

Sixth Regular Meeting
June 13, 2006

The Sixth Regular Meeting of 2006 was called to order by the Chair at 6:03 P.M. Eight Legislative Members were present, Legislator Penney arriving at 6:08 P.M.

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

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

There were approximately 23 people in attendance.

Linn Jorgensen of the Employee Recognition Committee presented the Employee of the 2nd Quarter 2006, Mike Bidwell. “Mike started his employment with Tioga County in June of 1998, as a Temporary Master Craftsman. He has progressed through Building Maintenance Mechanic II and III and to the Working Supervisor for Buildings and Grounds.

“Mike has a huge job, not only is he responsible for the supervision of Buildings & Grounds’ employees, but also providing a safe and clean work environment for all of the County employees. Many times this includes working on weekends and holidays, which Mike does happily. Mike is also responsible for tracking all of the equipment that is used in the maintenance and construction for the County Buildings and Grounds Facilities. He is very meticulous and takes pride in getting his work done as efficiently as possible, while providing great service to the County employees. Mike is always very attentive to other County employee’s needs and questions. He is always willing to share himself in conversation with his co-workers, and he helps to promote a warm environment wherever he goes.

“Management holds Mike in high regard. He does whatever is asked and will drop whatever he is doing to help someone in need. Mike is a model County employee. He is very friendly, never complains, and always gets his work done – on time and thoroughly. Mike takes pride in whatever he does. He is able to calmly and tactfully deal with any crisis that may occur.

“Mike is a lifelong resident of the County. He and his wife Terry live in Owego. They have two young sons Evan and Steven James. Mike enjoys bowling, hunting, fishing and boating. He is also a volunteer fireman for the Village of Owego.”

Gary Hammond, Deputy Commissioner of Public Works, spoke. "You did not know about the \$100.00 did you? Mike is a model County employee. He does whatever is asked of him, coming in on weekends and holidays. He does a banner job and we are very pleased with him. He was a little leary of taking the Supervisor job initially. It was offered to him after Harry Gardner left. He decided to accept the position and has stepped up to the plate. I do not think anybody would disagree with that."

Legislator Roberts presented Mike with a plaque.

Legislator Roberts read and presented the following Proclamation to Neal Murphy.

PROCLAMATION

WHEREAS: Neal Murphy, a resident of Apalachin, New York has been involved in scouting for the last 11 years, first starting as a Tiger Cub in Pack 43, and earning his Eagle Scout Award in 2006; and

WHEREAS: Neal has earned numerous merit badges and ranks, and held various leadership positions within the Troop. For his Eagle project he constructed a concrete base for a barbecue pit and a concrete pad in the kitchen area to meet State Health requirements at the Firemen's Field Day grounds in Apalachin; and

WHEREAS: Neal is a Junior at Vestal High School and plays lacrosse and football, and enjoys downhill skiing and water skiing; and

WHEREAS: Neal is a member of the National Honor Society and traveled to France in 2005 with his French Class; and

WHEREAS: Neal plays piano and goes weekly on Wednesday evenings to the Vestal Nursing Home to play for the senior citizens; and

WHEREAS: Neal attends Our Lady of Sorrows Church and is active in the Youth Group; now therefore

THE TIOGA COUNTY LEGISLATURE, does hereby Proclaim and designate on behalf of our county and citizens to take this day to honor

Neal Murphy

in the County of Tioga, New York, and call upon all of its citizens to join with me in recognizing this outstanding individual.

Joe Albrecht had privilege of the floor. “I would like to continue the idea of supporting tax reduction on long term ownership. Members of the County who have supported the County for a large number of years with taxes deserve knowledge that taxes will be reduced. I would suggest that the County require real estate dealers in the County be listed according to local Agency and the Board of Realtors in which they hold membership with the idea of facilitating problems in a more expeditious manner.

“I am curious to know about the gravel pits and what the County has in mind for those pits that have been developed at the present time, and the value of the land after the gravel has been removed. If it is possible to come up with numbers in terms of tax liabilities for unfunded mandates for the Federal and State Government I would like to see them.”

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		745.46
A1165	District Attorney		6,816.15
A1170	Public Defender		4,942.19
A1172	Assigned Counsel		21,614.42
A1185	Medical Examiners/Coroners		667.55
A1230	County Manager		39.27
A1325	Treasurer		453.55
A1355	Assessments		1,543.56
A1410	County Clerk		422.89
A1420	Law		155.45
A1430	Personnel		1,061.78
A1450	Elections		2,515.93
A14460	Records Management		298.41
A1490	Public Works Administration		486.02
A1620	Buildings		83,968.80
A1680	Information Technology	169.96	13,619.41
A2960	Education of Handicapped Children		173,618.06
A3020	Public Safety Comm E911 System		1,055.67
A3110	Sheriff	115.49	14,971.30
A3110.41	Sheriff-Court Attendants		901.20
A3140	Probation		1,523.19
A3150	Jail-Annex		32,233.39
A3315	Special Traffic Programs		2,486.40
A3410	Fire	19.82	4,254.37
A3640	Emergency Management Office		550.62
A3641	Emergency Management Office Grant		167.73
A3649	Fire WMD Grant		2,992.00
A4010	Public Health Nursing		38,297.96

A4011	Public Health Administration		5,781.34
A4012	Public Health Education		17,917.50
A4042	Rabies Control		2,168.73
A4044	Early Intervention		39,084.24
A4053	Preventive/Primary Health Services		501.44
A4054	Preventive Dental Services		1,553.85
A4062	Lead Poisoning Program		9.50
A4064	Managed Care-Dental Services		14,367.74
A4070	Disease Control		3,807.00
A4090	Environmental Health		8,115.84
A4210	Alcohol and Drug Services		7,269.17
A4309	Mental Hygiene Co Admin		7,747.09
A4310	Mental Health Clinic		39,353.80
A4315	Mental Retardation		30,373.47
A4320	Crisis Intervention Services		5,447.52
A4321	Intensive Case Management		1,375.73
A6010	Social Services Administration	597.26	70,848.32
A6141	Energy Crisis Assistance Programs		52,934.34
A6422	Economic Development		704.64
A6510	Veterans' Service		32.19
A6610	Sealer of Weights and Measures		180.06
A7310.41	Youth Programs, Refundable		8,971.24
A8020	Planning		37.50
SOLID WASTE FUND			80,440.16
COUNTY ROAD FUND			25,243.58
SPECIAL GRANT FUND			21,992.74
CONSOLIDATED HEALTH FUND			1,327.78
CAPITAL FUND			475,423.24
LIABILITY INSURANCE FUND			2,189.09
WORKERS' COMPENSATION			<u>12,452.42</u>
GRAND TOTAL			\$ 1,350,956.52

Legislator Weston made a motion to approve the minutes of May 4, 9, and 18, 2006, seconded by Legislator Roberts and carried.

Chair Burns abolished and appointed the following committees:

ABOLISH

County Attorney Search Committee

Deputy Sheriff's Negotiating Team

Retiree's Association Committee

IDA/LDC Ad Hoc Structuring Committee

APPOINT

**Non-Union Salary Committee effective June 13, 2006
Personnel Officer
Commissioner of Public Works
Deputy Commissioner of Social Services
Chair of Personnel Committee
Chair of Finance Committee
Chair of Legislature**

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

**RESOLUTION NO. 141–06 TRANSFER OF FUNDS
BOARD OF ELECTIONS**

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

WHEREAS: The Board of Elections will experience shortfalls in their budget this year due to the State mandated Help America Vote Act (HAVA); and

WHEREAS: Shortfalls will take place due to temporary coverage for staff to be at meetings that are increasing due to HAVA; training of polling inspectors for their annual required training which has increased; and increase in fees for primary and general Election inspector coverage; therefore be it

RESOLVED: That the following sums be transferred from Contingency Account to the Board of Elections Account for these anticipated shortfalls for the year 2006:

From:	Contingency Account A1990.40	\$28,000
To:	Board of Elections Account A1450.40-140	\$28,000

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

REFERRED TO: PUBLIC SAFETY COMMITTEE

**RESOLUTION NO. 142-06 *TRANSFER OF FUNDS*
*SHERIFF'S OFFICE***

**Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Roberts.**

WHEREAS: Unexpected equipment and furniture needs have arisen in the Emergency 911 Center; and

WHEREAS: No equipment or furniture appropriations have been established for the Public Safety Communication E911 System Account A3020 which serves E911 expenditures; and

WHEREAS: The Public Safety Communication E911 System Account A3020.40-620 has a sufficient fund balance to meet projected expenses, now therefore be it

RESOLVED: That the following funds be transferred as follows:

From: Public Safety Communication E911 A3020.40-620	\$5,000
To: Public Safety Communication E911 A3020.20-130	\$2,000
Public Safety Communication E911 A3020.20-70	\$3,000

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

**RESOLUTION NO. 143-06 *SHERIFF'S GRANT-STEP GRANT*
CREATE APPROPRIATION AND
*TRANSFER FUNDS***

**Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Roberts.**

WHEREAS: The Sheriff's Office has been awarded a STEP (Selective Traffic Enforcement) Grant from the Governor's Traffic Safety Committee in the amount of \$12,500, and

WHEREAS: Funding had previously been established in Resolution No. 58-06, establishing STEP Grant-Personnel Services (P/T) A3111.10-20, and

WHEREAS: The funding should have been established in STEP Grant-Personnel Services (O/t) A3111.10-30; and

WHEREAS: There is a need to establish an additional appropriation account within this funding, therefore be it

RESOLVED: That the following sums be transferred:

From:	A3111.10-20 STEP Grant (P/T)	\$12,500
To:	A3111.10-30 STEP Grant (O/T)	\$ 7,500
	A3111.20-130 STEP Grant	\$ 5,000

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: **PERSONNEL COMMITTEE**
FINANCE COMMITTEE

RESOLUTION NO. 144–06 ***TRANSFER OF FUNDS***
WORKERS’ COMPENSATION

Adoption moved by Legislator Harrington,
seconded by Legislator Oberbeck.

WHEREAS: The Tioga County Treasurer recommends increasing the Tioga County Self-Insurance Plan contributed reserve to increase the return on the investment; and

WHEREAS: At the May 18, 2006 Council of Governments meeting the members made and passed a motion to move \$322,000 from the Tioga County Self-Insurance Plan Fund Balance to the Tioga County Self-Insurance Contributed Reserve; and

WHEREAS: This transfer will increase the Tioga County Self-Insurance Plan Contributed Reserve to \$1,000,121.89 and allow the Tioga County Treasurer to get a higher return on the investment; therefore be it

RESOLVED: That the following sums be transferred:

From: Appropriated Fund Balance S599	\$322,000
To: Contribution to contributed Reserve S9568.40	\$322,000

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

**REFERRED TO: EMPLOYMENT & TRAINING/
ECONOMIC DEVELOPMENT/
PLANNING/TOURISM**

**RESOLUTION NO. 145-06 PURCHASE COMPUTER EQUIPMENT –
TIOGA EMPLOYMENT CENTER**

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

WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce Development System for employment and training services, and funded under the federal Workforce Investment Act ; and

WHEREAS: Funds are available for the purchase of computer equipment that would be utilized to assist workers in preparing resumes, automated job seeking, and provide a link to the New York State and National Job Bank that would enhance the ability of all Center customers in locating employment, and to maintain compliance with Workforce Development System standards; and

WHEREAS: The Manager of the Center has received approval for computer hardware and software purchase from the Director of Information Technology; and

WHEREAS: Insufficient funds are available in the Employment Center equipment accounts for computer purchase but is available in other Employment Center accounts to cover the costs of said purchase, now therefore be it

RESOLVED: That the Tioga County Legislature approve the purchase of said computer software, equipment, and hardware at a cost not to exceed \$13,636.50 and transfer the following to cover the cost of said purchase.

From:	WIA/Dislocated Admin CD6293.46-10	\$ 738.12
	WIA/Adult Admin CD6293.44-10	\$ 738.14
	WIA/Adult Program CD6293.43-190	\$ 302.95
	WIA/Dislocated Program CD6293.45-190	\$2,902.95
	WIA/Youth Program CD6293.41-140	\$3,754.34
To:	WIA/Dislocated Admin (NEW) CD6293.26-901	\$ 738.12
	WIA/Adult Admin (NEW) CD6293.24-901	\$ 738.14
	WIA/Adult Program CD6293.23-901	\$ 302.95
	WIA/Dislocated Program CD6293.25-901	\$2,902.95
	WIA/Youth Program (NEW) CD6293.21-901	\$3,754.34

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED: ED&P & JOB TRAINING COMMITTEE

RESOLUTION NO. 146-06 TRANSFER OF FUNDS
TIOGA EMPLOYMENT CENTER

Adoption moved by Legislator Weston,
seconded by Legislator Harrington.

WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce Development System for employment and training services, and funded under the Federal Workforce Investment Act;

WHEREAS: The Tioga Employment Center has been awarded an additional allocation in the amount of \$4,297.00. This amount is available to the Center and must be expended by April 30, 2007, and must be added to the 2006 County Budget.

RESOLVED: That the sum of \$4,297.00 be allocated as follows:

From:	Workforce Investment Act CD4791.15	\$4,297.00
To:	Workforce Investment Act CD6293.45-130	
	Contracts	\$4,297.00

Roll Call:
 Ayes 09
 Noes 00
 Absent 00
CARRIED

**REFERRED TO: PUBLIC WORKS
 FINANCE**

RESOLUTION NO. 147-06 *AUTHORIZING THE IMPLEMENTATION
 AND FUNDING IN THE FIRST INSTANCE
 100% OF THE FEDERAL-AID AND STATE
 "MARCHISELLI" PROGRAM -AID
 ELIGIBLE COSTS OF A TRANSPORTATION
 FEDERAL-AID PROJECT AND
 APPROPRIATING FUNDS THEREFORE.
 CAMPTOWN RD. BRIDGE -BIN 334790
 ACCOUNT #H2005.07 PIN: 6753.79*

Adoption moved by Legislator Roberts,
 seconded by Legislator Oberbeck.

WHEREAS: A Project for the replacement of BIN 334790, Camptown Rd. over Cayuta Creek, Tioga County, PIN 6753.79 (the project) is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-federal funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of replacement of BIN 3334790, Camptown Rd over Cayuta Creek, Tioga County, PIN 6753.79; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the County of Tioga to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering, Construction and Construction Inspection work for the Project or portions thereof; and be it further

RESOLVED: That the sum of \$220,000 is hereby appropriated from Camptown Road Bridge account H2005.07 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED: That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Tioga shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED: That the Chairman of the Tioga County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement of approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project: and be it further

RESOLVED: That this resolution shall take effect immediately.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

**REFERRED TO: PUBLIC WORKS
FINANCE**

RESOLUTION NO. 148-06 ***AUTHORIZING THE IMPLEMENTATION
AND FUNDING IN THE FIRST INSTANCE
100% OF THE FEDERAL-AID AND STATE
“MARCHISELLI” PROGRAM –AID
ELIGIBLE COSTS OF A TRANSPORTATION
FEDERAL-AID PROJECT AND
APPROPRIATING FUNDS THEREFORE
BRIDGE ST. BRIDGE –BIN 3335250
ACCOUNT #H2004.01 PIN: 6753.22***

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

WHEREAS: A Project for the replacement of BIN 3335250, Bridge St. over East Branch of Owego Creek, Tioga County, PIN 6753.22 (the project) is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-federal funds; and

WHEREAS: As provided for by agreement with the NYS Department of Transportation, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the federal aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project to Project costs that are eligible for federal aid and Marchiselli aid; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of replacement of BIN 3335250, Bridge St. over East Branch of Owego Creek, Tioga County, PIN 6753.22; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the County of Tioga to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering, Construction and Construction Inspection work for the Project or portions thereof; and be it further

RESOLVED: That the sum of \$1,231,000 is hereby appropriated from Bridge Street Bridge account H2004.01 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED: That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Tioga shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED: That the Chairman of the Tioga County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all

Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project: and be it further

RESOLVED: That this resolution shall take effect immediately.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 149-06 *ADOPT LOCAL LAW NO. 3 OF 2006*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.

WHEREAS: A public hearing was held on June 8, 2006, following due notice thereof to consider the adoption of a Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County; and

WHEREAS: It seems in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 3 of 2006; and

County of Tioga

Local Law No. 3 of the Year 2006.

A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County.

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

SECTION 1: TITLE

This Local Law shall be known as Amendment No. 5 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.

SECTION 2: TERMINATION

Pursuant to §1202-0(10) of the Tax Law, §10 of Local Law No. 4 of 1989 is hereby amended to provide for a termination date of December 31, 2006.

SECTION 3: SEVERABILITY

If any provision of this Local Law or the application thereof to any person or circumstances shall be held invalid, the remainder of this Local Law and the application of its provisions to other persons or circumstances shall not be affected thereby.

SECTION 4: EFFECTIVE DATE

This Local Law shall become effective immediately.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 150-06 AUTHORIZE TIOGA COUNTY TREASURER
TO HIRE REYNOLDS AUCTION COMPANY
TO AUCTION REAL PROPERTY ACQUIRED
BY COUNTY FORECLOSURE**

Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.

WHEREAS: James P. McFadden, Tioga County Treasurer is in charge of implementing the foreclosure of taxes under Article Eleven of the Real Property Tax Law; and

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: The Treasurer has contacted Reynolds Auction Company to perform the services of a public auction and Reynolds Auction Company has agreed to charge the winning bidders a uniform ten percent (10%) Auction Fee of the purchase price as payment, Tioga County will pay no expenses; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the Tioga County Legislature be and hereby is authorized to approve the services of Reynolds Auction Company for the public auction of tax foreclosure properties.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 151-06 *RESCIND RESOLUTION NO. 138-06*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.

WHEREAS: Resolution No. 138-06 authorized reinstating the tax enforcement of the collection of real property taxes and future taxes of certain property, namely tax map #128.07-2-16 and tax map #128.07-2-7 in the Town and Village of Owego; and

WHEREAS: The initial impediments that caused the property to be withdrawn and the tax canceled appeared to be resolved with an offer to purchase; and

WHEREAS: The prospective purchasers have rescinded their offer to purchase the property based upon certain inspection; now therefore be it

RESOLVED: That Resolution No. 138-06 be and hereby is rescinded and tax map parcels #128.07-2-16 and #128.07-2-7 in the Town and Village of Owego are hereby placed in the exempt section of the tax assessment rolls.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 152-06

***ERRONEOUS ASSESSMENT
TOWN OF CANDOR***

Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.

WHEREAS: An application for Refund of Real Property Taxes indicates that the \$12,600 taxable value on property no. 2878, assessed to Belinda A. Hine on the 2006 tax roll of the Town of Candor, is erroneous, the pole barn was assessed on the wrong parcel, therefore the taxable value was reduced to \$9,600; and

WHEREAS: The tax bill on property no. 2878 on the 2006 tax roll of the Town of Candor was paid on 01/27/06 to the Town of Candor tax collector; be it therefore

RESOLVED: That a refund of \$561.88 be issued to Belinda A. Hines for overpayment of 2006 taxes; and be it further

RESOLVED: That the erroneous town tax of \$195.42 be charged back to the Town of Candor and the erroneous fire tax of \$51.70 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 \$8.20 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$306.56 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 153-06

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

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

WHEREAS: An application for Refund of Real Property Taxes indicates that the \$15,000 taxable value on property no. 1049, assessed to Karyn L. Canestaro on the 2006 tax roll of the Town of Newark Valley, is erroneous, the building on the property was destroyed by fire, therefore the taxable value was reduced to \$3,700; and

WHEREAS: The tax bill on property no. 1049 on the 2006 tax roll of the Town of Newark Valley was paid on 01/03/06 to the Town of Newark Valley tax collector; be it therefore

RESOLVED: That a refund of \$188.05 be issued to Karyn L. Canestaro for overpayment of 2006 taxes; and be it further

RESOLVED: That the erroneous town tax of \$51.03 be charged back to the Town of Newark Valley and the erroneous fire tax of \$13.05 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 solid waste tax of \$3.23 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$120.74 be charged to the proper account in the records of the County Treasurer

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 154-06 *NAME SOCIAL SERVICES AS
LEAD AGENCY FOR POE*

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

WHEREAS: The New York State Department of Health and the Office for the Aging have issued a request for proposals wherein all counties must develop a local Point of Entry (POE) for long term care services; and

WHEREAS: \$52,000 is available in funding for the planning and implementation of Phase I activities for the development of POE; and

WHEREAS: A lead agency within the County must be designated; and

WHEREAS: The Tioga County Departments of Social Services, Public Health and Tioga Opportunities, Inc. will be the key partners in the POE; and

WHEREAS: These departments have a proven history of cooperation with the coordination and provision of long term care services; now therefore be it

RESOLVED: That the Tioga County Department of Social Services will be the lead agency for the POE with the Tioga County Department of Public Health and Tioga Opportunities, Inc. as key partners.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 155-06 *ESTABLISH FEE FOR SEPTIC PROGRAM*

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

WHEREAS: New York State Department of Health has required Public Health Departments to bill for all services to be in compliance with Article 6 funding Requirements; and

WHEREAS: The Tioga County Legislature establishes fees for services; and

WHEREAS: There is an existing fee for Plan Review of Alternative Septic System Design of \$228; and

WHEREAS: Some Towns within Tioga County have requested that Public Health conduct Plan Reviews of Conventional Septic System Designs; and

WHEREAS: There is no fee for Plan Review of Conventional Septic System Designs; and

WHEREAS: The Health Department has determined the appropriate fee for the Plan Review of a Conventional Septic System designed by a design professional to be \$128, therefore be it

RESOLVED: Effective June 14, 2006 Tioga County will provide a service of Plan Review of a Conventional Septic System designed by a design professional for the fee of \$128.

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

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO. 156-06 *AMEND POLICY 11*
*TRAVEL POLICY AND PROCEDURES***

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

WHEREAS: There have been several discussions going on with the State and other Counties, and how they utilize their per diem expenses; and

WHEREAS: In staying in conformity with other State and County Governments Tioga County has decided to modify their Travel Policy; therefore be it

RESOLVED: That Policy 11 Travel Policy and Procedures be and hereby is amended and modified as follows:

Section II. - Required Travel

- B. Documentation of expenses for required travel, other than meals which are covered by the per diem, must be submitted with purchase orders for payment.**

Section V. - Reporting and Processing on Return from Approved Travel

- A. Except for incidental expenses, such as tolls or parking, claims require the review and approval of such charges by the authorizing official prior to being audited and approved.
- E. Taxi or bus fare at travel destination may be reimbursed without receipt, if in the opinion of the County Treasurer or appropriate auditing agency, circumstances were such that receipts were not obtainable, the receipt requirement may be waived.

Section VII. - Meal Allowances

- A. The County will pay a total per diem including gratuity, for all travel requiring an overnight stay, based upon the General Services Administration travel reimbursement allowance chart as shall be in effect at the time of any authorized travel, for meals during travel outside of Tioga County. (The applicable GSA meal reimbursement allowance chart, as may be periodically updated by the GSA, will be provided by the Treasurer's Office and be made available in the office of the Legislative Clerk.)
- B. Day Trips – time limit on meals. – Based on GSA rates in effect at the time of travel.

No lunch allowance will be given for day trips.

Section VIII. - Lodging

- E. Gratuities for maid service will not be eligible for reimbursement.

And be it further

RESOLVED: That all other aspects of Policy 11 shall remain in effect as of the last amendment on May 9, 2006.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

PERSONNEL COMMITTEE

RESOLUTION NO. 157-06

***REVISE COUNTY POLICY
#3 ORIENTATION, EXIT INTERVIEWS,
RECRUITMENT***

Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.

WHEREAS: Tioga County Policy #3 addresses orientation, exit interviews, and recruitment of County employees; and

WHEREAS: Through the combined efforts of Tioga County and the Council of Governments an Excellus Blue Cross Blue Shield (BC/BS) Medicare Blue PPO insurance is now available for the employers in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) to offer to their Medicare eligible retirees and/or spouses of deceased employees/retirees as a lower cost health insurance option; and

WHEREAS: Each employer within the TCCMHIP has their own internal policies and procedures governing health insurance eligibility requirements and costs, it will be left up to each employer to determine who, when, and at what percent of the annual premium will be eligible to enroll in this BC/BS Medicare Blue PPO plan; therefore be it

RESOLVED: That Section IV Part A, B and C of Policy #3 be expanded to include Part D to read as follows:

D. Tioga County will offer to all Medicare eligible retirees and spouses of deceased employees/retirees the BC/BS Medicare Blue PPO on a voluntary basis. The following BC/BS criteria will apply:

- 1. The Medicare eligible retiree or spouse of deceased employee/retiree must have Medicare Part A and Part B.**
- 2. The Medicare eligible retiree or spouse of deceased employee/retiree must live in the “service area” of Broome, Chemung, Chenango, Schuyler, Steuben, or Tioga County six months or more out of the year.**
- 3. The policy can only be purchased as an individual policy, so a Medicare eligible retiree and his/her Medicare eligible spouse will be required to purchase two individual policies.**
- 4. The Medicare Blue PPO cannot be selected retroactively. Applications must be completed and submitted to BC/BS prior to the effective date of the coverage.**

The following Tioga County criteria will apply:

- 1. A Medicare eligible retiree’s eligibility for payment of a percentage of the premium is based on the retiree’s eligibility under Section IV Part A, B, and C of this same Tioga County Policy #3.**
- 2. A Medicare eligible spouse of a deceased employee/retiree may select this coverage upon the employee/retiree passing or at the time the spouse is required to pay 100% of the premium.**

3. Once the Medicare Blue PPO coverage is selected the subscriber will only be allowed to switch to another plan for which they are eligible if they move outside of the Medicare Blue PPO "service area" or in the month of November of even years (annual open enrollment) to be effective the following January.
4. This Medicare Blue PPO coverage is not available to individuals who have had a lapse of any duration in Tioga County health insurance coverage.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 158-06 *RECLASSIFY SENIOR TYPIST POSITION TO ACCOUNT CLERK TYPIST IN TREASURER'S OFFICE*

Adoption moved by Legislator Oberbeck,
Seconded by Legislator Roberts.

WHEREAS: At the request of the Tioga County Treasurer, the Personnel Office has conducted a classification review of the Senior Typist position, currently held by Wanda Grover, in the Treasurer's Office; and

WHEREAS: Upon review of the information submitted, the Personnel Department has determined that the clerical work currently being performed by Ms. Grover is not consistent with the Senior Typist classification; therefore be it

RESOLVED: That Wanda Grover's position of Senior Typist (CSEA salary grade IV) is reclassified to Account Clerk Typist (CSEA salary grade IV) which more accurately reflects the job duties currently being assigned to the position; and be it further

RESOLVED: That this reclassification is effective June 14, 2006 and has no financial implications to the County or the employee.

Legislator Oberbeck made a motion to amend the above resolution, seconded by Legislator Penney and to read as follows:

The last Resolved should read:

“RESOLVED: That this reclassification is retroactive to March 29, 2006 and has no financial implications to the County or the employee.”

On roll call vote on the above amendment and resolution, all members voted Aye, and the resolution and amendment were adopted.

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

**RESOLUTION NO. 159-06 *CREATE AND FILL POSITION
TEMPORARY LAW CLERK
(SOCIAL SERVICES)***

Adoption moved by Legislator Huttleston,
seconded by Legislator Harrington.

WHEREAS: Both Paralegals who do work for the Social Services Department and Law Department will be out on leaves of absence this summer; and

WHEREAS: The DSS administrative personnel and the attorneys will need assistance with preparing the legal documents and other related matters required particularly with the seasonal increase in volume of Social Services cases; and

WHEREAS: One of the Paralegals will have a period of leave without pay which will more than offset the proposed cost of the temporary position; therefore be it

RESOLVED: That one temporary full-time position of Law Clerk is hereby created retroactive to June 5, 2006 through August 30, 2006 at a rate of \$10 per hour; and be it further

RESOLVED: That no fringe benefits will be available to the incumbent of this temporary position; and be it further

RESOLVED: That the Commissioner of Social Services is hereby authorized to fill this newly created position.

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

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

**RESOLUTION NO. 160-06 *APPROPRIATE FUNDS COURT HOUSE
PROJECT***

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

WHEREAS: The Court House Renovations Project does not have a sufficient amount of funds in its 2006 budget to cover unanticipated repairs required to complete the project, and

WHEREAS: It is the recommendation of the Public Works/Capital Projects committee to appropriate funds for this purpose, and

WHEREAS: The amount needed to complete the project is estimated at \$150,000.00 for 2006 which will be funded through the court system, therefore be it

RESOLVED: That the sum of \$150,000.00 be appropriated from:

**From: Revenue Account
H3021 State-Aid Court Facilities \$150,000.00**

**To: Appropriation Account
H1622.20-996 Court House Renovation Project \$150,000.00**

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

REFERRED TO: LEGISLATIVE WORKSESSION

**RESOLUTION NO. -06 AMEND POLICY 29
RULES OF PROCEDURE OF
THE TIOGA COUNTY LEGISLATURE**

**Adoption moved by Legislator Penney,
seconded by Legislator**

WHEREAS: Policy 29, Section 2, Item 9 requires a two-thirds vote of the members of the Legislature to withdraw any matter assigned to any committee to be referred to another committee; and

WHEREAS: Policy 29, Section 2, Item 6 may be and has been interpreted in direct conflict with Section 2, Item 9; therefore be it

RESOLVED: That Policy 29, Section 2, Item 6 be amended to include the words “except as provided in Item 9 below”.

There was no second on the above resolution, therefore motion is defeated and resolution does not go forward.

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

REFERRED TO: **PUBLIC WORKS
PERSONNEL**

RESOLUTION NO. 161-06 ***AUTHORIZE THE HIRING OF
ONE SEASONAL LABORER
FOR BUILDINGS & GROUNDS***

Adoption moved by Legislator Roberts,
seconded by Legislator Oberbeck,

WHEREAS: The Buildings & Grounds Department is short of staff due to the resignation of the Technical Facility Supervisor resignation in early June, and another employee who will be taking a medical leave for an undetermined period of time; and

WHEREAS: Tioga County has taken ownership of several properties throughout the county for back taxes which requires a staff person to mow the lawns; and

WHEREAS: Adding an additional temporary Laborer would help with work projects over the next several months with no impact to the budget due to the resignation of the Technical Facilities Supervisor; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the hiring of one temporary/seasonal laborer at the rate of \$9.303/hr. effective 6/14/06 for a temporary duration not to exceed 12/1/06 to be paid out of Buildings & Grounds account A1620.10 use code 20.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 162-06 ***AUTHORIZE SALE OF COUNTY
OWNED PROPERTIES ACQUIRED
FOR DELINQUENT TAXES***

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

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 3, 2006 at 6:00 p.m. conducted by the Reynolds Auction Company.

Town of Barton:

166.15-1-68, Barry, Thomas & Janet
166.19-4-31, Krupa, Peter H. & Vina M.
166.20-2-15, Lahnum, Clyde

Town of Candor:

70.00-1-21.10, Carr, Harold C. & Anna Jean

Town of Newark Valley

75.18-1-25.10, Murphy, John W.
75.18-1-85, Murphy, John W.
75.18-1-72, Murphy, John W.
75.18-1-78, Murphy, John W.
75.18-1-80, Murphy, John W.
75.18-1-81, Murphy, John W.
75.18-1-82, Murphy, John W.
75.18-1-83, Murphy, John W.
75.18-1-84, Murphy, John W.

64.15-3-52, Roses, Richard G.
64.14-3-52, Roses, Richard G. – inactive – now same as 64.15-3-52
64.19-1-10, Sherry, Stanley & Deborah

Town of Nichols

170.00-1-30.20, Cormier, Alan R. & Linda C.
159.19-1-3.40, Keir, Scott D. & Darla J.

Town of Owego:

129.00-2-31, Celeste, Michael J.
128.08-7-73, Goodwin, Lee & Tina
175.00-2-55, Griffin, Joshua
175.00-2-56, Griffin, Joshua
118.17-1-5, Harris, Gail L.
161.00-1-29, Krupa, Peter & Vina
141.07-2-13, Schroer, Deborah
118.00-1-20, Torrey, Randall W.
131.18-1-4.1, VanPatten, Walter & Marie
142.14-2-19, Warner, Esther R.
153.11-1-9, Slocum, Ronald J. & Cheryl A.

Town of Richford:

11.14-1-33, Clark, Frank R. & Christine M.
16.00-1-6, Palmeter, Floyd James III

Town of Spencer:

79.00-1-34, Bacharach, David & Karen, c/o Brett Tracy
80.00-1-28, Harris, Linda & Ada Rentas, c/o Walter Kocienda
81.00-2-3, Sheren, Harry & Grace

Town of Tioga:

104.00-1-26, Forrest, Barbara
138.00-2-8, Tioga County

Roll Call:

Ayes 09
Noes 00
Absent 00
CARRIED

Legislator Huttleston made a motion to adjourn at 6:25 P.M., seconded by Legislator Harrington and motion to adjourn was carried.