

*Eleventh Regular Meeting*  
November 15, 2011

The Eleventh Regular Meeting of 2011 was held on November 15, 2011 and was called to order by the Chair at 12:00 P.M. Eight Legislative members were present, Legislator Quinlan being absent.

Chair Weston asked Legislator Hollenbeck to have a moment of prayer. "I would like to have a moment of silence for all our friends and relatives for the pain and suffering they have had to endure during this last flooding event."

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

Chair Weston noted the following Proclamation on Adoption Awareness Month.

**PROCLAMATION**

This November marks the 21st annual National Adoption Month. November 19<sup>th</sup> is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized one adoption in 2011. Every child in America, every child in Tioga County deserves a permanent, loving family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on the behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim November as

### **ADOPTION AWARENESS MONTH**

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize adoptive families in Tioga County.

Ron Keene had privilege of the floor. "Thank you Mr. Chairman and Legislators for letting me speak. I am here today with a purpose. I would like to ask you to please keep the transfer station open in Barton at least until the end of the year and maybe even longer. Please take this in consideration. On my way up here I observed cars out to the road waiting to get in to get rid of their bagged garbage. I would like to point out one thing that was mentioned at the Legislative Committee meeting last week wherein it was stated that none of our tax dollars went to the operation of solid waste disposal. I know this to be an incorrect statement. I have gone through your budgets all the way to 2005 and checked all revenues and figures.

"The Transfer Station was a losing proposition from day one when you took it over in 2005 and all the way up to current date. There has always been a big deficit all the way through, over 1 million each year appropriated and the real property taxes were charged the difference. They were only generating from \$596,000 on a good year in 2005 up to 2011 where it went down with the tipping fee of \$484,093 and the rest is being picked up by our tax dollars. Stating that none of our tax dollars was going into the operation of the Transfer Station is an incorrect statement. I wanted to make that clear and if I stand to be corrected feel free to tell me. I have researched this and checked it out. Thank you for your time."

Chris Bonner had privilege of the floor. He spoke about the Presidency, jobs going overseas, definition of the United States, and the growing of Hemp.

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		1,046.61
A1165	District Attorney		2,714.76
A1172	Assigned Counsel		32,397.24
A1185	Medical Examiners/Coroners		152.02
A1325	Treasurer		21,312.43
A1345	Purchasing		13.04
A1355	Assessments		14,360.00
A1364	Expense of County Owned Property		40.84
A1410	County Clerk		482.71
A1411	Department of Motor Vehicles		496.00
A1420	Law		2,595.52
A1430	Personnel		1,182.50
A1450	Elections		8,199.82
A1460	Records Management		3,879.53
A1460.41	Records Management		6,463.75
A1490	Public Works Administration		40.00
A1620	Buildings	41.37	29,328.51
A1621	Buildings		13,322.47
A1680	Information Technology		9,642.17
A2490	Community College Tuition		525,551.17
A2960	Education Handicapped Children		187,177.64
A3020	Public Safety Comm E911 System		7,068.03
A3110	Sheriff		17,642.34
A3140	Probation		309.43
A3146	Sex Offender Program		8,766.67
A3150	Jail		41,643.18
A3410	Fire		6,194.93
A3640	Emergency Mgmt Office		555.91
A3641	Emergency Mgmt Grant Program	39.99	
A4010	Public Health Nursing		31,767.42
A4011	Public Health Administration		6,777.29
A4012	Public Health Education		6,727.74
A4042	Rabies Control		2,240.66
A4044	Early Intervention		29,288.98
A4053	Preventive/Primary Health Services		303.99
A4054	Preventive Dental Services		3,005.57
A4064	Managed Care-Dental Services		11,677.15
A4070	Disease Control		8,520.88
A4090	Environmental Health	274.36	1,927.70

A4210	Alcohol and Drug Services		788.11
A4211	Council on Alcoholism		26,247.32
A4309	Mental Hygiene Co Admin	903.92	23,665.09
A4310	Mental Health Clinic		7,365.56
A4311	Rehabilitation Support Services		3,706.44
A4315	Mental Retardation		6,168.48
A4320	Crisis Intervention Services		32,747.01
A4321	Intensive Case Management		2,991.27
A4333	Psycho Social Club		26,191.78
A5630	Bus Operations		5,000.00
A6010	Social Services Administration		146,002.28
A6422	Economic Development		238.06
A6510	Veterans' Service		1,410.88
A6610	Sealer Weights/Measures		319.77
A7310.41	Youth Programs, Refundable		9,342.17
A8020	Planning		15.12
A9060	Health Insurance		1,596.82
SOLID WASTE FUND			105,566.52
COUNTY ROAD FUND			43,353.82
SPECIAL GRANT FUND			749.86
CONSOLIDATED HEALTH FUND			104,792.95
CAPITAL FUND			1,037,748.44
WORKERS' COMP			<u>1,636.00</u>
GRAND TOTAL			\$ 2,633,719.99

Legislator Sauerbrey made a motion to approve the minutes of October 11, 2011, seconded by Legislator McEwen, and carried.

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

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 218-11 SET PUBLIC HEARING  
2012 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2012 be held at 6:00 P.M., Tuesday, November 22, 2011 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 219-11 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2012County taxes among the several Towns are hereby established as follows:

Town of Barton	100.00
Town of Berkshire	100.00
Town of Candor	7.35
Town of Newark Valley	66.50
Town of Nichols	28.00
Town of Owego	81.00
Town of Richford	100.00
Town of Spencer	100.00
Tioga of Tioga	7.50

## ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO:                   LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 220-11           *CONFINEMENT OF DOGS  
FOR PROTECTION OF DEER*

WHEREAS: The Tioga County Board of Legislators hereby determine that there is a possibility that the deer population in said County could suffer severe depredation due to the possibility of dogs attacking, chasing or worrying deer. That pursuant to the provisions of §122 of the Ag & Markets Law; it is

RESOLVED: That it is hereby ordered that all dogs within the County of Tioga shall be securely contained at all times from November 19, 2011 until April 15, 2012.

NOTICE of this order shall be published one time in the Morning Times and the Tioga County Courier, and a certified copy of this order shall be filed in the Office of the County Clerk and all Town Clerks and all Village Clerks in the County of Tioga.

All provisions set forth in said Agriculture and Markets Law §122 as to the destruction and seizure of any dog by any Dog Control Officer or Peace Officer, and civil penalty on the owner of the dog and all other provisions of said §122 are hereby adopted in this order.

## ROLL CALL VOTE

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

No –Legislator Sullivan.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 221-11 SUPREME COURT ORDER  
TOWN OF OWEGO

WHEREAS: The Supreme Court of the State of New York has rendered an Order for Index Nos. 032409, 033458, 037737, 039367, and no. 040790, and Stipulation of Settlement, indicating refund amounts as decided by the parties involved, and filed on September 6, 2011, in answer to the petition between OCG Limited Partnership (property no. 839), and Owego Housing Development Fund Corporation (property no. 1403), and the Town of Owego; and

WHEREAS: The Stipulation agrees that the assessment for property no. 839, OCG Limited Partnership remains unchanged at the \$815,800 assessment for the assessment years 2004-2010; and

WHEREAS: The Court stipulation reduces the assessment of property no. 1403, Owego Housing Development Fund Corp, from \$1,109,400 to \$336,100 for the assessment years 2008-2010, and orders that a total refund of \$132,500 be issued as reimbursement to the petitioner; and

WHEREAS: The County of Tioga portion of said refund has been set at the amount of \$26,891.50; be it therefore

RESOLVED: That a refund of \$26,891.50 be issued to Owego Housing Development Fund Corporation by the County Treasurer; and be it further

RESOLVED: That the county amount of \$26,891.50 be charged to the proper accounts in the records of the County Treasurer

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 222-11 *MORTGAGE TAX DISTRIBUTION*

RESOLVED: That the mortgage tax report for the period April 1, 2011 to September 30, 2011 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 29,191.32
Village of Waverly	7,409.76
Town of Berkshire	5,274.35
Town of Candor	16,530.81
Village of Candor	928.99
Town of Newark Valley	14,034.18
Village of Newark Valley	1,679.34
Town of Nichols	6,643.23
Village of Nichols	500.73
Town of Owego	85,627.42
Village of Owego	6,388.56
Town of Richford	4,748.77
Town of Spencer	9,996.12
Village of Spencer	1,201.38

Town of Tioga

10,493.23  
\$200,648.19

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 223-11 REAPPOINT 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: The appointed term for Joseph Picco, DDS, on the Board of Health expires 12/31/11; and

WHEREAS: Joseph Picco, DDS, has agreed to serve for another term; therefore be it

RESOLVED: That Joseph Picco, DDS, be re-appointed to the Board of Health for a term of 1/1/12-12/31/17.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 224-11 *APPOINT ALTERNATE MEMBER TO THE  
TIOGA COUNTY PLANNING BOARD*

WHEREAS: Nichole Wayman, at-large, alternate member on the Tioga County Planning Board has resigned; and

WHEREAS: The Tioga County Planning Board has found Jason Bellis willing and able to serve this unexpired term; therefore be it

RESOLVED: That the Tioga County Legislature appoint Jason Bellis to the Tioga County Planning Board, to replace and fulfill Nichole Wayman's unexpired term of 1/1/10 – 12/31/12.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 225-11 *AUTHORIZE TRANSFER OF FUNDS FOR  
PURCHASE OF EQUIPMENT FOR THE  
COUNTY CLERK'S OFFICE*

WHEREAS: The County Clerks office is responsible for the recording, filing and maintaining of public records for Tioga County; and



WHEREAS: The Assigned Counsel has had an increase in number of cases recently; and

WHEREAS : The Assigned Counsel budget will not be sufficient until the end of the year and needs to have funds transferred; therefore be it

RESOLVED: That the amount of \$25,000 be transferred from Contingency Account A1990.40-715 to Assigned Counsel Account A1172.40-30.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 227-11

*APPROPRIATION OF FUNDS FOR  
LIABILITY INSURANCE FUND*

WHEREAS: The Liability Insurance Fund has received an invoice from NYMIR for a \$50,000 deductible that the County is responsible for; NYMIR paid damages of \$400,000; and

WHEREAS: Sufficient funds do not exist in the insurance Claims and Judgments account to meet these obligations and money needs to be transferred from the Liability Fund Balance; therefore be it

RESOLVED: That the Judgments and Claims account be appropriated as follows:

From: Fund Balance	CI909.00	\$27,000
To: Judgments and Claims	CI1930.40-270	\$27,000

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO

PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 228-11

*APPROPRIATION OF FUNDS FOR-  
BUREAU OF FIRE 2010 NYS HAZ-MAT -  
SHSP GRANT*

WHEREAS: The Bureau of Fire has been awarded a NYS Homeland Security SHSP Haz-Mat Grant in the amount of \$38,225; and

WHEREAS: This funding now needs to be appropriated in the Bureau of Fire Budget to be used on Hazardous Materials Equipment for the Tioga County Hazardous Materials Team; be it therefore

RESOLVED: That the Homeland Security Haz-Mat Grant (Project # HM10-1025-E00) be appropriated as follows:

From: State Aid-Fire SH08-HM09-1009-E00	A3307.00	\$38,225
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To: Fire SH08-HM09-1009-E00	A3990.20-230	\$38,225
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ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 229-11 *ALLOW THE COUNTY FIRE  
COORDINATOR TO APPLY FOR  
GRANT FUNDING UNDER THE 2011  
NYS HOMELAND SECURITY HAZ-  
MAT GRANT PROGRAM*

WHEREAS: The New York State Office of Homeland Security is Offering a 2011 Haz-Mat Grant Program; and

WHEREAS: The expense of necessary equipment to be used by the Tioga County Haz-Mat Team during times of a large Hazardous Materials incident is beyond the means of the yearly Bureau of Fire operating budget; therefore be it

RESOLVED: That the Tioga County Fire Coordinator be able to apply for and accept, after approval of the County Attorney, Hazardous Materials Grant Funding as both Primary and Secondary applicants, along with other members of the Central New York Hazardous Materials Response Consortium, under the currently available New York State Office of Homeland Security 2011 Haz-Mat Grant Program. This grant is to provide needed equipment for the Tioga County Haz-Mat Team.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 230-11 *AUTHORIZE CONTRACT FOR INMATE  
MEDICAL CARE*

WHEREAS: The Sheriff's Office contracts with Correctional Medical Care Inc. (CMC) to provide medical care to the inmates of the Tioga County Jail; and

WHEREAS: The Sheriff's Office is desirous to extend the current contract one additional year for an annual fee of \$282,039; and

WHEREAS: Funding for this contract will be appropriated in the 2012 budget and the Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties; be it therefore

RESOLVED: That the Tioga County Legislature authorize the Tioga County Sheriff's Office to enter into a contract with Correctional Medical Care, Inc.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 231-11 *AUTHORIZE CONTRACT FOR UNIFORM  
DRY CLEANING AND LAUNDRY  
SERVICES*

WHEREAS: The Sheriff's Office is required to provide uniform Dry Cleaning and Laundry services for uniformed officers; and

WHEREAS: Moreton Cleaners of Waverly, New York has contracted with the Sheriff's Office to provide this service; and

WHEREAS: The Sheriff's Office is desirous to extend the current contract one additional year for an annual fee of \$12,250; and

WHEREAS: Funding for this contract will be appropriated in the 2012 budget and the Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties; be it therefore

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Sheriff's Office to enter into a contract with Moreton Cleaners.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 232-11 *AUTHORIZE 2012 TAX MAP MAINTENANCE CONTRACT*

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized to enter into a Tioga County tax map maintenance contract with MRB Group, for the calendar year 2012 for an annual charge of \$26,520, payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and surveys, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

## ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 233-11      *AMEND COUNTY POLICY 1, SECTION VI  
AND SECTION VII*

WHEREAS: When an employee requests a leave of absence for medical reasons, the first twelve weeks are authorized in accordance with the Family/Medical Leave Policy, if qualifying; and

WHEREAS: If the medical leave extends beyond 12 weeks, the Department Head may authorize an additional sixty (60) working days of leave, in accordance with county Policy 1, Section VII; and

WHEREAS: If the medical leave extends beyond the sixty (60) working days granted by the Department Head, the current language in Policy 1 requires a Resolution be presented to the Legislature for approval; and

WHEREAS: There is concern that publicizing the need for a leave due to medical reasons may be a violation of the employees HIPAA rights, or at least their privacy; and

WHEREAS: The possible duration of medical leaves resulting from work-related injuries are often mandated by law, and in such cases the County is simply rubber-stamping the approval; and

WHEREAS: The County sees it appropriate to change Section VII of County Policy 1 in consideration of the above; and

WHEREAS: Section VI, paragraph C provides for Personnel to request approval from the standing committee for leaves, the duration of which exceeds one week; and

WHEREAS: This procedure has not been followed due to pragmatic reasons; therefore be it

RESOLVED: That County Policy 1, Section VII: Leaves of Absence in excess of sixty (60) working days shall be revised by removing the reference to "resolution" in the sentence immediately following the heading; and be it further

RESOLVED: That the process outlined in Section VII, A-F shall remain in place; and be it further

RESOLVED: That Section VI, paragraph C be deleted and paragraph D shall become paragraph C; and be it further

RESOLVED: That these changes shall be effective retroactive to November 1, 2011; and be it further

RESOLVED: That the remainder of Policy 1 shall remain in full force and effect.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 234-11      *AUTHORIZE "BROKER OF RECORD" LETTER  
(PERSONNEL)*

WHEREAS: The Anchor Group (dba EBA Services, LLC) has been providing health insurance consulting to the Tioga County Consolidated Municipal Health Insurance Plan for the past several years; and

WHEREAS: The Anchor Group has now requested that Tioga County officially notify Excellus BlueCross/BlueShield of their relationship with Tioga County in order to allow Excellus to release claims data to The Anchor Group; and

WHEREAS: The Personnel Officer and Benefits Manager have found the assistance received from The Anchor Group very beneficial and would like to continue the relationship with The Anchor Group; therefore be it

RESOLVED: That the Personnel Officer is authorized to send a letter to Excellus BlueCross/BlueShield designating EBA Services, LLC as Tioga County’s “Broker of Record”.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 235-11      *CONTRACT WITH EXCELLUS BLUE  
CROSS/BLUE SHIELD TO ADMINISTER HEALTH  
INSURANCE BENEFITS*

WHEREAS: Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for Tioga County and members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to continue administering said programs for the period of January 1, 2012 through December 31, 2012; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Excellus Blue Cross Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County and other participants in the TCCMHIP for the period January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 236-11      *CONTRACT WITH EBS-RMSCO, INC. TO  
ADMINISTER HEALTH REIMBURSEMENT  
ACCOUNTS*

WHEREAS: Resolution 209-11 authorizes Tioga County to contract with EBS-RMSCO to administer the flexible spending program; and

WHEREAS: EBS-RMSCO, Inc. can also administer health reimbursement accounts which can be used for different insurance plans that Tioga County would like to implement; and

WHEREAS: The per participant per month fee will be \$4.45 for any employees enrolled in the health reimbursement account and/or the flexible spending program; and

WHEREAS: EBS-RMSCO, Inc can also perform all the necessary compliance testing at the following rates:

Annual Discrimination Testing	\$275.00
Plan Amendments/Restatements	\$300.00
Preparation of IRS Form 550	\$300.00

And

WHEREAS: Tioga County can save tax dollars on money channeled through a health savings account; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 237-11 *RENEW SPECIFIC EXCESS AND EMPLOYERS' LIABILITY INSURANCE FOR WORKERS' COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy through Safety National Casualty Corp expires December 31, 2011; and

WHEREAS: The Tioga County Self-Insurance Plan's employers' liability insurance policy through United States Liability Insurance Co. expires December 31, 2011; and

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

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

WHEREAS: Safety National Casualty Corp. and United States Liability Insurance Co. are both A rated insurance companies and both are licensed in New York State; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase specific excess insurance from Safety National for the period of January 1, 2012 through December 31, 2012 to be paid for out of the 2012 Tioga County Self-Insurance budget account \$1722.40; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase employers' liability insurance from US Liability Insurance for the period of January 1, 2012 through December 31, 2012 to be paid for out of the 2012 Tioga County Self-Insurance budget account \$1710.40-270.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 238-11 *APPOINT DEPUTY CLERK  
TO THE LEGISLATURE AND  
DEPUTY TIOGA COUNTY AUDITOR*

WHEREAS: The full-time position of Deputy Clerk to the Tioga County Legislature has been vacant since June 20, 2011; and

WHEREAS: The Clerk of the Legislature has identified a candidate for the position who is willing and eligible for appointment; and

WHEREAS: The Deputy Clerk will also serve as Deputy Tioga County Auditor; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Clerk of the Legislature to appoint Cathy Haskell as Deputy Clerk to the Legislature at an annual, non-union, salary of \$38,262 (\$2,000 of which is for Deputy County Auditor), effective December 5, 2011; and be it further

RESOLVED: That Cathy Haskell be and hereby is appointed Deputy Tioga County Auditor, to act in the absence of the County Auditor effective December 5, 2011, to fill an unexpired term ending December 31, 2011.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:                   ECONOMIC DEVELOPMENT & PLANNING  
  COMMITTEE  
  PERSONNEL COMMITTEE

RESOLUTION NO. 239-11 *AUTHORIZATION TO BACKFILL SECRETARY TO  
ECONOMIC DEVELOPMENT & PLANNING  
ECONOMIC DEVELOPMENT & PLANNING  
DEPARTMENT*

WHEREAS: The current Secretary to Economic Development & Planning, Cathy Haskell, has accepted the position of Deputy Clerk to the Tioga County Legislature which has been vacant since 6/20/11;

WHEREAS: The Director of Economic Development & Planning received verbal authorization at the 10/6/11 Legislative work session to begin recruiting for his secretarial position in light of Ms. Haskell's movement within County departments which will be effective 12/5/11; and

WHEREAS: The Director of Economic Development & Planning has identified Linda Sampson as a willing and qualified candidate to fill said position; and

WHEREAS: Resolution 156-11 provides an exception to the 90-day hiring delay when an employee moves from one Tioga County Department to another Tioga County Department and into a position which has been vacant at least 90-days; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Director of Economic Development & Planning to backfill the position of Secretary to Economic Development & Planning with the appointment of Linda Sampson at an annual salary of \$31,000 effective 12/1/11.

## ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 240-11      *AUTHORIZATION TO RECLASSIFY SOCIAL  
WORK ASSISTANT II POSITION TO CLINICAL  
SOCIAL WORKER  
MENTAL HYGIENE*

WHEREAS: Legislative approval is required for positions to be reclassified;  
and

WHEREAS: On 8/30/11, the Personnel Department received a position description questionnaire from the Mental Hygiene Department for a Social Work Assistant II position currently held by Cheryl DeRosa, LMSW;  
and

WHEREAS: Upon review of the position questionnaire which has been completed by the incumbent, her immediate supervisor, and the Director of Community Services, it has been determined that the current title of Social Work Assistant II is not an adequate reflection of the duties currently being performed; and

WHEREAS: Due to Ms. DeRosa's recent licensure as a master social worker, she has been assigned to provide therapeutic counseling and to conduct clinical assessments for mental hygiene clients which allows the Mental Hygiene Department greater revenue collection potential; therefore be it

RESOLVED: That the Tioga County Legislature authorize Cheryl DeRosa's title of Social Work Assistant II (CSEA salary grade XI) be reclassified to the title of Clinical Social Worker (CSEA salary grade XVI) which is reflective of an annual increase of \$11,178.00; and be it further

RESOLVED: That said reclassification shall be retroactive to 8/30/11 and that Ms. DeRosa's civil service status shall be provisional pending the results of the upcoming civil service examination for Clinical Social Worker.

ROLL CALL VOTE

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

No –None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

Legislator McEwen made a motion to have the following late-filed resolutions considered, seconded by Legislator Hollenbeck and carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 241-11      *AWARD CONTRACT FOR DISASTER  
RESPONSE AND RECOVERY  
CONSULTANT*

WHEREAS: Tioga County has suffered damage to its buildings and infrastructure as a result of Tropical Storm Lee; and

WHEREAS: Tioga County solicited Requests for Proposals from consultants to assist Tioga County in its recovery efforts; and

WHEREAS: The Committee has reviewed the submissions made in response to the RFP and has made a recommendation to the Tioga County Legislature to select Camp Dresser McKee (CDM) as its consultant; now therefore be it

RESOLVED: That CDM is hereby selected as Tioga County's consultant for disaster recovery; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair of the Tioga County Legislature to enter into a contract with CDM in accordance with the terms of its proposal dated October 31, 2011.

ROLL CALL VOTE

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

No –Legislator Roberts.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 242-11	<i>AMEND RESOLUTION 215-11 AUTHORIZE THE SUBMISSION OF MITIGATION GRANT APPLICATION EMERGENCY MANAGEMENT</i>

WHEREAS: Resolution 215-11 requires amendment in a number of areas; and

WHEREAS: Tioga County currently has a Federal Emergency Management Agency (FEMA) approved mitigation plan which has expired; and

WHEREAS: The current plan was scheduled to be updated and rewritten in 2011; and

WHEREAS: The FEMA requirements have changed since the original plan was written; and

WHEREAS: FEMA has given the State Office of Emergency Management (SOEM) monies for local government to utilize these monies for the purpose of writing mitigation grants; and

WHEREAS: Tioga County is eligible for these monies in the form of a 75-25% grant; and

WHEREAS: Due to the complexity and change of requirements to the mitigation plan criteria and process, we have been advised by New York State and FEMA to increase the allotted prior grant from \$20,000 to \$70,000; and

WHEREAS: Due to the fact that the prior application was not approved by FEMA until October 2011, and our current plan expired October 2011, this has created an urgency to expedite the creation and approval of an updated plan by FEMA within a six month period; and

WHEREAS: This is necessary so the mitigation funding to County and local governments may be obtained through the FEMA 406 and 404 process; therefore be it

RESOLVED: That Resolution 215-11 is hereby amended as follows:

RESOLVED: That the Tioga County Emergency Management Office be authorized to apply for a grant up to \$70,000 for the sole purpose of writing an all hazards mitigation plan; and be it further

RESOLVED: That the Tioga County Emergency Management Office be authorized to solicit quotes by way of a Request for Proposals from contractors to write said plan; and be it further

RESOLVED: That the Chair of the Legislature be authorized to be the designated signee to execute any and all documentation necessary to move forward with the grant procedure in an expeditious fashion; and be it further

RESOLVED: That the Director of Emergency Management shall be the Point of Contact for the State Office of Emergency Management (SOEM) and FEMA; and be it further

RESOLVED: That Wendy Walsh of Tioga County Soil and Water Department shall be the Program Manager on behalf of Tioga County for development of the Hazard Mitigation Plan, and said agency shall be paid \$17,500.00 for such services.

ROLL CALL VOTE

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

No –Legislator Roberts.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:24 P.M.