

Eighth Regular Meeting
August 15, 2006

The Eighth Regular Meeting of 2006 was called to order by the Chair at 1:33 P.M. Eight Legislative Members were present, Legislator Quinlan being absent.

The Chair asked Legislator Sauerbrey to have a moment of prayer.

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

There were 12 people in attendance.

Jodi Stone had privilege of the floor along with Susan Barker. “We are here to discuss the Carson and Barnes Circus that is coming to Owego. This circus has been sited for numerous counts of animal abuse and nobody seems to want to do anything about it so we are here today to speak to you about some of the things they are violating. We are hoping to get passed some kind of legislation to ban the use of bullhooks in Tioga County. What they are is a big metal stick and then on the end is a sharp hook. What circus trainers use these for is to viciously train elephants into performing for them. I think the Legislature received a letter from PETA and I am just going to read a little bit of that.

“It says the use of bullhooks results in pain, suffering, and trauma including lacerations, puncture wounds, swelling, and abscesses. Although elephants’ skin appears tough, it is actually so sensitive that elephants can feel the pain of an insect bite. Trainers embed the sharp hooks into the elephants skin and soft tissue areas, which they then cover up with wonder dust so nobody can see it. Bullhook abuse is routine at circuses and other facilities that continue to use this barbaric instrument, but penalties are rare. Elephants will not be afforded more humane care until communities prohibit these cruel devices.

“An elephant’s ability to feel pain as well as sorrow, joy, and happiness rivals our own. In circuses every instinct is subject to discipline. Elephants who reach for a blade of grass, try to comfort a friend, or extend their trunks to smell something new suffer a painful blow from a bullhook. A fumbled trick during the show results in a beating. Elephants in circuses live a sad life of punishment and confinement.

“What we are here to ask you to do is to pass legislation approving, and I know it will not happen today, to ban the use of this in Tioga County. The video that we just handed out is available at our studio, that is the video of Carson and Barnes.”

Chris Bonner had privilege of the floor. "You know when I was growing up we had a flood in Owego, you know. They tell me the Quikfill down there the water was up to the pumps. Now I have been coming up here since 1958 and I could see as I came from New York City to the various creeks and rivers that the men use to be out there with their bulldozers. They were out there with cranes, right here in Tioga County. I seen them right up here on the creek on Halsey Valley Road. They were up there with bulldozers bulldozing the roads. They were putting stone in there to keep the banks from washing out. I also noticed that they have not been around for quite a number of years. Nobody has been touching them. A lot of the local Supervisors up in the hill country have been digging these ditches and they have been digging them out deep. If you do not know that area in the wintertime and it is snowed in and you try to go up that road you are going to turn over. I have seen it happen in Sullivan County.

"What I am trying to say is this, for every action there is a reaction. First of all the DEC says it is their job and the County is not responsible. Our road supervisors are not responsible for this anymore. It is like the old fish game you know, let the other guy do it. To many cooks spoil the broth. You ever hear of that one. There are too many supervisors and not enough Indians. It is terrible man. This is what I believe caused this flood.

"Now we do not need to go out there and panic. Waverly there they would love to get that gravel out of there. If you look you are going to see the mounds in your rivers. Just take a ride by in the hill country and see all across sluice pipes that are in there. For what purpose. To take the water off of it in the fastest possible time. That is okay. I can see that, but when you are flooding the people down below, then hey you got to slow the water down. It has got to be stopped and don't worry about the crab or the organisms that is out there in that streambed. They will come back. There is too much of this here environmental stuff today. The earth is burning. It is not. It is cooling. Did you ever notice there when it was over 90/99 degrees. Hey great. Everybody was saying we are burning up. We had a week of cold weather here, cold temperatures. Did anybody even say hey we got a freeze coming. The earth is going to freeze. No. The earth is coming and it is going to get hot and it is going to get cold, and that is the way it has been and that is the way it is going to be, and man is not doing it."

Joe Albrecht had privilege of the floor. "Thank you very much for the opportunity to come back and address at least one issue I have presented before and that is tax abatement for residents. It takes on new meaning in that Broome County had a request I believe for individual housing tax abatements. This is for private residences. I do not know where this whole thing leads, but if tax abatements become a bigger issue I think communication among Legislative bodies and management bodies such as the IDA becomes imperative. Along these lines I would suggest very strongly that those people who are seeking tax abatement also provide

economic impact statements for redemption of loss of revenue through governmental entities such as the Legislative Board for communication.

“The second thing has to do with gas leases and years ago I read an article in the Time Magazine or US News, a little report that indicated that gas that is accompanying natural gas is a lot more valuable than natural gas itself. Since the State issued strictly hydrocarbon leases when they initially advertised for it, no consideration was given for other gases that may accompany natural gas and our resources are being removed. I think it should be considered. Gas companies have told me in the past that they do not have a unit to remove these gases from the natural gases and my thought on that is if you buy a t-bone steak you bought the bone, I do not care what you do with it, but you are going to pay for the bone.

“The third thing that I would like to suggest and this is strictly a suggestion. Relative to gas leases I had a service man doing my furnace and he had relatives who were involved in a gas lease. They received notification that the well they had put in, it is not lockdown, but whatever it is they shut it down and it is not producing. Unfortunately for the production company someone managed in some way or other to check the measuring device and it had changed position which means something is going on. Ultimately it was found that the well was still producing gas and the owners were reimbursed for gas that had been taken out. Now it could be very simple and highly effective if the production companies and the owners could get together and at least attempt to work together to read the metering devices so that the meters or gauges or whatever they are had an agreed upon time on a regular basis because if you can develop trust you develop cooperation. If you develop cooperation you avoid the need for further legislation demanding people to do what they have to do under the threat of penalty. My point is if the production company and the owners could get together and agree, just simply agree, they do not have to do it, just agree, to allow this to happen I think a whole lot of positive could happen from it. Thank you very much.”

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		826.92
A1165	District Attorney		2,007.65
A1170	Public Defender		3,314.99
A1172	Assigned Counsel		12,179.19
A1185	Medical Examiners/Coroners		1,857.27
A1325	Treasurer		494.66
A1355	Assessments		351.00
A1410	County Clerk		948.15
A1411	Department of Motor Vehicles		140.00
A1420	Law		187.45

A1430	Personnel		748.00
A1450	Elections		1,750.31
A1460.41	Records Management		963.16
A1490	Public Works Administration		855.63
A1620	Buildings		64,865.44
A1680	Information Technology		4,658.47
A2960	Education of Handicapped Children		142,969.44
A3020	Public Safety Comm E911 System	956.75	3,135.70
3021	Enhanced Wireless 911	104,699.00	
A3110	Sheriff	764.48	22,851.76
A3110.41	Sheriff-Court Attendants		1,085.15
A3140	Probation		1,129.44
A3150	Jail Annex		37,641.97
A3315	Special Traffic		152.00
A3410	Fire		1,588.98
A3640	Emergency Management Office		188.42
A3641	Emergency Mgmt Office Grant	860.00	69.20
A3649	Fire WMD Grant	17,005.48	
A4010	Public Health Nursing		30,701.39
A4011	Public Health Administration		6,786.43
A4012	Public Health Education		104.90
A4042	Rabies Control		786.03
A4044	Early Intervention	85.45	44,496.75
A4053	Preventive/Primary Health Services		288.26
A4054	Preventive Dental Services		1,334.50
A4062	Lead Poisoning Program		40.00
A4064	Managed Care-Dental Services		12,918.06
A4070	Disease Control		2,104.40
A4090	Environmental Health	839.88	5,803.23
A4210	Alcohol and Drug Services		7,939.01
A4309	Mental Hygiene Co Admin		6,004.54
A4310	Mental Health Clinic		45,950.23
A4311	Rehabilitation Support Services		26,822.75
A4315	Mental Retardation		14,018.47
A4320	Crisis Intervention Services		34,358.59
A4321	Intensive Case Management		1,599.40
A4333	Psycho Social Club		26,670.25
A4356	Treatment-Alternatives Program		62.14
A6010	Social Services Administration		55,187.63
A6422	Economic Development		961.65
A6610	Sealer Weights and Measures		358.65
A8020	Planning		546.83
SOLID WASTE FUND			52,865.55
COUNTY ROAD FUND			41,187.78

SPECIAL GRANT FUND	134.05
LIABILITY INSURANCE	239.59
CAPITAL FUND	<u>380,236.77</u>
 GRAND TOTAL	 \$ 1,232,679.22

Legislator Roberts made a motion to approve the minutes of July 11 and 26, 2006, seconded by Legislator Huttleston and carried.

Legislator Sauerbrey made a motion to untable the resolution tabled at the July 11, 2006 Legislative meeting, seconded by Legislator Huttleston and carried.

REFERRED TO: PERSONNEL COMMITTEE

**RESOLUTION NO. –06 AMEND COUNTY POLICY #3
ORIENTATION, EXIT INTERVIEWS,
RECRUITMENT (PERSONNEL DEPT.)**

Adoption moved by Legislator
seconded by Legislator

WHEREAS: A sub-committee has been reviewing the Exit Interview process in its entirety; and

WHEREAS: Said committee has decided changes are necessary in order to streamline the process and make the program more effective; and

WHEREAS: County Policy #3, Section II outlines this program; therefore be it

RESOLVED: That County Policy #3, Section IIB is hereby amended to read as follows:

- B. All other staff who have submitted notice of resignation or retirement:**
 - 1. An Exit Interview Form shall be sent to the employee by the Personnel Department. The employee will be asked to complete the form and return it to Personnel. The form will contain an area for the employee to indicate who may access the information provided.**
 - 2. The employee may request an in-person interview, if they choose, with the Personnel Officer.**
 - 3. All information shall be kept on file in the Personnel Department.**

Legislator Penney made a motion to retable the above resolution, seconded by Legislator Harrington and on roll call vote to table, eight members voted Aye, Legislator Quinlan being absent, and the motion to table was carried.

Legislator Huttleston made a motion to untable the resolution tabled at the July 11, 2006 Legislative meeting, seconded by Legislator Weston and carried.

**REFERRED TO: PERSONNEL COMMITTEE
HEALTH & HUMAN SERVICES COMMITTEE**

**RESOLUTION NO. -06 CREATE & FILL POSITION
(HEALTH & HUMAN SERVICES)**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: In 2003, the position of Mail Clerk was eliminated from the Tioga County Budget and since that time various County employees as well as an Experience Works person have shared in performing the work; and

WHEREAS: The Experience Works Program is reducing the number of hours its participants may work; and

WHEREAS: The three Health & Human Services Departments believe it would be more efficient for one employee to perform these duties on a full-time basis than several employees sharing the responsibility; therefore be it

RESOLVED: That one full-time position of Mail Clerk (Salary Grade 3: \$18,417-\$19,017) is hereby created with authorization to fill effective July 12, 2006; and be it further

RESOLVED: That although Public Health shall have the authority to appoint and shall be responsible for reporting and tracking payroll and leave time, the three Health & Human Services Departments shall share the cost of salary and fringes in equal thirds, and be it further

RESOLVED: That the following accounts shall be charged as noted above:

Social Services Account	A6010.10-10
Mental Hygiene Account	4309.10-10
Public Health Account	A4011.10-10

Legislator Huttleston made a motion to withdrawn the above resolution, seconded by Legislator Oberbeck and on roll call vote to withdraw the above resolution eight members voted Aye, Legislator Quinlan being absent, and the motion to withdraw was carried.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 186-06

***ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY***

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Weston.**

WHEREAS: An application for Refund of Real Property Taxes indicates that the \$123,000 assessed value on property no. 353, assessed to Daniel G. Peabody and Roxonne Romano on the 2006 tax roll of the Town of Newark Valley, is erroneous, in that taxes should have been based on an assessment of \$61,100; and

WHEREAS: That the tax on property no. 353 was paid to the Town of Newark Valley Tax Collector on 05/31/06; be it therefore

RESOLVED: That a refund of \$2,871.44 be issued to Daniel G. Peabody and Roxonne Romano for overpayment of 2006 taxes; and be it further

RESOLVED: That the erroneous town tax of \$266.92 be charged back to the Town of Newark Valley and the erroneous fire tax of \$71.47 be charged back to the Newark Valley Fire District, said taxes to be levied and collected on the next tax roll and, when collected, paid to the County Treasurer in satisfaction thereof; and be it further

RESOLVED: That the erroneous school tax and interest of \$1,732.65 be charged back to the Newark Valley Central School District to be deducted by the County Treasurer from any money which shall become payable by him to said district by reason of taxes hereafter returned to him by said district; and be it further

RESOLVED: That the erroneous solid waste tax of \$17.71 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax and penalty of \$782.69 be charged to the proper accounts in the records of the County Treasurer.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 187-06 *ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Harrington.

WHEREAS: An application for corrected tax roll indicates that the \$200 taxable value on property no. 584, assessed to Harold C. and Anna Jean Carr on the 2006 tax roll for the Town of Candor, is erroneous in that the taxable value should be \$0, the property was included in the petition of property foreclosure filed on 12/08/06 and should be therefore exempt for Town and County Tax purpose only; be it therefore

RESOLVED: That the erroneous town tax of \$14.03 be charged back to the Town of Candor and the erroneous fire tax of \$3.45 be charged back to the Candor Fire District, said taxes to be levied and collected on the next tax roll and, when collected, paid to the County treasurer in satisfaction thereof; and be it further

RESOLVED: That the erroneous solid waste tax of \$0.55 be charged back to the solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax and penalty of \$27.82 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 188-06 *AUTHORIZE SALE OF LINDA HARRIS &
ADA RENTAS PROPERTY LOCATED IN
THE TOWN OF SPENCER, TO DANIEL W.
KOCIENDA AND AUTHORIZE EXECUTION
OF DEEDS*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Weston.

WHEREAS: Property located in the Town of Spencer, assessed to Linda Harris & Ada Rentas, identified as tax map # 80.00-1-28, parcel #672, was foreclosed on by the Tioga County on June 1, 2006, for failure to pay their real property taxes for the years 2004-2006; and

WHEREAS: Daniel W. Kocienda, has agreed to purchase the property from Tioga County for \$1,700.00, be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$1,700.00 and recording costs a Quit Claim Deed conveying the property assessed to Linda Harris & Ada Rentas, located in the Town of Spencer, identified on the Town of Spencer, tax map as # 80.00-1-28, parcel # 672 to Daniel W. Kocienda, or his assigns.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 189-06 *ACCEPT AUCTION BIDS FOR COUNTY OWNED PROPERTY ACQUIRED FOR TAXES, AUTHORIZE EXECUTION OF DEEDS*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Harrington.

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Nichols, Owego, Richford, Spencer and Tioga were offered for sale at Public Auction conducted August 3, 2006 by the County Treasurer; and

WHEREAS: It is the intent of the Legislature to return the properties to the Tax Rolls as soon as possible, therefore be it

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Town of Barton:</u> <u>Prior Owner-Tax Map #</u>	<u>Purchaser</u>	<u>Bid</u>
Barry, Thomas & Janet; 166.15-1-68	Hassin Kazan	\$ 23,500.00
Krupa, Peter H & Vina M.; 166.19-4-31	Cornerstone Builders	13,500.00
Lahnum, Clyde; 166.20-2-15	Sally Woodruff	27,000.00

Town of Candor

<u>Prior Owner-Tax Map #</u>		
Carr, Harold & Anna Jean; 70.00-1-21.10	Alfred Hinchcliffe	950.00

Town of Newark Valley

<u>Prior Owner; Tax Map #</u>		
Sherry, Stanley & Deborah; 64.19-1-10	Rex Barden Robert G. Hollenback	25,000.00
Roess, Richard G.; 64.15-3-52	Jeanine Sherman-Komar	175.00
Murphy, John W.-9 lots 75.18-1-25.10/75.18-1-72/75.18-1-78/75.18-1-80/75.18-1-81/ 75.18-1-82/75.18-1-83/75.18-1-84/75.18-1-85	N.R.L.L. East LLC	37,000.00

<u>Town of Nichols</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Prior Owner; Tax Map #</u>		
Cormier, Alan R. & Linda C., 170.00-1-30.20	Roger N. Cook	\$ 7,900.00
Keir, Scott D. & Darla J., 159.19-1-3.40	Jacobson's Steel Works	10,250.00

<u>Town of Owego</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Prior Owner; Tax Map #</u>		
Torrey, Randall W.; 118.00-1-20	Richard & William Halstead	\$2,800.00
Celeste, Micheal J.; 129.00-2-31	Richard McCann	800.00
Van Patten, Walter & Marie; 131.18-1-4.1	Richard McCann	4,800.00
Goodwin, Lee & Tina; 128.08-7-73	Jacobson's Steel Works	8,250.00
Harris, Gail L.; 118.17-1-15	Jacobson's Steel Works	10,000.00
Warner, Esther R.; 142.14-2-19	Micheal Liberty	20,000.00
Griffin, Joshua; 175.00-2-55/175.00-2-56	Mario P. Nunes	30,000.00
Schroer, Deborah; 141.07-2-13	N.R.L.L. East LLC	7,100.00
Slocum, Ronald J. & Cheryl A.; 153.11-1-9	Brian E. Vail	16,000.00

Town of Richford

Prior Owner; Tax Map #

Palmer, Floyd James III; 16.00-1-6	Margaret J. Gehm	2,000.00
Clark, Frank R. & Christine M.; 11.14-1-33	Kerry E. Mueller	400.00

Town of Spencer

Prior Owner; Tax Map #

Bacharach, David & Karen; 79.00-1-34	Mary E. Wilson	41,000.00
Sheren, Harry & Grace; 81.00-2-3	Craig B. Valarie Kranz	6,200.00

Town of Tioga

Prior Owner; Tax Map #

County of Tioga; 104.00-1-26	Neil C. & Louise R. Hall	18,000.00
County of Tioga; 138.00-2-8	William O. Shears	1,900.00

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS/CAPITAL PROJECTS, FINANCE/LEGAL

RESOLUTION NO. 190-06 APPROPRIATE FUNDS ROAD MACHINERY CAPITAL

**Adoption moved by Legislator Roberts,
 seconded by Legislator Oberbeck.**

WHEREAS: There was \$121,939 remaining in the 2005 Road Machinery Capital Budget, and

WHEREAS: The purpose of these funds was for the purchase of a tandem truck which was ordered in 2005, and

WHEREAS: There was no purchase order put on the system at the time the truck was ordered, and

WHEREAS: The truck was delivered and paid for in March of 2006, and the funds were remaining in the Capital Projects fund balance at the end of 2005, therefore be it

RESOLVED: That the sum of \$121,939 be appropriated from:

H599 Appropriated Fund Balance \$121,939

To:

H5130.21-908 Road Machinery Capital Equipment \$121,939

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

**PUBLIC WORKS
FINANCE**

RESOLUTION NO. 191-06

***TRANSFER FUNDS FOR
HIGHWAY CAPITAL PROJECTS***

Adoption moved by Legislator Roberts,
seconded by Legislator Oberbeck.

WHEREAS: The Commissioner of Public Works budgeted for 2006 highway projects Oak Hill Rd & Dean Creek Rd; and

WHEREAS: Due to the escalation of 28% on blacktop the projects have gone over budget; therefore be it

RESOLVED: That the total sum of \$100,000 be appropriated for transfer as follows:

Capital Fund

From: H599 Appropriated Capital Fund Balance \$75,000

TO: H2006.01 Dean Creek Road Project \$75,000

Capital Fund

From: H599 Appropriated Capital Fund Balance \$25,000

TO: H2006.02 Oak Hill Rd. Project \$25,000

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE**

**RESOLUTION NO. 192–06 *APPROPRIATION OF FUNDS*
*PUBLIC HEALTH***

**Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.**

**WHEREAS: Tioga County Health Department has been awarded funding for the
Youth
Tobacco Enforcement & Prevention program (ATUPA Grant); and**

**WHEREAS: The plan submitted for Expenditure of these funds has been
approved; and**

**WHEREAS: These expenditures are fully funded with no local share; therefore be
it**

RESOLVED: That funding be appropriated as follows:

From: A3464.00 State Aid-Environmental Health	\$17,883
To: A9950.93 Transfer to Capital-All Other	\$ 4,000
A4090.40-640 Environmental Health	\$13,883
And	
From: H5031.30 Interfund Transfers-All Other	\$ 4,000
To: H4090.21 Environmental Health	\$ 4,000

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE**

**RESOLUTION NO. 193-06 *TRANSFER OF FUNDS*
*PUBLIC HEALTH***

**Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.**

WHEREAS: Tioga County Public Health Department has been awarded funds for the Public Health Preparedness – “Response to BioTerrorism Grant”; and

WHEREAS: The plan submitted for Expenditure of these funds has been approved; and

WHEREAS: The approved plan requires transfer of funds to the correct Department budget lines to meet procurement policy and procedures; and

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

RESOLVED: That appropriated funds be transferred as follows:

From: A4011.40-140 Public Health Admin	\$ 22,000
To: A4011.20-130 Public Health Admin	\$ 10,500
To: A4010.40-640 Public Health Nursing	\$ 2,000
To: 9950.93 Transfer to Capital-All Other	\$ 9,500

And,

From: H5301.30 Interfund Transfer All Other	\$ 9,500
To: H4011.21 Capital Equip Public Health Admin	\$ 9,500

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 194-06 ***AUTHORIZE TO HOLD JOINT
AUCTION WITH BROOME COUNTY***

**Adoption moved by Legislator Roberts,
seconded by Legislator Weston.**

WHEREAS: Broome County has offered Tioga County the ability to rejoin them with a joint auction for surplus property; and

WHEREAS: Broome County has contracted with Mel Manassee & Son Auctioneers for Saturday, September 16, 2006 @ 10:00 AM; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the auction for surplus properties to be held in conjunction with Broome County on Saturday, September 16, 2006 @ 10:00 AM; and be it further

RESOLVED: That the Tioga County’s auction for surplus properties will be held at the Broome County Highway Dept., 47 Thomas St., Binghamton, NY 13901 and at a fee of 8% of the proceeds.

CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 195-06 ***DESIGNATION OF TIOGA COUNTY
TOURISM OFFICE AS AUTHORIZED
TOURISM PROMOTION AGENT
FOR 2006-2007***

**Adoption moved by Legislator Weston,
seconded by Legislator Roberts.**

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

WHEREAS: The State has appropriated funds for this purpose in the 2006-2007 Commerce Department budget; and

WHEREAS: The guidelines for this local assistance program encourage counties to appoint a Tourism Promotion Agency; and

WHEREAS: The Tioga County Tourism Office has been, and currently is, engaged in tourism promotional activities and coordinates with the state in its tourism grants program, therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2006-2007 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -06 DESIGNATE OFFICIAL RADIO STATION

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Oberbeck.

WHEREAS: The residents of Tioga County consistently need to be informed of emergencies and critical information in regards to county emergencies, to include weather and road conditions; therefore be it

RESOLVED: That WEBO 1330 AM radio station owned and operated by David Radigan, located at 57 North Ave., Owego, is hereby designated the official AM radio station for all emergency broadcasts, notices, and other matters pertaining to Tioga County.

Legislator Sauerbrey made a motion to table the above resolution for two months until the October Legislative meeting, seconded by Legislator Oberbeck and on roll call vote to table the above resolution until the October meeting eight Legislators voted Aye, Legislator Quinlan being absent, and the motion to table was carried.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 196-06 CONTRACT AUTHORIZATION – COUNTY OF MONROE AND MONROE COUNTY SHERIFF

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Oberbeck.

WHEREAS: The Rochester Psychiatric Center Forensic Unit provides services at the Rochester Psychiatric Center; and

WHEREAS: Said Forensic Unit has the capability of providing inpatient psychiatric services for Sheriff’s Offices of surrounding counties that have inadequate facilities for treatment of mentally ill inmates; and

WHEREAS: The Monroe County Legislature, by Resolution Number 378 of 2000, adopted on November 14, 2000, authorized the execution of an Intermunicipal Agreement with applicable counties for the performance of the services specified; and,

WHEREAS: An Intermunicipal Agreement has been reviewed and approved in content by the Sheriff’s Office and the County Attorney; therefore be it

RESOLVED: That the Tioga County Legislature authorize the execution of this Intermunicipal Agreement with Monroe County for such services.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO: ED&P COMMITTEE

**RESOLUTION NO. 197-06 *APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD***

**Adoption moved by Legislator Weston,
seconded by Legislator Harrington.**

WHEREAS: The Tioga County Planning Board member representing the Town of Spencer has been vacant since Duane Pelkey resigned in August 2004, and

WHEREAS: The Spencer Town Board has nominated Frank Koehler of the Town of Spencer to fill this seat, therefore be it

RESOLVED: That Frank Koehler be appointed to serve on the Tioga County Planning Board to serve the unexpired term from 8/15/2006 to 12/31/2007.

CARRIED

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 198-06 *RESOLUTION TO REDUCE
CORNELL COOPERATIVE
EXTENSION (CCE)
TIOGA COUNTY RENT*

Adoption moved by Legislator Roberts,
seconded by Legislator Harrington.

WHEREAS: Due to the rising waters on June 27 and 28, 2006 the Department of Information Technology moved the county's computer equipment up one floor into Rooms 107-108, which are rooms rented by Cornell Cooperative Extension of Tioga County; and

WHEREAS: The total square footage of the rooms total 1020 square feet which is 28% of the entire area rented by CCE Tioga; and

WHEREAS: This space houses the kitchen used by CCE educators for the federally funded Food Stamp Nutrition Education and many other programs; and

WHEREAS: The loss of this space substantially reduces the CCE Tioga's work area and decreases monthly revenue from the programs using the space for satellite programs and will impact the in-kind space pledged to current grant funded programs; and

WHEREAS: CCE Tioga is requesting that the County reduce their rent by 40% for the period which the rooms are being used by the County; therefore be it

RESOLVED: That to compensate for the loss of the meeting space, work area, and revenue, the Tioga County Legislature approves that the CCE Board of Directors request to reduce CCE Tioga's rent by 40% for the period which the rooms are being used by the County from 2,688.67 per month to 1,613.20 per month be approved.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 199–06 *AMEND POLICY 11*
*TRAVEL POLICY***

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.**

WHEREAS: Policy 11 for Tioga County sets forth the Travel Policy and Procedures to be followed; and

WHEREAS: The lunch meal reimbursement change to the policy effective July 11, 2006 impacted a collective bargaining agreement[s], which change was determined to be a mandatory negotiation item; and

WHEREAS: The lunch meal reimbursement needs to be re-instated into the policy; and

WHEREAS: For clarification purposes, other meal reimbursement changes were also made to dinner and breakfast reimbursements without any substantive change to the reimbursement; therefore be it

RESOLVED: Section VII. Meal Allowances, subsection B shall state as follows:

B. Day Trips – time limit on meals – Based on GSA rates in effect at the time of travel.

- 1. Meals will be allowed as follows:**
 - a. Breakfast – When the time of departure from home at the beginning of the trip necessarily occurs more than one [1] hour before normal work schedule.**
 - b. Lunch – When the employee is away from his/her office for more than one-half of the employee’s normal work day.**
 - c. Dinner – When the time of return home at the conclusion of a trip necessarily occurs two [2] hours or more after normal work schedule.**

2. Breakfast, Lunch and Dinner under section VII. B. 1. will be reimbursed at an amount not to exceed the GSA rate.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 200-06 *CONTINUATION OF KEITH NICHOLS, MD,
AS PUBLIC HEALTH MEDICAL DIRECTOR*

Adoption moved by Legislator Huttleston,
seconded by Legislator Harrington.

WHEREAS: Tioga County is required to have a Medical Director under contract for the health department; and

WHEREAS: The Medical Director for the health department needs to be approved by the New York State Health Department; and

WHEREAS: Dr. Nichols has been approved by the New York State Health Department since 1986; and

WHEREAS: Dr. Nichols has also agreed to be the Coroner Physician for the Coroner's Office; and

WHEREAS: Dr. Nichols has established a rate to Tioga County for these services at the sum of \$125.00 per hour; therefore be it

RESOLVED: That Dr. Nichols continue to provide services at \$125.00 per hour under contract to the Tioga County Health Department as Medical Director, and as Coroner Physician in the Tioga County Coroner's Office.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 201-06 *RESOLUTION TO PARTICIPATE IN FEMA GRANT
FUNDING FOR FLOOD DISASTER RELATED
CRISIS COUNSELING, FOLLOW UP AND
EDUCATION FOR TIOGA COUNTY RESIDENTS*

Adoption moved by Legislator Huttleston,
seconded by Legislator Weston.

WHEREAS: Tioga County was subjected to a flood disaster that began the week of June 24, 2006; and

WHEREAS: Tioga County suffered considerable damage to homes, businesses, farms, public buildings, and public and private properties as a result of this flood disaster; and

WHEREAS: Over a thousand households presented at the disaster recovery center in Owego to apply for assistance related to the flood; and

WHEREAS: NYS Emergency Management Office (SEMO) estimates there are 2800 individuals in Tioga County in need of crisis counseling services; and

WHEREAS: Tioga County desires to provide the needed crisis counseling services to assist Tioga County residents recover from the psychological affects of this disaster; and

WHEREAS: FEMA has approved a grant entitled “Project Recovery: Crisis Counseling Assistance and Training Program, FEMA 1650-DR-New York” and authorized funding through the New York State Office of Mental Health for four counties, including Tioga County for \$66,171, with the possibility of increase, for the provision of crisis counseling and related services; and

WHEREAS: The FEMA grant funds will be allocated through the NY SEMO to The Research Foundation for Mental Hygiene, Inc. (RFMH); and

WHEREAS: The Research Foundation for Mental Hygiene, Inc. will allocate funds to Tioga County for direct payment by RFMH to the Mental Health Association of The Southern Tier (MHAST) to provide the crisis counseling services to affected Tioga County residents; and

WHEREAS: MHAST will closely coordinate with Tioga County Mental Hygiene and hire staff and incur other expenses related to grant activities in Tioga County that will be submitted to RFMH for reimbursement; and

WHEREAS: Tioga County Mental Hygiene will be required under the conditions of the FEMA grant to review and approve submissions to RFMH by MHAST for reimbursement; and

WHEREAS: NYS OMH will be required under the conditions of the FEMA grant to review and approve submissions by MHAST that have been approved by Tioga County Mental Hygiene; and

WHEREAS: Tioga County will only be financially responsible to RFMH if an approved allocation is subsequently determined by RFMH that the amount approved is in excess of the budgeted expenses or payments were made in conflict with the terms of the grant and grant agreement; and

WHEREAS: Tioga County is required as a condition of the grant to have a contract with Mental Hygiene Association of the Southern Tier, which contract provides that Tioga County's responsibility is limited to oversight of the grant and that Tioga County is not responsible for any payment to MHASt; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to sign a contract with The Mental Health Association of the Southern Tier and the grant agreement with The Research Foundation for Mental Hygiene, Inc. for implementation of this grant.

On roll call vote on the above resolution, seven members voted Aye, Legislator Penney voting no, Legislator Quinlan being absent, and the resolution was adopted.

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 202-06 *CREATE AND FILL SEASONAL
HEAP STAFF POSITIONS
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.

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

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin Outreach in August and full season on November 1, 2006; and

WHEREAS: The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner and one seasonal Typist to staff the HEAP Program; and

WHEREAS: The starting salaries for said positions are \$11.835/hr. (Social Welfare Examiner) and \$9.816/hr. (Typist); and

WHEREAS: The Federal reimbursement will be 100% with no local share; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal positions of Social Welfare Examiner at \$11.835/hr. effective August 22, 2006 through May 18, 2007 and Typist at \$9.816/hr. effective October 1, 2006 through March 31, 2007.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 203-06 *RECLASSIFY DATA BASE CLERK (SALARY GRADE 4) TO WELFARE MANAGEMENT SYSTEMS (WMS) ASSISTANT (SALARY GRADE 6) SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,
seconded by Legislator Oberbeck.

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

WHEREAS: In January 2006, the Personnel Department received a request for classification review from the Department of Social Services for a Data Base Clerk position currently held by Mandy Nebenfuhr; and

WHEREAS: Upon review of the position questionnaire and the information obtained from a desk interview, it has been determined that the current title of Data Base Clerk is not an adequate reflection of the duties being performed by Ms. Nebenfuhr due to her responsibilities with the WMS Coordinator; and

WHEREAS: The Personnel Department has determined that the classification of Welfare Management System (WMS) Assistant more accurately reflects the work performed by Ms. Nebenfuhr and has recommended her position be reclassified to said title; therefore be it

RESOLVED: That the Tioga County Legislature authorize Mandy Nebenfuhr's title of Data Base Clerk (CSEA salary grade IV) upgraded to the title of WMS Assistant (CSEA salary grade VI) at an annual salary increase of \$2,706.00 retroactive to January 26, 2006; and be it further

RESOLVED: That Ms. Nebenfuhr's current 2006 annual salary will be established at \$25,232.00 due to the adjustment resulting from this reclassification and provisional appointment.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 204-06 *APPROVE LEAVE OF ABSENCE EXTENSION
FOR RUTH TINGLEY
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Oberbeck.

WHEREAS: Ruth Tingley, Social Welfare Examiner, has been on medical leave of absence since April 24, 2006; and

WHEREAS: The twelve weeks of Family Medical Leave expired on May 26, 2006 due to another medical leave earlier in 2006; and

WHEREAS: The Department Head's approved leave expired on July 17, 2006; and

WHEREAS: The Commissioner of Social Services is interested in requesting that the leave be extended through September 13, 2006 in order to give Ruth Tingley the time needed to possibly recover and return to her job; therefore be it

RESOLVED: That the County Legislature hereby grants an extension of Ruth Tingley's leave of absence without pay through September 13, 2006.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

**REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE**

**RESOLUTION NO. 205–06 *CREATE AND FILL ONE
GRADE B SUPERVISOR POSITION
SOCIAL SERVICES***

**Adoption moved by Legislator Huttleston,
Seconded by Legislator Harrington.**

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

WHEREAS: 06-OCFS-LCM-06 makes 100% state funding available to Tioga County in the amount of \$19,087 to implement strategies to reduce the caseload sizes of CPS investigators and improve the quality of investigations; and

WHEREAS: These state allocations to all social services districts follow several high profile, tragic cases, which included several child fatalities in New York City and a severe case of maltreatment in Cortland County where a 5 year old boy weighed only 15 pounds; and

WHEREAS: Subsequent media attention and coverage of these cases have focused upon the often unmanageable caseload sizes and extreme job stress of child protective services investigators; and

WHEREAS: The Child Welfare League of America (CWLA) recommends a CPS investigative caseload size of a maximum of 12 active investigations per each worker; and

WHEREAS: From January to June 2006, the average Tioga DSS caseload size for 6 CPS Investigators has been 17 cases each; and

WHEREAS: The Child Welfare League recommends 1 supervisor per every 5 workers; therefore be it

RESOLVED: Tioga County DSS utilize the State funding to create and fill one Grade B Supervisor (CSEA Grade XIV), effective August 16, 2006, to staff Child Protective Services, thereby creating two smaller CPS Units; and be it further

RESOLVED: That each Supervisor would carry a working caseload, as well as be responsible for supervising three CPS investigators; and be it further

RESOLVED: That the creation of this position will result in the increase to the DSS authorized 2006 full time headcount from 101 to 102.

On roll call vote on the above resolution seven members voted Aye, Legislator Roberts voting no, Legislator Quinlan being absent, and the resolution was adopted.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 206-06 *REALLOCATE POSITION
VETERAN'S SERVICE OFFICER
(VETERAN'S SERVICE AGENCY)*

Adoption moved by Legislator Weston,
seconded by Legislator Harrington.

WHEREAS: A desk audit was requested by the Veteran's Service Officer; and

WHEREAS: The results of the desk audit performed by the Personnel Department recommend reallocation from CSEA Salary Grade V to Salary Grade VII; and

WHEREAS: Said reallocation will result in a salary adjustment of \$4,609 for the incumbent; now therefore be it

RESOLVED: That the title of Veteran's Service Officer be allocated from CSEA Salary Grade V to Salary Grade VII retroactive to January 3, 2006 and be it further

RESOLVED: That the incumbent, Cheryl Tortorello, shall receive the corresponding salary increase in accordance with the collective bargaining agreement, retroactive to January 3, 2006; and be it further

RESOLVED: That the sum of \$4,609 be transferred from Contingency Account A1990.40 to Veterans' Account A6510.10-10 to cover said upgrade retroactive to January 3, 2006.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

Legislator Oberbeck made a motion to adjourn at 2:01 P.M., seconded by Legislator Harrington and the motion to adjourn was carried.