 11/4/2021 of the Tioga County attorney pertaining to the county elections including:

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Communications FOIL Appeal
Tioga County
Martha Sauerbrey

a. Correspondences, emails and logs of telephone calls between the COUNTY NAME County attorney and election officials including the Secretary of State (SOS), Election Administrators, County Clerks, printing companies, machine companies, all the assistants of the state and county employees that run the elections.

b. All worksheets, reports, employee time records and associated relevant information gathered pursuant to the communications between election officials including the SOS Election Administrators, County Clerks, printing companies, machine companies, all the assistants of the state and county employees that run the elections

All records requested above are foiable and a matter of public knowledge see: <https://www.elections.ny.gov/NYSBOE/FOIL/2021SubjectMatterList.pdf> updated as of August 21st, 2021. As required by the Freedom of Information Law, the head or governing body of an agency, or whomever is designated to determine appeals, is required to respond within 10 business days of the receipt of an appeal. If the records are denied on appeal, please explain the reasons for the denial fully in writing as required by law.

In addition, please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to the Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, New York 12231.

Sincerely,



Renee Cook

cc: attorney file