

*Third Regular Meeting*  
March 14, 2023

The Third Regular Meeting of 2023 was held on March 14, 2023 and was called to order by the Chair at 12:01 P.M. Legislators Brown, Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, and Standinger were present with Legislator Weston being absent.

Chair Sauerbrey asked Legislator Roberts to have a moment of prayer. "Our Heavenly Father, we thank you for all the blessings you have given us this day. We pray that you will give us discernment and wisdom to lift up all of our neighbors."

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

There were 21 people in attendance.

Chair Sauerbrey presented the State of the County Address as follows:

"County government touches the lives of every citizen. From the newborn to the aged, from the impoverished to the wealthy, from a model citizen and to those who color outside the lines. Every day is a new challenge. It is not glamorous by any stretch of the imagination. It is an enormous responsibility to run local government with limited resources yet a huge requirement to provide services; ninety percent of them mandated by the State of New York.

"2022 was a year of staff shortages brought about by retirements and employees leaving for more money and better jobs or perhaps they could not take the stress of COVID. The competition for employees is being experienced across all levels of government. If anything, COVID taught us that things change, people change, circumstances change, and demand for employees changed.

"Our Social Services Department has been experiencing a significant loss in staff putting a strain on Foster Care and Child Protective Services.

"Hiring of Corrections Officers is a challenge, as counties around us are seeking the same positions, so competition for workers is real.

"Our Personnel Office is the busiest it has been in years with a constant flow of people coming in and going out.

"Workers have more job opportunities to select from and to attract more job seekers we had to adjust our sails. We completed the first phase of a salary study that compared us against other like-sized counties, and we began the

process of upgrading salaries for 2023. We will continue to address future salary levels for our employees that will take time and some consideration.

“Remote work for employees is more and more desirable. The Legislature is implementing its second phase of remote work. The success of this program depends on the effectiveness of the worker and the supervisor. This is a time when personal responsibility will define the future of this program.

“Speaking of people coming and going, we have three new Legislators that joined us in 2022; William Jake Brown, District 4; Ron Ciotoli, District; and Barbara Roberts, District 3. Keith Flesher, District 7, joined the Legislature in February 2023 representing the Berkshire, Newark Valley, and Richford areas. This is the district that former Legislator Eddie J. Hollenbeck served prior to his passing in 2022. Last year, we also lost former Legislator F. John “Bud” Waite, who was a long-standing Legislator for many years.

“Security of people and buildings came into focus with the changing society and mental health issues that have significantly increased in our society. We have seen a big increase in requests for mental health services from our community. We continue to have the ability to provide telehealth to residents, which increases access to care but we are seeing behaviors that we have not seen before.

“The Ronald E. Dougherty County Office Building located at 56 Main Street is receiving a major overall in security measures that will be experienced as the year progresses along with other county spaces. The Information Technology and Communication Services Department spearheaded the installation of 35 security cameras; both inside and outside of the building. These cameras provide additional tracking, reporting, and notification which did not currently reside in this building. The County has installed upgraded camera systems at 56 Main Street and other buildings in the County to protect people and equipment. Fobs are now used for entering the buildings and offices. Security staff will eventually be added to this site to ensure the safety of thousands of employees and citizens. Information Technology security is being upgraded with a robust and thorough review of the Comprehensive Information Security Policy. A major finding in the Information Security Risk Assessment was mitigated after the County's Storage Area Networks were upgraded. This upgrade, while increasing our disaster recovery posture, most importantly mitigated a significant information security concern enabling Data At Rest Encryption for the County's electronically stored information.

“Last year was a very complicated election year, which involved two rounds of redistricting, a delayed Congressional primary, and special election. This

provided much confusion and misunderstanding for voters. However, we met the challenge and hope that a more practical thought would be presented the next round.

“Our final payment of American Rescue Plan Act (ARPA) funds arrived in 2022 totaling \$9.4 million dollars. Projects that were funded include: Veterans Suicide Prevention, Tioga County Suicide Prevention, Tourism, Travel, and Hospitality, Land Bank Affordable Housing, Transitional Housing for Catholic Charities, Mens Transitional Housing, A New Hope Center, Broadband Project in Nichols, NY, Communication Towers for the Radio Project, a Truck Wash Facility, several Information Technology projects, Cyber Security, Emergency Management Ambulance Study, Neighborhood Depot, and badly needed County facilities security upgrades.

“As mentioned, the Interoperable Radio Project was a recipient of \$4 million dollars in ARPA funds, but this multi-million-dollar project will cost much more. We were recently pleased to receive a \$6 million dollar grant from the New York State Division of Emergency Services and Homeland Security that will help with the expenses of this badly needed project. The radio project has been in the works since 2019 and continues to move forward. Over the years, equipment has failed, and the repairs have become more difficult. The E911 Center has been upgraded with new equipment and the next step is towers and radios that will help connect areas of the County where there is no radio signal. A new Spillman Computer Aided Dispatch (CAD) System was purchased and installed as part of the communications upgrade. Training was provided to all law enforcement agencies in the County. The new CAD System provides increased efficiency for dispatchers and patrol units, as well as improved officer safety.

“Speaking of grants, Economic Development and Planning submitted numerous grants and provided guidance for local not-for-profit organizations and municipalities totaling \$236,000 in new funds. Additionally, a New York State grant was awarded to Fuddy Duddy’s in Owego, NY for \$1.8 million dollars and \$3 million dollars was awarded to Best Bev in Waverly, NY.

“Congratulations to the Village of Waverly who recently received a New York Forward Grant for \$4.5 million dollars.

“Tioga County was awarded a \$100,000 grant from the Floyd Hooker Foundation to support an Education Workforce Coordinator. This position created an education workforce strategy working with the County’s six public school districts and three BOCES to improve the workforce talent pipeline.

“Soon, Owego Gardens II will be open and 93 new rental units will be available for mixed use incomes. Off Route 434 and located at 140 Belva

Lockwood Lane, these units will provide badly needed housing. The Tioga County Industrial Development Agency (TCIDA) was instrumental in supporting this development throughout the process.

"Last year, I, along with a dozen other New York State Association of Counties (NYSAC) leaders had the opportunity to have a closed meeting with the Governor. It was an open and frank conversation regarding the lack of funding for our veterans and specifically our Veterans Service Agencies. I am pleased to report that the Governor did in fact hear our concerns and in last years budget provided funding to localities for the vital work counties do to aid veterans and their families. For Tioga County, that meant an additional \$15,000 per year in direct State Aid to Localities for our Veterans Service Agency. It also meant an additional \$100,000 per year in State Aid to expand the outreach efforts to veterans, military, and their families. Our Veterans Service Agency has been able to add new programs and training for our staff to better equip the needs of our veteran community.

"At the end of 2022, we saw a change in the laws governing the age range of juvenile delinquents known as Raise the Lower Age. The change raised the lower age at which a young person could be charged with juvenile delinquency offenses from the age of 7-12 years.

"A new County Court Judge assumed the bench on January 1, 2023. The Honorable Adam Schumacher is now the County Court Judge, as well as sitting as Tioga County Family Court and Supreme Court Judge. In addition to a new Judge, Probation will look to expand the Pre-Trial Services it provides to the various Justice Courts throughout Tioga County.

"For Public Health, 2022 started out the same as how they ended in 2021. COVID-19 cases still lingered, and the cases had to be investigated, however, little by little it has declined. Now, Public Health gets to go back to supporting the citizens of the County through Environmental Health, Dental Health, Disease Control, and the other services they provide.

"Over the years in serving County government, I have learned that the State gives, and the State takes away. The State has decided that even though their fund balance is significant, they want to take our Enhanced Federal Medicaid Assistance Percentage (eFMAP) funding identified by the Federal government as County money to keep as their own. These funds were identified by the Federal government as County Medicaid pass-through funding. The elimination of the Affordable Care Act eFMAP funds will require counties outside of New York City to spend an additional \$280 million dollars more in 2024. This will be added mid-year to budgets and will cost Tioga County over \$1 million dollars

annually. This goes against 20 years of State precedent in sharing these Federal savings as well as against Congress intent for counties to use eFMAP funding. The State is proposing to permanently intercept all of these Federal savings and use them to cover their overspending. Due to the failure of the State to contain out-of-control Medicaid costs, it turned to shift billions of dollars in new costs to the local taxpayers.

“In 2022, Tioga County experienced an unusual and unexpected revenue in sales tax income. Sales tax collections were up 11% or \$3 million dollars over 2021. According to local and State economists, this growth is not expected to continue in the future and Tioga County will consider these funds cautiously. The County shares 25% of these collections with towns and villages.

“Tioga Downs Casino State Aid came in at \$1.7 million, which is the highest amount received to date.

“Conversely, in 2022, the County paid \$2.9 million dollars in Community College tuition bills. This State mandated education service represented 12% of our County tax levy last year. This program benefited 1,541 Tioga County residents last year.

“The Tioga County Buildings and Grounds Division continues to maintain our buildings and properties and the Department of Public Works maintains our roads and bridges. Changes continue and upgrades are required with our buildings, and we have been moving Departments to new office locations within 56 Main Street. We are moving forward with the building of a truck wash facility for our snowplows, pickup trucks, and police vehicles with the aid of our ARPA funds. This facility is being required by the New York State Department of Environmental Conservation (NYS DEC).

“There was a significant amount of activity and accomplishments achieved by our County Departments that cannot be presented in this presentation. Much of the work addresses the needs of public health, mental health, support services, real property, economic development, history, and law. I encourage the public to go to our County website (<https://tiogacountyny.gov>) to read the Department's annual reports for the detail and description of activities that is significant.

“We have great people working here in Tioga County. They are your neighbors, family members, or people you have never meant, but they are all working in your best interest.

“Thank you for the opportunity to present the 2022 State of the County Address and I am proud to serve along with my fellow Legislators to work on behalf of the citizens of Tioga County”.

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

Legislator Ciotoli read and presented the following resolution for Anne Davis, Law Department. County Attorney DeWind and 1<sup>st</sup> Assistant County Attorney VanWert accepted and spoke on behalf of Anne Davis who was unable to attend today's meeting.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. 99-23                      *RECOGNITION OF ANNE DAVIS'  
34 YEARS OF DEDICATED SERVICE TO  
TIOGA COUNTY*

WHEREAS: Anne Davis began her career as a Senior Typist in the Probation Department on September 18, 1989 and on September 14, 1994 was appointed Secretary to the Director of Probation; and

WHEREAS: On August 18, 2000 Anne Davis was appointed Secretary to the Senior Assistant Attorney in the Department of Social Services Legal Office, and was appointed Secretary to the 1<sup>st</sup> Assistant County Attorney on September 1, 2007, where she has proudly served the citizens of Tioga County and has been instrumental to the Law Department; and

WHEREAS: Anne Davis has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 34 years earning the respect of all who have had the privilege to work with her; and

WHEREAS: Anne Davis will be retiring on March 31, 2023; 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 Anne Davis for her 34 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding person, Anne Davis.

## ROLL CALL VOTE

Unanimously Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED UNANIMOUSLY.

County Attorney DeWind spoke. “Unfortunately, Anne could not be here today. Thirty-four years is a long time, longer than I have been with the County. The ideal thing is where you can get an office where people’s strengths and weaknesses make up for each other, so that the office just runs seamlessly. From my perspective, that office has run seamlessly. There is virtually nothing that, I as the Administrator of that office, have to do. It just works perfectly. We call for something and Anne would already have whatever it was that we needed. For example, for today’s annual report, we called over for some figures and Anne already had everything tabulated, set, and ready to go long before it was requested. The office has worked great and Anne’s role in it has been pivotal”.

1<sup>st</sup> Assistant County Attorney VanWert spoke. “It has been an honor and a privilege to have Anne not only as a co-worker, but a friend. I have worked with Anne for 16 years now in the County Attorney’s Office and her dedication not only to her job, but to the citizens of Tioga County and her co-workers is immeasurable. Anne would always go above and beyond to help not only her co-workers in the office, but any random individual that happened by the office that may have been misdirected or needed help in connecting with the right County employee.

“I cannot say enough about Anne’s heart. She has a heart as big as this room. She would literally give the shirt off her back to anyone in need. Previously, she trained dogs for Guiding Eyes for the Blind. She has been a committee member in the community outreach programs. She would take the extra effort and time to assist new County employees in achieving whatever goals.

“Unfortunately, Anne cannot be here today. Her husband, Jake, who many of you may know, he is a wonderful man. He is having some medical issues and they are up in Syracuse as we speak. I would ask everyone to keep Anne, Jake, and the entire Davis family in your prayers so they can overcome whatever obstacles they may be dealing with.

“Anne is a proud grandmother of three grandchildren. She is the mother of two daughters. The sun rises and sets on her family. It has been interesting to watch

Anne balance the commitments to her family and her job. I can say with confidence that Anne has not given short shift to her duties as a County employee or to her family.

“Anne is a wonderful person, and I am sure that everyone who has met her would agree with me and for those who have not, take the opportunity to try and reach out to her because she is certainly a wonderful person. Thank you.”

Legislator Brown read and presented the following resolution to the William Ostrander, Geographic Information Systems (GIS) Manager.

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

REFERRED TO: ITCS COMMITTEE

RESOLUTION NO. 100-23      *RECOGNIZE WILLIAM OSTRANDER'S  
15 YEARS OF DEDICATED SERVICE TO  
INFORMATION TECHNOLOGY AND  
COMMUNICATION SERVICES DEPARTMENT*

WHEREAS: Bill began his career with the Tioga County Information Technology and Communication Services Department on July 16, 2007, as the Geographic Information Systems Manager; and

WHEREAS: Bill Ostrander has been a dedicated and loyal employee in the performance of his duties; and

WHEREAS: Bill Ostrander has shown the highest levels of reliability, trust, loyalty, and competence in the performance of his duties; and

WHEREAS: Bill Ostrander will retire on April 7, 2023; 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 Bill Ostrander for his fifteen years of dedicated and loyal service to the Tioga County Information Technology and Communication Services Department; 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, William Ostrander.

ROLL CALL VOTE

Unanimously Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED UNANIMOUSLY.

ITCS Deputy Director Clark spoke. “So, Bill and I have had only six months to get to know each other, but I want to extend my congratulations on this well-deserved retirement.

“Chief Information Officer Jeremy Loveland was unable to attend today, however, he wanted to acknowledge Bill’s retirement with the following:

“While your vast knowledge and expertise and institutional knowledge in Geographic Information Systems (GIS) will be missed, I believe the lack of having your consistent positive attitude will impact the County the most. During my short time as your supervisor, I have quickly learned that you have been a pillar of support for both the County departments and the municipal agencies throughout Tioga County.

“I am truly excited for you to have more time with your family and also time to spend on your passion, which is birding.

“Thank you again for your dedicated and committed service. It has been a pleasure working with you. Congratulations.”

Planning Director Jardine spoke. “Bill O., which I affectionately have named you. We have been through a whole lot together since you arrived in 2007. We have been through two decennial censuses and all the work that goes into that before and afterwards including two County Legislative redistricting processes. We have been through countless Agricultural District reviews and annual inclusions. There have been many snowmobile route changes, as well as mapping industrial locations.

“You also trained all of us on the new Arc GIS Pro software and that is just for Economic Development and Planning (ED&P). We know you have done a whole lot more for other Departments such as Emergency Services, Public Health, Public Works, and the list goes on.

“I believe it is your laid-back personality that has made you successful here in Tioga County beyond the incredible skill you have in working with GIS. Everyone comes away from collaborating with you with a product they can use, and it is just what they asked for.

“I do not believe there is a problem you have encountered that you could not solve using GIS.

“As your career comes to a close, we want you to know that in ED&P we so appreciate your willingness to work on anything that we have thrown at you. Never complaining and always pleasant. Plus, the many times we have called you with ‘Help, I did something, and I do not know what I have done’ or ‘Help, I cannot figure out what I need to do’. You are always so gracious about coming and helping us out of a GIS jam; always with the utmost patience.

“We hope you have the most enjoyable retirement traveling to San Francisco as much as you want and birdwatching everyday possible. Best wishes for a Happy Retirement.”

William Ostrander spoke. “Time flies when you are having fun and I have had a lot of fun doing what I do over the last 15 years. I always thought I had the most fun job in the County. The time has really flown, and I come to think of all of you as family and not just friends and a big part of my family is sitting right here in the front row.

“I have had the opportunity to work with lots of other people and departments and they have all been great to work with. It has just been very enjoyable.

“On behalf of the baby boomers, I am sorry for exacerbating your problems with getting employees, but we are getting old. Thank you.”

Chair Sauerbrey reported we have one Proclamation; **Public Health Week (April 3-9, 2023)** that will be noted in the minutes.

### **COUNTY OF TIOGA EXECUTIVE PROCLAMATION**

WHEREAS: The residents of Tioga County benefit every day from the efforts of the public health workforce when eating at restaurants, drinking tap water, and learning about prevention of diseases; and

WHEREAS: Educating people about the benefits of healthy behaviors is an essential element in attaining good health and preventing premature illness and death; and

WHEREAS: Public Health efforts alone cannot accomplish the goal of a healthier Tioga County without cooperation and partnership with communities and individuals; and

WHEREAS: Each one of us needs to do our part by taking personal responsibility to improve behaviors by following public health recommendations, such as:

abstaining from tobacco use; prioritizing sleep; staying up-to-date on vaccinations; making time for regular, safe physical activity; and eating more fruits and vegetables in order to prevent disease; and

WHEREAS: National Public Health Week provides an opportunity for our county to learn about public health concerns and success stories that are vital to healthy communities, such as immunizing against infectious disease, providing services for children with developmental delays, ensuring safe living conditions, enforcing environmental health regulations, providing dental services to underserved families, and preventing lead poisoning; and

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the week of April 3 – 9, 2023 as:

### **PUBLIC HEALTH WEEK**

and urges all residents to take steps to educate themselves on and recognize the role of public health in our community.

There was no privilege of the floor.

Legislator Roberts made a motion to approve the minutes of February 14 and 23, 2023, seconded by Legislator Mullen and carried.

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

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. 101-23 APPOINT FAIR HOUSING OFFICER

WHEREAS: Tioga County desires to ensure compliance with Title 1, of the Housing and Community Development Act of 1974, as amended, and the Fair Housing Act (Public Law 90-284, 42 USC 3601-20), and the Human Rights Law of the State of New York (Executive Law, Article 15); and

WHEREAS: Tioga County has reviewed various actions that would be acceptable to the NJDCA and the U.S. Department of Housing and Urban Development (hereafter USHUD); and

WHEREAS: Tioga County has made assurances that they will:

1. Post Fair Housing and Affirmative Action posters in County buildings.
2. Post Fair Housing Information on the County's website.
3. Document housing discrimination complaints on a standard form.
4. Forward all copies of all complaints to and, when appropriate, consult with the Fair Housing/Equal Opportunity Division Office of the HUD Office in Buffalo and/or the New York State Division of Human Rights in Rochester.
5. Compile information about fair housing-related services available to County residents.

And

WHEREAS: The Chair of the Legislature seated in 2004 appointed the position of County Attorney to serve as the Fair Housing Officer for Tioga County as documented in the minutes of the Ninth Regular Meeting of the Legislature on September 14, 2004, and this position has been responsible to act in this capacity ever since; therefore be it

RESOLVED: That the County Attorney or their designee shall continue to be designated as the Fair Housing Officer for Tioga County; and be it further

RESOLVED: That the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NY Division on Civil Rights, to inform those agencies of said appointment as Fair Housing Officer and request Fair Housing Information; and be it further

RESOLVED: That the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance; and be it further

RESOLVED: That Tioga County will publish in the local newspaper of record and post at the municipal hall (or county administration building) a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 102-23 RE-APPOINTMENT OF COUNTY HISTORIAN

WHEREAS: Emma Sedore was first appointed Tioga County Historian on November 13, 2001; and

WHEREAS: She is a dedicated Historian; and

WHEREAS: Her term is set to expire March 31, 2023 and Ms. Sedore is willing and able to serve another two-year term; therefore be it

RESOLVED: That Emma Sedore is hereby re-appointed County Historian for a two-year term from April 1, 2023 until March 31, 2025.

“Legislator Mullen spoke. “I just want to say that we are so lucky to have her. Every time she gives a report, she makes you smile. She really cares and we are blessed to have her as our County Historian.”

Legislator Standinger spoke. “She is very passionate about what she does and that is a difficult thing to have; passion in that area, but I am glad that she has it.”

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 103-23 RE-APPOINT DIRECTOR  
SOIL & WATER CONSERVATION DISTRICT



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

REFERRED TO: ED&P COMMITTEE  
 RESOLUTION NO. 105-23 RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member, Joan Case, will expire as of March 31, 2023; and

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

RESOLVED: That the Tioga County Legislature hereby re-appoints Joan Case for another three-year term of 4/1/23 – 3/31/26.

Legislator Mullen spoke. "Joan Case is former Legislator Ray Case's widow. She is a very dedicated County resident who volunteers a tremendous amount of hours and I just want to publicly thank Joan for, once again, being on another committee for the betterment of our residents in our County."

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION  
 RESOLUTION NO. 106-23 URGING GOVERNOR HOCHUL TO RECONSIDER BAN OF GAS STOVES AND OTHER NEW FOSSIL FUEL HEATING EQUIPMENT

WHEREAS: Governor Hochul's State of the State Address contained a proposal to prohibit the sale of new fossil fuel powered heating systems by 2030 for smaller buildings and by 2035 for larger buildings; and

WHEREAS: Governor Hochul is further calling for all new construction to be fully sustainable with no on-site fossil fuel combustion by 2025 for smaller buildings and by 2028 for larger buildings; and

WHEREAS: President Biden and the White House have come out against any prohibition of gas stoves; and

WHEREAS: The Governor's ban is intended to help address climate change, but this government mandate is more of a burden on our County's working class residents and will have a devastating effect on our local businesses if they are required to convert to all electric; and

WHEREAS: The conversion to electric will create an unnecessary financial burden and hardship for homeowners resulting in a cost between \$20,000 - \$50,000 per household and would not provide a backup system in the event power outage; and

WHEREAS: The proposed ban on natural gas appliances and water heaters is not feasible during times of inclement weather and potential power outages; and

WHEREAS: Electrical appliances have more moving parts and are expensive to maintain and repair and have shown to be less efficient and more costly to generate the same amount of heat as natural gas fed appliances; and

WHEREAS: Mandating the purchase of electrical appliances is an unnecessary burden we are placing on our homeowners at a time when the cost of living has significantly outpaced wage growth; and

WHEREAS: With the higher costs, energy bills will increase significantly for our residents further exacerbating the recent spikes in food, transportation, and general merchandise; and

WHEREAS: This government mandate will likely lead to an increased strain on our State's electrical grid; and

WHEREAS: The costs to bury power lines, increase renewable energy infrastructure, and increase the capacity of transformers will be passed on directly to consumers in the form of increased energy costs; and

WHEREAS: Individual homes, especially those in older housing stock like Tioga County, will be forced to conduct in-home electrical panel upgrades to accommodate the increased demand from their appliances; therefore be it

RESOLVED: That the Tioga County Legislature urges the Governor to reconsider her plan to ban natural gas heating and appliances and to fully examine the real-life impact this will cause to the residents of Tioga County and all of New York State; and be it further

RESOLVED: That the Clerk of the Legislature will forward certified copies of this resolution to Governor Hochul, Senator Thomas F. O'Mara, Assemblyman Christopher S. Friend, NYSAC, and any other party deemed necessary and proper.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE/LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 107-23      *RESOLUTION CALLING ON GOVERNOR HOCHUL  
TO REMOVE PART M OF ARTICLE VII REVENUE BILLS  
FROM THE 2024 EXECUTIVE BUDGET*

WHEREAS: On February 1, 2023 the Governor of New York State announced New York State's Fiscal Year 2024 Executive Budget; and

WHEREAS: The Budget includes Article VII Revenue Bills; and

WHEREAS: Article VII Revenue Bills includes Part M, adding a new section 989 of the Real Property Tax Law (RPTL) titled "Distribution of surplus in tax enforcement proceedings"; and

WHEREAS: The proposed budget legislation seeks to require municipalities governed by Article 11 of the Real Property Tax Law to determine for each parcel whether the auction realized funds in excess of the prior owner's indebtedness and then attempt to return those funds to the prior owner of record; and

WHEREAS: This proposed budget legislation should be removed from the Governor's FY 2024 Budget for numerous reasons, including: (1) it is unconstitutional since Article VIII, Section 1 of the NYS Constitution restricts a county from giving any money to or in aid of any individual, private corporation or association or private undertaking; (2) it is unfair to lien holders since all liens are cut off by Section 1131 of Article 11 of the RPTL at the time an interested party fails to redeem or answer, which time occurs prior to the County taking title and selling the parcel; (3) it is practically impossible for a county to accurately account for all administrative costs associated with enforcement of taxes for numerous parcels during the multi-year process which involves staff from multiple departments; (4) it is unclear whether litigation costs incurred in enforcement under Article 11 are included; (5) the number of unpaid, delinquent parcels are likely to increase with owners knowing that they do not have to pay lien holders and others by allowing the property to go to foreclosure sale; (6) the proposed budget legislation does not address the common circumstance where there is no "prior owner" who responds or the prior owner is deceased with no estate to accept any surplus payment; and (7) the proposed budget legislation is unfair to the majority of property owners in the County who timely pay their taxes and/or properly sell their homes when they no longer desire to own; therefore be it

RESOLVED: That the Tioga County Legislature calls upon the Governor to remove Part M of the Revenue Bills from the FY 2024 Executive Budget; and be it further

RESOLVED: That a certified copy of this resolution be sent to Governor Kathy Hochul, Senator Thomas F. O'Mara, Assemblyman Christopher S. Friend, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stoke, Assembly Minority Leader William Barclay, New York State Association of Counties, and any other party deemed necessary and proper.

#### ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

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

REFERRED TO: FINANCE COMMITTEE  
 RESOLUTION NO. 108-23 ERRONEOUS ASSESSMENT  
 TOWN OF BARTON

WHEREAS: An Application for Corrected Tax Roll for the year 2023 indicates that parcel #111.00-2-23.112, account #12481 in the Town of Barton assessed to Michael Austin on the 2023 tax roll of the Town of Barton is erroneous in that the parcel does not exist; and

WHEREAS: An application for Refund or Credit of Real Property Taxes was filed requesting a refund of property taxes levied by Tioga County and Town of Barton for the years 2020-2022; therefore be it

RESOLVED: That a refund for the 2020, 2021 and 2022 taxes be issued to Michael D. Austin by the Tioga County Treasurer's Office as follows:

<b>2020 Town &amp; Co Bill</b>	<b>Original Bill #1687</b>	<b>Corrected Bill #1687</b>
County	\$559.48	\$0.00
Recycle	\$32.13	\$0.00
Townwide	\$124.28	\$0.00
Lockwood Fire	\$70.02	\$0.00
Penalties	\$41.40	\$0.00
Interest	\$66.18	\$0.00
<b>Total</b>	<b>\$893.49</b>	<b>\$0.00</b>

<b>2021 Town &amp; Co Bill</b>	<b>Original Bill #1693</b>	<b>Corrected Bill #1693</b>
County	\$607.17	\$0.00
Townwide	\$131.15	\$0.00
Lockwood Fire	\$72.86	\$0.00
<b>Total</b>	<b>\$811.18</b>	<b>\$0.00</b>

<b>2022 Town &amp; Co Bill</b>	<b>Original Bill #1701</b>	<b>Corrected Bill #1701</b>
County	\$601.04	\$0.00
Townwide	\$136.58	\$0.00
Lockwood Fire	\$71.81	\$0.00
Penalties	\$42.57	\$0.00
Interest	\$59.64	\$0.00
<b>Total</b>	<b>\$911.64</b>	<b>\$0.00</b>

<b>2023 Town &amp; Co Bill</b>	<b>Original Bill #1696</b>	<b>Corrected Bill #1696</b>
County	\$615.87	\$0.00
Townwide	\$142.72	\$0.00
RETURN SCHOOL	\$1061.48	\$0.00
Lockwood Fire	\$74.04	\$0.00
<b>Total</b>	<b>\$1894.11</b>	<b>\$0.00</b>

And be it further

RESOLVED: That the 2020-2023 Town and County tax bills for Parcel #111.00-2-23.112 be null and void; and be it further

RESOLVED: That that erroneous county tax of \$2383.56 be charged back to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous solid waste tax of \$32.13 be charged back to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous town tax of \$534.73 be charged back to the Town of Barton; and be it further

RESOLVED: That the erroneous fire tax of \$288.73 be charged back to the Lockwood Fire District; and be it further

RESOLVED: That the erroneous Penalties of \$83.97 be charged back to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous Interest of \$125.82 be charged back to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous School Tax of \$1061.48 be charged back to the proper account in the records of the County Treasurer.



333.00-1-3-40	Original Bill #2912	Corrected Bill #2912
County	6.95	0.00
Townwide	4.86	4.86
Part Town	.69	.69
Candor Fire	1.22	1.22
<b>Total</b>	<b>13.72</b>	<b>6.77</b>

And be it further

RESOLVED: That the erroneous County tax \$23.78 be charged back to the proper accounts of the Tioga County Treasurer's Office.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 110-23 *DESIGNATE CALCULATION TO DETERMINE  
DISBURSEMENT OF OCCUPANCY TAX*

WHEREAS: The Tioga County Legislature is responsible for setting the rate of Occupancy Tax to be charged to visitors to Tioga County; and

WHEREAS: The purpose of the collection of said tax is to enhance the general economy of Tioga County, its towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities; and

WHEREAS: The Legislature annually designates a Tourism Promotion Agency ("Tourism Office") by way of resolution; and

WHEREAS: Occupancy Tax is to be allocated at the discretion of the Tioga County Legislature for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent (5%) of such revenue to defer the necessary expenses of the County in administering such tax, per County Local Law; therefore be it

RESOLVED: That the Tioga County Legislature designates an allocation of five percent (5%) of the annual occupancy tax be retained by the County, in the proper accounts of the Treasurer's Office, for the expenses associated with administration and collection; and be it further

RESOLVED: That twenty-five percent (25%) of the remaining funds shall be applied to the proper account of Economic Development, for the economic development services related to tourism provided to Tioga County; and be it further

RESOLVED: That seventy-five percent (75%) of the remaining funds shall be applied to offset the budgeted Outside Agency ("Tourism Office") expense; and be it further

RESOLVED: That any funds more than the budgeted Outside Agency ("Tourism Office") expense of that year shall be restricted to the established occupancy tax account; and be it further

RESOLVED: That in the event the seventy-five percent (75%) is less than the budgeted Outside Agency ("Tourism Office") expense, restricted funds from the established occupancy tax account shall be used.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO 111-23      *AUTHORIZE 2023 REQUEST FOR INCLUSION OF  
LANDS IN AGRICULTURAL DISTRICTS*

WHEREAS: In accordance with §303-B of the NYS Agricultural and Markets Law 25-AA, the Tioga County Planning Department has solicited agricultural landowners to request inclusion of lands in agricultural districts; and

WHEREAS: Tioga County Planning has received one request for inclusion of land in agricultural districts located within the Spencer Agricultural District #1 totaling 397.72 acres, and prepared the required report listing this request; and

WHEREAS: The County Legislature has indicated its desire to be designated lead agency for SEQR (State Environmental Quality Review) requirements; and

WHEREAS: Tioga County Planning has found this plan to have "little likelihood of significant adverse environmental impact..." via completion of the New York State Agriculture & Markets SEQR Short Environmental Assessment Form, which is consistent with the programmatic review of environmental effects of agricultural districting by the New York State Department of Agriculture & Markets; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed said report and determined that the land to be included consists of viable agricultural land and its inclusion will serve the public interest by helping to maintain a viable agricultural industry within the District and therefore recommends County Legislature approval of inclusion of lands into their respective agricultural districts; and

WHEREAS: The Tioga County Legislature has held the required public hearing and no opposition was heard; therefore be it

RESOLVED: That the Tioga County Legislature makes a SEQR Negative Declaration and approves the 2023 request for inclusion of land listed in said report into the Spencer Agricultural District #1; and be it further

RESOLVED: That the Tioga County Legislature directs the Tioga County Planning Department to submit said report to the Commissioner of NYS Department of Agriculture and Markets for final certification; and be it further

RESOLVED: That it is the intent of this body, upon approval by the Commissioner of NYS Department of Agriculture & Markets, to make this inclusion to the Spencer Agricultural District #1 effective immediately.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE  
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 112-23 *ENTER INTO CONTRACT WITH  
CATAMOUNT CONSULTING FOR AUDIOGRAMS*

WHEREAS: Occupational Safety and Health Administration (OSHA) requires annual audiograms and hearing conservation training for county employees whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A scale (slow response) or, equivalently, a dose of fifty percent; and

WHEREAS: Tioga County has obtained three quotes for audiogram testing and hearing conservation trainings; and

WHEREAS: The proposal from Catamount Consulting, to perform this service, is the most cost effective; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a one-year contract for 2023 with Catamount Consulting to perform this service at the rates indicated:

Cost of Business Terms:

Catamount Consulting will complete the Onsite Audiometric Testing at a cost of \$1750.00 total with a deposit or PO of \$875.00. Cost includes input of prior hearing test results and new employees, and all travel costs for the technician.

Scope of Services:

- Baseline & Annual Audiogram testing for up to 40 people. Any additional employees over the contracted 40 will be charged a fee to be determined.
- Testing will take place at the Department of Public Works, 477 Rt. 96, Owego, NY 13827.
- Group testing of 6 employees every 40 minutes with hearing video.
- Test administration by computerized technology with same day results and full record-keeping package within 10 business days.
- Test performed by CADHC Certified Technicians.
- All tests verified by an Audiologist.
- All testing is OSHA/MSHA Compliant.

## ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
ED&P COMMITTEE

RESOLUTION NO. 113-23 AWARD CONTRACT  
HAZARD MITIGATION PLAN

WHEREAS: Tioga County's Multi-Jurisdictional Multi-Hazard Mitigation Plan expires on August 12, 2024; and

WHEREAS: FEMA requires that said document be updated every five years; and

WHEREAS: A Request for Proposal was issued to hire a consultant to prepare the plan and the Tioga County Hazard Mitigation Plan Steering Committee has met to review the four submissions received and has recommended that Barton & Loguidice, DPC be selected to prepare said plan at a cost not to exceed \$90,000; and

WHEREAS: There are sufficient funds in the amount of \$90,000 in account A3360.540140.HMP23 Hazardous Mitigation – Contracting Services; therefore be it

RESOLVED: That Barton & Loguidice, DPC is hereby selected to prepare Tioga County's Multi-Jurisdictional Multi-Hazard Mitigation Plan Update of 2024 and the Chair of the County Legislature is authorized to execute a contract between Tioga County and Barton & Loguidice, DPC setting forth the rights and obligations of the parties consistent with the RFP and the proposal submitted by Barton & Loguidice, DPC upon review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO:	LEGAL/FINANCE COMMITTEE
	INFORMATION TECHNOLOGY COMMITTEE
	PUBLIC SAFETY COMMITTEE
	HEALTH AND HUMAN SERVICES COMMITTEE

RESOLUTION NO. 114-23	<i>AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENTS BETWEEN THE LAW DEPARTMENT, ITCS, SHERIFF, DSS, PUBLIC HEALTH, AND MENTAL HYGIENE</i>
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WHEREAS: Tioga County has implemented a Direct Charge Pilot Program that will maximize State reimbursement for legal and IT expenses while eliminating the administrative burden of charging all departments for those expenses; and

WHEREAS: The Law Department and ITCS will directly charge the Department of Social Services, Public Health and Mental Hygiene for its services and support pursuant to Cooperative Agreements; and

WHEREAS: The Sheriff's Department will directly charge the Department of Social Services for security services, escort, protection and transport services; and

WHEREAS: It may be necessary for the Budget Officer to make budget adjustments to reflect the budgeted amounts and year end actuals in the cooperative agreements between ITCS and DSS, Public Health and Mental Hygiene and to reflect the budgeted amount in the cooperative agreement between the Sheriff and DSS; therefore be it

RESOLVED: That the Legislature authorizes and directs the Chair to execute Cooperative Agreements between the Law Department and DSS, Public Health and Mental Hygiene; and be it further

RESOLVED: That the Legislature authorizes and directs the Chair to execute Cooperative Agreements between the ITCS Department and DSS, Public Health and Mental Hygiene; and be it further

RESOLVED: That the Legislature authorizes and directs the Chair to execute a Cooperative Agreement between the Sheriff's Department and DSS; and be it further

RESOLVED: That the Cooperative Agreements between DSS and the Law Department, ITCS and Sheriff shall be submitted to the New York State Office of Temporary and Disability Assistance and the Office of Children and Family Services for approval; and be it further

RESOLVED: That the Budget Officer is authorized to make budget adjustments to reflect the budgeted amounts and year end actuals in the cooperative agreements between ITCS and DSS, Public Health and Mental Hygiene and to reflect the budgeted amount in the cooperative agreement between the Sheriff and DSS.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 115-23      *EXTENSION OF ELC COVID  
ENHANCED DETECTION GRANT  
PUBLIC HEALTH DEPARTMENT*

WHEREAS: Resolution #246-20 authorized the creation and fill of two (2) temporary, full time Public Health Educators through June 30, 2022 via the Epidemiology and Laboratory Capacity (ELC) Enhanced Detection grant that was appropriated via Resolution #160-20; and

WHEREAS: This funding period was extended until March 31, 2023 and the extension approved via Resolution #113-22; and

WHEREAS: Tioga County Public Health (TCPH) has received notification that the funding has been extended again through December 31, 2023; and

WHEREAS: TCPH has a need for only one (1) temporary, full-time Public Health Educator position; and

WHEREAS: TCPH has funds remaining in the appropriated award to continue the position; therefore be it

RESOLVED: That the Public Health Department be authorized to extend one (1) temporary, full-time Public Health Educator position from March 31, 2023 through December 31, 2023, at an hourly rate of \$22.65.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
RESOLUTION NO. 116-23 *AUTHORIZE GRANT APPLICATION TO  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS FOR DISEASE CONTROL AND  
PREVENTION*

WHEREAS: The White House Office of National Drug Control Policy (ONDCP) and Centers for Disease Control (CDC) have collaborated an effort to reduce substance abuse among youth; and

WHEREAS: Tioga County Mental Hygiene is seeking authorization to apply for Federal Funding for the Drug Free Communities Grant in partnership with Trinity CASA, Tioga County Advocacy, Support and Prevention (TC ASAP) Community Coalition; and

WHEREAS: The Department deems it to be in the best interest of the community and youth of Tioga County to apply for this grant funding; and

WHEREAS: The grant will be awarded annually from 9/30/2023 through 9/29/2028 and this funding is designated for specific program deliverables; and

WHEREAS: Application of grants require Legislative approval; therefore be it

RESOLVED: That the Director of Community Services is authorized to apply for and sign the application for grant.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ITCS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 117-23 *AUTHORIZE MULTI-YEAR PREPAYMENT OF  
SUBSCRIPTION TO ACHIEVE SAVINGS –  
KNOWBE4 SECURITY AWARENESS TRAINING*

WHEREAS: The County Information Technology and Communication Services (ITCS) Department regularly pays multiple service contracts, maintenance contracts and software subscriptions annually; and

WHEREAS: The ITCS Department has identified cost savings and discounts that are available if the County agrees to pre-pay these agreements in advance; and

WHEREAS: The ITCS Department has identified the following agreement meeting the criteria of eligibility for multi-year cost savings:

- KnowBe4 Security Awareness Training Subscription Diamond – 3 Year Renewal

And

WHEREAS: A one-year subscription for these services would cost \$11,633.22; and

WHEREAS: A three-year pre-paid subscription would cost \$27,920.73, saving the County \$6,978.93; therefore be it

RESOLVED: That \$27,920.73 be paid upfront for the KnowBe4 Security Awareness Training subscription and \$9,306.91 be charged to account A1680 540620 annually for the length of the subscription renewal (2023 through 2025); and be it further

RESOLVED: That the Chief Information Officer shall track the savings achieved for reporting as requested.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ITCS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 118-23      *AUTHORIZE MULTI-YEAR PREPAYMENT OF  
SUBSCRIPTION TO ACHIEVE SAVINGS –  
BARRACUDA MESSAGE ARCHIVER*

WHEREAS: The County Information Technology and Communication Services (ITCS) Department regularly pays multiple service contracts, maintenance contracts and software subscriptions annually; and

WHEREAS: The ITCS Department has identified cost savings and discounts that are available if the County agrees to pre-pay these agreements in advance; and

WHEREAS: The ITCS Department has identified the following agreement meeting the criteria of eligibility for multi-year cost savings:

- Barracuda Message Archiver Appliance 450 Instant Replacement – 3 Years
- Barracuda Message Archiver Appliance 450 Energize Updates – 3 Years

And

WHEREAS: A one-year subscription for these services would cost \$6,920.70; and

WHEREAS: A three-year pre-paid subscription would cost \$17,899.17, saving the County \$2,862.93; therefore be it

RESOLVED: That \$17,899.17 be paid upfront for the Barracuda Message Archiver Appliance subscription and \$5,966.39 be charged to account A1680 540620 annually for the length of the subscription renewal (2023 through 2025); and be it further

RESOLVED: That the Chief Information Officer shall track the savings achieved for reporting as requested.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 119-23 APPROVE FUNDING  
2023 YOUTH BUREAU PROGRAM FUNDING

WHEREAS: Youth Sports and Education Opportunity Funding (23-OCFS-LCM-02) has been awarded to the Tioga County Youth Bureau from the Office of Children and Family Services; and

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

RESOLVED: That funding be appropriated as follows:

From: A7310.438200 State Aid – Youth Programs \$15,220.00

To: A7310.541540 Reimbursements \$15,220.00

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 120-23 APPROPRIATION OF FUNDS  
AUTHORIZE THE ACCEPTANCE OF THE  
FY2022 DOMESTIC TERRORISM  
PREVENTION GRANT  
OFFICE OF EMERGENCY SERVICES

WHEREAS: The Office of Emergency Services applied for and was awarded a FY2022 Domestic Terrorism Prevention Grant in the amount of \$172,413 to prevent targeted violence and domestic terrorism; and

WHEREAS: The funding will be utilized for the development of comprehensive domestic terrorism plans utilizing Threat Assessment and Management (TAM) teams; and

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

RESOLVED: That the Tioga County Legislature authorizes the acceptance of this award and authorizes the Chair of the County Legislature to sign any and all grant related paperwork upon review of the County Attorney; and be it further

RESOLVED: That the 2023 budget be appropriated as follows:

FROM: A3361-433060-DT22 State Aid-Homeland Security	\$172,413
TO: A3361-540140-DT22 Contracting Services	\$172,413

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 121-23 *MODIFY 2023 BUDGET AND  
APPROPRIATION OF FUNDS  
OFFICE OF EMERGENCY SERVICES*

WHEREAS: Legislative approval is needed to modify the 2023 budget and appropriation of funds; and

WHEREAS: The Office of Emergency Services has a need to transfer monies from the E911 Surcharge Revenue account to continue to fund the Radio Tower Project; therefore be it

RESOLVED: That the 2023 budget be modified and appropriation of funds be made as follows:

FROM: A3021.411401	E911 Surcharge Upgrade	\$312,169.30
TO: A3021.520130.E911	Equipment not Car	\$312,169.30

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 122-23 AMEND BUDGET & APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has received additional funding for the 'Creating Healthy Schools & Communities', which is a partnership between Broome and Tioga County's Public Health departments; and

WHEREAS: The original award amount was appropriated via Resolution 278-22; and

WHEREAS: The funding will pass through Broome County to Tioga County Public Health; and

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

RESOLVED: That funding be appropriated as follows:

From: A4053 422800 Public Health: Local Grants \$ 15,000

To: A4053 540640 Public Health: Supplies \$ 15,000

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO: 123-23 *ESTABLISH NEW BUDGET LINE,  
MODIFY 2023 BUDGET AND TRANSFER FUNDS  
RECORDS MANAGEMENT*

WHEREAS: The Director of Assets and Records Management has a need for an additional desktop monitor for processing fixed assets in MUNIS; and

WHEREAS: The ITCS Department recommended that the County Clerk purchase a Hewlett Packard FHD Monitor through Amazon business at a cost of \$149.99 plus \$5.99 shipping, total price \$155.98; and

WHEREAS: Legislative approval is required for budget amendments; and

WHEREAS: Computer equipment must be purchased using a Computer expense line 520090 and the 2023 Records budget does not have this established line; therefore be it

RESOLVED: That the Director of Assets and Records Management be authorized to purchase the additional computer monitor and the following funds be transferred for said purchase:

From:			
A1460	540070	Car Maintenance	\$ 60.00
A1460	540480	Postage	\$ 50.00
A1460	540485	Printing/Paper	<u>\$ 50.00</u>
			\$ 160.00
To:			
A1460	520090	Computer	\$ 160.00

## ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 124-23      *ESTABLISH NEW BUDGET LINE,  
REQUEST AND TRANSFER RESERVE FUNDS,  
AND MODIFY 2023 BUDGET  
SAFETY OFFICE*

WHEREAS: Chapter 497 of the New York State Law of 1999 requires every county to establish a separate accessible parking education program with the purpose of providing education to increase the awareness of accessible parking laws; and

WHEREAS: Implementation of this plan is dependent upon revenue generated from a mandatory thirty-dollar accessible parking fine surcharge which the New York State Law of 1999 requires will be used for activities such as public service announcements, public education and awareness campaigns, distribution of literature and other activities with such purpose; and

WHEREAS: There was no budgeted advertising line item in the Safety Office 2023 budget for these expenditures and Legislative approval is needed to access funds from a reserve account as well as to modify the budget; therefore be it

RESOLVED: That the Safety Office budget be modified with the newly established budget line CI8042 540010 Advertising and that funds to cover the cost of two public service announcements be transferred and allocated as follows:

From: A388904 Reserve for Handicapped Parking Education                   \$254.00

To: CI8042 540010 Advertising   \$254.00

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:                                 FINANCE COMMITTEE  
   HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 125-23                    *AMEND 2022 BUDGET AND  
   TRANSFER FUNDS FOR EMPLOYMENT FUND*

WHEREAS: The 2022 general fund budget for interfund transfers has been exceeded by \$30,582.22; and

WHEREAS: The Employment fund is funded by Federal Aid, passed through Broome-Tioga Workforce NY; and

WHEREAS: A delay in claims and receipt of funds have caused an unanticipated need for interfund transfers for the total of \$116,773.00; and

WHEREAS: The liability fund's interfund transfer account has \$86,190.78 of available budget in 2022; and

WHEREAS: Additional funds will need to be transferred from the Tioga County Contingency account in the amount of \$30,582.22; and

WHEREAS: Amending of the 2022 Budget and the appropriation of Contingency accounts require Legislative approval; therefore be it

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

FROM: CI1910.450310	Interfund Transfers-Liability	\$86,190.78
TO: CD6293.450310	Interfund Transfers Employment	\$86,190.78

And be it further

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

FROM: A1990.540715	Contingency	\$30,582.22
TO: A9901.590715	Interfund Transfers-General Fund	\$30,582.22
TO: CD6293.450310	Interfund Transfers Employment	\$30,582.22

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	ED&P COMMITTEE
	FINANCE COMMITTEE

RESOLUTION NO. 126-23	<i>AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE OF A LAPTOP AND DOCKING STATION FOR THE ECONOMIC DEVELOPMENT &amp; PLANNING DEPARTMENT</i>
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WHEREAS: The Economic Development & Planning Department has a need for a laptop and docking station; and

WHEREAS: The Economic Development & Planning Department would like to purchase a laptop and docking station and has received the recommended quote from the ITCS Department; and

WHEREAS: The Economic Development computer expense account, A6422-520090 has no funds available; and

WHEREAS: The Amending of Budget and Transfer of Funds from a contractual line to an equipment line requires Legislative approval; therefore be it

RESOLVED: That the Director of Economic Development & Planning be authorized to purchase the laptop and docking station and complete the following budget transfer as follows:

From:	A6422 - 540733 Training	\$923.00
To:	A6422 - 520090 Computer	\$923.00

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.



RESOLVED: That the Tioga County Legislature authorizes the purchase of seven (7) Dell PowerEdge R640 server hosts from CXtec, 5404 South Bay Road, Syracuse, NY 13212 not to exceed \$50,982.75, to be paid out of the following account:

H1680 521090	Computer	\$50,982.75
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ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE COMMITTEE PUBLIC WORKS COMMITTEE
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RESOLUTION NO. 128-23	<i>AMEND 2022 CAPITAL BUDGET AND TRANSFER FUNDS</i>
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WHEREAS: Tioga County Public Works was approved \$1,000,000.00 in ARPA funds in the 2022 budget for building construction for the new truck wash facility; and

WHEREAS: The Compact Track Loader was purchased for the new truck wash facility; and

WHEREAS: The Compact Track Loader needs to be reclassified from Buildings (Operation of Plant) expense category to Machinery and Equipment (H5130) for record keeping purposes; and

WHEREAS: Legislative approval is needed to amend 2022 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H1620.520994.M7674	Building Construction	\$70,903
To: H5130.520920.M7674	Loader	\$70,903

## ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 129-23 *AMEND CAPITAL BUDGET AND  
TRANSFER FUNDS FOR HEAVY EQUIPMENT LIFTS  
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has identified a need for an additional lift for the heavy equipment garage; and

WHEREAS: The Commissioner of Public Works has received a quote for a drive-on style lift and there are insufficient funds for this purchase in the current budget; and

WHEREAS: There are funds available in another 2023 Capital Budget line; and

WHEREAS: Legislative approval is needed to amend 2023 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H1620.520994.BG001	Truck Wash Building	\$25,000.00
To: H5130.521902	Auto Shop Equipment/Reno	\$25,000.00

## ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 130-23 *AMEND CAPITAL BUDGET AND  
TRANSFER FUNDS FOR  
TANDEM TRUCK BOX UPGRADES  
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has determined that a Tarco Body upgrade on a Tandem Truck would extend the useful life of the truck; and

WHEREAS: The Commissioner of Public Works has received a quote for three upgraded truck bodies and there are insufficient funds for this purchase in the current budget; and

WHEREAS: There are funds available in another 2023 Capital Budget line; and

WHEREAS: Legislative approval is needed to amend 2023 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H1620.520994.BG001	Truck Wash Building	\$120,000.00
To: H5130.521908	Tandem Axle Truck	\$120,000.00

Legislator Standinger spoke. “Commissioner of Public Works, Gary Hammond, has taken a lot of time and effort to discover this mechanism to prolong the life of the trucks and I appreciate his effort. Trucks last a lot longer with these stainless-steel boxes and they do not rust, so the trucks have a better useful life. That is going above and beyond by searching this out.”

## ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 131-23      *APPOINT SECRETARY TO THE  
1<sup>ST</sup> ASSISTANT COUNTY ATTORNEY  
LAW DEPARTMENT*

WHEREAS: Legislative approval is required for any appointments made to a Management/Confidential position; and

WHEREAS: Due to the announced retirement of the current Secretary to the 1<sup>st</sup> Assistant County Attorney as of March 31, 2023, the County Attorney has implemented a succession plan which includes the current Secretary to the 1<sup>st</sup> Assistant County Attorney training her replacement for a period of time in order to transition duties; and

WHEREAS: Resolution 86-23 was passed temporarily increasing the County Attorney's authorized full-time headcount to recruit and train said replacement and to offer the employee benefits; and

WHEREAS: The 1<sup>st</sup> Assistant County Attorney has recruited for a replacement and after interviewing a satisfactory candidate has been identified; therefore be it

RESOLVED: That the County Attorney is hereby authorized to provisionally appoint Erin Riddle to the title of Secretary to the 1<sup>st</sup> Assistant County Attorney retroactive to March 13, 2023, pending successful completion of the of civil service requirements at an annual Management/Confidential salary of \$48,310.00.

## ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 132-23      *AUTHORIZE BACKFILL PART-TIME  
ASSISTANT FIRE COORDINATOR  
EMERGENCY SERVICES*

WHEREAS: Tioga County Emergency Services has a need to backfill an Assistant Fire Coordinator (PT) position, which has been vacant since June 2020; and

WHEREAS: The Emergency Services Director has identified a qualified candidate who has been found to meet the qualifications of the Assistant Fire Coordinator (PT) classification; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the appointment of Curtis Hammond to fill the vacant 17 hr/wk Assistant Fire Coordinator (PT) position effective March 15, 2023 at an annual salary of \$13,260.

Legislator Standinger spoke. "This is a long-time coming. We had the EMS Ambulance Study done and it suggested we have an individual responsible for the medical end of Emergency Services. This is the result of that study and the suggestion made."

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 133-23 *CREATE AND FILL TWO (2)  
HIGHWAY WORKER (SEASONAL) POSITIONS  
PUBLIC WORKS*

WHEREAS: There will be a need for the Highway Department to employ two (2) Highway Workers (Seasonal) for 2023; and

WHEREAS: The Commissioner of Public Works has budgeted money to cover expenditures of such employment; therefore be it

RESOLVED: That the Commissioner of Public Works is hereby authorized to create and fill two (2) temporary full-time Highway Worker (Seasonal) positions effective April 10, 2023 through October 6, 2023 at an hourly rate of \$14.86 (equivalent to CSEA Grade 9), not to exceed \$20,000.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 134-23 *AUTHORIZATION TO ABOLISH ONE VACANT  
COMMUNICATION e-SERVICES COORDINATOR  
POSITION, CREATE AND FILL ONE DIRECTOR OF  
PATIENT SERVICES POSITION  
PUBLIC HEALTH*

WHEREAS: Legislative approval is required to abolish and create positions within Tioga County; and

WHEREAS: The Public Health Department has reviewed the organizational structure of the Department and would like to make improvements; and

WHEREAS: The Interim Public Health Director has determined that the return of a Director of Patient Services position to oversee all programs with patients is the most appropriate and worked with the Personnel Department toward this. The return of the Director of Patient Services position should also improve the recruitment of a qualified nurse in the position; and

WHEREAS: The Board of Health agrees with this strategy; and

WHEREAS: The Director of Patient Services position in the Public Health Department was abolished in 2014 via Resolution #190-14; and

WHEREAS: The funding of the position will be covered by the abolished Communications e-Services Coordinator position and additional savings from other 2023 vacancies. Future funding of the position will come from additional State Aid awarded to Public Health; therefore be it

RESOLVED: That one vacant Management/Confidential position of Communication and e-Services Coordinator (\$46,567 - \$56,567) be abolished effective close of business March 14, 2023; and be it further

RESOLVED: That one Management/Confidential position of Director of Patient Services (\$68,186 - \$78,186) be created and approved to fill effective March 15, 2023.

#### ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

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. 135-23 *AUTHORIZE SALARY ABOVE CSEA BASE (DSS)*

WHEREAS: Legislative approval is required to hire above the established CSEA salary base; and

WHEREAS: The Commissioner of Social Services appointed Jennifer Park as a Caseworker (CSEA SG XI, \$47,516 – 48,516) at an annual salary of \$47,516 on February 27, 2023; and

WHEREAS: Jennifer Park has five years of prior relevant work experience; therefore be it

RESOLVED: That Jennifer Park is hereby appointed to the title of Caseworker at \$48,516/year (increment stage 2) retroactive to February 27, 2023; and be it further

RESOLVED: That Jennifer Park will be eligible for an increment upon completion of her seventh year of service.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 136-23 *APPROVE SALARY ABOVE HIRING BASE  
DEPUTY SHERIFF POSITION  
SHERIFF'S OFFICE*

WHEREAS: Resolution 211-99 requires Legislative approval for any appointments made above an established base salary amount; and

WHEREAS: As of March 3<sup>rd</sup>, 2023, there is one full-time Deputy Sheriff position vacant; and

WHEREAS: In order to maintain adequate staffing levels for the Road Patrol Division, the Sheriff has an immediate need to backfill said position; and

WHEREAS: The Sheriff has received approval from the Tioga County Law Enforcement Association to hire a new Deputy Sheriff, who has over three years of police experience, at an annual salary rate reflecting three years of experience per the current union contract, or \$61,290; and

WHEREAS: Caleb Scepaniak, a transfer candidate with over 3 years of Police Officer experience, has applied and has been found both eligible and willing to accept a transfer from the Binghamton Police Department to a Deputy Sheriff vacancy in Tioga County; therefore be it

RESOLVED: That the Sheriff is hereby authorized to backfill the vacant, full-time Deputy Sheriff position with Caleb Scepaniak at an annual salary of \$61,290 effective April 10, 2023.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 137-23      *AMEND EMPLOYEE HANDBOOK:  
SECTION III. FINANCIAL RULES,  
SUBSECTION E. GRANTS PROCEDURE*

WHEREAS: Section III. Financial Rules, Subsection E. Grants Procedure Policy in the Employee Handbook is the original policy and is in need of revision for further clarification and up-to-date information; and

WHEREAS: This policy revision will incorporate current practices approved by the Legislature, as well as ensure compliance with the County's Munis Financial Management Accounting System as defined by the County; therefore be it

RESOLVED: That Section III. Financial Rules, Subsection E. Grants Procedure Policy is hereby amended in its entirety.

**e. GRANTS PROCEDURE  
(FORMERLY POLICY #47)**

**TIOGA COUNTY GRANTS PROCEDURE POLICY**

**PURPOSE:**

This policy is designed to outline the process for grant application, notification, award, and administration of funding to ensure compliance with Federal, State, County, and Local requirements.

**DEFINITIONS:**

**Grant Notification** – Document provided to participant stating grant has been awarded.

**Grant** – Funding issued from various governmental and institutional sources, including State and Federal pass-through funds by way of application and award process for a specific purpose.

**Cash Match** – A percentage of funds (Federal, State, County, or Local) required to offset the grant award.

**APPLICATIONS:**

All grant applications written for the County and/or by the County on behalf of a municipality or entity require a resolution and Chair of the Legislature signature including:

- Matching cash and/or in-kind contribution coming from the County.
- Grant source requires approval from governing body and/or signature from the Chief Elected Official, including contract/agreement execution.
- Resolution and application must be reviewed and approved by County Attorney prior to Legislature adoption and before obtaining Chair of the Legislature signature.
- Retroactive resolutions are permissible providing the timing of the grant announcement and the grant submission deadline is a short turnaround

and does not fall with the timeframe of the Legislative meetings. In this case, Department Heads are required to obtain Chair of the Legislature AND Legislative Standing Committee Chair approval to proceed with the application and present the resolution at the next available Legislature meeting.

Resolution must include:

- Project/Grant description, expected outcome benefit to the County, listing of all grant subrecipients and their obligations and in accordance with the County's current Strategic Plan.
- Total project/grant budget and the project/grant term.
- Required cash match or in-kind contribution (if applicable) and identification of cash match and in-kind sources.
- If County cash match, account number must be included in the RESOLVED statement.
- If County in-kind contribution, the position, equipment, office space, etc. involved and value thereof.
- If the term of the project/grant extends past the current year, an additional RESOLVED statement must be included to carry forward the remaining unspent funds.

*\*All this must be done before any grant application is submitted by its due date.*

#### **ACCEPTANCE:**

If a grant involves a cash match or in-kind contribution:

- Resolution of acceptance is required by the Legislature to establish appropriate accounts for all County grants. Contact the Budget Officer or Chief Accountant in the Treasurer's Office to get (if new) or verify account numbers that must be included in the RESOLVED statement of the resolution.
- If a grant is awarded on behalf of a municipality or entity, resolution must list all subrecipients and any and all obligations on behalf of the County and authorization to execute a contract or agreement with the grantor.
- Acceptance contract must be reviewed and approved by County Attorney before Chair of the Legislature signature and must include all requested supporting documentation.
- Departments cannot order goods or render services until grant award is appropriated by resolution. Departments are required to follow the County's Purchasing and Procurement Policy, as well as any other fiscal requirements identified in the grant to ensure compliance.

If no cash award is involved:

- Department Head can sign grant acceptance paperwork, unless otherwise specified by the grant source, but still must follow the resolution requirement for all in-kind service and review by the County Attorney prior to presentation of resolution for Legislature consideration.

#### **ACCOUNTING:**

- All approved grants are required to be entered in Munis Contracts Module (Contract Entry) with all supporting documentation, including authorizing resolution.
- All approved grants are required to be submitted to the Budget Officer/Chief Accountant noting the following information: grant period, grant identification number, claiming periods and formulas (i.e. advance request or reimbursement).
- The Budget Officer/Chief Accountant will assign all new grant account numbers, therefore, any resolutions pertaining to grants must follow the resolution protocol of submission to the Legislative Clerk, who in turn, will send to the Budget Officer and Chief Accountant for review and then to the Legislature and County Attorney. This must be done prior to Department Heads presenting the resolution to their respective Legislative Standing Committee for consideration and adoption at a Legislative meeting.
- When claiming reimbursement or requesting a draw down, the paperwork should be submitted to the Treasurer's Office to be signed. All claims should be entered into Munis as a general bill and the signed claim attached. Claims that do not require the Treasurer's Office signature need to be attached in Munis to the general bill.
- All funds are to be payable to the Tioga County Treasurer, not the individual Department. When funds are received either by check or electronically, the Department is responsible for entering in Munis.
- When a grant is covering all or a portion of an employee's salary, a memo must be written, signed by the employee's supervisor, and sent to the Department that is the source of the grant funds with a copy to the Treasurer's Office and must include the following information:
  - The name of the employee(s).
  - The hourly rate, hours worked, and total dollar amount to be charged.
  - The grant account or other account number the payment is to be made.
  - The two Departments/parties involved will mutually determine periodic intervals in which charge-back requests will be sent to the Treasurer's Office for processing.

**REPORTING:**

- Departments are responsible for communicating grant updates to their Legislative Standing Committee.
- Any requested periodic progress reports may be signed by the Department Head, unless otherwise specified by the grant source (i.e., Chief Elected Official signature).
- All accounting procedures listed in the above section must be followed for any reimbursement or draw down request associated with a progress or final report.
- After the grant is closed out, Departments must provide an update at their Legislative Standing Committee and to be noted in the minutes on how the grant benefited the County and how it forwarded the implementation of the County's current Strategic Plan.

**ROLL CALL VOTE**

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

**RESOLUTION ADOPTED.**

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 138-23 AMEND EMPLOYEE HANDBOOK:  
SECTION IV. PERSONNEL RULES;  
SUBSECTION V. LEAVE TIME

WHEREAS: Resolution 95-23 adopted on February 14, 2023 amended Section IV. Personnel Rules: Subsection V. Leave Time with the revision of Paragraph C. and the addition of Paragraphs E. and F.; and

WHEREAS: The paid and unpaid leave time benefit referenced in each of these paragraphs specifically states all County employees (full-time, temporary, or permanent) are allowed up to a certain number of hours of paid and unpaid leave time; and

WHEREAS: Since all County employees are allowed the paid and unpaid leave time referenced, it is not necessary to specify employment status (full-time, temporary, or permanent), therefore, the wording of "full-time, temporary, or permanent" will be removed from Subsection V. Leave Time, Paragraphs C., E., and F.; therefore be it

RESOLVED: That Section IV., Personnel Rules, Subsection V. Leave Time, Paragraph C. related to cancer screening is hereby amended to read as follows:

- C. In accordance with Section 159-b of the Civil Service Law (amended as of March 18, 2018, all County employees are allowed up to four (4) hours of paid leave time per calendar year annually for cancer screening(s). Leave time for cancer screening(s) is not cumulative and expires at the close of business on the last day of each calendar year. Travel time to and from the screening(s) is included in the four hours. Absence beyond the four hours must be charged to other leave time. Employees who undergo the screening(s) outside their regular work schedule do so on their own time. Employees are not granted compensatory time off for cancer screening(s) that occur on days off or holidays. Employees are required to provide satisfactory medical documentation that their absence was for the purpose of screening for cancer. The documentation should be attached to the employee's time sheet or presented to the Department Head.

And be it further

RESOLVED: That Section IV., Personnel Rules, Subsection V. Leave Time, Paragraph E. related to blood work donation is hereby amended to read as follows:

- E. In accordance with Section 202-j of the New York State Labor Law all County employees are allowed up to three (3) hours of unpaid leave time per calendar year annually for the purpose of donating blood. Leave time for blood donation(s) is not cumulative and expires on the last day of each calendar year. Travel time to and from blood donation sites is included in the three hours. Leave taken by employees at a county-designated donation alternative (such as an employer-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, or other leave time. Employees are required to give reasonable notice of at least three working days prior to the day of their intended use of leave time. Documentation should be attached to the employee's time sheet or presented to the Department Head.

And be it further

RESOLVED: That Section IV., Personnel Rules, Subsection V. Leave time, Paragraph F. related to bone marrow donation is hereby amended to read as follows:

- F. In accordance with Section 202-a of the New York State Labor Law all County employees are allowed unpaid leaves of absence to undergo a medical procedure to donate bone marrow. The length and duration of leave must be determined by a physician, but the combined leaves may not exceed twenty-four (24) hours per each request for the purpose of donating bone marrow, unless agreed to by the Department Head. This leave is available only to the extent that it conflicts with the employee's work schedule. Leave may be taken in increments of either full or partial days, and may include any necessary travel time, medical testing, or further procedures to determine bone marrow compatibility, medical procedure, and recovery time. Employees must provide suitable verification from a physician regarding the purpose and length of each leave. Documentation should be attached to the employee's time sheet or presented to the Department Head.

And be it further

RESOLVED: That the remainder of the Section IV. Personnel Rules: Subsection V. Leave Time Policy remains unchanged.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 139-23      *AMEND EMPLOYEE HANDBOOK:  
SECTION VII. PURCHASING AND PAYMENT POLICY:  
SUBSECTION XII. PROCEDURE TO BE USED WHEN  
COMPETITIVE BIDDING NOT REQUIRED,  
PARAGRAPH B. AND ADDITION OF NEW  
SUBSECTION XVII. SECTION 3 PROCUREMENT  
POLICY*

WHEREAS: The County Attorney has reviewed the Employee Handbook for compliance with State and Federal Law and has identified the need to amend Section VII. Purchasing and Payment Policy, Subsection XII. Procedure to be Used When Complete Bidding Not Required, with the revision of Paragraph B.; and

WHEREAS: The Tioga County Section 3 Plan requires adding Section 3 language to all RFPs, procurement documents, bid offerings; and

WHEREAS: Tioga County does not have Section 3 language in its Purchasing and Payment Policy; and

WHEREAS: The County Attorney has written and proposed new subsection entitled XVII: Section 3 Procurement Policy; therefore be it

RESOLVED: That Section VII. Purchasing and Payment Policy, Subsection XII. Procedure to be Used When Competitive Bidding Not Required, Paragraph B. is hereby amended to read as follows:

- B. In the event procurement is determined to be exempt from competitive bidding and its costs are \$3000.00 and over, the following procedure shall be followed:
  1. At least two (2) proposals or quotations for goods or services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law Section 104-B.
  2. Upon award of a contract, the following shall be entered into the Procurement Log:

- a. The date of procurement;
  - b. The goods or services procured and the cost thereof;
  - c. The basis for the determination that the procurement is exempt from competitive bidding;
  - d. All alternative quotations or proposals secured together with the name of the source of each quotation or proposal.
3. In the event a contract is awarded to other than the lowest dollar offeror, it shall be set forth with justification and reasons such an award furthers the purposes of the County of Tioga's Purchasing and Payment Policy.

And be it further

RESOLVED: That Section VII. Purchasing and Payment Policy is hereby amended with the addition of new Subsection XVII. Section 3 Procurement Policy to read as follows:

**XVII: SECTION 3 PROCUREMENT POLICY**

- A. As part of Awardees' and their Subs' commitment to Section 3, all procurement processes for construction and labor must prioritize the contracting of Section 3 Businesses. Section 3 requirements do not apply to Material Supply Contracts.
- B. All calls for contractors and subcontractors must include this language: "This is a HUD Section 3 Project with contracting priorities for businesses that hire or are owned by low-income persons and/or public housing and Section 8 residents."
- C. Preference in the awarding of contracts shall be given to otherwise qualified Section 3 Businesses and/or businesses that demonstrate a clear commitment and capacity to create economic opportunities for low-income individuals and Section 3 Businesses. Due diligence must be performed to ensure that the contractor and subcontractor do not have any Section 3 violations in their past.
- D. When U.S. Department of Housing and Urban Development funding assistance for construction or rehabilitation projects create a need for new employment, contracting, or training opportunities subject to Section 3 (as defined in 24 CFR § 135.5) requirements, Tioga County shall integrate Section 3 requirements as detailed in Tioga County Section 3 Plan.

And be it further

RESOLVED: That the remainder of the Section VII. Purchasing and Payment Policy remains unchanged.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 140-23      *AMEND EMPLOYEE HANDBOOK:  
ADD NEW POLICY TO NEW SECTION XIII.  
ENTITLED FAIR HOUSING PLAN*

WHEREAS: Tioga County hereby supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law; and

WHEREAS: Tioga County further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by the Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Humans Rights Law; and

WHEREAS: Tioga County does not have its own Fair Housing Plan; and

WHEREAS: The County Attorney has written and proposed new plan entitled Fair Housing Plan; and

WHEREAS: As required by the Community Development Block Grant program, Tioga County needs to adopt a Fair Housing Plan that will promote fair housing and the Fair Housing Law; therefore be it

RESOLVED: That the Tioga County Legislature authorizes adoption and implementation of the Fair Housing Plan for Tioga County; and be it further

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to new Section XIII. entitled Fair Housing Plan.

**Fair Housing Plan  
Tioga County**



**Date: March 14, 2023**

**Adopted by Resolution No. 140-23**

## Fair Housing Plan

Fair Housing Policy.....2

- Non-discrimination Statement.....2

Selection of Fair Housing Officer.....2

Complaint Process.....3

Implementation and Action Steps.....4

Analysis of Impediments.....4

Amendments.....4



### **Tioga County Fair Housing Policy**

Tioga County, including its employees, is committed to following the letter and spirit of the Federal Fair Housing law by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to race, color, religion, sex, handicap, familial status, national origin or other protected status.

Tioga County, including its employees, is also committed to following the letter and spirit of The Fair Housing Act of 1968 and Fair Housing Plan, by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, familial status, and gender identity.

Tioga County is committed to keeping informed about fair housing laws and practices and will not tolerate non-compliance. This commitment will be demonstrated through the general practices of Tioga County and through advertising and the media that everyone is welcome, and no one is excluded. Tioga County will additionally inform our clients and customers about their rights and responsibilities under the fair housing laws.

#### **Non-discrimination Statement**

Tioga County complies with the letter and spirit of the Fair Housing Act, the Fair Housing Act of 1968 state that prohibits housing discrimination to certain persons under each law. No qualified person will be denied housing or otherwise discouraged from obtaining housing at Tioga County because of their status under these laws.

#### **Selection of Fair Housing Officer**

In accordance with Title VIII, Civil Rights Act of 1968, as amended, the Fair Housing Officer below has been designated to handle fair housing complaints and activities:

County Attorney or their designee  
56 Main Street  
Owego, New York 13827  
607-687-8553

The Fair Housing Officer is responsible for the intake and processing of all housing complaints as well as implementation of the Fair Housing Plan activities and actions. While not expected to be an "expert" in Fair Housing Laws, at a minimum the officer will be familiar with the complaint process and federal and state laws, which address Fair Housing. Records will show the date, time, nature of complaint and decisions made, and the complaint process will be fully documented. A separate file will maintain a record of all housing discrimination complaints and follow-up actions.

### **Complaint Process**

Housing discrimination complaint forms such as Forms HUD-903 and HUD-903A (Spanish Version) from HUD, as well as a summary of actions which may constitute housing discrimination, and instructions for completing and filing housing discrimination complaints will be made available to citizens at the Ronald E. Dougherty County Office Building located at 56 Main Street, Owego, New York 13827. Complaints need not be made on official forms to be valid.

Forms will also be distributed to lenders, realtors, and at other public places such as libraries periodically.

The Fair Housing Officer will reasonably assist the complainant in submitting the complaint to the appropriate body by providing assistance in explaining the form and/or contacting the appropriate office and allowing the use of county phones for communication.

The individual(s) filing the complaint will then be advised of the option of filing directly with the U.S. Department of Housing and Urban Development (HUD) within one year after the alleged violation, The Connecticut Commission on Human Rights and Opportunities (CHRO) by filing a notarized complaint within 180 days of the alleged violation, or the Equal Employment Opportunity Commission or with all agencies simultaneously. The individual should also be advised of the option of filing suit at their expense in Federal District Court or State Court within two years of the alleged violation. The individual should be further advised that if they cannot afford an attorney, the Court may appoint one and that a suit may be commenced even after filing a complaint, if the individual has not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual punitive damages and attorney's fees and costs.

### **Implementation and Action Steps**

Tioga County will take specific action steps and implantation activities over the next three-year period following the guidelines provided by the Department of Housing.

1. Tioga County will adopt annually a Fair Housing Policy Statement and a Fair Housing Resolution as an indication of its commitment to Fair Housing Month during the month of April.
2. Tioga County will display its fair housing policies/procedures and ADA policies and grievance procedure on its website.
3. Tioga County will display Fair Housing posters identifying the County's Fair Housing Office, title, address, email, and phone number in prominent locations. In addition, fair housing information will be distributed outside of traditional municipal locations including local realtors and banks.
4. All advertising of residential real estate owned by Tioga County for sale, rent or financing will contain the Fair Housing logo, equal opportunity slogan as a means of educating the home seeking public that the property is available to all persons without regard to race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, familial status, and gender identity, or lawful source of income. All bid advertisements by Tioga County sponsored programs must include the phrase "Equal Opportunity/Affirmative Action Employer." The type of logo, statement or slogan will depend on the type of media being used (visual or auditory). All logos/statements must appear at the end of the advertisement.

### **Analysis of Impediments**

Tioga County will cooperate and assist the state with its periodic Analysis of Impediments and conduct a review of policies, practices and procedures that affect the availability and accessibility of housing.

### **Amendments**

Tioga County shall amend and revise this Plan as required to keep current with state/federal affirmative action and equal opportunity policies and procedures and local actions and activities to further the purposes of this Plan.

#### **ROLL CALL VOTE**

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Monell made a motion to bring forth one late-file resolution for Legislature consideration, seconded by Legislator Brown. Motion carried.

Legislator Standinger moved for the adoption of the following late-file resolution, seconded by Legislator Brown.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 141-23      *CREATE PART-TIME SPEECH LANGUAGE  
PATHOLOGIST; INCREASE PART-TIME HEADCOUNT  
PUBLIC HEALTH*

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

WHEREAS: Tioga County, like nearly all upstate NYS counties, has had a shortage of Speech Language Pathologists (SLP) for the Early Childhood programs for years; and

WHEREAS: In an attempt to reduce this issue, TCPH has determined that a part-time SLP would be beneficial to the Children Services programs; and

WHEREAS: TCPH presented this idea with the Health & Human Services Committee throughout 2022, included in their 2023 budget request and met with Personnel to develop the position description; and

WHEREAS: The part-time SLP is included in the Approved County Budget, yet requires separate approval to Create; therefore be it

RESOLVED: That one part-time Speech Language Pathologist shall be created effective Mach 15, 2023, at an hourly rate of \$42.00; and be it further

RESOLVED: That the authorized part-time headcount for Tioga County Public Health shall increase from 6 to 7.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Monell motioned to adjourn, seconded by Legislator Ciotoli.  
Meeting was adjourned at 12:48 P.M.