

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

County Clerk Klett swore in Legislator Mullen and Legislator Mullen took his place at the table.

Legislator Standinger read and presented the following Proclamation on Children's Dental Health Month to Lisa McCafferty, Public Health Director.

"In Tioga County there has been a great increase in the dental health of the children as a result of this young lady to my right and I just want to commend her for that."

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Dental decay is still the single most common chronic childhood disease; and

WHEREAS: Oral health diseases in children can be quite crippling, leading to delayed speech, low self-esteem, missed school days and overall diminished well-being; and

WHEREAS: Dental decay-causing bacteria can be transmitted from caregiver to child; and

WHEREAS: Proper oral hygiene can prevent dental decay and gingivitis; and

WHEREAS: Preventative care such as routine dental prophylaxis, fluoride supplements and sealants are proven measures that reduce the incidence of oral diseases; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of February 2016 as

CHILDREN'S DENTAL HEALTH MONTH

and urges all residents to take steps to educate themselves, their families, and the community about the importance of good oral hygiene.

Lisa McCafferty, Public Health Director spoke. Thank you very much for approving this Proclamation and we, speaking on behalf of Public Health of Tioga County, cannot begin to emphasize enough the importance of oral hygiene, especially in children. If we can even start good practice when they are children, as young as age 2, and implicate that so as they grow they have positive dental oral hygiene habits. It is a significant return on investment, especially when you look at emergency room utilizations pertinent to dental related events. Drug seeking, when you talk about prescription drug abuse, you have people in the emergency room because of dental issues, but they are going in to get medications because they do not have dental access. Thank you very much for your support of this important issue."

Ron Keene had privilege of the floor. "I am Ronald Keene. I am from the Village of Waverly. My purpose of being here is to object to the way you accepted the nominations for the vacancy. First of all, I would like to congratulate Mr. Mullen for getting the position. I was one of the candidates that ran for that position. One thing I would like to bring to your attention is, I do not know whether you realize it or not, but you violated the Constitution of the State of New York. The vacancy can only be filled for the one year and then it has to go up through the next general Election for the seat to be elected. You can appoint up to one year and then it has to go to the next general Election to be fulfilled. If you question me on this, I called up to the New York State Board of Elections. I have the gentleman's name, Attorney Bryan Quail. I have his telephone number on the top and you can contact him, which I personally did myself.

"I just want to let you know that I am not disappointed in the position, but I am sitting here objecting to the way you handled it. I know you picked a committee and I waited week after week to hear something for an appointment. I was not even given the privilege of coming up for an interview. I really feel this is disgraceful on your behalf or the committee's behalf for not fulfilling that obligation. I have already talked to four other candidates, capable candidates, and their feelings are the same as mine. We were treated like a piece of you know what. I do not really think that is fair and I think you should have handled it in another way. With that, I am going to give you these copies. If anybody does not know, you better go on line and read what the Constitution of the United States and the Constitution of the State of New York says. I know you have an Attorney here and I am sure she is addressed on this

and is aware of it, but what you have done here, you put yourself in a quagmire in reality, what you have done is the requirements or qualification, there is not any. You did not have to have a review.

“The rightful way this should have been handled is that whoever was interested in the position should have done like all the rest of you have done over the past, is taken a petition out and gotten signatures signed and brought it to your attention. That did not happen, that is the way it should happen. It should not be up to you people to sit here and make the rules and regulations saying this is what we are going to do. It was no surprise to me to find out what you have done. I was upset. The only reason I was upset, I did not get my letter until yesterday and I really find that really offensive that somebody could not take the time, and after all the times I have been up here, and I have been up here to three meetings, and nobody had the nerve to stand up and tell me that you have already chosen somebody until I made a personal telephone call to one of the Legislators to find out that you had picked somebody. I think that was very childish on your behalf. With that, I wish Dennis all the luck in the world. The rest of you, good luck to you and I will see you in the future. Thank you.”

Chair Sauerbrey spoke. “Thank you Ron. It is not our habit of responding, but on that technical issue concerning the law, I have asked our Attorney to address that question.”

County Attorney Quigley spoke. “I have not looked at this, but from what I am seeing in the Constitution, the Legislature that this Constitution section you are talking to refers to is New York State Legislature. County Law is governed by a different set of laws and one of those things says that County or Supervisors, which is what it is called under County Law or Legislature, can adopt a Local Law for replacement of their own people and many many years ago this Legislature did adopt that Local Law and changed it to provide that they can appoint a person to fill the remainder of the term. Perhaps when you spoke with someone at the State they were not aware that we had in fact adopted a Local Law that changed the State Law that deals with appointment of County Boards of Supervisors.”

Ronald Keene spoke. “He was very aware, which I guess there is a Charter, which you do not have, where you are operating under a Local Law, which I explained that to him and he said it does not make any difference. You still have to abide by the Constitution and you did not.”

County Attorney Quigley spoke. “This Constitution reference to a Legislature is the State Legislature.”

Chair Sauerbrey spoke. "Let me assure you, we did our due diligence. We called the Board of Elections and we have referred to our Attorney. Believe me, we do not want to have to go through this process. This is a sad process losing a Legislator. We would much rather have the people elect them and we hope that next time they will go through that. We do not like to do this. This is unfortunate circumstances."

Legislator Monell made a motion to approve the minutes of January 4 and 12, 2016, seconded by Legislator Mullen, and carried.

Chair Sauerbrey abolished the Explore Long-Term Options for Mental Health Committee effective February 9, 2016.

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

Chair Sauerbrey announced the following revised Standing Committees of the County Legislature of the County of Tioga for 2016 as follows:

**STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2016**

	Chairman			
1. County Clerk, Historian, Real Property Veterans/Elections,	Huttleston	Sullivan	Mullen	Standing
2. Economic Development/ Planning/Tourism/ Agriculture	Weston	Roberts	Hollenbeck	Mullen
3. Finance/Legal & Safety	Monell	All Legislators		
4. Information Technology	Sullivan	Roberts	Monell	Huttleston
5. Legislative Worksessions/ Legislative support	Sauerbrey	All Legislators		
6. Health & Human Services	Standing	Sullivan	Mullen	Monell
7. Public Safety/ Probation & DWI	Mullen	Hollenbeck	Weston	Standing
8. Public Works/ Capital Projects	Roberts	Sullivan	Huttleston	Weston
9. Personnel/ADA	Hollenbeck	Monell	Weston	Standing

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

REFERRED TO: ED&P LEGISLATIVE COMMITTEE

RESOLUTION NO. 25-16 *RECOMMEND MEMBERS TO THE SUSQUEHANNA
HERITAGE AREA COMMISSION*

WHEREAS: Per resolution 98-15, the Tioga County Legislature resolved that the Economic Development and Planning Committee recommend designees for the Municipal Representative and also the Advisory Board Member on the Susquehanna Heritage Area Commission for the term of office of the County Legislative Chair who appoints said persons; and

WHEREAS: Currently Rebecca Maffei, Tioga County Tourism Office Director, and Bryant Myers, Economic Development Specialist have been serving as the two (2) SHA Commission members; and

WHEREAS: Bryant Myers is no longer employed by Tioga County; and

WHEREAS: Brittany Woodburn has been hired to fill the Economic Development Specialist position; therefore be it

RESOLVED: That the Economic Development and Planning Committee recommend Rebecca Maffei, Tioga County Tourism Office Director as the Municipal Representative and Brittany Woodburn, Economic Development Specialist as the Advisory Board member on the Susquehanna Heritage Area Commission for the term of office of the County Legislative Chair who appoints said person.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 26-16 RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member, Jon Ward, will expire as of March 31, 2016; and

WHEREAS: Jon Ward has expressed a desire for re-appointment to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Jon Ward for another three-year term of 4/1/16 – 3/31/19.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 27-16 RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member, Marcia Kiechle, will expire as of March 31, 2016; and

WHEREAS: Marcia Kiechle has expressed a desire for re-appointment to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Marcia Kiechle for another three-year term of 4/1/16 – 3/31/19.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 28-16

*RE-APPOINT MEMBER TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION (TCLDC)*

WHEREAS: The term of Tioga County Local Development Corporation member, Sandra Layman, will expire as of March 31, 2016; and

WHEREAS: Sandra Layman has expressed a desire for re-appointment to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Sandra Layman for another three-year term of 4/1/16 – 3/31/19.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 29-16 APPOINT AND EXTEND YOUTH BOARD MEMBERS
TERMS
YOUTH BUREAU

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

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

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

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 221-14 and vacancies exist; and

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 58-12 and terms have expired; now therefore be it

RESOLVED: That the following listed representatives be appointed as a member of the Tioga County Youth Board with the corresponding term of office consistent with the requirement of staggered rotation; and that the following listed representatives terms be extended as follows:

	<u>TERM</u>
Whitney Bauer (Replacing Petrea Rae)	01/01/2016 – 12/31/2019
Jessica Hobler (Extending Term)	01/01/2016 – 12/31/2019
Kathleen Clark (Extending Term)	01/01/2016 – 12/31/2019

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 30-16 *AUTHORIZE DRAW-DOWN FOR
FINANCIAL MANAGEMENT ACCOUNTING
SYSTEM (FMAS)*

WHEREAS: Tioga County established a Financial Management Accounting System (FMAS) Capital Reserve Account; and

WHEREAS: Tioga County is incurring expenses from Tyler Technologies, Inc. for services to implement the Financial Management Accounting System; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chief Accountant/Budget Officer and Tioga County's Project Manager to transfer funds out of the Financial Management Accounting System (FMAS) Capital Reserve Account H878.08 into the dedicated FMAS Capital Account H1325.21 for 2016 as a drawdown to fund the following:

Tyler Services (implementation days, implementation costs, purchase of modules, dedicated consultants, Tyler Project Manager, forms, travel and hotel expenses, third party hardware and services, recurring fees, etc.)

2016 Drawdown	\$300,000.00
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ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 31-16 *APPROPRIATION OF FUNDS*
 2015 HOMELAND SECURITY GRANT
 MODIFY 2016 BUDGET
 EMERGENCY MANAGEMENT

WHEREAS: The New York State Office of Homeland Security Program (SHSP) has been awarded a grant of \$52,500 (contract #C973950) to the Tioga County Office of Emergency Management; and

WHEREAS: The grant will be used for the Dark Fiber Project which will connect county infrastructures; and

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

RESOLVED: That the 2015 NYS Homeland Security Grant be appropriated as follows:

A3360.433565 Homeland Security 2015 Revenue	\$52,500
A3360.520130 Homeland Security Grant– Equipment (Not Car)	\$52,500

And be it further

RESOLVED: That the 2016 Emergency Management budget be modified to reflect the above changes.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 32-16 *FUND SHERIFF'S GRANT –NYS CHILD PASSENGER SAFETY GRANT*

WHEREAS: The Sheriff's Office has been awarded a NYS Child Passenger Safety Grant (CPS-2016-Tioga Co SO-00092-(054) in the amount of \$1,500; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Child Passenger Safety Grant be appropriated as follows:

Expense Account: A3110.520130 Equipment (Not Car) \$1,500

State Aid Revenue Account: A3110.433960 \$1,500

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 33-16 *FUND SHERIFF'S GRANT –NYS LEGISLATIVE GRANT*

WHEREAS: The Sheriff's Office has been awarded a NYS Legislative Grant (LG15101545) in the amount of \$10,000; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Legislative Grant be appropriated as follows:

Expense Account: A3110.520130 Equipment (Not Car)	\$10,000
State Aid Revenue Account: A3110.433952	\$10,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
	FINANCE COMMITTEE

RESOLUTION NO. 34-16	<i>FUND SHERIFF'S GRANT –NYS POLICE TRAFFIC SERVICES GRANT</i>
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WHEREAS: The Sheriff's Office has been awarded a NYS Police Traffic Services Grant (PTS-2016-Tioga Co SO-00117-(054) in the amount of \$12,915; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Police Traffic Services Grant be appropriated as follows:

Expense Account: A3110.510030 Overtime/Other	\$12,915
State Aid Revenue Account: A3110.433900	\$12,915

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 35-16 *APPROPRIATION OF FUNDS
PUBLIC HEALTH*

WHEREAS: New York State Child Passenger Safety Program funding has been awarded to the Tioga County Public Health Department; and

WHEREAS: The funding is specifically designated for the purchase of program deliverables; and

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

RESOLVED: That funding be appropriated as follows:

From: A4012 434012 State Aid – Health Education \$ 7,500

To: A4012 540640 Health Education: Supplies \$ 7,500

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 36-16 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: New York State Highway Safety Program funding has been awarded to the Tioga County Public Health Department; and

WHEREAS: The funding is specifically designated for the purchase of program deliverables; and

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

RESOLVED: That funding be appropriated as follows:

From: A4012 434012 State Aid – Health Education \$ 3,300

To: A4012 540640 Health Education: Supplies \$ 3,300

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 37-16 *TRANSFER OF FUNDS*
PURCHASE OF EQUIPMENT
DISTRICT ATTORNEY

WHEREAS: The District Attorney's Office has a need for two (2) outdoor surveillance cameras and software for investigations; and

WHEREAS: The District Attorney's budget does not have funds in their audio visual equipment account; therefore be it

RESOLVED: That the District Attorney be authorized to purchase two surveillance cameras and software and that the following sums be transferred from within the District Attorney's budget to cover the costs of the cameras and software:

From: A1165-540280 Investigations \$782.00

To: A1165-520020 Audio Visual Equipment \$782.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO. 38-16 *AUTHORIZATION FOR BOARD OF ELECTIONS
TO APPLY FOR GRANT FOR
COMPACT FLASH CARDS*

WHEREAS: The Federal Help Americans Vote Act (HAVA) of 2006 provided funds to compensate counties for expenses relating to transitioning from Lever to Electronic Voting systems; and

WHEREAS: New York State has held these funds in reserve until all counties had fully transitioned to the Electronic Voting system and just recently all counties complied; and

WHEREAS: The Electronic voting machines having been purchased as part of the Electronic Voting System have gone out of warranty; and

WHEREAS: State regulations require storage of voting information on specially approved compact flash storage cards; and

WHEREAS: Dominion Voting Systems, the machine vendor has offered on the New York State Office of General Services (OGS) contract under Section 22300 (Voting Systems Services and Accessories) for a price of \$75.00 a piece. Tioga County has found the same quality item at another vendor for \$23.89 a piece, resulting in a savings of \$1,328.86; and

WHEREAS: The Tioga County Board of Elections is to receive a 100% reimbursement grant for the cost of the compact flash cards, which will be \$621.14; and

WHEREAS: Tioga County policy is for the Board of Elections to seek permission prior to submitting grant applications; and

WHEREAS: Federal regulations require the county purchase the item prior to reimbursement and submit proof of payment in the grant application; therefore be it

RESOLVED: That the Tioga County Board of Elections be given permission to apply for this grant; and be it further

RESOLVED: That the grant funding be applied as follows:

From: Org A1450 Object 440890-Federal Aid-HAVA- \$621.14

To: Org A1450 Object 540490-Election Expense- \$621.14

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO. 39-16 *AUTHORIZATION FOR BOARD OF ELECTIONS
TO APPLY FOR GRANT FOR AUDIO VISUAL
TRAINING EQUIPMENT*

WHEREAS: The Federal Help Americans Vote Act (HAVA) of 2006 provided funds to compensate counties for expenses relating to transitioning from Lever to Electronic Voting systems; and

WHEREAS: New York State has held these funds in reserve until all counties had fully transitioned to the Electronic Voting system and just recently all counties complied; and

WHEREAS: Under HAVA Title II Section 251 CFDA # 90.401 to which Tioga County is entitled to up to a \$1,897.07 grant, the authorization for which will expire soon; and

WHEREAS: The Tioga County Board of Elections is to receive a 95% reimbursement grant for the cost of an audio-visual equipment setup to facilitate and enhance training of poll inspectors which will be \$1,867.16; and

WHEREAS: Tioga County protocol is for the Board of Elections to seek permission prior to submitting grant applications; and

WHEREAS: Federal regulations require the county purchase the item prior to reimbursement and submit proof of payment in the grant application; therefore be it

RESOLVED: That the Tioga County Board of Elections shall be given permission to apply for this grant; and be it further

RESOLVED: That the grant funding be applied as follows:

From: Org A1450 Object 439060-State Aid Elections \$1,773.80

To: Org A1450 Object 520060-Computer- \$1,867.16

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 40-16 RE-ESTABLISH PRIOR YEAR
PUBLIC WORKS PROJECTS

WHEREAS: Prior year Public Works Capital Bridge Projects and Capital Equipment Request need to be re-established for the remaining unspent balance as of year-end 2015 for purchase or completion in 2016; therefore be it

RESOLVED: That the following accounts and amounts be re-established:

Bridge Projects	BIN	Amt to Establish
H5110 54002 H1306 Ellis Creek Road	3334900	\$ 50,000.00
H5110 54002 H1401 Ellis Creek Road	3334880	\$ 452,806.27
H5110 54002 H1408 Coddington Rd	3335100	\$ 758,810.89
H5110 54002 H1409 Glenn Road	3335320	\$ 609,204.89
H5110 54002 H1410 Blewer Road	2218580	\$ 600,000.00
H5110 54002 H1501 Halsey Valley	3334990	\$ 695,240.69
H5110 54002 H1502 Halsey Valley	3335000	\$ 520,000.00
H5110 54002 H1503 Oak Hill Road	3334940	\$ 394,030.00

Capital Equipment

H1620 520923 Standby Generator		\$ 150,000.00
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And be it further

RESOLVED: That any applicable corresponding revenue sources or reserve account funds per prior Resolution 41-15 shall also be re-established in the 2016 modified budget.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE

RESOLUTION NO. 41-16 RE-ESTABLISH PRIOR YEAR
GRANT FUNDS

WHEREAS: Prior year Grant Funds need to be re-established for the remaining unspent balance as of year-end 2015 for purchase or completion in 2016; therefore be it

RESOLVED: That the following accounts and amounts be re-established:

<u>ILS GRANT</u>	<u>Amt to Establish</u>
A1173 510010 Full Time Salary	\$ 22,697.96
A1173 510020 Part Time Salary	\$ 22,960.88
A1173 520200 Office Equipment	\$ 1,405.68
A1173 540040 Books	\$ 1,106.06
A1173 540140 Contracting Services	\$ 6,313.83
A1173 540280 Investigations	\$ 1,015.18
A1173 540320 Leased Equipment/Copies	\$ 300.00
A1173 540420 Office Supplies	\$ 3,702.21
A1173 540480 Postage	\$ 100.00
A1173 540620 Software Expense	\$ 3,419.00
A1173 540660 Telephone	\$ 154.11
A1173 540733 Training/All Oher	\$ 3,616.00
Total ILS Grant	\$ 66,790.91

A1173 430260 State Aid –Indigent Grant \$ 66,790.91

Transportation

A5630 540140 Bussing- Contracting Services \$ 53,945.02

A5630 430901 State Aid - Bussing \$ 53,945.02

And be it further

RESOLVED: That any applicable corresponding revenue sources shall also be re-established in the 2016 modified budget.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 42-16 AWARD CONSTRUCTION
 HALSEY VALLEY RD. BRIDGES
 BIN: 3334990 & BIN: 3335000

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funding is available for the construction of the Halsey Valley Rd. Bridges BIN: 3334990 & BIN 3335000; and

WHEREAS: The Commissioner of Public Works received sealed bids on January 08, 2016 and the bids came in to as follows:

Economy Paving	Cortland, NY	\$746,785.00
Procon Contracting	Vestal, NY	\$ 825,000.00
R. DeVincentis Const.	Binghamton,	\$ 821,000.00
Silverline Construction	Burdett, NY	\$ 734,500.00
Vector Construction	Cicero, NY	\$ 786,553.50

And

WHEREAS: McFarland Johnson, Binghamton, NY have completed the review of the bids and finds the low bidder Silverline Construction, Burdett, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Silverline Construction, Burdett, NY not to exceed \$734,500 to be paid out of Halsey Valley Rd. Bridges account H5110 540002, Project #H1501 and H5110 540002, Project #H1502.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 43-16

*ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll for property No. 10213, assessed to Nancy Briggs on the 2016 tax roll of the Town of Owego indicates that a SCAR decision reducing the assessment from \$177,100 to \$142,000 was not received in time to change the assessment before tax rolls and bills were printed; be it therefore

RESOLVED: That a new 2016 tax bill be issued by the Town of Owego Tax Collector to Nancy Briggs for property no. 10213 as follows:

	<u>Bill Property #10213</u>	<u>NEW Bill Property #10213</u>
County	1,985.99	1,592.38
Recycle	91.74	73.56
Townwide	188.47	151.12
Part Town	506.93	406.46
Owego Fire	388.99	311.89
Lighting 5	<u>65.12</u>	<u>52.21</u>
	\$3,227.24	\$2,587.62

RESOLVED: That the erroneous town and lighting tax of \$150.73 be charged back to the Town of Owego; and the erroneous fire tax of \$77.10 be charged back to the Owego Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$18.18 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$393.61 be charged to the proper accounts in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 44-16 ERRONEOUS ASSESSMENT
TOWN OF BARTON

WHEREAS: An application for corrected tax roll for property no. 130 assessed to Tioga County Open Door Mission on the 2016 tax roll of the Town of Barton indicates that the property tax exemption was removed due to a renewal application not being filed in a timely manner; and

WHEREAS: The exemption has been reinstated for parcel no. 130 in the Town of Barton returning the parcel to wholly exempt status; be it therefore

RESOLVED: That a new bill showing a zero amount due be issued to Tioga County Open Door Mission by the Town of Barton tax collector; and be it further

RESOLVED: That the erroneous town tax of \$189.24 be charged back to the Town of Barton; and the erroneous fire tax of \$82.61 be charged back to the Barton Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$40.76 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$1,545.61 be charged back to the Waverly School District; and be it further

RESOLVED: That the erroneous county tax and school penalty of \$990.63 be charged to the proper accounts in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 45-16

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

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and AutoMon since 2008; and

WHEREAS: AutoMon has submitted their yearly Maintenance Agreement to Tioga County Probation which consists of the base charge of \$3,783.16 plus a fee of \$185.27 per user. Probation has 17 registered users of the software so the total cost for the software for 2016 is \$6,932.75 as of January 2016. Further, it is anticipated that the NYS Office of Governmental Services will approve AutoMon's request for increased costs and that a second voucher for an additional \$140 will be received during the 2016 calendar year ; therefore be it

RESOLVED: That the Probation Director is approved to contract with AutoMon, LLC for software and maintenance costs in 2016 for Caseload Explorer software in the amount of \$6,932.75, upon approval of the County Attorney. Approval is also given to pay a second voucher in 2016 for up to \$140.00 when it is received from the company.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 46-16

*RESOLUTION CALLING ON THE
STATE TO DEVELOP A 100 PERCENT
STATE FUNDED INDIGENT LEGAL
DEFENSE SYSTEM AS A WAY TO
PROVIDE MANDATE RELIEF AND
LOWER PROPERTY TAXES*

WHEREAS: The United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

WHEREAS: In 1965 the State of New York delegated this state responsibility to the counties; and

WHEREAS: The decision to entrench responsibility at the county level in the State of New York has resulted in a system by which the County and local property taxpayers are burdened with the vast majority of the cost of this state responsibility; and

WHEREAS: The shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover more than 80% of the cost burden; and

WHEREAS: Implementation of the constitutional right to counsel under Gideon is a state, not county, obligation; and

WHEREAS: In 2006 the Kaye Commission on the Future of Indigent Defense Services declared that the New York State System of County-Delivered Indigent Services is in crisis and urged the expeditious establishment of an Independent Public Defense Commission; and

WHEREAS: The State of New York and multiple counties are now defendants, and recently entered into a settlement, in the matter of Hurrell-Harring, et al. v. State of New York, a systemic lawsuit similar to many that have been successful across the country seeking to transform the indigent legal defense system; and

WHEREAS: The settlement will have a profound fiscal impact on the state and each and every county therein; and

WHEREAS: The state can both comply with its obligations under the settlement and significantly improve the public defense system by establishing a 100 percent state funded indigent legal defense program; and

WHEREAS: Such a state funded system would relieve the counties of this state of the burden imposed upon them since 1965; and

WHEREAS: Senator John DeFrancisco on January 4, 2016 sponsored a bill that was previously introduced by Assembly Member Patricia Fahy (A.6202B/S.6341), which would require the State, not the counties, to incrementally take over payment for such service; and

WHEREAS: This systematic change would directly lead to improvements to this vital service for residents in need, and provide meaningful fiscal mandate relief for counties and real property taxpayers; and

WHEREAS: The Tioga County Legislature approves of the Bill introduced by Senator John DeFrancisco, entitled "AN ACT to amend the county law and the executive law, in relation to indigent defense services.", and express their support for the actions of Senator John DeFrancisco in sponsoring the Bill; and

WHEREAS: The Tioga County Legislature supports legislation to ensure full state funding for increased county costs related to arraignment at first appearance, or any other state imposed changes to indigent legal services; now therefore be it

RESOLVED: That the Tioga County Legislature calls upon the State of New York and Governor Cuomo to create a 100 percent state funded indigent legal defense and relieve the counties of this state of the burden imposed upon them since 1965; and be it further

RESOLVED: That the Tioga County Legislature calls upon the State of New York and Governor Cuomo, to support Senator John DeFrancisco and the Bill entitled: "AN ACT to amend the county law and executive law, in relation to indigent defense services"; and be it further

RESOLVED: That the Tioga County Legislature further supports legislation to ensure full state funding for increased county costs related to arraignment at first appearance, or any other state imposed changes to indigent legal services; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature is hereby authorized and directed to forward a certified copy of this Resolution to the Legislature and Boards of Supervisors of each of New York State's Counties, the New York State Association of Counties, Senator John DeFrancisco, Senator Frederick Akshar, and Assemblyman Chris Friend.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 47-16 RECLASSIFY, ABOLISH AND CREATE POSITIONS
(PUBLIC HEALTH)

WHEREAS: With the closing of the home care program, the need for a Software Support position is no longer necessary; and

WHEREAS: Since the closing of CHHA, the incumbent of the Software Support Liaison position has assumed other duties, creating a need to change her title; and

WHEREAS: The Personnel Department has determined an appropriate title for the new set of responsibilities is Communication and e-Services Coordinator; and

WHEREAS: To better meet the needs of the department, the Public Health Director would also like to exchange a vacant Public Health Nurse (Grade 15) position for an additional Public Health Educator (Grade 11) position; and

WHEREAS: The net savings of the position changes is over \$6,000; therefore be it

RESOLVED: That the position of Software Support Liaison in the Public Health Department (\$35,746-\$45,746) is reclassified to the title of Communications and e-Services Coordinator (\$39,700 - \$49,700); and be it further

RESOLVED: That Susan Haskett who currently holds the Software Support Liaison position, shall be provisionally appointed to the new Communications and e-Services Coordinator position effective February 15, 2016 at an annual salary of \$45,544; and be it further

RESOLVED: That one full-time position of Public Health Nurse is abolished effective February 10, 2016 and one full-time position of Public Health Educator is created effective February 11, 2016.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 48-16 *ABOLISH ONE (1) FULL-TIME
 PUBLIC HEALTH ENGINEER/ TRAINEE
 POSITION AND CREATE ONE (1) FULL-
 TIME SUPERVISING PUBLIC HEALTH
 SANITARIAN POSITION
 PUBLIC HEALTH DEPARTMENT*

WHEREAS: Legislative approval is required for the abolishment and creation of any new position within Tioga County; and

WHEREAS: A Public Health Engineer/Trainee position, non-Union salary (\$48,048-\$58,048), has been vacant within the Public Health Department since September 2014; and

WHEREAS: Upon review of departmental needs, it has been determined that said vacancy would be better utilized if it was abolished and a Supervising Public Health Sanitarian was created; there be It

RESOLVED: That the vacant Public Health Engineer/Trainee position shall be abolished and a full-time Supervising Public Health Sanitarian position shall be created effective February 10, 2016; and be it further

RESOLVED: That the Supervising Public Health Sanitarian title shall be allocated to CSEA salary grade 12 (\$41,407-42,107).

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 49-16 *AWARD INSPECTION SERVICES CONTRACT
TO DELTA ENGINEERS FOR INSPECTION SERVICES
OF THE BLEWER RD BRIDGE
BIN: 2218580*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the Inspection of these bridges as part of the Bond Issue; and

WHEREAS: The Blewer Rd. Bridge over West Branch Owego Creek (BIN: 2218580) is on the program; and

WHEREAS: Delta Engineers did the design phase for the bridge; and

WHEREAS: The Commissioner of Public Works received a proposal for the inspections services for the Blewer Rd. Bridge BIN: 2218580 in the amount of \$57,100; therefore be it

RESOLVED: That the Tioga County Legislature award the inspection services contract to Delta Engineers, Binghamton, NY 13901 in the amount of \$57,100 to be paid out of Blewer Rd. Bridge account H5110 54002, Project #H1410.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 50-16 *APPROVE BOILER REPLACEMENT AT PUBLIC SAFETY BUILDING AND REQUEST CONTINGENCY FUNDS*

WHEREAS: The Public Safety Building has six boilers; and

WHEREAS: One of the boilers has failed and needs to be replaced; and

WHEREAS: The boiler has to be a certain brand to be compatible with the other boilers; and

WHEREAS: A quote was received to purchase and install the boiler at an estimated cost of \$20,000; therefore be it

RESOLVED: That the Tioga County Legislature authorize the purchase and installation of a new boiler at the Public Safety Building not to exceed \$25,000; and be it further

RESOLVED: That funds be transferred as follows:

FROM:	A1990 540715	Contingency Account	\$20,000
	H1620 450310	Interfund Transfer from General Operating A Fund	\$20,000
TO:	A9950 593715	Transfer to Capital	\$20,000
	H1620 521929	Buildings –Boiler	\$20,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:26 P.M.