

Eleventh Regular Meeting
November 15, 2016

The Eleventh Regular Meeting of 2016 was held on November 15, 2016 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Sullivan to have a moment of prayer. "Heavenly Father we ask that you be with us today as we conduct the County's business. In the month of November we remember those who have gone before us, those we have lost. We ask that you look down mercifully upon those that we have lost and be with the rest of us to guide us as we continue on."

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

There were 62 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Chair Sauerbrey read and presented the following recognition resolution to Karen Scott on behalf of her husband, John Scott, for a posthumous recognition.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 213-16 *RECOGNITION RESOLUTION
RECOGNIZING JOHN V. SCOTT,
TIOGA COUNTY FIRE COORDINATOR
POSTHUMOUSLY*

WHEREAS: John V. Scott passed away on July 20, 2016; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Scott for his many years of dedicated service as Tioga County Fire Coordinator; and

WHEREAS: John was appointed to the position of Tioga County Fire Coordinator on February 8, 1999 and served Tioga County in this capacity for 17 years; and

WHEREAS: John was a member and past Chief of the Campville Fire Department for 46 years; and

WHEREAS: John was a member of the New York State Association of Fire Chiefs and Chairman of the NYS AFC annual Fire Conference. He was also a member of FASNY. He served as a member of the Tioga County Search & Rescue and HAZMAT; and

WHEREAS: John was a leader, a mentor, a favored friend to all the firefighters he encountered, guiding and advising them as they developed the skills of firefighting; and

WHEREAS: John is survived by his wife, Karen and his daughter Denise; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize John V. Scott posthumously for his years of dedicated service to Tioga County as Tioga County Fire Coordinator; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to the family of John V. Scott.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standingier spoke. "I will keep this brief. I will say that I first kind of met John in my prior career with the State Police and he was a dedicated fireman. I think that is probably the best thing I can say about John because he was dedicated. He gave us a lot of years of service in this County to the people that reside here and I will say one thing "fantastic" because that is what he always said before our committee meetings. He was always a bright light and unfortunately he is not here with us, but we have a lot of stories to tell about him. Thank you."

Frank Okrasinski, Fire Coordinator spoke. "In order to keep this short I wrote it down. I first met John in 1983 when I became a member of the County Fire Investigation Team. I was really new to that kind of stuff and did not know anything and John explained that it is just a puzzle and there are some pieces missing, so keep looking, you will find it. Later on John became a Commissioner for the Town of Owego Fire District and at that time I was the Southside Fire Chief, so at the same time I became the Senior Fire Investigator. It got quite confusing sometimes because sometimes I was John's boss and sometimes he was my boss.

"We had an investigation one Sunday up in Dryden. Tompkins County did not have a team at the time so they called us to go help them and it was a fire supposedly started by a juvenile at a park structure in Dryden, and they thought that the juvenile was using gasoline. By the way the State Police found him walking down the street with a bottle of ginger ale that looked funny and it really smelled funny and he refused to drink it, but anyway they heard that we had some equipment that could find the gasoline leftover from a fire. I called John and he knew how to use the equipment better than I did, so I called John and I said how about you come up and help me. We will not be long. Well, it was a really nice outhouse and it really had a nice holding tank underneath it, and neither John or I crawled in too close with the sniffer to find out. I guess it is needless to say that when I tried to get my budget through that year I had to explain a lot of details.

"John became the Fire Coordinator as we saw in 1999 and us Deputy Coordinators started calling him the boss. Well, he was not bossy, it was just to remind him that he was the leader and he was responsible for us. He always gave orders with please or can you, or would you, if you do not mind, those kind of things. He never asked us to do anything that he would not do and he hardly ever missed a meeting, investigation, search or Hazmat call. John became well known throughout the State with his New York State Association of Fire Chiefs and even with that he kept bringing back news and ideas to our County to make the Fire Service in Tioga County much better, stronger and, of course, more respected. Whenever a situation came up or a decision had to be made by John, his yardstick always was how will the answer affect and make the Fire Service in Tioga County better and stronger. He, of course, is missed and I hope we continue using his leadership style to build a stronger and better fire service. Thank you Karen and Denise for sharing him with us and boss please keep an eye on us."

Karen Scott spoke. "Thank you very much and I appreciate it very much. It really meant a lot to him."

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Legislator Standinger read and presented the following recognition resolution to Sandra Nugent of the Department of Social Services

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 214-16 *RECOGNIZE SANDRA R. NUGENT
31 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Sandra R. Nugent began her career with the Tioga County Department of Social Services as a Part-time Account Clerk Typist in the Accounting Unit in September 1985 and began full-time in the Support Collection Unit in November, 1985. Sandra was promoted to Senior Account Clerk Typist in September 1987 and to her current title of Support Investigator in July 2001; and

WHEREAS: Sandra R. Nugent has been a dedicated and loyal employee in the performance of her duties; and

WHEREAS: Sandra R. Nugent has shown the highest levels of reliability, trust, loyalty and competence in the performance of her duties; and

WHEREAS: Sandra R. Nugent will retire on November 30, 2016; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Sandra R. Nugent for her thirty-one years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Sandra R. Nugent.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standinger spoke. “31 years is a long time and you certainly deserve this award that you are getting.”

Shawn Yetter, Commissioner of Social Services spoke. “Sandy is actually done working. Even though she is retiring on November 30, last week was her last week and we spent a very good exit interview together. Most of the things that we talked about are between her and me. There were a few tears shed there, but today we are here to celebrate what has been a wonderful career and dedication to the County.

“Sandy has spent pretty much her entire 31 years with the Department in the Child Support Unit, moving her way up from Account Clerk Typist to a Senior Account Clerk Typist, to Support Investigator in 2001, the title she has held for the past 15 years. Over all those years Sandy has proven herself to be dedicated, hardworking, and very productive. She has worked with literally thousands of parents to help them navigate their way through the world of child support and during all that time I truly never received a client complaint regarding Sandy and, in fact, her personnel file has several letters from child support recipients thanking her for her efforts and diligence.

“Sandy has always been held in high regard by not only the people we serve, but by her peers, supervisors, and other agency personnel for her dedication and diligence. While I do not have to interact much with Sandy and her daily work, in reviewing the outcomes for the Child Support Unit each month, Sandy is consistently at the top of her game. I have mentioned in the past that her employee recognition milestone events that besides being a dedicated, hardworking and very productive employee, Sandy is pretty well known for her vocal aptitude. You always know when she is in the room, but Sandy please know that that is a trait we have all grown to love about you. Along with that strong presence and personality Sandy also quietly goes about her business, getting things done behind the scenes. She has always been right there to help with agency and HHS building events both in the planning process and the work to make them happen.

“Sandy clearly cares about her coworkers and trying to make coming to work every day enjoyable in the midst of the issues that we work with and encounter each day. Sandy on behalf of the many parents and children that you have helped over the years in Tioga County thank you for your steadfast devotion to what you do, for always coming to work to work and for being a great person to have as a part of our team.”

Sandra Nugent spoke. “I would like to thank Commissioner Yetter and all my supervisors and coworkers for the pleasure of working with them over the years. Through good times and bad, both private and professional you have been giving me support and guidance. I hope these 31 years have been as pleasurable for all of you as it has been for me. Again, thank you.”

William Ostrander of the Employee Recognition Committee presented the Employee of the 3rd Quarter 2016 to Amy Potter, Payroll Supervisor in the Treasurer’s Office. “If you do not know what I do for the County, I make maps and when I first came to the County and found out there was a County Treasurer I was pretty excited because that meant there was a county treasure and I would be able to make a County treasure map. I was in the Treasurer’s Department one day and I asked well where is the treasure, and they said well there is not a treasure per se. That was pretty disappointing.

“About a month ago several of the staff in that Department were poking around and they discovered a treasure and they let the Employee Recognition Committee know because the Committee every three months goes on a treasure hunt. This was such a significant treasure that actually six members of the staff sent details to the Committee and the treasurer was Amy Potter, our Employee of the 3rd Quarter.

“I think I still have to make that map. One of the things that caught the Committee’s eye was that since Amy has been in the Treasurer’s Department she has been promoted three times and what happens in that Department when you are promoted is they keep moving you farther and farther back into the suite. When we went to tell her you have won the employee of the quarter and you need to be at the meeting today, we found we had to go very very deep into that suite to find her and I think if I needed to find her again I would need a map to do that.

“Here is some reasons why Amy is such a treasurer according to her fellow workers. Amy began working for the Tioga County Department of Social Services in January 2007 as a Database Clerk. She became an Account Clerk Typist in July 2007 and was promoted to Senior Account Clerk Typist in December 2007 where she remained until February 2015 when she made the

move to 56 Main Street and became the Senior Payroll Clerk in the Treasurer's Office. In June of 2016 Amy became the Tax Roll Supervisor and then in September moved to Payroll Supervisor, which makes her one of the most popular employees in the County, at least with the other employees. Amy won DSS Employee of the Month in 2012.

"In the words of some fellow employees, Amy is kind, hardworking, diligent, and an excellent communicator. Amy is willing to tackle anything that is thrown at her. She has proven to be a great team player and is a huge asset to the Treasurer's Office and to Tioga County. Amy and her husband Chris have been married for 25 years this month. They have three children, Tianna, Marissa, Bryant, and five cats. She likes to cook, attends Straits Corners Baptist Church, helps her husband in the Marine Corp League, and is involved in the Cancer Society Relay for Life. You are being recognized today."

Legislator Monell spoke. "After all those accolades it is very hard to come up here and say anything that Bill did not already say, but I will say that we found a gem because Amy has stepped up in ways that I cannot even imagine in the last three months. I am very proud of you. I think that you do a fantastic job up there. That smile that you have right now is infectious and I love it, so keep up the good work."

James McFadden, County Treasurer spoke. "We have certainly had a lot of challenges in this past year with a new financial accounting and payroll system, and I think I have lost about half of my staff during the past 14 months or something like that. As Tracy said, this employee has certainly stepped up to the challenge, a very difficult challenge to spit out payroll each and every two weeks. As a matter of fact in December we have three payrolls out of five Thursdays and perhaps a supplemental one. We have our work cut out for her. I think I am going to nominate her for employee of the next quarter. Tracy is absolutely correct that Amy is just a joy to come in and see every morning and some Saturday mornings I might add, and she has just been a very dedicated person. We pay people around 17 million dollars and every paycheck has to be perfected, everyone expects that. There are a lot of deductions. There is 50 years' worth of Union contracts and various tax withholdings, and she has to keep employees happy. She has to keep me happy. She has to keep the IRS happy. She just attacks everything with just that wonderful smile, so I hope I can see it for another year or two, or maybe 31. Thank you Amy. Thank you very much."

Amy Potter spoke. "Thank you and I could not do it without my coworkers and the support of my family. I have been putting in a lot of extra time to learn and be able to spit out the payrolls, which time is ticking. This is pay week. Thank you very much."

Legislator Standinger read and presented the following Proclamation on National Healthy Lung Month to Rebecca Kaufman, Deputy Public Health Director.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Lung disease is one of the most prevalent, deadly and costly chronic diseases; and

WHEREAS: Chronic lower respiratory disease is one of the top five leading causes of death in Tioga County; and

WHEREAS: 14% of the adults in Tioga County smoke cigarettes and smoking is one of the leading causes of lung disease; and

WHEREAS: Everyone should be aware of other common lung damaging agents, including: radon, fragrances, small particles and several chemicals; and

WHEREAS: Tioga County supports all measures designed to advance and protect the health of its citizens; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of November 2016 as

NATIONAL HEALTHY LUNG MONTH

and urges all residents to take steps to educate themselves, their families, and the community about the importance of lung health.

Legislator Standinger spoke. "Well I will say this, I used to smoke cigarettes. I quit in 1992. If I can quit anyone else can."

Rebecca Kaufman, Deputy Public Health Director spoke. "If anyone has not come to see our facility in our Public Health Clinic, we have now every month our proclamation hanging on the wall. It has added some decoration to the place. I just wanted to say on behalf of the Public Health Department thank you for declaring National Healthy Lung Month. We continue to pursue our goals and our community health improvement plan, one of which is to reduce chronic disease and the other reduce substance abuse in our County.

Obviously healthy lung month fits into both goals, so we are happy to have this proclamation. Thank you."

Chair Sauerbrey noted the following Proclamation on Adoption Awareness Month.

PROCLAMATION

This November marks the 26th annual National Adoption Month. November 22, 2016 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized 0 adoptions thus far and has four pending for the remainder of 2016. Every child in America and Tioga County deserves a permanent, loving forever 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.

There was no privilege of the floor

Legislator Monell made a motion to approve the minutes of October 11, 2016, seconded by Legislator Hollenbeck, and carried.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 215-16 TRANSFER OF FUNDS
SHERIFF OFFICE

WHEREAS: Funding for Jail Overtime within the Jail Budget will soon be depleted; and

WHEREAS: It will be necessary to continue to fund Correction Officer Overtime for the remainder of 2016; and

WHEREAS: Several accounts in the Sheriff's budget are projected to finish the year under spent; now therefore be it

RESOLVED: That the following funds be transferred to re-appropriate the Jail Overtime account as follows:

| | | |
|--------------------|---------------------|-----------|
| From: A3110.540070 | Car Maintenance | \$ 3,000 |
| A3110.540220 | Automobile Fuel | \$ 15,000 |
| A3110.540330 | Legal Fees | \$ 3,000 |
| A3110.540350 | Office Equip Maint. | \$ 300 |
| A3110.540510 | Radio Repair | \$ 1,700 |
| A3110.540620 | Software | \$ 1,000 |
| To: A3150.510030 | Overtime | \$ 24,000 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 217-16 *AMEND 2016 BUDGET & APPROPRIATE FUNDS FROM SOLID WASTE FUND BALANCE TO HOUSEHOLD HAZARDOUS WASTE ACCOUNT*

WHEREAS: There is a significant increase in the amount of household hazardous waste being brought by Tioga County residents to Tioga County Solid Waste Hazardous Waste Program; and

WHEREAS: This increase has caused the budgeted amount to be exceeded for the 2016 Hazardous Waste Program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes additional funds to be appropriated for 2016 Budget from the Solid Waste Fund Balance as follows:

| | | |
|---------|--|----------|
| From: B | 359900 Appropriated Solid Waste Fund Balance | \$20,000 |
| To: | B8160 542261 Household Hazardous Waste | \$20,000 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 218-16 *AMEND BUDGET AND REQUEST CONTINGENCY FUNDS FOR INCREASE TO DISTRICT ATTORNEY FULL TIME SALARY*

WHEREAS: On April 1, 2016 the state approved the recommended salary increases for state judges; and

WHEREAS: New York State Judiciary Law Section 183-a links judicial salaries to County District Attorney salaries to be equal or higher than the County Court Judge or Supreme Court Judge in a county, depending on county size and full time or part time status; and

WHEREAS: In May 2016 the Tioga County Legislature adopted Resolution 103-16 requesting the state to fund this mandated increase in the District Attorney's Salary; and

WHEREAS: There is a significant increase in the full time salary line item for the position of the Elected District Attorney and it occurred well after the county adopted the 2016 Budget. The total needed funds are \$30,850.00 in order to bring the DA's salary up to the mandated 2016 amount of \$183,000.00; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer from contingency account to amend the District Attorney's 2016 budget as follows:

| | |
|---|----------|
| From: A1990 540715 Contingency Account | \$30,850 |
| To: A1165 510010 District Attorney Full Time Salary | \$30,850 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO: 219-16 *REQUEST FOR TRANSFER FROM DMV TO COUNTY CLERK BUDGET AND CONTINGENCY FUND TRANSFER TO COUNTY CLERK*

WHEREAS: Due to an omission of salary for 1 FTE from the 2016 Clerks Full time budget line there is a shortage of \$32,006 in salary and \$10,000 in associated fringe; and

WHEREAS: The Clerks budget has had a savings of \$10,000 in salary and fringe due to transition of employees that are compensated at a lesser amount than the former staff; and

WHEREAS: The DMV Part time budget has seen a savings of \$10,300 in payroll costs due to personal changes; and

WHEREAS: The total shortage not covered by cost savings in the Clerk Full Time salary and fringe budget is \$20,330 and will need to be covered through transfer from the County contingency fund; be it therefore

RESOLVED: That the following sums be transferred:

From:

| | |
|---------------------------------------|-------------|
| A1411 510020 DMV Part time /Temporary | \$10,300.00 |
|---------------------------------------|-------------|

To:

| | |
|------------------------------|-------------|
| A1410 510010 Clerk Full Time | \$10,300.00 |
|------------------------------|-------------|

From:

| | |
|------------------------------------|-------------|
| A1990 540715 Contingency Transfers | \$20,330.00 |
|------------------------------------|-------------|

To:

| | |
|--|-------------|
| A1410 510010 Clerk Full Time | \$12,630.00 |
| A1410 581088 Clerk State Retirement Fringe | \$ 7,000.00 |
| A1410 583088 Clerk Social Security Fringe | \$ 400.00 |
| A1410 584088 Clerk Workers Comp Fringe | \$ 300.00 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 220-16 TRANSFER FUNDS/FUND SELF-
INSURANCE PLAN RESERVE

WHEREAS: Tioga County Local Law No. 2 of 2015 established a Contributed Reserve cap of \$6,000,000 for the Tioga County Self Insurance Plan; and

WHEREAS: Tioga County Local Law No. 2 of 2015 allows for the transfer of surplus funds from the fund balance to the reserve; and

WHEREAS: The 2015 Tioga County Self Insurance operating budget had surplus funds of \$340,683.64 in the fund balance; and

WHEREAS: The December 31, 2015 Tioga County Self Insurance Plan Fund Balance is \$1,307,009.06; and

WHEREAS: The December 31, 2015 Tioga County Self Insurance Contributed Reserve Fund is \$1,638,964.12; therefore be it

RESOLVED: That the Tioga County Treasurer is authorized to transfer funds as follows:

| | |
|---|--------------|
| From: Self-Insurance Fund Balance S390900 | \$340,683.64 |
| To: Self-Insurance Contributed Reserve Fund S375300 | \$340,683.64 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 221-16 *AUTHORIZE REIMBURSEMENT OF
FMAS PROJECT MANAGER AND
DEPUTY PROJECT MANAGER SALARIES*

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

WHEREAS: The Tioga County Legislature appointed a Project Manager and Deputy Project Manager for the FMAS project and established salaries for those positions for 2016 per Resolution No. 305-15; and

WHEREAS: Salaries to be funded for the Project Manager/Deputy Project Manager were transferred out of Interfund Transfers all Others to the Treasurer's Capital Account; and

WHEREAS: Said salaries should be reimbursed through the Financial Management Accounting System (FMAS) Capital Reserve Account H878.08; therefore be it

RESOLVED: That the 2016 salaries for the Project Manager (\$7,500.00) and Deputy Project Manager (\$4,500.00) be reimbursed through the FMAS Capital Reserve Account to the Treasurer's Capital Account as follows:

FROM: H387808 -FMAS Capital Reserve Account \$12,500

TO: H1325 540140-Treasurer's Capital Account \$12,500

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 222-16 *AWARD CONSTRUCTION TIOGA COUNTY COURT ANNEX FLOORING AND REQUEST CONTINGENCY FUNDS*

WHEREAS: Elmira Structures, Inc. was hired for repairs to the first floor of the Court Annex, located at 20 Court Street, refer to Resolution 151-16; and

WHEREAS: Due to this being an unforeseen issue the Department of Public Works did not budget for this repair; and

WHEREAS: An additional scope of work had to be added; and

WHEREAS: The Commissioner of Public Works received a Change Order Request for \$14,698.00; therefore be it

RESOLVED: That the Tioga County Legislature approve the Court Annex Floor Change Order; and be it further

RESOLVED: That the Tioga County Legislature authorizes a transfer as follows:

| | |
|--|----------|
| From: A1990 540715 Contingency Account | \$14,698 |
| To: A9950 593715 Transfer to Capital | \$14,698 |
| From: H1620 450310 Capital Transfer | \$14,698 |
| To: H1620 520927 Court Annex | \$14,698 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 223-16 *AUTHORIZE ACCEPTANCE OF A 2016
NYS LEGISLATIVE GRANT (LG16-1363-
D00)*

WHEREAS: The Sheriff applied and was awarded a NYS Legislative Grant (LG16-1363-D00) in the amount of \$25,000; and

WHEREAS: This funding must be utilized to procure a new Evidence Van; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the acceptance of this award; and be it further

RESOLVED: That the 2016 budget be modified to reflect this state aid and that this funding be receipted into following revenue and appropriations accounts.

Sheriff Expense Account: H3110.521060

Sheriff Revenue Account: A3110.433952

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 224-16 *AUTHORIZE THE SUBMISSION OF
HOMELAND SECURITY GRANT
APPLICATION - BUREAU OF FIRE*

WHEREAS: The Office of Homeland Security has announced a 2016 Statewide Interoperable Communications Formula-Based Grant to the Tioga County Office Bureau of Fire. The grant will be used as continuation of 2012 Interoperability Grant, to purchase subscriber equipment and maintenance of tower sites; and

WHEREAS: County Policy # 47 requires that a resolution be approved before any such grant applications are submitted; therefore be it

RESOLVED: That the Tioga County Bureau of Fire/EMS Office be authorized to apply for this grant.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY/LEGAL

RESOLUTION NO. 225-16 *DECLARE TIOGA COUNTY
LEAD AGENCY AND
AUTHORIZE ISSUANCE OF
NEGATIVE DECLARATION*

WHEREAS: Tioga County is proposing to upgrade its emergency communications system with the addition of a new radio tower at a site north of Benton Road in the Town of Candor; and

WHEREAS: A Full Environmental Assessment Form (FEAF) Part 1 and NEPA Checklist have been prepared by Chazen Companies for the new tower site; and

WHEREAS: The Tioga County Legislature has thoroughly reviewed the FEAF Part 1 and NEPA Checklist and has taken a hard look at the possible environmental impacts of the proposed project; and

WHEREAS: The Tioga County Legislature has completed Part 2 of the FEAF to identify any relevant environmental areas that may be impacted by the proposed project; and

WHEREAS: No potentially moderate or large impacts were identified in the FEAF Part 2; therefore be it

RESOLVED: That the proposed project is a Type 1 action under SEQRA; and be it further

RESOLVED: That the Tioga County Legislature declares itself to be Lead Agency for the above project; and be it further

RESOLVED: That no potentially moderate or large impacts have been identified in the FEAF Part 2; and be it further

RESOLVED: That the project will result in no significant adverse impacts on the environment and therefore, an environmental impact statement need not be prepared; and be it further

RESOLVED: That a Negative Declaration be issued; and be it further

RESOLVED: That the Chair of the Legislature is authorized and directed to execute any documents necessary to give effect to these findings.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO: 226-16 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2016 to September 30, 2016 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:

| | |
|-------------------------|------------------|
| Barton (Town) | \$ 21,848.89 |
| Berkshire (Town) | 7,668.41 |
| Candor (Town) | 17,899.33 |
| Candor (Village) | 1,488.24 |
| Newark Valley (Town) | 31,058.60 |
| Newark Valley (Village) | 4,561.79 |
| Nichols (Town) | 9,078.29 |
| Nichols (Village) | 2,172.90 |
| Owego (Town) | 117,375.21 |
| Owego (Village) | 10,302.73 |
| Richford (Town) | 1,689.78 |
| Spencer (Town) | 24,024.80 |
| Spencer (Village) | 1,894.84 |
| Tioga (Town) | 18,146.41 |
| Waverly (Village) | <u>17,372.77</u> |
| | \$286,582.99 |

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 227-16 *ADOPT STATE EQUALIZATION REPORTS*

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

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 228-16 *RESOLUTION TO SUPPORT
CORNELL COOPERATIVE EXTENSION
ASSOCIATIONS IN THE STATE OF
NEW YORK*

WHEREAS: The mission of Cornell Cooperative Extension is “CCE puts knowledge to work in pursuit of economic vitality, ecological sustainability and social well-being. We bring local experience and research based solutions together, helping New York State families and communities thrive in our rapidly changing world”; and

WHEREAS: NYS County Law 224 adopted in 1914 established the ability for NYS and County's to contribute funds to support the creation of Cornell Cooperative Extension Associations in each county and there are now 56 associations across NYS; and

WHEREAS: The key objectives of the associations as stated in their constitutions are

- To provide for an association of residents in cooperation with Cornell University and USDA.
- To extend educational resources of Cornell (including Ag and Life Sciences, Human Ecology, Vet Med), land grant system, and other educational institutions to foster economic, social, and environmental improvement of individuals families, and communities.
- To further the objectives of CCE associations and the CCE system in the fields of agriculture, community and economic vitality, environment and energy, nutrition and healthy families, and youth development.

WHEREAS: Primary program areas and objectives of CCE are focused on improving economic and community vitality and are aligned with the primary mission areas of the National Institute of Food and Agriculture; and

WHEREAS: The primary programs and objectives of CCE are directly linked to a least of 8 of 16 goals of Governor Cuomo's initiatives for improving NYS, and CCE educators are key community partners in helping to implement these initiatives state-wide, including

- Maximizing agriculture and beverage production
- Strengthening the Upstate Economy
- Promoting a healthier NY
- Fighting Poverty
- Preserving our environment,
- Building Opportunity through education,
- Designing a clean energy economy
- Investing in tourism, and

WHEREAS: CCE associations are invaluable partners at the County level and NYS expects CCE educators to assist in supporting state initiatives; and

WHEREAS: Costs for operating CCE Associations (501C3 subordinate organizations) have increased significantly yet the annual funding allocated by the state for this system has remained stagnant since the 1970's; therefore be it

RESOLVED: That the Legislature of Tioga County, request that NYS allocate an additional \$10 million dollars per year to County 224 funding (that is just 50 cents per New York resident) to support Cooperative Extension Associations in NYS.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 229-16 *DESIGNATION OF TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION, D.B.A. TIOGA COUNTY TOURISM, AS AUTHORIZED TOURISM PROMOTION AGENCY FOR 2017*

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the state in its tourism grants program; and

WHEREAS: The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA), therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2017 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 230-16 *AUTHORIZE SALE OF CHARLES T. ZIMMER III,
PROPERTY LOCATED IN THE VILLAGE OF WAVERLY,
TO TONY L. SANTALUCIA, JR & STACY L.
SANTALUCIA AND/OR ASSIGNS*

WHEREAS: Property located in the Village of Waverly assessed to Charles T. Zimmer III, identified as Tax Map number 166.16-3-55, parcel number 278, owes 2014, 2015 & 2016 taxes and is past the last date of redemption; and

WHEREAS: Keith Jastremsky was the closing bidder with \$3,950 deposit paid at the Foreclosure Auction held on August 4, 2016 and has defaulted by not appearing at closing with forfeiture of the \$3,950, and the second bidder passed on buying said property; and

WHEREAS: The Treasurer has held a Public Auction on October 19, 2016 and the winning bidder is Tony L. Santalucia, Jr & Stacy L. Santalucia hereby making an offer to purchase said property for \$10,500, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the County rescinds its previous resolution to sell said property to Keith Jastremsky, the closing bidder with \$3,950, paid at the Foreclosure Auction held on August 4, 2016, by Default of Appearance at closing, with forfeiture of the \$3,950; 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 \$10,500 and recording costs, a Quit Claim Deed conveying the property assessed to Charles T. Zimmer III, located in the Village of Waverly identified on the Village of Waverly Tax Map as number 166.16-3-55, parcel number 278, to Tony L. Santalucia, Jr & Stacy L. Santalucia and/or assigns.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 231-16 *AUTHORIZE SALE OF FRANK SORRENTINO
PROPERTY LOCATED IN THE TOWN OF CANDOR,
TO JOSEPH A. BREITWIESER AND/OR ASSIGNS*

WHEREAS: Property located in the Town of Candor assessed to Frank Sorrentino, identified as Tax Map number 61.09-2-31, parcel number 268, owes 2014, 2015 & 2016 taxes and is past the last date of redemption; and

WHEREAS: 716 Fall Creek Road Inc. was the closing bidder with \$4,200 deposit paid at the Foreclosure Auction held on August 4, 2016 and has defaulted by not appearing at closing with forfeiture of the \$4,200, and the second bidder passed on buying said property; and

WHEREAS: The Treasurer has held a Public Auction on October 19, 2016 and the winning bidder is Joseph A. Breitwieser hereby making an offer to purchase said property for \$8,000, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the County rescinds its previous resolution to sell said property to 716 Fall Creek Road Inc., the closing bidder with \$4,200, paid at the Foreclosure Auction held on August 4, 2016, by Default of Appearance at closing, with forfeiture of the \$4,200; 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 \$8,000 and recording costs, a Quit Claim Deed conveying the property assessed to Frank Sorrentino, located in the Town of Candor identified on the Town of Candor Tax Map as number 61.09-2-31, parcel number 268, to Joseph A. Breitwieser and/or assigns.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

INFORMATION TECHNOLOGY

RESOLUTION NO. 232-16

*AUTHORIZE CONTRACT AWARD FOR RFP
2016-2 – FIBER OPTIC CONSTRUCTION
CONSULTANT*

WHEREAS: The County has identified a need to construct a secondary fiber-optic network connection to significantly enhance the resiliency of the County's network during times of disaster; and

WHEREAS: The Tioga County Information Technology and Communication Services department put out an RFP requesting proposals for a Fiber Optic Construction Consultant; and

WHEREAS: From the proposals received, ECC Technologies was identified as the preferred vendor; and

WHEREAS: The work of this contract is to facilitate and manage to completion the construction of this secondary fiber-optic connection; and

WHEREAS: ITCS has worked with the Emergency Management Office, Sheriff's Office and Fire Bureau to ensure this work meets the above goal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign the associated contracts for this service after review by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 233-16 AWARD BID FOR RADIO EQUIPMENT
SHELTERS

WHEREAS: Tioga County has been awarded a Statewide Interoperable Communications Grant by the State of New York for the improvement of radio communications facilities in Tioga County; and

WHEREAS: The Tioga County Bureau of Fire sought bids for three Radio Equipment Shelters for tower sites; and

WHEREAS: The Tioga County Bureau of Fire received sealed bids on October 25, 2016 and the bids came in as follows:

| | | |
|------------------------|----------------|--------------|
| Sabre Industries, Inc. | Sioux City, IA | \$303,088.00 |
| VFP, Inc. | Salem, VA | \$308,800.00 |

And

WHEREAS: The Tioga County Fire Coordinator, the Tioga County Attorney and Blue Wing Services Inc., St. Paul Minnesota, the Tioga County Bureau of Fire's engineers for the project, all completed a review of the bids and have recommended that the bid submitted by Sabre Industries, Inc. be rejected because it contained a defect that is material and substantial which gave Sabre Industries a substantial advantage or benefit not enjoyed by VFP, Inc., specifically:

The Sabre Industries, Inc. bid, at the time of bid opening, did not contain a completed mandatory "Point by Point Specification Response". Upon inquiry, Sabre acknowledged this failure, which it asserted was attributable to a PDF conversion error, and Sabre submitted the missing information, but after bid opening. Post bid opening submissions cannot be considered. The failure to provide the completed Point by Point Specification Response by the time of bid opening constitutes a non-waivable material and substantial defect in complying with the mandatory bid specifications. The failure placed Sabre at an advantage over VFP Inc. since Sabre could use the lack of specificity to deviate or not comply with bid specifications it did not acknowledge it would comply with. The purpose of requiring the Point by Point Specification Response was to ensure the vendor was aware and acknowledged them, thus Sabre's failure to provide a complete response runs counter to the specific reason it was required to be included in the bid.

And

WHEREAS: Blue Wing Services Inc. has determined that VFP, Inc. is the lowest responsible bidder in substantial and material compliance with the bid specifications; therefore be it

RESOLVED: That for the reasons set forth herein, the Sabre Industries Inc. bid is rejected as it contained a defect that is material and substantial, which gave Sabre industries a substantial advantage or benefit not enjoyed by VFP, Inc., and which therefore cannot be waived; and be it further

RESOLVED: That the Tioga County Legislature does hereby award the bid to VFP, Inc., the lowest responsible bidder in material and substantial compliance with the bid specifications, for \$308,800.00.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 234-16 *AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY
ASSOCIATES, PC, AND TIOGA COUNTY*

WHEREAS: Beginning January 1, 2017 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$875.00 to be paid to Pathologists and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/17 through 12/31/17.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. A of 2016:

County of Tioga

Local Law No. of the Year 2016.

A Local Law amending Local Law No. 1 of the year 1956 to provide for Administration and Contract authority for the Tioga County Self-Insurance Plan.

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

SECTION 1:

Local Law No. 1 of 1956, Sections 3 and 4 are hereby amended to read as follows:

Section 3:

The Tioga County Self-Insurance Plan shall be administered by the Personnel Officer and Benefits Manager, and overseen by the Tioga County Legislature.

Section 4: Contract Authority

The Administrators, subject to approval of the County Legislature, may contract for such services as deemed necessary for the operation and administration of the plan.

SECTION 2. SEVERABILITY

If any clause, sentence, paragraph subdivision, section or part of this law or the application thereof to any person, individual corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 235-16 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. A OF 2016*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2016, a Local Law amending Local Law No. 1 of 1956 to provide for Administration and Contract authority for the Tioga County Self-Insurance Plan, in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Wednesday, December 7, 2016 at 1:00 PM. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. B of 2016:

County of Tioga

Local Law No. of the Year 2016.

A Local Law to amend the Rules and Regulations for the Administration of the Tioga County Self-Insurance Plan for Workers' Compensation, which will amend Local Law No. 2 of the Year 1956, as amended by Local Law No. 1 of the Year 1959, as amended by Local Law No. 1 of the Year 1963, as amended by Local Law No. 2 of the Year 1975, as amended by Local Law No. 1 of the Year 1976, as amended by Local Law No. 5 of the Year 1976, as amended by Local Law No. 5 of the Year 1977, as amended by Local Law No. 2 of the Year 1980, as amended by Local Law No. 6 of the Year 1984, as amended by Local Law No. 2 of the Year 1985, as amended by Local Law No. 3 of the Year 1990, as amended by Local Law No. 2 of the Year 2015.

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

SECTION 1:

This Section amends the Rules and Regulations for the Tioga County Self-Insurance Plan for Workers' Compensation.

A. Participation

In addition to the County, participation in the plan shall be available to the Tioga County Soil and Water Conservation District, all of the towns and villages located within the geographical boundaries of Tioga County, and active volunteer firefighters pursuant to provisions of New York State Workers' Compensation Law Section 63.

B. Entry and Withdrawal and Payment of Outstanding Liabilities

New Participants as defined in Paragraph A hereof and other than those in the Plan at the time of its adoption, shall be admitted as of January first, following the date of application for participation; provided, however, that a certified copy of a resolution of the governing body of the applicant shall be filed with the Administrators by the preceding July first.

A participant may withdraw from the plan effective at the end of a fiscal year by filing with the Administrators on or before the preceding July first a certified copy of a resolution of its governing body electing to withdraw from the plan.

As a condition of withdrawal from the Plan, the participant must enter into a withdrawal agreement with Tioga County and must agree to pay in a lump sum or the Administrators may, subject to the approval of the County Legislature, permit such payment to be made in installments, an equitable share of the outstanding liabilities of the Plan as of the date of withdrawal. If payment of the equitable share of the outstanding liabilities of the Plan is to be made in installments, an installment payment plan and other necessary terms and conditions shall be set forth in the withdrawal agreement. For purposes of this paragraph, the phrase "equitable share of outstanding liabilities of the Plan" shall mean all of those current and open compensation cases originating from the participant and included in the Plan on or before the effective January 1st of the participant's withdrawal from the Plan, and all those compensation cases originating from the participant which are closed as of the date of withdrawal but which in the judgement of the Administrators are likely to be re-opened after the January 1st withdrawal date. The Administrators shall hire an actuary to obtain an actuarial assessment in order to determine the withdrawing participant's equitable share of the outstanding liabilities.

C. Apportionment of Costs

Each participant shall be liable to pay their proportionate share of the cost of participation in the Plan, including all administrative costs and expenses, using the following formula:

Thirty-five percent (35%) shall be apportioned to each participant in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants. The county's proportionate share shall include the total full valuation of all towns within Tioga County including those who may not be participating in the self-insurance plan.

Thirty-five percent (35%) shall be based on the proportion each participant's gross annual payroll bears to the total payroll of all participants, using the total payroll from the last full calendar year immediately preceding issuance of the bills (example, use 2015 payroll for 2017 bills).

Thirty percent (30%) shall be based on the proportion that each participant's claims utilization bears in relation to the aggregate losses of the Plan. Claims utilization includes any payments made related to the claim(s) for a participant's employee(s). A five consecutive year claim utilization average will be used for each participant, to be phased in by using a four consecutive year claim utilization average for 2017 bills. Starting in 2018 and thereafter five consecutive year claim utilization will be used.

D. Payment by Participants

Each participant will receive their annual bill for the fiscal year at the start of the fiscal year. Each participant shall pay the County Treasurer half of their annual bill by January 31 of the current year and the remaining half of the bill by July 31 of the current year.

E. Reserve

A reserve of \$6,000,000.00 is hereby established for the Plan. Such amount may be accumulated by the inclusion in each annual estimate a sum not exceeding 2% of the total annual estimate, or by the transfer to said reserve of surplus funds in the fund balance, or by the addition to said reserve of income earned from the investment of the funds in such reserve, or by such combination of said methods as the Administrators may deem proper.

When the amount of the reserve is at a maximum, any amount expended therefrom shall be restored by one or more of the aforesaid methods, as Administrators may deem proper.

F. Duties of Plan Participants

Participants in the plan hereby established shall be subject to the following standards, conditions, rules and regulations:

1. Participants shall cooperate fully with the Administrators in the administration of the plan, and shall prepare and file with the Administrators such reports and information as may be requested.
2. Each participant shall maintain a record of all injuries received by employees in the course of their employment. Reports of accidents shall be filed promptly to the Administrators of the plan.
3. Participants shall promptly furnish all pertinent information relative to any claim, and shall aid in the investigation of any claim.
4. The Administrators shall report to the Legislature failure of a participant to file required reports and the Legislature may take such action as it deems proper as provided herein.
5. Each participant shall develop and enforce a safety program or programs designed for the reasonable and adequate protection of the lives, health, and safety of employees.
6. The Administrator may submit to the County Legislature a list of positions of employment for which medical examinations shall be required together with medical standards for each position. Each participant shall require an employee appointed to a position on such list to have a medical examination prior to employment, except in an emergency; in which event, a medical examination shall be made as soon after the date of employment as is practical. The cost of such examination shall be an expense of the plan. Employment will be contingent upon successful passing of the medical examination.

G. Excess or catastrophe insurance

The Administrators, subject to approval of the County Legislature, may, on behalf of the plan, purchase excess or catastrophe insurance, the cost of such insurance being an administrative expense of the plan.

H. Expulsion

The Legislature may by resolution expel a participant for failure to observe the rules and regulations adopted, or for any violation of the provisions of the NYS Workers' Compensation Law. That participant shall be notified in writing, at least 60 days prior to the effective date of expulsion, and such expulsion shall not relieve a participant from paying its share of the outstanding liabilities of the plan at the date of expulsion.

SECTION 2. SEVERABILITY

If any clause, sentence, paragraph subdivision, section or part of this law or the application thereof to any person, individual corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 236-16 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. B OF 2016*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2016, a Local Law amending Local Law No. 2 of the Year 1956, as amended by Local Law No. 1 of the Year 1959, as amended by Local Law No. 1 of the Year 1963, as amended by Local Law No. 2 of the Year 1975, as amended by Local Law No. 1 of the Year 1976, as amended by Local Law No. 5 of the Year 1976, as amended by Local Law No. 5 of the Year 1977, as amended by Local Law No. 2 of the Year 1980, as amended by Local Law No. 6 of the Year 1984, as amended by Local Law No. 2 of the Year 1985, as amended by Local Law No. 3 of the Year 1990, as amended by Local Law No. 2 of the Year 2015, to amend the Rules and Regulations for the Administration of the Tioga County Self-Insurance Plan for Workers' Compensation, in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Wednesday, December 7, 2016 at 1:05 PM. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell introduced Local Law Introductory No. C of 2016:

County of Tioga

Local Law No. of the Year 2016.

A Local Law amending Local Law No. 3 of 1978 which provides for filling a vacancy in the office of the Tioga County Legislature.

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

SECTION 1. In the event of a vacancy in the office of the Tioga County Legislature at any time other than the expiration of a term of office, such vacancy may be filled by appointment made by a majority of the remaining members of the Tioga County Legislature.

SECTION 2. Such person appointed by the Tioga County Legislature pursuant to this local law shall enter upon and faithfully discharge the duties of the office until such time as the office is filled as a result of a general election as provided by law.

SECTION 3. EFFECTIVE DATE:

This local law shall become effective immediately upon filing with the Office of the Secretary of State.

SECTION 4. SEVERABILITY:

If any clause, sentence, paragraph subdivision, section or part of this law or the application thereof to any person, individual corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 238-16 APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Bernadette M. Toombs be and hereby is appointed Election Commissioner for the Republican Party from January 1, 2017 through December 31, 2018.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 239-16 AUTHORIZE 2017 CONTRACTS WITH SADD
SCHOOL ASSOCIATES

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

WHEREAS: It is the desire to award the five SADD School Associate contracts for the calendar year 2017 to the following individuals; Aria French to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Britney Elsey to

serve the Spencer Van Etten School District, and Janice Barto to serve the Tioga Central School District; and

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

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

RESOLVED: That these contracts for SADD School Associates be authorized for the 2017 calendar year.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 240-16

*AUTHORIZE BACKFILL PART TIME
ASSISTANT FIRE COORDINATOR
BUREAU OF FIRE*

WHEREAS: The Tioga County Bureau of Fire has a need to backfill the part-time Assistant Fire Coordinator position due to the reassignment of the incumbent; and

WHEREAS: The Fire Coordinator has identified a qualified candidate who has been found to meet the minimum qualifications of the part-time Assistant Fire Coordinator title; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the backfill of the part-time Assistant Fire Coordinator with David Churchman effective November 28, 2016, an annual non-union salary of \$2,600.00.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 241-16 *AUTHORIZE DESIGNATION OF
FIRST ASSISTANT
BUREAU OF FIRE*

WHEREAS: The Tioga County Bureau of Fire has a need to designate one of the Assistant Fire Coordinator's as a First Assistant due to recent staff changes; and

WHEREAS: The County Fire Coordinator has determined whom within the Assistant Fire Coordinator staff he would like to assign this designation to; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the County Fire Coordinator to designate Steve Fedorowicz, as First Assistant, effective November 28, 2016; and be it further

RESOLVED: That said designation will result in an increase of \$2,000.00 to Mr. Fedorowicz's current salary and his total annual, non-union salary shall be \$6,163.00, effective November, 28, 2016.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:39 P.M.