

***NINTH REGULAR MEETING***

**September 11, 2007**

**The Ninth Regular Meeting of 2007 was called to order by the Chair at 6:00 P.M. All Legislative members were present.**

**The Chair asked Legislator Huttleston to have a moment of prayer. He read an excerpt from 9/11/2001 from the Miami Herald newspaper that appeared shortly after the terrorists' attacks on the United States. He asked for a moment of silence in honor of all the people that lost their lives in the World Trade Center and all the Veterans' that we have overseas and in Countries that are protecting our freedom.**

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

**There were 21 people in attendance.**

**Elaine Lasater from the Employee Recognition Committee presented the Employer of the 3<sup>rd</sup> Quarter 2007 Linda Bogart from the County Clerk's Office. "The Tioga County Employee Recognition Committee would like to recognize Linda Bogart as our third employee of the quarter.**

**"Linda Bogart began her career with Tioga County in 1980 when she was hired by the Department of Social Services on a temporary basis as a Clerk-Typist. Later that year she was appointed to a permanent position with the County Clerk's Office. She worked until 1989 when she resigned for a short time and then returned to the County in 1992. Since 1995, Linda has been serving as an Account Clerk Typist in the County Clerk's Office.**

**"One of the reasons why Linda was nominated is because of her helpful and courteous manner in which she conducts herself at work. She is known for her ability to go out of her way to do whatever is needed to assist a fellow co-worker, a customer, or another County employee.**

**"One duty which Linda is responsible for performing is a monthly Mortgage Tax report as well as a Semi Annual Mortgage Tax Report. These are very complicated reports which, if not done correctly, could cause major problems with the State as well as the Municipalities. She is both accurate and timely with this information. She also handles all the Purchase Orders for the Clerk's Office and for the Department of Motor Vehicles. She is always looking for the lowest cost to the County. Linda is also very knowledgeable with problem passports and has been able to help people obtain what they needed in order to complete their passport application in a timely manner.**

**“Her supervisors have shared that time and time again, customers and law offices have indicated that *“Linda is the most kind and helpful person they have ever encountered in any County Clerks office in New York State!”* With this, Linda is also a very modest person. She is not the type of person to be looking for praise. She helps others and never expects anything in return. To quote one of Linda’s supervisors – *“Workers like Linda are the unsung hero's of this County. She may not have a glamorous job, perform life or death duties or be well known outside of our office, but as far as we're concerned she is the glue that help holds this office together.”***

**“Linda and her husband, Dale have resided in the Village of Owego since 1996. They share four children together. Linda’s daughter, Jenny, recently graduated high school from Owego Free Academy. Linda is an avid reader who enjoys cooking and camping during the summer. Linda, thank you for your years of service to Tioga County.”**

**“Legislator Penney spoke. *“For sometime now we have been hearing of the courteous and dispatch with which the public is being served in the County Clerk’s Office. It is, therefore, a great pleasure on behalf of the Legislature to present to Linda this token of our thanks and appreciation.”***

**Robert Woodburn, County Clerk, spoke. *“We cannot speak highly enough of Linda. She is a joy to have in the office. The public love her. She does great work. If every department had workers like her you could rest easier and know the job is going to get done.”***

**Lisa Poole, Deputy County Clerk, spoke. *“To tell you how good a worker Linda is and how well respected she is in our office, our whole entire office was able to come here tonight and would not have missed it for the world. Linda is a very capable employee who is also kind and considerate to everyone she deals with. She always goes out of her way to help her fellow employees as well as the general public who comes in to our office. Linda is constantly busy, but still has time and patience to stop what she is doing to help somebody out, and if you have ever been to our office you will understand that we have customers coming in the door, phones ringing off the hook most of the time, so it is not like you can just sit down and finish a job. Linda always has a big smile on her face and is always willing to help out, and a willing attitude. She is also very modest and I am sure she is just loving all this attention that she is getting from us today, but she really does deserve all our praise, and we are very lucky to have her as an employee. Thank you.”***

**Linda spoke. *“Thank you very much and I appreciate it. It is an honor.”***

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 210-07      *RESOLUTION RECOGNIZING  
BOB YANCHUS' 31+ YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY***

**Adoption moved unanimously,  
seconded unanimously.**

**WHEREAS: Bob Yanchus was appointed to the position of Social Welfare Examiner on August 9, 1976; and held various job titles throughout his 31 year history, and appointed to Employment Center Manger on July 2, 2001; (this position is where he completed his appointment); and**

**WHEREAS: Bob Yanchus has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 31+ years to the various departments and Employment & Training. He has earned the respect of his colleagues and peers throughout Tioga County; and**

**WHEREAS: Mr. Yanchus will retire on September 17, 2007; therefore be it**

**RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Bob Yanchus for his 30 years of dedicated and loyal service to the residents of Tioga County; and be it further**

**RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Bob Yanchus.**

**CARRIED UNANIMOUSLY**

**Legislator Harrington read and presented the following Proclamation on 2007 Cornell Cooperative Extension Week and National 4-H Week to James Mead, Board Member of Cornell Cooperative Extension.**

**Legislator Harrington spoke. “Each year the Tioga County Legislature recognizes Cooperative Extension and the 4-H program associated with it, and I have the privilege this evening of reading a Proclamation and to receive the Proclamation we have one of the Board Members, Mr. Jim Mead. It is always nice to have a person like Jim on the Board for Cooperative Extension. Cooperative Extension has undergone many changes, I am sure you are aware of, over the years, trying to stay faithful to their mission in providing educational programs.**

“Last year at this time financially because of the flood and because of other cuts in funding Cooperative Extension actually had a deficit budget. By year end they were in a situation where they had to decide to cut certain programs and these programs were deemed critical by other organizations such as our Social Services Department who came to the rescue and provided a revenue stream so that they had enough funding to finish out last year and enough for this year. We do not know what is going to happen in the future and in our current year we are on budget and that is a good thing. We did have to cut some programs at the beginning of the year because lack with the employment office some of the WIA funds have dried up and so there were some programs that we did away with, but I think a great challenge was made for Cooperative Extension to continue to provide the number of services they do with the balancing act they have to do with the amount of revenue that is available.”

**2007 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 volunteers from across Tioga County and is part of Cornell Cooperative Extension, a partnership between federal, state, and county governments, the primary educational outreach arm of Cornell University, and part of the national Land Grant University system; and

*WHEREAS:* CCE Tioga 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, including over 30 4-H clubs; the Tioga County Youth Fair, PYLI Youth Leadership Training, the Phoenix Kids Café; Tractor Safety, Shooting Sports, Living History, and Cooking Up Fun; and

*WHEREAS:* CCE Tioga also serves the residents of Tioga County through **Agriculture and Natural Resources** programs that assist dairy, livestock, and fruit and vegetable farmers with business development, production, marketing, and management issues; and by helping land owners find answers to their questions related to gardens, yards, ponds, woodlands, and natural gas drilling; and by working in partnership with other agencies to promote and support agriculture and addressing current issues, such as flooding; 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, including the Owego and Waverly Family Resource Centers and the Reunification program, which helps place foster children back with their parents; 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 by working with health professionals and local agencies to find effective ways to address issues such as childhood obesity; and

**WHEREAS:** CCE Tioga also serves the residents of Tioga County by supporting **Community Development** programs that encourage broad based, sustainable economic development, personal leadership development and/or active participation in community decision-making including Tioga REAP, LDC and the Tioga Reality Check program; and

**WHEREAS:** October 7<sup>th</sup> through 13<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 7-13, 2007 as

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

**Jim Mead spoke. “Thank you very much Dick. I am a newborn member. I have a couple of kids in 4-H and one hundred years ago when I graduated Cornell at one time I thought I wanted to be an Extension Agent, but I sure do not want to do that now because I watch how our Executive Director gets involved in everything. I can make a fair load of hay now and then, but I could not do what he does and what the staff does. I am also really encouraged with the support that we do get from the County, Dick’s involvement. He does not miss a meeting. He is attentive to what is happening and very proactive on our behalf, and that really means a lot to the Board.**

**“I think the most rewarding thing for me obviously are the kids in the program and so forth, and I use it myself with some of my agricultural endeavors, but the really rewarding thing is and really the ideal of the land grant college idea that we foster is that it is government and people doing grassroots and real things. I know that sometimes we read these things in the newspaper and it kind of goes over our head, and I know a lot of people have the feeling aw well that is just the government doing XYZ and it is not for me. Well at Cooperative Extension we seem to have the ability to take some of those things and turn them into reality that people can touch and feel and benefit from. I am very happy to have been asked to be on the Board and doing my little part to help that. I am sure everyone on the Board would join me in saying we appreciate the support we do have from the County.**

**“We get a thing you know in the e-mail now once a month from Cornell about what is going on with other associations across the State and there are and have been and can be some real problems in the ability of those associations to provide the services that they would like to have because of all myriad of misunderstandings and so forth with government agencies and County Executive bodies. We are blessed that we do not have those kinds of problems. Again we appreciate the Proclamation and we appreciate your support, and you are all invited, of course, anytime to be involved in any of our programs, coming to meetings, visit us at the Fair, stop in at the office, see what is going on. It is always something new and exciting. Thanks again.”**

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		872.13
A1165	District Attorney		2,209.03
A1170	Public Defender		4,033.04
A1172	Assigned Counsel		29,106.24
A1185	Medical Examiners/Coroners		980.39
A1355	Assessments		2,009.15
A1410	County Clerk		1,952.65
A1411	Department of Motor Vehicles		6,363.87
A1420	Law		2,138.84
A1430	Personnel		1,846.39
A1450	Elections	3,391.00	4,835.75
A1460	Records Management		932.16
A1490	Public Works Administration		360.40
A1620	Buildings		70,554.78
A1680	Information Technology		18,605.27
A2960	Education of Handicapped Children		219,235.68
A3020	Public Safety Comm E911 System		8,177.64
A3110	Sheriff		20,471.16
A3110.41	Sheriff-Court Attendants		2,109.28
A3117	Sheriff WM 06837962 Grant		3,000.00
A3140	Probation		3,236.21
A31416	Probation Sex Offender Registration		1,408.36
A3150	Jail		71,520.87
A3315	Special Traffic Programs		2,353.32
A3410	Fire	50.05	11,653.42
A3640	Emergency Mgmt Office		687.14
A3641	Emergency Mgmt Grant Program	517.21	
A3649	Fire WMD Grant	190.18	
A4010	Public Health Nursing		45,017.53
A4011	Public Health Administration	3,888.77	15,146.09
A4012	Public Health Education		11,293.40
A4042	Rabies Control		4,966.30
A4044	Early Intervention	410.98	72,890.91
A4053	Preventive/Primary Health Services		1,035.36
A4054	Preventive Dental Services		5,708.59
A4062	Lead Poisoning Program		472.68
A4064	Managed Care-Dental Services		22,488.77
A4070	Disease Control		4,967.02
A4090	Environmental Health		5,429.34
A4210	Alcohol and Drug Services		20,159.73
A4309	Mental Hygiene Co Admin		9,264.92

A4310	Mental Health Clinic		84,061.72
A4315	Mental Retardation		30,933.74
A4320	Crisis Intervention		29,524.21
A4321	Intensive Case Management		2,250.12
A4390	Psychiatric Expenditure, Criminal Actions		2,085.00
A6010	Social Services Administration	195.99	203,636.12
A6422	Economic Development		2,380.71
A6510	Veterans' Service		983.21
A6610	Sealer Weights and Measures		240.25
A7310.41	Youth Programs, Refundable		12,683.56
A7510	Historian		175.00
A8020	Planning		590.81
SOLID WASTE FUND			87,946.29
COUNTY ROAD FUND			64,739.80
SPECIAL GRANT FUND			19,864.68
CONSOLIDATED HEALTH FUND			2,718.00
CAPITAL FUND			1,286,369.56
LIABILITY INSURANCE FUND			662.68
WORKERS' COMP			<u>14,109.67</u>
GRAND TOTAL			\$2,564,093.12

Legislator Burns made a motion to approve the minutes of August 9, 14, and 23, 2007, seconded by Legislator Harrington and carried.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 211-07 ADOPT LOCAL LAW NO. 3 OF 2007

Adoption moved by Legislator Penney,  
seconded by Legislator Burns.

WHEREAS: A public hearing was held on August 23, 2007, following due notice thereof to consider the adoption of a Local Law revoking, abrogating, and repealing Local Law No. 4 of the year 1976 A Local Law known as the Freshwater Wetlands of Tioga County; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 3 of 2007; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

**County of Tioga**

**Local Law No. 3 of the Year 2007.**

**A Local Law revoking, abrogating, and repealing Local Law No. 4 of the year 1976  
A Local Law known as the Freshwater Wetlands Law of Tioga County.**

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

**SECTION 1:**

**Local Law No. 4 of the year 1976 be and hereby is revoked, abrogated, and repealed.**

**SECTION 2:**

**This Local Law shall take effect upon filing in the Office of the Secretary of State in accordance with the requirements of Section 27 of the Municipal Home Rule Law.**

**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**

**REFERRED TO: FINANCE/LEGAL COMMITTEE**

**RESOLUTION NO. 212-07 ADOPT LOCAL LAW NO. 4 OF 2007**

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

**WHEREAS:** A public hearing was held on September 6, 2007, following due notice thereof to consider the adoption of a Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York; and

**WHEREAS:** It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 4 of 2007; therefore be it

**RESOLVED:** That the following Local Law be and hereby is adopted;

**County of Tioga**

**Local Law No. 4 of the Year 2007.**

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

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

**SECTION 1:**

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

**SECTION 2:**

**Imposition of sales tax.**

**On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2007, and ending November 30, 2009 there is hereby imposed and there shall be paid an additional tax of one percent upon:**

**SECTION 2:**

**Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:**

**SECTION 2-a:**

**Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2009, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.**

**(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2009, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.**

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2009, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2009, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2009.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vender of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the premises, for which such energy sources or services are purchased, is used solely as a residence or identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

**SECTION 3:**

Section Three of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new subdivision (h) to read as follows:

(h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2007, and ending November 30, 2009, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2007, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2007, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2007. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2007, any transaction which may not be subject to the additional tax imposed effective on that date.

**SECTION 4:**

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

**SECTION 4:****Imposition of compensating use tax.**

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2007, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise

created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2007, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2007, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2007, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the

specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2007, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2007, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

**SECTION 5:**

Subdivision (1) of Section 11 of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new paragraph (C) to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2007, and ending November 30, 2009, in respect to the use of property used by the purchaser in this County prior to December 1, 2007.

**SECTION 6:**

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

**(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2007, through November 30, 2009, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.**

**SECTION 7:**

**This enactment shall take effect on December 1, 2007.**

**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.**

**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. 213-07 ADOPT LOCAL LAW NO. 5 OF 2007**

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

**WHEREAS: A public hearing was held on September 6, 2007, following due notice thereof to consider the adoption of a Local Law providing for the collection of a hotel/motel tax in Tioga County, as amended by Local Law No. 3 of 2006, and as amended by Local Law No. 4 of 2006; and**

**WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 5 of 2007; therefore be it**

**RESOLVED: That the following Local Law be and hereby is adopted;**

County of Tioga

Local Law No. 5 of the Year 2007

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, as amended by Local Law No. 3 of 2006, and as amended by Local Law No. 4 of 2006.

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. 7 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, as amended by Local Law No. 3 of 2006 and as amended by Local Law No. 4 of 2006, is hereby amended to read as follows:

**SECTION 10:** This Local Law originally effective January 1, 1990 shall remain in effect until November 30, 2009.

***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 take effect on December 1, 2007.

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:** PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 214-07** *SEX OFFENDER ENHANCED  
PROBATION SUPERVISION  
CONTRACT*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Burns.

**WHEREAS:** The Tioga County Probation Department has received approval for a Division of Probation and Correctional Alternatives contract in the amount of \$16,900; and

**WHEREAS:** A new appropriation account needs to be established in the amount of \$16,900 to fund this program; therefore be it

**RESOLVED:** That Account 3316 State Aid Sex Offender Enhanced Probation Supervision in the amount of \$16,900 be appropriated to Account A3146.40-140 Probation Sex Offender Supervision to administer this contract.

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

**REFERRED TO:                    INFORMATION TECHNOLOGY COMMITTEE  
                                         FINANCE COMMITTEE**

**RESOLUTION NO. 215-07            *FUND TRANSFER*  
                                         *PURCHASING COORDINATOR***

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

**WHEREAS: Ann Schrader's previous position of Confidential Secretary to the County Manager had traditionally been assigned duties associated with the County's purchasing and E-service program, which were reflected as annual stipend authorizations; and**

**WHEREAS: Resolution 206-07 authorized the permanent appointment of Ann Schrader as Purchasing Coordinator at an annual salary of \$39,012.00 (with stipends); and**

**WHEREAS: Funds need to be transferred from Purchasing Account to the Information Technology Account; therefore be it**

**RESOLVED: That the annual stipend in the amount of \$3,000 prorated for the remainder of 2007 at \$988.55 be transferred from the Purchasing Personnel Services Full Time account A1345.10.10 to Information Technology's Account A1680.10.10 Personal Services Full Time account effective September 1, 2007.**

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:                    PUBLIC SAFETY COMMITTEE  
                                         FINANCE COMMITTEE**

**RESOLUTION NO. 216-07 *TRANSFER OF FUNDS***

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

**WHEREAS: The Sheriff is experiencing higher Medical Expenses than expected in the Jail; and**

**WHEREAS:** One account in the Sheriff’s budget is projected to finish the year under spent; now therefore be it,

**RESOLVED:** That the following funds be transferred from the Sheriff’s budget 3110 account into the Jail budget 3150 account as follows:

<b>From: Sheriff Account A3110.10.20 Part Time</b>	<b>\$43,000</b>
<b>To: Jail Account A3150.40.370 Medical Expense</b>	<b>\$43,000</b>

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

**REFERRED TO:** **ADMINISTRATIVE SERVICES COMMITTEE**  
**FINANCE COMMITTEE**

**RESOLUTION NO. 217–07** **TRANSFER OF FUNDS**  
**PURCHASE OF EQUIPMENT**  
**VETERANS’ OFFICE**

Adoption moved by Legislator Harrington,  
seconded by Legislator Huttleston.

**WHEREAS:** The Director of Veterans’ Service Agency is in need of a monitor; and

**WHEREAS:** The Director of Information Technology has approved the purchase of a monitor at a cost of \$149.00; and

**WHEREAS:** Funds exist in the Veterans’ Service Agency account but need to be transferred to an equipment account; now therefore be it

**RESOLVED:** That the Veterans’ Service Director be authorized to purchase a monitor at a cost not to exceed \$149.00 and that the following sums be transferred:

<b>From: Veterans’ Account A6510.40-320</b>	<b>\$149.00</b>
<b>To: Veterans’ Account A6510.20-90</b>	<b>\$149.00</b>

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

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 218-07 *AUTHORIZE ACCEPTANCE OF \$10,000 NYS DOS  
FLOOD MITIGATION GRANT***

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

**WHEREAS: NYS Congressman Gary Finch awarded Tioga County \$10,000 through a Community Projects Appropriation Agreement to directly aid and mitigate a problem caused by the June 2006 flood; and**

**WHEREAS: The Flood Mitigation Think Tank has met since July 2006 and inventoried priority flood projects with each individual municipality; and**

**WHEREAS: The top priority of all the municipal flood hazard mitigation projects has been identified as the stream restoration of Apalachin Creek in the Town of Owego so the exposed municipal sewer main that serves 335 households will not incur further damage; therefore be it**

**RESOLVED: That the Tioga County Legislature hereby authorizes the acceptance of said grant and authorizes the following fund transfers:**

**From: A3093 State Aid / Water Mitigation Grant TM51355      \$10,000**

**To: A8026.40-140 Water Mitigation Grant TM51355      \$10,000**

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

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 219-07      *ACCEPTANCE OF LOW BID FOR  
BREATHING AIR COMPRESSOR AND  
CONTRACT FOR INSTALLATION***

**Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Burns.**

**WHEREAS:** The Bureau of Fire competitively bid the purchase of a new Breathing Air Compressor; and

**WHEREAS:** There was one fully compliant bid received at the bid opening. That bid submitted by SafAIR Breathing Air Services of Sherburn, NY; and

**WHEREAS:** The Bureau of Fire has the funding for such compressor allocated in the 2007 WMD Grant funding located in budget item A3649.20; now therefore be it

**RESOLVED:** That pending approval of the contract by the Tioga County Law Department, Tioga County enter into a contract to purchase the Breathing Air Compressor as described in the SafAIR sealed bid.

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

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 220-07**      ***ACCEPTANCE OF APPLICATION FOR CHIEF MICHAEL SIMMONS TO THE TIOGA COUNTY HAZ-MAT TEAM***

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Burns.

**WHEREAS:** The Bureau of Fire provides high quality Hazardous Materials Team support to the Fire Service in Tioga County and adjacent Counties through the NYS Fire Mutual Aid Plan; and

**WHEREAS:** This service is provided by local highly trained volunteers; and

**WHEREAS:** Berkshire Fire Chief Michael Simmons has applied for membership to the County Haz-Mat Team; and

**WHEREAS:** Chief Simmons is retiring from his full time job with the New York State Police working in Homeland Security and will be available for day time work with the Haz-Mat Team and this will be at no additional increase to the Bureau of Fire budget; now therefore be it

**RESOLVED:** That Chief Michael Simmons be added to the Tioga County Haz-Mat Team roster.

**CARRIED**

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

**RESOLUTION NO. 221-07 RESOLUTION TO APPOINT JOHN TAYLOR  
TO THE COMMUNITY SERVICES BOARD**

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Burns.**

**WHEREAS: The Tioga County Community Services Board has vacant positions available; and**

**WHEREAS: John Taylor, residing at Owego, NY, has expressed interest in filling a vacant position; and**

**WHEREAS: The Community Services Board formally nominated John Taylor for a position at its August 2007 meeting, and recommends to the Tioga County Legislature that he be appointed to the Community Services Board; now therefore be it**

**RESOLVED: That the Tioga County Legislature hereby appoint John Taylor to the Tioga County Community Services Board for the remainder of a vacant term ending December 31, 2008.**

**CARRIED**

**REFERRED TO: PUBLIC WORKS COMMITTEE**

**RESOLUTION NO. 222-07**                    ***HIRE KEYSTONE ASSOCIATES FOR  
DESIGN & INSPECTION SERVICES  
FOR REHABILITATION OF  
WEST CREEK RD BRIDGE OVER  
W. HILL CREEK BIN: 3335230***

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

**WHEREAS: The Commissioner of Public Works has completed a Bridge Study that developed a priority for rehabilitating or replacing the most deficient bridges; and**



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

**REFERRED TO: PUBLIC WORKS COMMITTEE**

**RESOLUTION NO. 224-07                      *AWARD BID FOR CONSTRUCTION  
 OF HALSEY VALLEY RD BRIDGE  
 BIN #3335010***

Adoption moved by Legislator Roberts,  
 seconded by Legislator Burns.

**WHEREAS:** The Tioga County Dept. of Public Works held a sealed bid opening for the rehabilitation of the Halsey Valley Rd. Rd. Bridge (BIN: 3335010) over Catatunk Creek, Town of Spencer, NY on 9/5/07; and

**WHEREAS:** Tioga County has received Tobacco Settlement funding in the amount of about \$4.9 million which must be expended within a three-year time frame on Capital projects; and

**WHEREAS:** Funds were budgeted for the rehabilitation of the Halsey Valley Rd. Bridge Account H 2006.03; and

**WHEREAS:** The bid results were as follows:

1. R. DeVincentis Construction	Binghamton, NY	\$548,000.00
2. Vector Construction	Cicero, NY	\$591,049.25
3. Silverline Construction	Burdett, NY	\$450,863.00
4. Slate Hill Construction	Warners, NY	\$513,494.50
5. Economy Paving	Cortland, NY	\$498,039.10
6. JN Giamarino Construction	Binghamton, NY	\$511,505.00

**And**

**WHEREAS:** McFarland & Johnson Engineers has reviewed the bid proposals and recommends awarding the project to the low bidder Silverline Construction, Burdett, NY , which satisfies the requirement for qualifications; therefore be it

**RESOLVED:** That the Tioga County Legislature award the construction contract to the low bidder Silverline Construction not to exceed \$450,863 and to be paid out of Halsey Valley Rd. Bridge Account H2006.03.

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

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 225-07** *APPOINT DIRECTOR OF REAL PROPERTY TAX SERVICES I; ABOLISH POSITION/ TRANSFER FUNDS (REAL PROPERTY TAX SERVICES DEPT.)*

Adoption moved by Legislator Penney,  
seconded by Legislator Sauerbrey.

**WHEREAS:** The term of appointment for the Director of Real Property Tax Services I will expire on September 30, 2007; and

**WHEREAS:** The current incumbent, Doug Barton, is not seeking reappointment as Director of Real Property Tax Services I, but will continue as Director of Economic Development & Planning at his current salary of \$73,555; and

**WHEREAS:** Elizabeth (Betty) Hawken, Real Property Tax Service Technician, is willing and eligible for appointment to the position of Director of Real Property Tax Services I, for a six-year term; and

**WHEREAS:** The vacancy resulting from Ms. Hawken’s promotion would not need to be backfilled; and

**WHEREAS:** Ms. Hawken’s promotion would eliminate the need to continue the Deputy Director stipend of \$8,000 annually; therefore be it

**RESOLVED:** That Elizabeth (Betty) Hawken be appointed for a six-year term to the position of Director of Real Property Tax Services I in accordance with Real Property Tax Law, effective October 1, 2007 through September 30, 2013 at an annual salary of \$51,136; and be it further

**RESOLVED:** That the Deputy Director of Real Property Tax Services I stipend of \$8,000 is discontinued as of October 1, 2007; and be it further

**RESOLVED:** That one vacant position of Real Property Tax Service Technician shall be abolished effective October 1, 2007; and be it further

**RESOLVED:** That the necessary funds to accommodate the above changes shall be transferred as follows:

From Account A6422.40-10 Economic Development	\$2,400.00
To Account A1355.10-10 Assessments	\$2,400.00

Effective October 1, 2007.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO:** ECONOMIC DEVELOPMENT/  
JOB TRAINING COMMITTEE  
PERSONNEL COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 226-07** *ABOLISH POSITION  
CREATE FULL TIME POSITION  
CREATE PART TIME POSITION  
EMPLOYMENT & TRAINING  
DEPARTMENT*

Adoption moved by Legislator Burns,  
seconded by Legislator Harrington.

**WHEREAS:** Robert Yanchus, Employment Center Manager, has announced his retirement effective September 17, 2007; and

**WHEREAS:** Over the past several years the amount of federal Workforce Investment Act funding Tioga County has received has consistently reduced; with another 16% reduction forecasted in 2008; and

**WHEREAS:** Mr. Yanchus' retirement presents a timely opportunity to review Tioga County's relationship with the Broome-Tioga Workforce Investment Board; and

**WHEREAS:** That the Executive Director of the Workforce Investment Board has agreed that Tioga County Employment & Training staff and Broome County Employment & Training staff will be utilized interchangeably to meet the needs of the customers in both counties while allowing for absorption of the funding cuts; and

**WHEREAS:** It appears, with minor adjustments within Tioga County’s Employment & Training Department, the full services may be continued despite the reductions in funding; therefore be it

**RESOLVED:** That Mr. Yanchus’ vacant full-time position of Employment Center Manager is hereby abolished effective September 17, 2007; and be it further

**RESOLVED:** That one full-time position of Employment Center Supervisor (Salary Grade 14) be created based upon supervisory responsibility for the office; and be it further

**RESOLVED:** That Sheri McCall receive the provisional promotion to this new position and the corresponding salary increase effective September 17, 2007; and be it further

**RESOLVED:** That one part-time position of Employment Contracts Specialist (\$25.00 per hour) be created with approval to fill effective September 17, 2007 to work no more than 17 hours per week; and be it further

**RESOLVED:** That with the creation of the Employment Contracts Specialist position, the 2007 authorized part-time headcount for Employment and Training will increase, from 0 to 1; and be it further

**RESOLVED:** That the Senior Employment & Training Counselor position vacated by Ms. McCall shall remain in place, but unfunded until such time Ms. McCall successfully completes her probation in the higher position.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

