

*Ninth Regular Meeting*  
September 12, 2006

The Ninth Regular Meeting of 2006 was called to order by the Chair at 6:01 P.M. All Legislative Members were present.

The Chair asked Legislator Weston to have a moment of prayer. Legislator Weston asked for a moment of silence for all the moms and pops that have gone ahead of us.

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

There were 21 people in attendance.

Linn Jorgensen presented the Employee of the Third Quarter 2006 award to Kimberly Ward, Civil Law Clerk from the Sheriff's Office. "On behalf of the Employee Recognition Committee I would like to help present the award for the Employee of the Third Quarter to Kim Ward. Kim came to work at the Tioga County Sheriff's Civil Division in 1998 as the Civil Law Clerk. Kim lives in Newark Valley with her husband Terry and their two daughters, Tiffany who attends Broome Community College, and Casey who is in High School. Kim and her family are active in their church, New Life Ministries in Endicott. Kim is an excellent quilter and teaches at the Pucky Huddle Quilt Store in Candor. She is also an avid reader.

Kim's father, Leon Lombardoni, was a Tioga County Deputy from 1967 until his retirement in 1993. Kim grew up always wanting to work in the legal profession, so in 1995 she received her paralegal degree from Tompkins Cortland Community College. She interned at the Tioga County Courthouse and worked for Attorney George Mundt for three years before going to the Sheriff's Office.

"Kim is always friendly and very helpful. In addition to her professional demeanor and vast knowledge of law Kim is an asset to the Sheriff's Department from the very beginning. Kim is always dependable and willing to help in all capacities, whether for the department, her division, or an individual. She is also the department's representative on the Wellness Committee, keeping us informed of the pertinent health issues and programs, and working each year with the County Wellness Health Fair. We are definitely fortunate to have Kim as an employee of the Tioga County Sheriff's Office."

Legislator Marte Sauerbrey spoke. "Please forgive all the foolishness, but not for one minute do we not appreciate all of the things that you do for the County and your commitment. We know how important the job that you do is. On behalf of Tioga County we now present you Kimberly Ward with the Employee of the Third Quarter in appreciation of service to your community."

Sheriff Gary Howard spoke. "I have known Kimberly for a long time. I was really good friends and still am really good friends with her parents, and I used to go over to her house quite often when I was a very very young Deputy so that puts her at a very very young age. Not that we were ever really friends then, I think she was afraid of me. As Administrator you want to always surround yourself with good people and I am blessed with that. In my Civil Department I am blessed with good people. This is the only division of the Sheriff's Office in the 30 years that I have been at the Sheriff's Office that has not grown. It has stayed at two people and as we all know the Sheriff's Department has grown and grown, and we are busier and busier. This is the only department that has stayed the same and done more and more work with just two people, and that is a credit to Kim and to the Civil Manager, Donna Burrell. As Sheriff, Kimberly and Donna keep me out of trouble and keep the County out of trouble doing their civil work. It is a ton of work and I could not begin to tell you the job they do for me. As employee Kimberly is the best."

Kimberly Ward spoke. "Thank you to the Sheriff and to all the others that came as well or e-mailed me and congratulated me or stopped me in the hall. I can honestly say that I do enjoy working with everybody at the Sheriff's Department. It really is a great place and I enjoy everybody there as well as the public that come in with their different problems every day. They are always new and different, and we enjoy helping them out as best we can. Thank you very much. I appreciate the recognition."

The following recognition resolution was presented to the Employees of Tioga County for their efforts due to the flood of June 2006.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 207-06

*RECOGNITION RESOLUTION TO THE  
EMPLOYEES OF TIOGA COUNTY FOR THEIR  
EFFORTS DUE TO THE FLOOD OF JUNE  
2006*

Adoption moved unanimously,  
seconded unanimously.

**WHEREAS:** In June 2006 Tioga County experienced a period of excessive rainfall resulting in major flooding and causing unprecedented damage to many areas of the County; and

**WHEREAS:** Many County employees worked around the clock to ensure the protection of County property and the well-being of the residents they serve; and

**WHEREAS:** The Employee Recognition Committee would like to publicly recognize all such individuals who spent numerous hours working during this time of natural disaster to maintain Tioga County functions and provide services to those residents in need; therefore be it

**RESOLVED:** That the Tioga County Employee Recognition Committee does publicly recognize, commend, and thank all Tioga County employees for their efforts during the flood crisis of June 2006.

**CARRIED UNANIMOUSLY**

Linn Jorgensen of the Employee Recognition Committee spoke. “The Employee Recognition Committee has asked me to speak briefly about the resolution on the agenda tonight which recognizes those employees who went above and beyond the call of duty during the flood in June of this year. When the Committee was reviewing nominations for the Employee of the Third Quarter in July we received a nomination for multiple departments and their employees as a result of their efforts during the flood. Unfortunately our Committee is unable to select multiple people for quarterly awards and if we could we would because it is very difficult to make a single selection from many of the nominations that we receive. They are very worthy. However the Committee did feel very very strongly that a formal recognition be done in a public forum to highlight the fact that there were so many County employees who went above and beyond their job expectations during this time of crisis. Those two words, thank you, can go so far and can mean so much to our employees. We should never forget to say it.”

Chair Burns spoke. “I asked Linn for the opportunity to speak tonight because this is something I feel very strongly about and I am kind of doing this off the cuff. During the past year we have had some interesting times, particularly the last couple of months and I just want to relate to our employees and I hope this gets back to them that it has been my distinct honor and this Legislature’s honor and privilege to work along side all of our employees, our Department heads. I could be here for the next hour just telling you stories about things the Sheriff did that were above and beyond, about our Undersheriff whose house was being flooded while he was still on duty looking out for the rest of us. For Doug Barton who was downstairs with us hauling equipment out and then goes off to Real Property, and then goes off and helps his neighbors. It is kind of a humbling experience to work

with people like this. I have said it before and I will say it again I think we have the best workforce in the State of New York, maybe in the Country, maybe in the World, and it has been my honor to serve and work along side of you and I think I speak on behalf of the entire Legislature. Our Department of Motor Vehicles out here working under less than perfect conditions and hopefully we will resolve some of that for them tonight. This continues to go on. It is not something that I can point to one specific incident. It is just continues and again it has been our honor and privilege to work with the employees. Thank you.”

Legislator Sauerbrey read and presented the following proclamation on Sheriff’s Week to Sheriff Gary Howard.

#### PROCLAMATION

**WHEREAS:** The Office of Sheriff has been an integral part of the criminal justice system in New York State and in Tioga County throughout our history, having been established in the State’s first constitution and having been continued in every succeeding constitution, and having been one of the original constitutional offices of our County; and

**WHEREAS:** Despite changes in its function, status and powers during its long history, the Office of Sheriff has maintained existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

**WHEREAS:** The Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained police officers, using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field; and

**WHEREAS:** The Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of “Keeper of the Peace”, and extend into many facets of public service, including maintaining the County jail, providing security in our courts, dispatching emergency services, and serving and executing civil process for our courts; and

**WHEREAS:** As a constitutionally empowered entity, directly responsible to the People, the ancient Office of Sheriff remains, even today, responsive and accountable to the public it serves; and

**WHEREAS:** It is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role which the Sheriffs play in our modern criminal justice system;

**NOW THEREFORE THE TIOGA COUNTY LEGISLATURE does hereby  
Proclaim September 17-23, 2006 as**

**Sheriff's Week in Tioga County**

**and call upon all of its citizens to join in recognizing this special week.**

**Legislator Sauerbrey spoke. "Gary I would like to present this to you on behalf of the Legislature and congratulate you and the good work that your team does for us."**

**Sheriff Gary Howard spoke. "I do not want to take to much of your time, I know you have a lot on the agenda, but the Sheriff's Office has been serving Tioga County for 215 years since the first Sheriff was appointed in 1791. The Sheriff's Office for me is my life and I am proud to be your Sheriff. Thank you."**

**Legislator Harrington read and presented the following Proclamation on Cornell Cooperative Extension Week and National 4-H Week in Tioga County to Judy Wolf from Cornell Cooperative Extension. "We have another Proclamation to recognize Cornell Cooperative Extension and also the 4-H associated with Cooperative Extension. Before I read the Proclamation I think it is important to explain that Cooperative Extension has had a particularly challenging year this year. They began the year without the funds that they had asked for. They started out with a budget, it was a deficit budget. The Board approved the budget recognizing that there was a shortfall, but they started out with a very aggressive plan to close the revenue gap. Early in the year the first bad news came and that was perhaps that the WIA or the Workers' Investment Act was not funding as much as they had in the past years. Consequently one of the projects that Cornell Cooperative Extension had hoped to fund was not able to occur.**

**"Later on in June when the rains began to fall we had a golf tournament, which was another fund raiser, which got rained out and canceled. It was rescheduled for the next month, but there was a loss there. Of course when the big flood came at the end of June everybody downstairs in this building was flooded, Cooperative Extension was displaced by Information Technology having to take over the multipurpose room and the kitchen which resulted in another loss of revenue for Cooperative Extension. Also the fairgrounds were flooded as well as the 4-H building. This was a double whammy to the 4-H people and to Cooperative Extension because it meant the 4-H kids did not have an opportunity to show their animals, to show their produce, to show their projects and so forth, and it was an opportunity loss as far as making money for Cooperative Extension. It has been a bad year financially, but they are a team of people that hunker down and do the**

best they can, have great spirit, and I am proud to be a part of Cooperative Extension. Judy Wolf is here this afternoon to accept the Proclamation.”

**2006 Cornell Cooperative Extension Week  
and National 4-H Week  
PROCLAMATION**

*WHEREAS:* Cornell Cooperative Extension of Tioga County (CCE Tioga) enables people to improve their lives and communities through partnerships that put experience and research knowledge to work; and

*WHEREAS:* CCE Tioga is a nonprofit association led by local volunteers since 1915 and is part of Cornell Cooperative Extension, a viable partnership among federal, state, and county governments; the primary educational outreach arm of Cornell University; which is part of the national Cooperative Extension system; and

*WHEREAS:* CCE Tioga serves the residents of Tioga County through Agriculture and Natural Resources programs that assist farmers with business development, production, marketing, and management issues; that foster increased profitability and environmental sustainability; and that promote positive farm and community relations; and

*WHEREAS:* CCE Tioga also serves the residents of Tioga County through 4-H Youth Development programs that provide opportunities for youth to have fun, learn life skills, and work with caring adults; and

*WHEREAS:* CCE Tioga also serves the residents of Tioga County through Family Development programs that help adults gain knowledge and build skills for nurturing the development of children and by working with parents and community leaders to provide children with safe, stable, and supportive homes and communities; and

*WHEREAS:* CCE Tioga also serves the residents of Tioga County through Community Nutrition and Wellness programs that improve diet quality, reduce food insecurity, improve food safety practices and improve food resource management skills among food stamp recipients in Tioga County; and that encourage healthy living, establishment of gardens and use of environmentally friendly practices; and

*WHEREAS:* CCE Tioga also serves the residents of Tioga County through Community Development and Land Use programs that support broad based, sustainable economic development, which creates higher value opportunities for growth while preserving community values and rural character; and that encourage personal leadership development and active participation in community decision-making; and

*WHEREAS:* October 1<sup>st</sup> through 7<sup>th</sup> is being recognized as National 4-H Week across the United States, and CCE Week across New York State; therefore

**THE TIOGA COUNTY LEGISLATURE** hereby designates the week of October 1-7, 2006 as

Cornell Cooperative Extension Week  
and National 4-H Week in Tioga County

Judy Wolf spoke. “I appreciate taking a few minutes to explain some of the challenges we have had, but basically our work is diverse because of the long list you listened to and with individuals and families and communities to make this the best place and most economically viable and healthiest place to live. We are still primarily committed to that and would much rather being doing that than fund raising and so I appreciate the Proclamation, your support for Cornell Cooperative Extension Week and National 4-H Week, and just want you to know that your ongoing support is vital to keeping all of this programming available in this County for our citizens. Thank you.”

Joe Albrecht had privilege of the floor. “I wish to thank the Legislature for the privilege of the floor for a portion of this evening and if the Chair finds I have exceeded my five minutes gavel me off I will be back. There are a number of things that you have heard me say before and I will reiterate them. The first being that I really feel that victims of crime should have the same privileges as criminals in that they should be able to appeal if they do not feel the punishment is significant enough.

“I continue to look at the tax abatement for 30 year residential property ownership. I think that is significant and appropriate. There are assessment problems again in Berkshire and Newark Valley, and as I said before it would seem to me that there should be an avenue to get proper information recorded on time. It is an inconvenience to the County, to Real Property, to the School Districts and so forth. There is one omnipotent person who can change data and if they are not functioning the whole system breaks down.

“Relative to hydrocarbon leases, I really think that there should be a means of verifying quantity and content. For example, I took helium for example as an ancillary gas. If it makes up half a percent of a million cubic feet of natural gas at \$62.00 for 290 one foot unit of helium, in one million cubic feet of gas the value of that is \$1,065.00. If you have 523 million cubic feet going through a pipeline it is a significant amount of money.

“The last thing and the reason I brought some of my leftovers with me, there are 43,560 square feet in an acre. There is 144 square inches in a square foot. If you put an inch of rain on the square foot it figures out to be 2.48 quarts. If you translate a little bit further there are 231 cubic inches in a gallon. If you take an acre of land with an inch of rain that calculates out to be 27,000 gallons. The State Highway across from the mobile home park that I reside in is approximately 40 feet wide. It would take 1089 feet to generate one acre of land. On that 1089 feet of highway there are 27,000 gallons. It figures out to be 24.8 gallons per foot of highway. My point is this, we have an increasing need to cover ground to provide services for citizenry and as we do that we generate volumes of water that are significant. We do not know what to do with them. I do not know what. If you slow

them down and form stagnant pools you enhance the idea of mosquitoes and encephalitis. There is just a myriad of situations, but I think that the public does not have a concept of how much water is out there in an inch of rain. 27,000 of these will cover 43,560 square feet one inch deep.

“If memory serves me correctly Best Buy in Lounsbury is about four acres under cover. Now four times 27,000 is 108,000 gallons of water for every inch of rain that falls on that roof. It does not stay on the roof, it goes through eaves, pipes, and into the Susquehanna. Depending on where the Susquehanna is flowing, somebody downstream is going to benefit from a whole lot of water in a very short period of time, and that is a flood. It is one way to try to generate a perspective on what the situation is and unfortunately there are no easy solutions. One or two of the Legislators have put forward ideas relative to stream improvement and so forth. That is great, but the water is still going to come down. It is not going to soak in. It is going to run off and we have to deal with 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	145.00	835.31
A1165	District Attorney		2,804.83
A1170	Public Defender		1,989.83
A1172	Assigned Counsel		18,149.55
A1185	Medical Examiners/Coroners		4,213.60
A1325	Treasurer		543.58
A1345	Purchasing		55.00
A1355	Assessments		6,210.99
A1356	RTPS Technology Grant	12,158.01	7,200.00
A1410	County Clerk		1,064.37
A1411	Department of Motor Vehicles		482.09
A1420	Law	303.00	448.43
A1430	Personnel		925.29
A1450	Elections		3,600.73
A1460	Records Management		182.49
A1460.41	Records Management		70,526.58
A1490	Public Works Administration	65.00	848.57
A1620	Buildings		79,798.02
A1680	Information Technology		13,024.11
A2960	Education Handicapped Children		127,342.75
A3020	Public Safety Comm E911 System	2,685.00	5,534.71
A3021	Enhanced Wireless 911		1,659.19
A3110	Sheriff		21,663.71
A3110.41	Sheriff-Court Attendants		405.30
A3140	Probation	215.13	3,070.48

A3150	Jail-Annex		38,075.45
A3315	Special Traffic Programs		61.32
A3410	Fire		5,649.37
A3640	Emergency Management Office		1,496.57
A3641	Emergency Management Office Grant	2,511.13	50.00
A3648	LETPP Grant 5837952	719.40	
A4010	Public Health Nursing		74,059.40
A4011	Public Health Administration	893.60	11,683.43
A4012	Public Health Education		30,736.55
A4042	Rabies Control		2,533.56
A4044	Early Intervention	1,568.28	47,122.64
A4047	Handicapped Education Admin		33.00
A4053	Preventive/Primary Health Services		766.06
A4054	Preventive Dental Services		971.00
A4064	Managed Care-Dental Services		23,144.18
A4070	Disease Control		8,804.57
A4090	Environmental Health		9,142.52
A4210	Alcohol and Drug Services		13,659.56
A4309	Mental Hygiene Co Admin		11,166.43
A4310	Mental Health Clinic		86,292.83
A4315	Mental Retardation		46,967.72
A4320	Crisis Intervention Services		16,489.22
A4321	Intensive Case Management		3,623.36
A6010	Social Services Administration		221,537.96
A6422	Economic Development		215.72
A6510	Veterans' Service		632.66
A6610	Sealer of Weights and Measures		300.44
A7310	Youth Programs		31.80
A7310.41	Youth Programs, Refundable		14,480.21
A7510	Historian		9.86
A8020	Planning		229.76
SOLID WASTE FUND			114,558.02
COUNTY ROAD FUND			27,542.46
SPECIAL GRANT FUND			52,228.00
CONSOLIDATED HEALTH FUND			2,629.95
CAPITAL FUND			1,150,653.76
LIABILITY INSURANCE FUND			518.28
WORKERS' COMP			<u>10,267.34</u>
GRAND TOTAL			\$ 2,422,208.02

Legislator Huttleson made a motion to approve the minutes of August 4, 10, and 15, 2006, seconded by Legislator Penney and carried.

Legislator Penney made a motion to untable the resolution tabled at the August 15, 2006 Legislative meeting, seconded by Legislator Oberbeck 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 withdraw the above resolution, seconded by Legislator Oberbeck. On roll call vote to withdraw the above resolution, all members voted Aye 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. 208-06                      *ERRONEOUS ASSESSMENT*  
*TOWN OF OWEGO***

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

**WHEREAS: The Supreme Court of the State of New York has rendered a Stipulation of Settlement Index No. 31432 filed on August 9, 2006, between Apalachin Properties, LLC and the Town of Owego lowering the assessment from \$485,800 to \$420,000 on the 2004, 2005 and 2006 tax roll of the Town of Owego for property no. 6588; and**

**WHEREAS: The 2004, 2005 and 2006 Town and County Taxes on property no. 6588 were paid to the Town of Owego; be it therefore**

**RESOLVED: That a refund of \$2,677.98 be issued to James J. Baranello, Esq. as attorney for Apalachin Properties, LLC, for overpayment of 2004, 2005 and 2006 Town and County Taxes; and be it further**

**RESOLVED: That the erroneous town tax of \$480.38 be charged back to the Town of Owego and the erroneous fire tax of \$268.54 be charged back to the Apalachin 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 \$47.44 be charged back to the Solid Waste Fund; and be it further**

**RESOLVED: That the erroneous county tax of \$1,881.62 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/LEGAL COMMITTEE**

**RESOLUTION NO. 209-06      *TRANSFER OF FUNDS*  
*PURCHASE OF EQUIPMENT*  
*FOR DISTRICT ATTORNEY OFFICE***

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

**WHEREAS: The Secretary to the District Attorney is in desperate need of a computer; and**

**WHEREAS: The need has been acknowledged by the Information Technology Director, approval has been received from the Information Technology Director, and a quote has been provided by Information Technology for the purchase of a computer and monitor along with Microsoft Office Pro 2003 for an amount not to exceed \$1,300.00; therefore be it**

**RESOLVED: That the Tioga County District Attorney's Office be authorized to purchase a computer and monitor along with Microsoft Office Pro 2003 to replace the current secretarial computer in an amount not to exceed \$1,300.00 and that the following sums be transferred as follows:**

<b>From:</b>	<b>District Attorney Account A1165.40-720</b>	<b>\$1,300.00</b>
<b>To:</b>	<b>District Attorney Account A1165.20-90</b>	<b>\$1,300.00</b>

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION  
FINANCE COMMITTEE**

**RESOLUTION NO. 210-06      *PURCHASE OF EQUIPMENT*  
*TRANSFER OF FUNDS*  
*LEGISLATIVE OFFICE***

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

**WHEREAS:** There is a need in the Legislative Office for the purchase of a portable flash card recorder system with flash cards; and

**WHEREAS:** The microphone system in the Auditorium is not without the need for a backup system to be in place; and

**WHEREAS:** The purchase of such a portable flash card recorder system with flash cards and installation shall not exceed \$1,200.00; and

**WHEREAS:** The Director of Information Technology has approved the purchase of said system; and

**WHEREAS:** The Legislative budget has no money in an equipment account for the purchase of said system; therefore be it

**RESOLVED:** That the Legislative Clerk be authorized to purchase a portable flash card recorder system with flash cards and installation at a cost not to exceed \$1,200.00 and that the following sums be transferred:

<b>From:</b>	<b>Contingency Account A1990.40</b>	<b>\$1,200.00</b>
<b>To:</b>	<b>Legislative Account A1010.20-130</b>	<b>\$1,200.00</b>

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

**REFERRED TO: PUBLIC WORKS COMMITTEE**

**RESOLUTION NO. 211-06      *ALLOWING PENNSYLVANIA RESIDENTS TO USE THE BARTON TRANSFER STATION WITH ANNUAL PERMIT FEE OF \$25.00***

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

**WHEREAS:** The Solid Waste Department is looking to increase revenue to reduce the burden on Tioga County taxpayers; and

**WHEREAS:** The Solid Waste Department is asking that on a 1-year trial basis to allow Pennsylvania residents to use the Barton Transfer Station; and

**WHEREAS:** The Pennsylvania residents would be allowed to use the Barton Transfer Station Tuesday through Friday hours only; and

**WHEREAS:** The Solid Waste Department will collect permit fees of \$25.00 and issue permits for Pennsylvania residents; therefore be it

**RESOLVED:** That the Tioga County Legislature will on a 1-year trial basis allow Pennsylvania residents to use the Barton Transfer Station after purchase of an annual permit fee of \$25.00.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 212-06**      *AUTHORIZE CONTRACT WITH EM RISK  
MANAGEMENT FOR WORKERS'  
COMPENSATION ADMINISTRATION*

Adoption moved by Legislator Harrington,  
seconded by Legislator Oberbeck.

**WHEREAS:** The Tioga County Self-Insurance Plan has been using the services of EM Risk Management, a third-party administrator for our workers' compensation program, since January 1, 2003; and

**WHEREAS:** EM representatives have a dedicated in-house team of supervisors, claims adjusters, case managers, and medical bill auditors that work together to provide effective proactive management on all workers' compensation claims; and

**WHEREAS:** EM communicates with all representatives of the Tioga County Self-Insurance Plan to insure that cases are handled as desired by the self-insured employer; and

**WHEREAS:** EM actively works to recoup any medical savings or recover any funds under New York State Workers' Compensation Law on our workers' compensation cases; and

**WHEREAS:** EM charges one time on each worker's compensation case with no additional charge for open cases continuing into future years, increasing the adjusters motivation to close cases; and

**WHEREAS: On August 17, 2006 the Council of Governments voted to continue using the services of EM Risk Management and recommends the Tioga County Legislature approve the contract; and**

**WHEREAS: EM Risk Management has submitted a contract to continue as our third-party administrator for two additional years effective January 1, 2007 for 2007 rate of \$730/case for lost time claims and \$115/case for medical only claims; and**

**WHEREAS: In 2008 the fees will be \$766/case for lost time claims and \$121/case for medical only claims with no increase in 2007 or 2008 in EM’s administrative cost; therefore be it**

**RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to sign a contract with EM Management to be our third party administrator for workers’ compensation, for January 1, 2007 through December 31, 2008 under the terms set forth above, contingent upon review and approval by the County Attorney.**

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

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 213-06 *RENEW CONTRACT WITH NEAS FOR EMPLOYEE ASSISTANCE PROGRAM***

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

**WHEREAS: Participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide an Employee Assistance Program (EAP) to covered employees; and**

**WHEREAS: TCCMHIP has been using the services of NEAS, Inc as an EAP provider since January 1, 2005; and**

**WHEREAS:** NEAS, Inc. a national and global provider of EAP, work/life services, and training and management consultation has submitted a proposal to continue providing unlimited 24/7 telephonic assessment, up to 8 in-person counseling sessions for eligible employees and members of their household, and access to substance abuse professionals; and

**WHEREAS:** NEAS does aggressive promotion to make employees aware of their services, provide 4 hours of on-site training, provides management support, offers access to interactive web site and library of self-help and wellness materials; and

**WHEREAS:** NEAS has 18 offices within the local region where employees will be able to obtain services; and

**WHEREAS:** NEAS will continue to provide these services for the current fee of \$1.97 per covered employee per month for a two-year period; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with NEAS, subject to review by the County Attorney, to continue to administer our Employee Assistance Program effective January 1, 2007 through December 31, 2008, under the terms set forth above.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 214-06**      *AUTHORIZE CONTRACT WITH EBS  
BENEFIT SOLUTIONS – MEDICARE PART D  
DRUG COVERAGE*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Harrington.

**WHEREAS:** Medicare-eligible beneficiaries may purchase prescription drug coverage through a Medicare Part D Plan; and

**WHEREAS:** An employer who provides prescription drug coverage to retirees must disclose to it's retirees whether or not the benefit provided is "at least as good" as the Medicare coverage, referred to as creditable coverage notice; and

**WHEREAS:** Plan sponsors who offer postretirement drug coverage to their qualified covered retirees may be eligible to receive a 28% tax-free subsidy of allowable drug costs for those retirees who do not elect to receive prescription benefits under a Medicare Part D Plan; and

**WHEREAS:** It is necessary to complete an actuarial attestation to determine that the participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide drug coverage which meets the actuarial equivalence test in order to determine if the retiree prescription coverage is “at least as good” as the Medicare coverage and to determine if the TCCMHIP participants are eligible to apply for the subsidy for the 2007 Plan Year, January 1, 2007 through December 31, 2007; and

**WHEREAS:** Creditable coverage notices must be provided to all Part D eligible participants no later than November 15, 2006 and the deadline to file for the 2007 Plan Year subsidy is October 2, 2006; and

**WHEREAS:** EBS Benefit Solutions performed this actuarial attestation in 2005 for the 2006 Plan Year and is available to perform the actuarial attestation and necessary testing again in 2006 for the 2007 Plan Year; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer to sign a contract with EBS Benefit Solutions, subject to review by the County Attorney, to provide the necessary actuarial services for creditable coverage and the 28% tax-free subsidy related to Medicare Part D for the 2007 Plan Year at a cost of \$8,500.

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

**REFERRED TO:** PUBLIC SAFETY/PROBATION & DWI  
COMMITTEE  
PERSONNEL COMMITTEE

**RESOLUTION NO. 215-06** *RECLASSIFY SENIOR PROBATION  
OFFICER AND CREATE AND FILL  
WITH A PROBATION OFFICER –  
PROBATION DEPARTMENT*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Penney.

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

**WHEREAS:** The Director of Probation has recommended to reclass the Senior Probation Officer position that is vacant due to Lucinda Hanbury accepting the Probation Supervisor position and reclassifying the Senior Probation Officer position down to a full-time Probation Officer; and

**WHEREAS:** This change will be a savings of \$1,279.00 to the county; therefore be it

**RESOLVED:** That the Director of Probation be authorized to reclassify the Senior Probation Officer position to a full-time Probation Officer; and be it further

**RESOLVED:** That the Director of Probation be authorized to fill a full-time Probation Officer position at an annual starting salary of \$30,654.00 effective October 1, 2006.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

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

**RESOLUTION NO. 216-06** *RECLASSIFY VACANT ADMINISTRATIVE SECRETARY POSITION WITH TITLE OF ACCOUNT CLERK TYPIST AT THE DEPARTMENT OF MENTAL HYGIENE*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Harrington.

**WHEREAS:** Legislative approval is required for any position to be reclassified that would have budgetary impact; and

**WHEREAS:** Janet Morse, Administrative Secretary, has submitted her intention to retire as of October 1, 2006; thus creating a vacancy in that title; and

**WHEREAS:** The Director of Community Services has a desire to reclassify the vacant Administrative Secretary position in order to assign a title which more appropriately reflects the duties associated with the needs of the department; and

**WHEREAS:** The Personnel Officer has reviewed the New Position Duties Statement submitted by the Director and has determined the duties to be consistent with the job description to that of Account Clerk Typist; therefore be it

**RESOLVED:** That the Legislature approve the reclassification of the vacant Administrative Secretary position in the Mental Hygiene Department and fill in its place the title of Account Clerk Typist, located in CSEA salary grade IV with a hiring range of \$19,499 – \$20,099, effective October 1, 2006; and be it further

**RESOLVED:** That the Director of Community Services be authorized to appoint from the current Eligible List for Account Clerk Typist.

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

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

**REFERRED TO:** COUNTY CLERK COMMITTEE

**RESOLUTION NO. 217-06** *AUTHORIZE LEASE WITH OWEGO FAIRGROUNDS LLC FOR TIOGA COUNTY DEPARTMENT OF MOTOR VEHICLES*

Adoption moved by Legislator Roberts,  
seconded by Legislator Weston.

**WHEREAS:** The Department of Motor Vehicles which was located in the basement of the County Office Building at 56 Main Street was displaced due to the water backup in June/July 2006; and

**WHEREAS:** The office has been temporarily located on the main floor of the County Office Building at 56 Main Street, but the space is not adequate enough for its needs which has resulted in lost revenues and the approaching cold weather would require further renovations to ensure the safety of its employees; and

**WHEREAS:** Displacement costs due to the water backup are covered under the County insurance policy and by FEMA, the terms of which has not yet been determined; and

**WHEREAS:** There is space available to lease from Owego Fairgrounds LLC located at the Price Chopper Plaza with adequate space and parking for employees and motor vehicle clients; and

**WHEREAS:** The County Clerk has indicated that the space available at the Owego Fairgrounds Plaza is adequate and necessary to meet the short term needs of the Department of Motor Vehicles; and

**WHEREAS:** The shortest lease term available at the Owego Fairgrounds Plaza is three years; and

**WHEREAS:** Necessary renovations of 56 Main Street and its displaced departments may take up to two years or more to resolve; now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby authorizes and directs the Chairman to execute a three-year triple net lease with Owego Fairgrounds LLC for space for the Department of Motor Vehicles at a rate of \$9.25 square foot for a total of approximately 3,200 square feet to be paid in monthly installments of \$2,666.67 per month, with two five year-options of \$10.25/sq. ft and \$10.50/ sq. ft respectively, plus shared costs for maintenance, taxes, and insurance, subject to approval by the County Attorney and the New York State Department of Motor Vehicles; and be it further

**RESOLVED:** That the lease and expense payments be paid out of the Recovery from 2006 Water Disaster Account H1623.20 until the end of the fiscal year, December 31, 2006, and then to be paid out of Department of Motor Vehicles Account A1411.40-550 (part of the County Clerk Budget), unless another department[s] is located within the leased space, at which time the cost of which will be pro rata between such departments.

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

**REFERRED TO:** FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. 218-06** *SET PUBLIC HEARING TO CONSIDER SALE OF REAL PROPERTY IN THE ROUTE 38 INDUSTRIAL PARK AREA TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION*

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

**WHEREAS: Tioga County is the owner of real property located in the Route 38 Industrial Park located in the Town of Owego; and**

**WHEREAS: Tioga County Local Development Corporation has requested that Tioga County transfer to it a 4.670 acre parcel located adjacent to Upstate Shredding, LLC on Corporate Drive, described on Schedule A attached hereto, to be used for purposes set forth within its certificate of incorporation and as set forth under §1411(c) of the Not-for-Profit Corporation Law; and**

**WHEREAS: Tioga County no longer requires the 4.670 site for municipal purposes; and**

**WHEREAS: Tioga County is authorized under §1411 of the Not-for-Profit Corporation Law to transfer real property to a local development corporation following a public hearing; therefore be it**

**RESOLVED: That the Tioga County Legislature hereby sets a public hearing on October 5, 2006 at 1:30 pm in the Edward D. Hubbard Auditorium of the County Office Building located at 56 Main Street, Owego, New York to consider the transfer of the 4.760 parcel of real property set forth in Schedule A to the Tioga County Local Development Corporation.**

**CARRIED**

**REFERRED TO: ED & P COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 219-06      *AUTHORIZATION OF STIPEND AND  
ASSIGNMENT OF COUNSEL DUTIES FOR  
THE TIOGA COUNTY ATTORNEY TO  
CONTINUE SERVING AS LEGAL COUNSEL  
TO THE TIOGA COUNTY IDA AND LDC***

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

**WHEREAS: Mark Dixon has served as the Attorney for the Tioga County Industrial Development Agency [IDA] since 1991 and the Tioga County Local Development Corporation [LDC] since its inception; and**

**WHEREAS: Mark Dixon became County Attorney on January 3, 2006; and**

**WHEREAS:** The Tioga County Legislature desires that Mark Dixson concentrate his efforts towards his legal duties for the County and that the IDA and LDC would need to find other legal counsel until a replacement is retained; and

**WHEREAS:** The IDA and LDC placed an advertisement in local papers for person interested in the position as counsel to the IDA and LDC to forward qualifications; and

**WHEREAS:** No qualified attorneys with significant municipal experience responded to the advertisement; and

**WHEREAS:** The Tioga County Legislature has authorized Mark Dixson as County Attorney to continue to act as counsel to the IDA and LDC up to, but no later than, November 1, 2006; and

**WHEREAS:** The duties would not normally be included in the duties of County Attorney and therefore a stipend will be paid by the County to Mark Dixson, which stipend will be reimbursed to the County by the IDA and LDC to County Attorney Account 1420.10-10 and Social Security Account A9030.80, so that there is no cost to the County; and

**WHEREAS:** The IDA and LDC will pay to the Tioga County Treasurer the amount of a stipend and all related expenses and the net will be paid to Mark Dixson as a stipend for such services from County Attorney Account A1420.10-10 provided to the IDA and LDC; now therefore be it

**RESOLVED:** That the Tioga County Legislature assigns to Mark Dixson the duties of counsel to the IDA and LDC until November 1, 2006, and now therefore be it further

**RESOLVED:** That Tioga County will pay Mark Dixson a stipend not to exceed \$2,646 per month.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

Legislator Oberbeck made a motion to adjourn at 6:43 P.M., seconded by Legislator Sauerbrey and the motion to adjourn was carried.