

*Twelfth Regular Meeting*  
December 9, 2008

The Twelfth Regular Meeting of 2008 was called to order by the Chair at 6:03 P.M. All Legislative members were present.

Chair Weston asked for a moment of prayer. “Our Father we know there is a time to speak and a time to be silent. Help us to know one from the other.”

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

There were approximately 46 people in attendance.

Elaine Lasater of the Employee Recognition Committee presented the Employee of the 4<sup>th</sup> Quarter 2008 to Drew Griffin of the Information Technology Department.

“Drew Griffin began his employment with the Tioga County Information Technology Department in August 2006 when he was hired as a Software Support Liaison. He comes to us with 19 years of experience in the technology services industry. Drew’s prior experience covers areas of technical services, service management and project management.

“In this position, Drew acts as a liaison between various departments and the IT Department’s Help Desk to resolve software, hardware and network issues. His responsibilities also include maintaining the Civil Service and other Internet and Intranet postings; such as training employees on computer-related areas, and assisting with various IT projects. Drew is also one of our Driver Safety trainers.

“Drew’s positive support, strong work ethic and fine leadership qualities are certainly an asset to Tioga County. He and his family moved to this area seeking a more rural lifestyle and to be closer to his wife’s family. Outside of work, Drew is very close to his family and is actively involved with the local community. He serves on the Leadership Tioga Board, the Connect Tioga Board, is a 4-H Sheep Club leader and was recently nominated to the Cornell Cooperative Extension Board of Directors.

“Please join me in congratulating Drew as Tioga County’s Employee of the Fourth Quarter 2008.”

Suzanne Horton, Director of Information Technology, spoke. "I am very proud of Drew being selected for the Employee of the 4<sup>th</sup> Quarter. Drew really takes great pride in his work and everything that he does. He is always willing to help anyone and always goes out of his way to provide good customer service. Drew's hard work, effort, and enthusiasm has proven him to be a good ambassador for IT and a valuable member of the IT Team. Congratulations Drew. Your dedication truly contributes to our success."

Legislator Burns presented a plaque and bond to Drew Griffin. "I want to congratulate you. You are a good employee and this is well deserved."

Drew Griffin spoke. "I wanted to say thank you to those that nominated me, thank you to the selection committee and to the Legislators this evening for taking time to present me with this award. I am glad that my contributions have had a positive impact here at the County. Thank you very much."

Chair Weston read and presented the following recognition resolution to Donald Burns.

**REFERRED TO:                   LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 317-08**

***RESOLUTION RECOGNIZING  
DONALD BURN'S  
YEARS OF DEDICATED SERVICE TO  
THE TIOGA COUNTY LEGISLATURE***

**Adoption moved unanimously,  
seconded unanimously.**

**WHEREAS: Donald Burns was elected to the position of Tioga County Legislator to replace William Caloroso on January 1, 2002; and**

**WHEREAS: Donald Burns has served as Chair of the committees of Information Technology, Administrative Services, Personnel and ADA, and in 2006 he served as the Chair of the Legislature; and**

**WHEREAS: Donald Burns has also served on the committees of Health and Human Services, Public Works, Economic Development and Planning, Public Safety; and**

**WHEREAS: Donald Burns has served on various other Boards including Council of Local Governments, REAP Board, Transportation Committee, and he was the Trustee of the Local Law Library; and**

**WHEREAS:** Donald Burns has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past seven years to the Tioga County Legislature. He has earned the respect of his colleagues and peers throughout Tioga County; and

**WHEREAS:** Mr. Donald Burns will be leaving office on December 31, 2008; 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 Donald Burns for his seven 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 Legislator, Donald Burns.

**CARRIED UNANIMOUSLY**

Chair Weston spoke. “Thank you very much for a job well done.”

Legislator Burns spoke. “I was well compensated for this so it is not an issue of anything other than simply trying to do a good job. I appreciate all the help I had along the way because you do not do any of this without an awful lot of help from a lot of people. I appreciate my time here and thank you very much.”

Chair Weston spoke. “One other word I would like to mention is that Don many times when he came in the office I looked to him for guidance. He had been Chair and had done a good job at it, and he has also been involved with the local Court System and a lot of the quick questions that would come up I would ask him and refer to his expertise in that, and his work with the BCC Community was outstanding and very dedicated. For that Don, thank you very very much.”

Chair Weston read and presented the following recognition resolution to George Penney.

**REFERRED TO:                    LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 318-08**

***RESOLUTION RECOGNIZING  
GEORGE PENNEY’S  
YEARS OF DEDICATED SERVICE TO  
THE TIOGA COUNTY LEGISLATURE***

**Adoption moved unanimously,  
seconded unanimously.**

**WHEREAS: George Penney was elected to the position of Tioga County Legislator to replace Walter Johnson on January 1, 2006; and**

**WHEREAS: George Penney has served as Chair of the committees of Personnel and ADA, Administrative Services; and**

**WHEREAS: George Penney has also served on the committees of Information Technology, Health and Human Services, and**

**WHEREAS: George Penney has served on various other Boards including the Transportation Committee; and**

**WHEREAS: George Penney has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past three years to the Tioga County Legislature. He has earned the respect of his colleagues and peers throughout Tioga County; and**

**WHEREAS: Mr. George Penney will be leaving office on December 31, 2008; 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 George Penney for his three 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 Legislator, George Penney.**

**CARRIED UNANIMOUSLY**

**Legislator Penney spoke. "I thank you for your kind words. I leave with the understanding that I have a very capable successor who will fill my place. Thank you."**

**Legislator Sauerbrey read and presented the following recognition resolution to Leonard Jackson of the Sheriff's Department.**

**REFERRED TO:**

**PUBLIC SAFETY**

**RESOLUTION NO. 319-08**

***RESOLUTION RECOGNIZING  
LEONARD JACKSON'S 31 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY***

**Adoption moved unanimously,  
seconded unanimously.**

**WHEREAS: Leonard Jackson was appointed to Deputy Sheriff Jailer on September 5, 1977; appointed to Deputy Sheriff on December 16, 1978; appointed to Criminal Investigator December 31, 1989; and**

**WHEREAS: During his tenure, Leonard Jackson has performed acting supervisory duties for the Road Patrol and was active in the D.A.R.E. program; and**

**WHEREAS: Leonard Jackson has been dedicated and loyal in the performance of his duties and responsibilities during the past 31 years to the Sheriff's Office, thereby earning the respect of his colleagues and peers throughout Tioga County; and**

**WHEREAS: Mr. Jackson will retire from the Tioga County Sheriff's Office on December 21, 2008; 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 Leonard Jackson for his 31 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, Leonard Jackson.**

**CARRIED UNANIMOUSLY**

**Legislator Sauerbrey spoke. "I really have to say very few words because I am a long standing friend of Mr. Jackson and was very pleased to have been invited this weekend where he was ordained as a Minister, so this can just give you a little inkling of what this man is like, multifaceted, joyous, dedicated to this community, however he is not going anywhere. He is going to be very active in the community."**

Sheriff Gary Howard spoke. "There are not to many times in your life when you can actually remember the exact place and the exact date you have met someone, but I can say that I can. It was September 2, 1977 the front doors of the Sheriff's Office where Lenny Jackson and I sat across from each other waiting to be interviewed by then Sheriff Ray Ayers for a job in the jail of which we both got. We were number 10 and 11 employees in the jail at the time. That was 31-1/2 years ago and during that time we have worked together in the jail, we have worked together on the road, actually I worked for Lenny a little bit while he was in the jail, and we worked together in the Criminal Investigation Division and then Lenny worked for me when I became the Senior, and now he really works for me.

"Over the years I do have a lot of stories, I could keep you here all night, and some of them you would be really interested in, but I will forego those because his mom is here and I do not want to embarrass her at all. Lenny has been a great friend. He is going to be missed by the community. One department in the County that will really miss him is the Department of Social Services, the Child Protective Services. Lenny has been instrumental in the last 15 years probably investigating sex abuse cases against children and as a Division I know we relied on him heavily to investigate child crimes, and he is going to be missed by that Division and our Division because now somebody else has to shoulder that responsibility and it is going to be some big shoes to fill. As Legislator Sauerbrey said, he is not going anywhere. We are going to see an awful lot of him, probably more than what we really want to, but nevertheless good luck."

Lenny Jackson spoke. "I would like to take a moment to thank the Legislators and the community as a whole for 31 great years. I have enjoyed most of it. Some of the cases I did not enjoy, but they were cases that had to be done and I have no complaints, no gripes. I was treated fairly and I was treated well, and I appreciate that. I think we have good leadership in this community and in this County, and I look forward to serving this County in other areas. Thank you very much."

Chair Weston spoke. "Lenny we wish you a long and healthy retirement. Thank you very very much."

Legislator Sauerbrey read and presented the following Proclamation to Frank Meyer.

#### PROCLAMATION

WHEREAS: Frank Meyer began his career at IBM in 1969, in the Finance organization. He served IBM in positions of increasing responsibility for 25 years before transitioning with the Owego site to Loral and eventually to Lockheed Martin; and

**WHEREAS:** In 1999, Frank was appointed President of Lockheed Martin Systems Integration – Owego. He held this position until September of this year when he finally decided to take some time for himself and his family; and

**WHEREAS:** Under Frank’s leadership Lockheed Martin became a prime contractor of the U.S. Postal Service; was recognized as Lockheed Martin’s Helicopter Center of Excellence as the supplier of the MH-60R to the U.S. Navy, the Merlin helicopter to the British Royal Navy, and the VH-71 Presidential helicopter, and recently broke into the ground vehicle business with new and exciting opportunities on tactical wheeled vehicles. In 2006 the business was named Company of the Year by the Tioga County Chamber of Commerce; and

**WHEREAS:** During his time as leader of the Owego business, Frank always kept the Owego and Tioga County communities at the forefront of importance – encouraging volunteerism and local philanthropy in the large employee population and supporting needs in the community whenever they arose; and

**WHEREAS:** It is safe to say that Owego and Tioga County would not be the communities they are today without the positive influence of Lockheed Martin, from economic development and job creation to volunteerism and philanthropic efforts. Lockheed Martin, under the leadership of Frank Meyer, has become more than just a corporate presence; now therefore

**THE TIOGA COUNTY LEGISLATURE** would like to congratulate Frank on his retirement and thank him for the vision and can-do spirit that he has inspired during his time here. He will always be considered a citizen of Tioga County and we hereby Proclaim December 9, 2008

**Frank C. Meyer Day**

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

**Jim Raftis spoke. “I know Frank would be more comfortable at the controls of his model train right about now, but let me describe Frank Meyer, the characteristics. Unselfish, visionary, compassionate, community minded, walks the Lockheed Martin value walk, do what is right, respect others, perform with excellence. He also exemplifies Lockheed Martin’s full spectrum leadership principles. Shape the future, energize the team, build effective relationships, deliver results, model personal excellence, integrity, and accountability.**

**“Recent accomplishments: Frank has done more than anyone else we can think of to shape the future of Lockheed Martin’s Systems Integration Owego. As Vice President of Finance, Frank was instrumental in making the deal with the UK’s Ministry of Defense that lead to the 1991 award of the EH101 Merlin Helicopter Program. At that point he began to form a vision to get the EH101 helicopter into service in the US Military as the US101 and as we all now know that**

vision is becoming reality in the form of the new Marine One, the prestigious Presidential helicopter, but that is not all. Frank is a master of creative, out of the box thinking. Who would ever have thought that Owego would have its own tactical wheeled vehicle integration facility providing ground or partner with a helicopter manufacturer to develop unmanned airborne vehicles, or become a worldwide leader in postal automation.

“Let’s shift our thoughts to people for a minute. Diversity is a key aspect of the workforce at Lockheed Martin’s Systems Integration Owego. Example, two years ago we went to the Christmas dinner at Lockheed Martin Owego cafeteria. Once upon a time I knew almost everybody in the plant, having spent 45 years there. When I went in there I knew exactly four people. That is diversity.

“Frank, as we honor you today, we are deeply grateful not only for what your leadership has done to insure a bright future of our community’s largest employer, Lockheed Martin, but also for all that you have led your team to do for the defense and the security of our nation.

“One other testimonial, we are here tonight to honor Frank Meyer, a man who has been of great service to our community. As he moves in to the next chapter of his life, that is called retirement, we would like to take time to recognize all that our friend has done to make the southern tier a better place to live and work. Frank Meyer began his career at IBM in 1969 in the Finance organization. He served IBM in positions of increasing responsibility for 25 years before transitioning with the Owego site, to Loral, and eventually to Lockheed Martin. In 1999 Frank was appointed the President of Lockheed Martin Systems Integration. He held this Owego position until September of this year when he finally decided to take sometime for himself and his family. We do not even talk about the number of overtime hours, in planes, overseas, in England, and places like that. Tioga County could not be more proud to be home to an organization that does so much good for our nation.

“Lockheed Martin is not only the largest employer in our community, but it is also a company that instills a real sense of pride in our community. Under Frank’s leadership Lockheed Martin became the prime contractor of the US Postal Service, was recognized as Lockheed Martin’s helicopter center of excellence as the supplier of the MH-60R to the US Navy, the Merlin helicopter to the British Royal Navy, and the VH-71 Presidential helicopter, and recently broke into ground vehicle business with new and exiting opportunities on tactical wheeled vehicles. In 2006 the business was named Company of the year by the Tioga County Chamber of Commerce.

“During his time as leader of the Owego business Frank always kept Owego and Tioga County communities as the forefront of importance, encouraging volunteerism, local philanthropy, and the large employee population in supporting needs in the community whenever they arose. For example, Frank was instrumental in the creation of Lockheed Martin’s day of caring. The program teams Lockheed Martin employees with volunteer projects in the community. From path clearing and repair work at the Waterman Conservation Center to painting projects at the Boys and Girls Club, and stocking the pantry at the Open Door Mission, scores of Lockheed Martin employees from every level have made a real difference in Tioga County.

“Additionally, under Frank’s leadership in 2006 Lockheed Martin employees helped the victims of the floods that ravaged the southern tier by increasing monetary donations and volunteering in affected communities. In fact, each year that Frank was President at Lockheed employee donations to local charities and agencies increased. This could not have been achieved without his excellent leadership. Lockheed Martin, under Frank’s guidance, also has made education a top priority in its outreach efforts over the past 10 years. The company formed the Tioga County Coalition for better schools which runs programs such as space day, national engineer’s week, mathalon, architectural awareness, all geared toward encouraging our young people to pursue math and science education. Lockheed Martin also has provided opportunities for our children to meet political figures like Senator Hillary Clinton and American Heroes like the Tuskghee Airmen and the Nassau Astronauts.

“We all know that education is a vital component to the health of a community and Frank’s overwhelming support of local educational excellence is unparalleled. I think it is safe to say that Owego and Tioga County would not be the communities they are today without the positive influence of Lockheed Martin from economic development and job creation to volunteerism and the other efforts Lockheed Martin under the leadership of Frank Meyer has become more than just a corporate presence. The Tioga County Legislature would like to congratulate Frank on his retirement and thank him for the vision and the can-do spirit that he has inspired during his time here, and we will always consider him a citizen of Tioga County and Owego no matter where he may live. Once an Owego man always an Owego man. Congratulations Frank Meyer.”

Frank Meyer spoke. “First of all some of those things may even be true. Jim has a way of putting a sunny side view on everything and what I would like to do is just take a moment to tell you thank you to the Tioga County Legislature and Tioga County for everything that we have done. Anything we have done at Lockheed Martin has been done in partnership with this community and partnership with this Legislature, and I gotta tell you that partnership is more important today than at any other time since probably the 1930s. This is a really perilous economic time and

to have the partnership and the wonderful working relationship that exists between Lockheed Martin, other industries too in this area, and the Legislature and the community here is absolutely essential in maintaining what we have.

“I will tell you the other thing is 40 years ago I came here for the first interview. I knew there was no place else I wanted to be. This valley and the southern tier is the most wonderful place to bring up a family and raise a family, and someone said why do you work so hard trying to keep things going and keep things creative and find new things to do. It is because I want to live here, because we want to live here and bring our family here. This is the most important part of it, is this relationship with the community. It does not exist everywhere else. There is something special in this part of the world. I do not know whether it comes out of the Susquehanna water or whether it is the air here, but I just thank you all very much for the wonderful kind thoughts and again it has been a wonderful time and a wonderful relationship. I just encourage everybody to keep the relationship between the community, between the Legislature, County Government, and the industry that is here because we have something special and you have to build on it. Thank you very much.”

Nathan Kennedy had privilege of the floor. “Good evening. I am going to hand to the Legislature a reprint of an article that published in the Press & Sun Bulletin on October 20. It is entitled “Owego fields complaints over fire damaged houses”. There is a picture of one of these houses. It says subtitle “the boarded up building at 103 Fox Street, one of several burned out houses that are still standing in the Village of Owego and months and sometimes years after the fire has occurred.” This one in April of 2007.

“Now what it does not say in this article is that this entire neighborhood around this house, Fox Street, Chestnut Street, South Depot Street, is quite blighted, and like many houses in this neighborhood it was owned and the house next to it, 105 Fox Street, as well as the lot next to that, by a woman who moved to Florida, defaulted on her mortgage, never paid a dime of taxes, and never spent a dime of upkeeping the house. It does not say that the yard behind those two houses was an open landfill or is an open landfill for the past three years, that folks on South Depot Street have just and other have been helping themselves to just toss trash there, furniture, what not, tires, and these properties were sold, 105 and 103 Fox, at tax auction on August 7 by the County after it took title. The Treasurer there said that the purpose of this auction, the good purpose, is to place these properties in responsible hands that will be paying taxes and keeping the property up.

“My concern is that that is not what is happening. I bought the house at 105 Fox Street, not as an investment, but as my first home and I have spent thousand of dollars, all of it in Tioga County, renovating it from the bottom up, and I spent weeks of labor with my family just removing the trash from the yard and tilling it and seeding it and getting to the point where it looks halfway presentable in my

yard there. I removed tons of trash. I spoke with one of the two gentlemen who purchased 103 Fox, the one that is pictured there, and he told me that he was going to clean that up as soon as he took title to it. It was taking a little while and that his plan was to fix it up and rent it out.

“Now I was a little skeptical of this. He did close I found out on October 2. I have not seen hide or hair of him. I have shoveled his sidewalk and salted it this morning as I have every time it snowed. I sent him a couple of letters, the second one offering for a very modest sum to settle any complaints with him and personally remove the trash in his yard which is just as bad as mine. I invite all of you to go out and take a look at that on the way home, it is just a couple of blocks from here. Nothing has been done. I talked to the Village Code Enforcement Officer. He says that this guy who bought six properties at the tax auction and told me it is five or six on his list, he might get to it in the spring, that he is one of the better absentee landlords in the area. Now I do not think this is personally acceptable. I think when we are talking about sense of community that involves things like picking up trash, shoveling sidewalks, and not buying up properties to make a buck, and let them rot. I am concerned firstly with the immediate health hazard and the people who are still trespassing over my property, dumping trash on my property, and that property because it is a broken windows situation. It brings the whole neighborhood down and this is happening with other properties, but I am concerned with this one particularly.

“To wrap it up, more long term I am skeptical about, oh to add public records indicate that he has not paid the school tax bill of \$450.00 assessed on that property either. If he cannot shovel the sidewalk or remove trash, or pay his school tax, how is he going to take this house where if you look at this picture here, my house is to the right here, the front, you can see it is thoroughly charred. The structure of that house has to be shot. How is he going to fix that up to the extent that it is going to be rentable and safe, and continue to be maintained? I would like the County to take a look at some of these properties that sold and this one in particular since I live next to it, and see what is happening there. I bid on this property. I was not going to pay \$3,500 for it, but if I did buy it that would have been torn down by now. I would just like the County to take a look at this and see maybe we need to talk to these owners and to the local government, the Village, and see if there is a way to make sure that that is not what is going to happen. That it is going to be like my house was before with a woman on social services who was collecting rent, but doing nothing. I think maybe we can work something out that maybe I could contribute something, maybe the Village Government would contribute something, to get this property in a safe and demolished if necessary, which I think is the only economical thing. I hope to hear something about that. Thank you for the opportunity.”

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		192.20
A1165	District Attorney		3,123.88
A1172	Assigned Counsel		17,380.18
A1185	Medical Examiners/Coroners		7,179.06
A1325	Treasurer		9,685.15
A1355	Assessments		38.41
A1357	RPTS Assessment Grant	375.87	
A1362	Tax Advertising and Expense		1,633.55
A1410	County Clerk		342.94
A1411	Department of Motor Vehicles		3,155.05
A1420	Law		3,467.86
A1430	Personnel		2,270.10
A1450	Elections		8,928.04
A1490	Public Works Administration		199.94
A1620	Buildings	342.00	37,825.12
A1680	Information Technology	20.00	21,114.14
A2960	Education of Handicapped Children		89,696.62
A3020	Public Safety Comm E911 System	131.00	12,568.51
A3110	Sheriff	2,505.35	15,050.83
A3110.41	Sheriff-Court Attendants		2,270.87
A3140	Probation		1,032.96
A3142	Alternatives to Incarceration		765.00
A3150	Jail		42,571.56
A3315	Special Traffic Programs	188.00	1,432.45
A3410	Fire	1,347.74	5,262.07
A3640	Emergency Mgmt Office		369.00
A3641	EMO Grant Program	8,579.00	
A4010	Public Health Nursing		37,983.99
A4011	Public Health Administration		4,661.81
A4012	Public Health Education		779.40
A4042	Rabies Control		2,278.14
A4044	Early Intervention		24,943.07
A4047	Handicapped Education Admin		71.68
A4053	Preventive/Primary Health Svcs		205.96
A4054	Preventive Dental Services		3,380.94
A4062	Pre-Natal Care and Assistance		329.68
A4064	Dental Van-Dental Services		15,183.69
A4070	Disease Control		10,103.88
A4090	Environmental Health		5,112.33
A4210	Alcohol and Drug Services		11,806.77
A4211	Council on Alcoholism		9,561.88



**RESOLVED:** That the Organizational Meeting of this Legislature be held at 9:00 A.M., Friday, January 2, 2009.

**CARRIED**

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 321-08** *ADOPT STATE EQUALIZATION REPORTS*

Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.

**RESOLVED:** That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.

**CARRIED**

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 322-08** *YEAR END TRANSFERS*

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**RESOLVED:** That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

**RESOLVED:** That the County Treasurer is hereby authorized and directed to effect this resolution.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 323–08      *AUTHORIZE TREASURER TO  
ENCUMBER FUNDS***

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

**RESOLVED:** That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

**RESOLVED:** That said funds be encumbered before December 31, 2008 to allow proper coding of bills for payment in January.

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

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 324–08      *ADOPT COUNTY BUDGET FOR 2009,  
APPROPRIATIONS AND SALARY  
SCHEDULE***

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

**RESOLVED:** That the tentative budget for Tioga County for the year 2009 submitted by the Budget Officer on November 14, 2008 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2009; and be it further

**RESOLVED:** That the several amounts specified in such budget as to the total for the several objects as set forth in Schedule 1 therein be appropriated for such objects, effective January 1, 2009; and be it further

**RESOLVED:** That the full time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2009.

**On roll call vote on the above resolution, six members voted Aye, Legislators Penney, Quinlan, and Burns voting no, and the resolution was adopted.**

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

**RESOLUTION NO. 325-08      *EXTEND YOUTH BOARD MEMBERS TERM  
YOUTH BUREAU***

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

**WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and**

**WHEREAS: The purpose of the Youth Board is to carry out the provision of Section 95 of the General Municipal Law of the State of New York and Resolution No. 140 of 1981 of the Tioga County Legislature; and**

**WHEREAS: The Tioga County Youth Board Bylaws provides for representatives to the Youth Board be appointed by the County Legislature; and**

**WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 228-09 and terms have expired; now therefore be it**

**RESOLVED: That the following listed representative terms be extended as follows:**

	<u><b>TERM</b></u>
Nancy McGavin (Extending Term)	01/01/2009 – 12/31/2011
Gae Crosby (Extending Term)	01/01/2009 – 12/31/2012
Teri Rosenberg (Extending Term)	01/01/2009 – 12/31/2012
Kia Albertson-Rogers (Extending Term)	01/01/2009 – 12/31/2011

**CARRIED**

**REFERRED TO: ED&P COMMITTEE**

**RESOLUTION NO. 326-08      *APPOINT MEMBERS TO THE  
TIOGA COUNTY PLANNING  
BOARD***

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

**WHEREAS: The terms of Tioga County Planning Board members from the Town of Candor, Town of Newark Valley and Village of Owego expire as of December 31<sup>st</sup>, 2008, and**

**WHEREAS:** The Candor Town Board has re-nominated Gary Henry, Jr., the Village of Owego Board of Trustees has re-nominated Georgeanne Eckley, and the Town of Newark Valley Board has nominated Betty Thompson to replace Jim Tornatore, therefore be it

**RESOLVED:** That the Tioga County Legislature reappoints Gary Henry, Jr. and Georgeanne Eckley and appoints Betty Thompson, to serve on the Tioga County Planning Board, all for a three-year term from 1/1/09 to 12/31/11.

**CARRIED**

**REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE**

**RESOLUTION NO. 327-08 APPOINT MEMBER  
STOP DWI SCHOOL ASSOCIATE**

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Oberbeck.

**WHEREAS:** Art Cacciola retired from the Candor Central School District, making the agreement signed with him as a Stop DWI School Associate null and void according to provisions of the agreement; and

**WHEREAS:** Matthew S. Gelder desires to fill the vacancy created by Art Cacciola's retirement for the months of November and December 2008; and

**WHEREAS:** It is the desire of the Tioga County Stop DWI Program to contract with Matthew S. Gelder to serve as the Stop DWI School Associate for November and December 2008 for the Candor Central School District; therefore be it

**RESOLVED:** That Matthew S. Gelder be hereby appointed the Candor Central School District Stop DWI School Associate for calendar months November and December 2008.

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

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

**RESOLUTION NO. 328-08**      *RESOLUTION TO EXTEND DAVE  
McNAMARA'S TERM ON THE  
COMMUNITY SERVICES BOARD*

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

**WHEREAS: Dave McNamara is a current member of the Community Services Board; and**

**WHEREAS: Mr. McNamara is currently serving a partial term that began on October 9, 2007 and expires on December 31, 2008; and**

**WHEREAS: The Community Services Board desires an extension of Mr. McNamara's term to March 31, 2009 to allow time to find a suitable replacement; and**

**WHEREAS: Mr. McNamara has agreed to this extension; therefore be it**

**RESOLVED: That the Tioga County Legislature hereby extends Dave McNamara's term on the Tioga County Community Services Board through March 31, 2009.**

**CARRIED**

**REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE  
COUNTY CLERK'S COMMITTEE  
FINANCE COMMITTEE**

**RESOLUTION NO. 329-08** *APPROPRIATION OF STATE AID  
RECORDS MANAGEMENT,  
COUNTY CLERK'S OFFICE*

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

**WHEREAS: The County has received funding from New York State, via NYS Education Department's Local Government Records Management Improvement Fund Grant; and**

**WHEREAS: The funded activity is for the County Clerk's Back-filing Project; and**

**WHEREAS:** The funded activity for the County Clerk’s Office, Records Management and Information Technology will be in progress for the 2008-2009 period; therefore be it

**RESOLVED:** That the amount of \$30,555.00 for Records Management be appropriated from State Aid-Records Management A3060.00 to Appropriation Account A1460.41-140 Records Management State Grant Program.

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

**REFERRED TO:** INFORMATION TECHNOLOGY COMMITTEE  
COUNTY CLERK’S COMMITTEE  
FINANCE COMMITTEE

**RESOLUTION NO. 330–08***APPROPRIATION OF STATE AID  
RECORDS MANAGEMENT,  
COUNTY CLERK’S OFFICE*

Adoption moved by Legislator Penney,  
seconded by Legislator Sauerbrey.

**WHEREAS:** The County has received funding from New York State, via NYS Education Department’s Local Government Records Management Improvement Fund Grant; and

**WHEREAS:** The funded activity is for the County Clerk’s Map Back-filing Project; and

**WHEREAS:** The funded activity for the County Clerk’s Office, Records Management and Information Technology will be in progress for the 2008-2009 period; therefore be it

**RESOLVED:** That the amount of \$11,520.00 for Records Management be appropriated from State Aid-Records Management A3060.00 to Appropriation Account A1460.41-140 Records Management State Grant Program.

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

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

**RESOLUTION NO. 331-08**            *APPROPRIATION OF FUNDS*  
*MENTAL HYGIENE*

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

**WHEREAS:** Additional funding has been awarded to Tioga County Mental Hygiene from New York State Offices of Alcohol and Substance Abuse Services (OASAS); and

**WHEREAS:** The funding is specifically earmarked for Tioga County Council of Alcohol and Substance Abuse Services (TCCASA); and

**WHEREAS:** Appropriation of Funds requires Legislative approval; therefore be it

**RESOLVED:** That funding be appropriated as follows:

**From: A3486.00 State Aid- OASAS Addictions Prevention        \$ 3,418**

**To:    A4211.40-590 Services Rendered (TCCASA)                \$ 3,418**

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:**                    **PUBLIC WORKS COMMITTEE**  
**FINANCE COMMITTEE**

**RESOLUTION NO. 332-08**            *APPROPRIATION OF ADDITIONAL*  
*REVENUE*

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

**WHEREAS:** The fee revenue being collected by Tioga County during 2008 has exceeded the budget; and

**WHEREAS:** The cost of disposing of the additional tonnage has also increased proportionally; therefore be it

**RESOLVED:** That the sum of \$50,000.00 be appropriated to Solid Waste Account B8160.41-140 from the additional tipping fee revenue Account B1221.00.

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

**REFERRED TO:** **PERSONNEL COMMITTEE**  
**FINANCE COMMITTEE**

**RESOLUTION NO. 333-08** ***TRANSFER OF FUNDS***  
***WORKERS' COMPENSATION***

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.

**WHEREAS:** Due to some large 2008 lost time claims a shortfall is anticipated in the Benefit and Award accounts in the 2008 workers' compensation budget; and

**WHEREAS:** Funds are available in one of the Expense accounts; therefore be it

**RESOLVED:** That the following sums be transferred:

**From:** Workers' Compensation Account S1710.40 (450) **\$200,000.00**

**To:** Workers' Compensation Account S1720.40 (380) **\$200,000.00**

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

**REFERRED TO:** **PERSONNEL COMMITTEE**  
**FINANCE COMMITTEE**

**RESOLUTION NO. 334-08** ***TRANSFER OF FUNDS***  
***CONSOLIDATED HEALTH***

Adoption moved by Legislator Huttleston,  
seconded by Legislator Sauerbrey.

**WHEREAS:** Due to higher than anticipated health insurance bills a shortfall in the 2008 consolidated health budget is expected; and

**WHEREAS:** Funds are available in the appropriated reserves of the consolidated health insurance program; therefore be it

**RESOLVED:** That the following sums be transferred:

<b>From:</b> Appropriated Reserve CH 511	<b>\$402,707.61</b>
<b>To:</b> Consolidated Health Account CH 9060.81 (87)	<b>\$402,707.61</b>

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO:** ADMINISTRATIVE SERVICES COMMITTEE

**RESOLUTION NO. 335-08** *ADOPT LOCAL LAW NO. 4 OF 2008*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.

**WHEREAS:** A public hearing was held on December 4, 2008, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2008 A Local Law providing for partial exemption from taxation by the County of Tioga on improvements to real property occupied by a physically disabled resident; 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 2008; therefore be it

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

County of Tioga

Local Law No. 4 of the Year 2008.

A Local Law providing for partial exemption from taxation by the County of Tioga on improvements to real property occupied by a physically disabled resident.

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

**SECTION I: LEGISLATIVE INTENT**

**The purpose of this local law is to provide real estate tax relief on improvements to residential real property when the property is occupied by a physically disabled resident.**

**SECTION II: LEGISLATIVE AUTHORITY**

**This local law is enacted pursuant to the provisions of Section 459 of the Real Property Tax Law of the State of New York.**

**SECTION III: SHORT TITLE**

**This local law shall hereafter be known as Real Property Tax Exemption Law on improvements to real property occupied by a physically disabled resident.**

**SECTION IV: REAL PROPERTY EXEMPTION**

- A. A real property occupied by one or more persons with a physical disability shall receive an exemption on any improvement to any real property used solely for residential purposes as a one, two or three family residence to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by (a) a resident owner of the real property who is physically disabled, or (b) a member of the resident owner's household who is physically disabled, if such member resides in the real property.**
- B. To qualify as physically disabled for the purposes of this section, an individual shall submit to the assessor the application required under Section V, below, along with a certified statement from a physician licensed to practice in the state on a form prescribed and made available by the state board which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the state commission for the blind and visually handicapped stating that such individual is legally blind may submit such certificate in lieu of a physician's certified statement.**
- C. The exemption shall apply to improvements made prior to the effective date of this local law; however, an exemption granted under this local law shall not be applied retroactively.**

**SECTION V: APPLICATION PROCESS**

Such exemption shall be granted only upon application by the owner or all of the owners of the real property on a form prescribed and made available by the state board. The applicant shall furnish such information as the board shall require. The application shall be filed together with the appropriate certified statement of physical disability or certificate of blindness with the assessor of the appropriate town on or before the taxable status date.

**SECTION VI: PENALTY FOR FALSE STATEMENT**

In addition to any other penalty provided by law, any conviction of having made any willful false statement in any application for real property exemption under this local law shall be punishable by a fine of not more than One Hundred (\$100.00) Dollars and shall disqualify the applicant or applicants from further exemption for a period of five (5) years.

**SECTION VII: VALIDITY**

If any section, subsection, paragraph, clause, sentence or phrase of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portion thereof.

**SECTION VIII: EFFECTIVE DATE**

This local law shall take effect upon its filing with the Secretary of State in and for the State of New York.

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: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 336-08      *AUTHORIZE 2009 TAX MAP  
MAINTENANCE CONTRACT***

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

**RESOLVED:** That the Chair of the Tioga County Legislature is hereby authorized to enter into a Tioga County tax map maintenance contract with James W. Sewall Company for the calendar year 2009 for an annual charge of \$27,000 payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and survey, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

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

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

**RESOLUTION NO. 337-08      *AMEND POLICY 23  
PROCUREMENT POLICY***

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

**WHEREAS:** Policy 23 (formerly referred to as Bidding Policy & Procedure) has had major changes made and is now being called Procurement Policy; therefore be it

**RESOLVED:** That Policy 23 (formerly referred to as Bidding Policy & Procedure) Procurement Policy be hereby amended in its entirety as follows:

## PROCUREMENT POLICY

Sec

- I. Procurement Procedures
- II. Required Approvals
- III. Bidding Procedures
- IV. Determining the Necessity for Competitive Bidding
- V. Methods of Procurement Not Covered by Bidding
- VI. Procedure to be used when Competitive Bidding Not Required
- VII. Exemption by Act of the County Legislature
- VIII. Annual Review
- IX. Unintentional Failure to Comply
- X. Prohibited Contracts with Suspended or Debarred Parties

### I. PROCUREMENT PROCEDURES

Purchasing Cards are used in Tioga County as a means of providing an efficient and convenient method of purchasing and paying for small-dollar goods and services (\$2,500 or less). The program grants the authority for these commitments to those staff members in Tioga County who have been authorized to utilize a purchasing card. With this granting of authority, a cardholder also assumes complete accountability for the proper use of the card, as detailed in the procurement card policy and procedure manual available on the County Intranet.

The County Legislature grants authority to the Deputy County Treasurer to issue Purchasing Cards to department heads for an amount to be determined by the County Legislature up to \$2,500.00 upon the recommendation of the Deputy County Treasurer. Financial reports regarding the use of the Purchasing Cards shall be reported to the Finance Committee following the close of each quarter of the fiscal year. Individual cards are limited to \$1,000 a month with a transaction limit of \$1,000. Departmental cards will have a transaction limit of \$2,500 and a varying monthly limit depending on the size of the department, from \$5,000 for smaller departments and up to \$25,000 for larger departments. Departmental requests may be made to the Deputy County Treasurer for an increase in the departmental card limit to pay for recurring monthly charges. These requests will be granted in concurrence with the County Auditor.

Purchase orders are used in Tioga County for any and all purchases outside of the use of the purchasing cards by Tioga County Departments. The purpose of the purchase order system is to maintain budgetary control on the spending of all approved budget items, both at a department and legislative level. Purchase orders \$2,500 and over shall require an authorization for purchase requiring committee approval which would need to be signed by the Department Head and the Legislative Committee Chair before processing. Resolution No. 121-00 authorizes payments for utility bills, including sewer and water charges, in the amount of \$1,000 and over, exempt from the approval process. Please refer to the purchase order manual located on the County Intranet for information regarding purchase order processes and approvals.

Pursuant to General Municipal Law 104-b (2) (f), Ann Schrader, Purchasing Coordinator, is the responsible person for overseeing the administrative details of Tioga County's purchasing program.

## **II. REQUIRED APPROVALS**

In the interest of maximizing efficiency, cost effectiveness and compatibility with various existing countywide technologies, all requests as it relates to purchasing any computer hardware, printers, software and related services, removable drives (i.e. thumb drives, DVD, CD-RW, etc.), fax machines, scanners, and copiers, cellular telephones and telephones that connect to our phone system all departmental purchases and leases of computer related items, and website (i.e. development, etc.) must be sent to the Director of Information Technology, for approval, ordering and payment, regardless of cost or funding source (i.e. grant). If an item is approved and purchased, the payment will be processed by Information technology using the proper departmental budget line item.

Upon the recommendation of the Information Technology Director, the County Legislature may enter into contracts, which shall disseminate requests for proposals, requests for qualifications, and bids specification over the internet with the purpose of attracting additional qualified respondents.

Upon the recommendation of the Information Technology Director the County Legislature may approve on-line purchasing arrangements, which shall be in accordance with this policy.

## **III. BIDDING PROCEDURES**

Please refer to the bidding procedures located on the County Intranet.

## **IV. DETERMINING THE NECESSITY FOR COMPETITIVE BIDDING**

Prior to the procurement of any goods or services by any employee or official on behalf of the County of Tioga, a determination shall be made whether such procurement is subject to competitive bidding. This list identifies whether these categories are subject to the competitive bidding requirements of General Municipal Law (GML) Section 103, or the local policies required by Section 104-b, or if the contract falls within some other exemption from the competitive bidding requirement recognized by the laws of the State of New York and where further information can be found:

	<b>SUBJECT TO COMPETITIVE BIDDING (SECTION 103)</b>	<b>LOCAL POLICIES (SECTION 104-b)</b>
<b>Purchase and Contracts for Public Works</b>		
1. Purchase Contract – Above \$10,000	X	
2. Purchase Contract – \$10,000 or less		X
3. Contract for Public Works – Above \$20,000	X	
4. Contract for Public Works – \$20,000 or less		X
<b>Procurements Exempt from Both Section 103 and 104-b</b>		
5. Preferred Source (State Finance Law, Section 162; Correction Law, Sections 184, 186)		X(a)
6. State Contract (GML, Section 104)		X(a)
7. County Contract (GML, Section 103[3])		X(a)
<b>Procurements Exempt from Section 103</b>		
8. Emergency (GML, Section 103[4])		X
9. Sole Source		X
10. Professional Service		X
11. True Leases	X(b)	
12. Insurance		X
13. Surplus/Second-hand Materials, Supplies, Equipment from certain Other Governments (GML, Section 103[9][10])		X
14. Certain Food, Milk Purchases (GML, Section 103[9][10])		X(c)
15. The contract is for standardized equipment, materials or supplies previously awarded by the County of Tioga to a supplier pursuant to General Municipal Law Section 103(5);		
16. The procurement is to be made pursuant to Correction Law Section 186 or State Finance Law Section 175-b		
17. Goods purchased from agencies for the blind or severely handicapped (Section 175-b).		
18. Certain Municipal Hospital or Nutrition Program Purchases (GML, Section 103[8])		X

- (a) Although Section 104-b exempts these purchases from the requirement of written or verbal quotations or proposals, that procurements from these sources should be in the best interest of the County. This could be accomplished by comparisons of prices to catalogs or other market price comparisons.
- (b) School districts only, Education law, Section 1725. If a lease where the product is owned at end of lease, it must be initially bid.
- (c) School districts only.

## V. METHODS OF PROCUREMENT NOT COVERED BY BIDDING

Telephone Quotes  
Written/Fax/Email Quotes  
RFP's (Requests for Proposals)

### Requests for Quotations:

Quotation forms will include three vendors who can provide the item or services desired. These forms should contain a complete description of the item, the quantity desired and the unit on which the price is quoted (per gross, dozen, etc.). After three quotations have been gathered, the department head will purchase order the materials from the vendor at the lowest price.

Most purchases that fall in the stated dollars categories will be quoted pursuant to prescribed methods.

Under no circumstances will a quote that exceeds the bidding limits be awarded. All quotes (written, faxed, emailed or telephone) shall be documented by respective departments and kept on file.

### Request For Proposals (RFPs):

A Request for Proposal may be the appropriate method of procurement when:

- (1). Development of a technical specification by the county will restrict competition or create a sole source.
- (2). Technical expertise or experience of the vendor is a critical factor in the purchase.
- (3). Comparative and judgmental evaluations of differing price, quality and contractual factors between proposals are necessary to determine which offer is in the best interest of the county.
- (4). In-house staff is unaware of what the market can produce at a given time (i.e. computer hardware and software is developing and changing almost daily).

The following guidelines shall be followed for purchases and service contracts that fall below the monetary bid limits:

### PURCHASING PROCESSING

Procurements	Verbal Quotes			Written Quotes		RFP	Bid Required	Other
	0	2	3	2	3			
<b>Purchase Contracts</b>								
Under \$100	X							
\$100 - \$499		X						
\$500 - \$999			X					
\$1,000 - \$4,999				X				
\$5,000 - \$10,000					X			
Over \$10,000 – sealed bids in conformance with GML, Section 103.							X	
<b>Contracts for Public Works</b>								
Under \$1,000	X							
\$1,000 - \$4,999								
\$5,000 - \$9,999				X				
\$10,000 - \$20,000					X			
Over \$20,000 – sealed bids in conformance with GML, Section 103.							X	
Emergencies GML 103(4)								a.
Insurance								a.
Professional Services GML 104-b						X		
True Leases (other than school districts)					X			
Second-Hand Equipment from Other Governments								a.
Sole Source (i.e., patented or monopoly item)								a.

- a. The methods of solicitations for these types of procurements may vary depending on the circumstances encountered. Contact the Purchasing Coordinator for additional information.

## VI. PROCEDURE TO BE USED WHEN COMPETITIVE BIDDING NOT REQUIRED

- A. Procurement Log reports shall be generated by the Information Technology Department when requested by the Legislature or a Department Head.
- B. In the event procurement is determined to be exempt from competitive bidding and its costs are \$2,500.00 and over, the following procedure shall be followed:
1. At least two (2) proposals or quotations for goods or services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law Section 104-B.
  2. Upon award of a contract, the following shall be entered into the Procurement Log:
    - a. The date of procurement;
    - b. The goods or services procured and the cost thereof;
    - c. The basis for the determination that the procurement is exempt from competitive bidding;

- d. All alternative quotations or proposals secured together with the name of the source of each quotation or proposal.
    - 3. In the event a contract is awarded to other than the lowest dollar offeror, it shall be set forth with justification and reasons such an award furthers the purposes of the County of Tioga's Bidding Policy.
  - C. The procedures set forth in Paragraph VI(B) (1) and (2) need not be followed when the procurement is:
    - 1. For less than \$2,500.00; or
    - 2. For a standard replacement part; or
    - 3. For standardized equipment, materials or supplies for which the contract has been awarded to a particular vendor by the Legislature, pursuant to General Municipal Law Section 103(5); or
  - D. Made pursuant to any one of the following:
    - 1. General Municipal Law Section 103(3) or Section 104; or
    - 2. State Finance Law Section 175-b; or
    - 3. Correction Law Section 168; or
    - 4. The policies and procedures adopted by the Legislature pursuant to General Municipal Law Section 104-B (2) (f) and Paragraph 3 of the Bidding Policy.
  - E. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**VII. EXEMPTION BY ACT OF THE COUNTY LEGISLATURE**

- A. It shall be within the sole discretion of the Legislature to grant by resolution an exemption from the requirement that alternative proposals or quotations be obtained, pursuant to Paragraph VI(B).
- B. In exercising its discretion, the Legislature shall consider whether such exemption is in the best interest of the County of Tioga.
- C. An exemption may be granted under any of the following circumstances:
  - 1. When a public emergency exists, as defined by General Municipal Law Section 103(4);
  - 2. When the contract is for professional services or involves professional skills and knowledge;
  - 3. When the contract is for goods or services for which there is only one source available at the time the contract is entered into;

4. When the contract is for goods or services for which a desired warranty or service contract is available from only one source at the time the contract is entered into;
5. Under such other and further circumstances determined to be sufficient justification by the Legislature.

### **VIII. ANNUAL REVIEW**

The Tioga County Legislature shall review the policies and procedures set forth herein within the first quarter following the close of the fiscal year.

### **IX. UNINTENTIONAL FAILURE TO COMPLY**

The unintentional failure to comply with the provisions of this Bidding Policy and Procedure shall not be grounds to void action taken or give rise to a cause of action against the Legislature or any officer or employee thereof.

### **X. PROHIBITED CONTRACTS WITH SUSPENDED OR DEBARRED PARTIES**

- A. Non-Federal agencies are prohibited from contracting with or making subawards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Contractors receiving individual awards for \$100,000 or more and all subrecipients must certify that the organization and its principals are not suspended or debarred. The non-Federal entities may rely upon the certification unless it knows that the certification is erroneous. Non-Federal entities may, but are not required to, check for suspended or debarred parties which are listed in the "List of Parties Excluded from Federal Procurement or Non-procurement Programs", issued by the General Service Administration.
- B. In order to ensure compliance with the above requirement, before an award for a contract is made the Department Head shall check the web site (<http://epls.arnet.gov/>) which contains the List of Parties Excluded from Federal Procurement or Non-procurement Programs for names of the low bidder. A copy of the list or that portion of the list that would include the low bidders name should be downloaded, printed and made a part of the bid package file.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION**

**RESOLUTION NO. 338-08**      *AMEND POLICY 29  
 RULES OF PROCEDURE  
 OF THE  
 TIOGA COUNTY LEGISLATURE*

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

**WHEREAS: Policy 29 needs to update Section 7 – Open Meetings Law and a new Section 8 – Referral to Ethics Committee needs to be added; therefore be it**

**RESOLVED: That Policy 29 be amended as follows:**

**Section 7 – Open Meetings Law shall now read:**

**“Section 7 – Open Meetings Law, Records**

**These Rules of Procedure shall be read together with the New York State Open Meetings Law and Robert’s Rules of Order where applicable.**

- A. Executive Sessions. Executive Sessions may only be called for purposes outlined in Section 105 of the Public Officers Law.**
- B. Any and all written and verbal communications and information received by a Legislator in an Executive Session shall be treated as confidential and will not be disclosed with any unauthorized persons without the consensus of the Legislature.**
- C. Any and all records regardless of whether subject to Public Officers Law Section 86, et seq. [Freedom of Information Law] shall not be disclosed by any Legislator to any unauthorized persons without the consensus of the Legislature.”**

**A new Section 8 needs to be added as follows:**

**SECTION 8 – Referral to Ethics Board.**

**Any violation of these Rules of Procedure may be referred by a consensus of the Legislature to the Ethics Board for an opinion, as if such opinion was requested under General Municipal Law Section 808. For all referrals made under this Policy, the Ethics Board shall have all powers of investigation and hearings as set forth in Policy 26, Section VI [D].**

**And be it further**

**RESOLVED:** That the remainder of Policy 29 shall remain in full force and effect.

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

**REFERRED TO:** PERSONNEL COMMITTEE

**RESOLUTION NO. 339-08** *AMEND COUNTY POLICY 44  
NON-UNION BENEFITS*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator McEwen.

**WHEREAS:** County Policy 44 outlines fringe benefits available to Non-Union employees; and

**WHEREAS:** Part-time Attorneys have historically been offered the opportunity to enroll in the County's health insurance as a recruiting tool; and

**WHEREAS:** County Policy 44 does not currently indicate that the part-time Attorneys are eligible for health insurance or what their payroll contributions are; and

**WHEREAS:** Clearly stating said eligibility and contributions will help alleviate confusion in the future; therefore be it

**RESOLVED:** That Section 5 of County Policy 44 be revised effective immediately to include part-time Attorneys under "Eligibility", and be it further

**RESOLVED:** That the following chart be added to Section 5 immediately following the existing chart effective January 1, 2009:

"Part-time Attorneys per paycheck contributions:

<u>Date of Hire</u>	<u>Individual Indemnity</u>	<u>Family Indemnity</u>	<u>Individual PPO</u>	<u>Family PPO</u>
Prior to 1/1/95	\$ 50	\$65	\$30	\$45
On or after 1/1/95*	\$ 60	\$130	\$40	\$85

\*All part-time Assistant District Attorneys in this category";

And be it further

**RESOLVED:** That the following sentence be added to Section 5:

**“For eligible Non-Union employees hired on or after 1/1/09, all full-time new hires shall pay 15% of the PPO premium and part-time Attorneys hired on 1/1/09 or after shall pay 25% of the PPO premium.”**

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

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 340-08**      ***RENEW CONTRACT WITH EXCELLUS BLUE CROSS/BLUE SHIELD TO ADMINISTER HEALTH INSURANCE BENEFITS***

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

**WHEREAS:** Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for Tioga County and members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) including a Medicare Blue PPO plan; and

**WHEREAS:** Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to continue administering said programs for the period of January 1, 2009 through December 31, 2009; and

**WHEREAS:** These are contractual benefits for Tioga County union employees; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with Excellus Blue Cross Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County and other participants in the TCCMHIP for the period January 1, 2009 through December 31, 2009.

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

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 341-08      *AUTHORIZE LETTER OF CREDIT  
FROM TIOGA STATE BANK***

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

**WHEREAS: Tioga County has contracted with Excellus Blue Cross Blue Shield of Central New York for Health Insurance coverage; and**

**WHEREAS: The County obtains on an annual basis a Letter of Credit from Tioga State Bank to provide "tail" coverage; now therefore be it**

**RESOLVED: That the Personnel Officer be and hereby is authorized and directed to obtain a Letter of Credit from Tioga State Bank in connection with the above contract in the amount of \$750,000 for the period January 1, 2009 through December 31, 2009; and be it further**

**RESOLVED: That the Personnel Officer is authorized and directed to sign and complete an application form for the bank, subject to review by the County Attorney.**

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 342-08      *AUTHORIZE CONTRACT WITH EM RISK  
MANAGEMENT FOR WORKERS'  
COMPENSATION ADMINISTRATION***

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

**WHEREAS: The Tioga County Self-Insurance Plan has used the services of a third-party administrator for our workers' compensation program since January 1, 2000; and**

**WHEREAS:** During the fall 2008 a request for proposal was sent out for a third party administrator for the Tioga County Self Insurance Program in an effort to better evaluate the services of our current third-party administrator; and

**WHEREAS:** Eleven different companies responded and a subcommittee reviewed the eleven proposals and had three companies conduct formal presentations; and

**WHEREAS:** At the November 20, 2008 Council of Governments (COG) meeting the subcommittee recommended to the COG to continue using the services of EM Risk Management as our third-party administrator and the COG voted to support the recommendation; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer to enter into a two year contract with EM Risk Management, subject to review by the County Attorney, to be our third party administrator for the Tioga County Self Insurance Plan, for the period of January 1, 2009 through December 31, 2010 at a flat rate of \$18,675.00 per year.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 343-08**      ***RENEW SPECIFIC EXCESS AND  
EMPLOYERS' LIABILITY  
INSURANCE FOR WORKERS'  
COMPENSATION PROGRAM***

**Adoption moved by Legislator Oberbeck.**

**seconded by Legislator McEwen.**

**WHEREAS:** The Tioga County Self-Insurance Plan's excess insurance policy through Safety National Casualty Corp expires December 31, 2008; and

**WHEREAS:** The Tioga County Self-Insurance Plan's employers' liability insurance policy through United States Liability Insurance Co. expires December 31, 2008; and

**WHEREAS:** The Tioga County Self-Insurance Plan by-laws allow the committee to purchase excess or catastrophic insurance; and

**WHEREAS:** The continuance of both excess and employers' liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; and

**WHEREAS:** Safety National Casualty Corp. is an A.M. Best rated "A (Excellent), IX" insurance company and United States Liability Insurance Co. is an A.M. Best rated "A++ (Superior), IX" insurance company and both are licensed in New York State; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer to purchase specific excess insurance from Safety National for the period of January 1, 2009 through December 31, 2009 to be paid for out of the 2009 Tioga County Self-Insurance budget account S1722.40; and be it further

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer to purchase employers' liability insurance from US Liability Insurance for the period of January 1, 2009 through December 31, 2009 to be paid for out of the 2009 Tioga County Self-Insurance budget account S1710.40-270.

**Roll Call:**

Ayes 09

Noes 00

Absent 00

**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 344-08** *AUTHORIZE PURCHASE OF SPECIFIC AND AGGREGATE STOP-LOSS FOR CONSOLIDATED HEALTH INSURANCE PROGRAM*

Adoption moved by Legislator Huttleston,  
seconded by Legislator Oberbeck.

**WHEREAS:** Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP); and

**WHEREAS:** In the past Tioga County purchased 110% aggregate stop-loss from Excellus Blue Cross Blue Shield of Central New York; and

**WHEREAS:** Tioga County has been analyzing aggregate and specific stop-loss throughout 2008 due to rising health insurance costs and due to advances in medical technology which increases our exposure for large claims incurred by individual members; and

**WHEREAS:** At the October 20, 2008 Council of Governments (COG) meeting the Anchor Group, LLC reviewed the costs and benefits of our current 110% aggregate stop-loss versus specific stop-loss which includes aggregate stop-loss; and

**WHEREAS:** The COG passed a resolution to purchase specific stop-loss with a \$175,000 deductible and 125% aggregate stop-loss for the 2009 health insurance program; and

**WHEREAS:** Since the cost of the specific and aggregate stop-loss will be more than the 110% aggregate that has been budgeted for 2009 the COG agreed the additional cost should be paid out of the CH reserve; therefore be it

**RESOLVED:** That the Tioga County Legislature authorizes the Personnel Officer to purchase specific stop-loss, subject to review by the County Attorney, with \$175,000 deductible and 125% aggregate stop-loss from Gerber Life Insurance Company or from a company who can provide the same level of coverage at a better value but not to exceed a cost of \$315,177, for the Tioga County Consolidated Municipal Health Insurance Program for the period of January 1, 2009 through December 31, 2009; and be it further

**RESOLVED:** That \$174,449 of the cost of the stop-loss be paid out of Consolidated Health budget account CH 1722.40 and the balance to be paid out of CH 511 Appropriated Reserves.

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**REFERRED TO: PERSONNEL COMMITTEE**

**RESOLUTION NO. 345-08      *AMEND RESOLUTION 295-05 RENEW  
POLICY/CONTRACT FOR LIFE INSURANCE  
COVERAGE***

**Adoption moved by Legislator Oberbeck.  
seconded by Legislator Sauerbrey.**

**WHEREAS:** Tioga County currently provides a life insurance policy to the Sheriff, Undersheriff, Captain, Secretary to the Sheriff, Civil Manager, Dispatch and Sheriff Civilian employees covered under the CSEA contract, and for employees covered under the agreements of the Tioga County Corrections Association, and Tioga County Law Enforcement Union; and

**WHEREAS:** Resolution 295-05 authorized the Personnel Officer to sign the renewal with Prudential or sign a contract with a company who could provide the same level of coverage at a lower price to provide the group life insurance for the covered employees effective November 1, 2005 through November 1, 2006; and

**WHEREAS:** Tioga County selected Security Mutual Life Insurance Company of New York at a cost of \$1.45 per covered employee per month and that cost remains the same; and

**WHEREAS:** The contract that was signed with Security Mutual Life Insurance Company of New York automatically renews; and

**WHEREAS:** This policy needs to be maintained to prevent a lapse in coverage; therefore be it

**RESOLVED:** That Resolution No. 295-05 is hereby amended to state that the Tioga County Legislature authorizes the Personnel Officer to continue using Security Mutual Life Insurance Company of New York to provide group life insurance coverage until such time as a different company is selected if appropriate.

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

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

**RESOLUTION NO. 346-08** ***AUTHORIZE CONTRACT FOR***  
***PROFESSIONAL SERVICES / COUNTY***  
***CLERK***

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

**WHEREAS:** The County Clerks office is responsible for the recording, filing and maintaining of public records for Tioga County; and

**WHEREAS:** The Tioga County Clerk was awarded a grant from New York State Archives Local Government Records Management to scan and index several various miscellaneous records into our Electronic Document Management System (EDMS) to preserve these records for the public use; and

**WHEREAS:** The Tioga County Clerks office was awarded \$3,300 in support staff salaries to perform this duty; and

**WHEREAS:** Kimberly Nemchick will be available to provide such services for the Tioga County Clerks office, and said contract is to be funded entirely by the New York State Archives Local Government Records Management Grant; and

**WHEREAS:** Said contract would provide for compensation at the hourly rate of \$12.00 per hour with the total payment of said services not to exceed \$3,300; be it therefore resolved

**RESOLVED:** That the Tioga County Legislature authorize the Tioga County Clerk to enter into a contract with Kimberly Nemchick at an hourly rate of \$12.00 per hour, total payment of said services not to exceed \$3,300 effective December 9, 2008 to May 1, 2009 with the approval of the County Attorney.

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

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

**RESOLUTION NO. 347-08** APPOINTMENT OF REPUBLICAN  
ELECTION COMMISSIONER

Adoption moved by Legislator Penney,  
seconded by Legislator Oberbeck.

**WHEREAS:** The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

**RESOLVED:** That Bernadette M. Toombs be and hereby is appointed Election Commissioner for the Republican Party from January 1, 2009 through December 31, 2010, and be it further

**RESOLVED:** That Ms. Toombs' annual salary for 2009 is established at \$34,000.00.

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

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

**RESOLUTION NO. 348-08** *APPOINTMENT OF DEMOCRATIC  
 ELECTION COMMISSIONER*

Adoption moved by Legislator Burns,  
 seconded by Legislator Sauerbrey.

**WHEREAS:** The Chairman of the Democratic Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

**RESOLVED:** That Cinda Lou Goodrich be and hereby is appointed Election Commissioner for the Democratic Party from January 1, 2009 through December 31, 2010; and be it further

**RESOLVED:** That Ms. Goodrich's annual salary for 2009 is established at \$34,000.00.

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

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

**RESOLUTION NO. 349-08** *REALLOCATE SUPERVISING CERTIFIED  
 ALCOHOL & DRUG COUNSELOR  
 MENTAL HYGIENE DEPARTMENT*

Adoption moved by Legislator Huttleston,  
 Seconded by Legislator Burns.

**WHEREAS: The Director of Community Services is desirous of reallocating the position of Supervising Certified Alcohol & Drug Counselor to reflect the position’s responsibility with overseeing the Mental Hygiene Department’s Alcohol and Drug Service unit; and**

**WHEREAS: The Mental Hygiene Department and the current Supervising Certified Alcohol & Drug Counselor earlier this year submitted a position description questionnaire to the Personnel Officer for review of appropriateness of the classification’s credentialing requirements and supervisory duties within the CSEA salary grade; and**

**WHEREAS: Upon review of the questionnaire and of both credentialing requirements and supervisory duties for titles represented elsewhere in the CSEA contract, there is sufficient justification to indicate that the title of Supervising Certified Alcohol & Drug Counselor is compensated at a lower salary grade compared to comparable titles; and**

**WHEREAS: The Supervising Certified Alcohol & Drug Counselor title is currently located in CSEA salary grade XIV (2008: \$36,537 – 37,137) however the position’s credentialing requirements and supervisory duties are representative of titles located in CSEA salary grade XV (2008: \$39,610 – 40,210); and**

**WHEREAS: Sufficient funds exist in the 2008 Mental Hygiene Department’s budget to cover the cost of raising the Supervising Certified Alcohol & Drug Counselor’s salary from CSEA salary grade XIV to salary grade XV; therefore be it**

**RESOLVED: That effective retroactive to July 24, 2008, the title of Supervising Certified Alcohol & Drug Counselor is reallocated in the CSEA contract to salary grade XV (2008: \$39,610 – 40,210) and the current incumbent shall receive the resulting increase equivalent to the difference in the base salaries of the two pay grades.**

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



**WHEREAS:** Salary increases for all Non-Union, CSEA and TCCA employees are identified in the 2009 Tioga County Budget Schedule 5; and

**WHEREAS:** Salary increases for TCLEU will be implemented upon ratification of a successor collective bargaining agreement; therefore be it

**RESOLVED:** That the following position changes are effective January 1, 2009:

<b>Name:</b>	<b>Current Title/ Salary Grade:</b>	<b>New Title/ Salary Grade:</b>	<b>Budget Impact:</b>
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**SHERIFF’S OFFICE**

Vacant	Deputy Sheriff –P.T. (4)	Abolish	
			<b>-\$30,000</b>

Vacant	E-911 Dispatcher-P.T. (2)	Abolish	
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**PUBLIC WORKS**

Bidwell, S.	Maintenance Mechanic II Grade 4	Maintenance Mechanic III Grade 3	<b>\$ 1,138</b>
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Ackley, D.	Maintenance Mechanic I Grade 5	Maintenance Mechanic II Grade 4	<b>\$ 1,184</b>
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**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 McEwen and carried.

**REFERRED TO: FINANCE COMMITTEE**

**RESOLUTION NO. 352-08 TOWN TAX LEVY**

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**WHEREAS:** There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2009; be it

**RESOLVED:** That there shall be, and there is, assessed against and levied upon and collected from the taxable property situate in the following Towns outside the incorporated Villages or partially located therein, the amounts indicated for Town purposes as specified in the Budgets of the respective Towns as follows:

<u>Part Town</u>	<u>General Outside</u>	<u>Highway Outside</u>
Barton	-	-
Candor	34,574.00	178,300.00
Newark Valley	-	-
Nichols	4,400.00	46,540.00
Owego	-	1,427,763.00
Spencer	32,312.00	343,825.00

**Further**

**RESOLVED:** That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

<b>Town of Barton</b>		
Halsey Valley Fire Protection		13,005.00
Lockwood Fire Protection		31,000.00
Waverly Joint Fire Protection		248,335.00
<b>Town of Berkshire</b>		
Berkshire Fire District		91,230.00
<b>Town of Candor</b>		
Candor Fire District		366,000.00
<b>Town of Newark Valley</b>		
Newark Valley Fire District		137,448.07
<b>Town of Nichols</b>		
Lounsberry Fire Protection		1,150.00
Nichols Joint Fire Protection		132,838.00
<b>Town of Owego</b>		
Apalachin Fire District		606,527.00
Owego Fire District		811,078.00
Newark Valley Fire District		20,051.93

<b>Town of Richford</b>	
<b>Richford Fire District</b>	<b>82,736.00</b>
<b>Town of Spencer</b>	
<b>Spencer Fire Protection District</b>	<b>55,000.00</b>
<b>Town of Tioga</b>	
<b>Tioga Fire District</b>	<b>165,500.00</b>

**Further**

**RESOLVED:** That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within certain sewer, water and lighting Districts in the Town of Owego and the amounts specified in their annual budgets as follows:

<b>Water District No. 4/Ext. 13</b>	<b>11,978.00</b>
<b>Water District No. 4/Ext. 15</b>	<b>7,659.00</b>
<b>Water District No. 4/Ext. 17</b>	<b>20,078.00</b>
<b>Water District No. 4/Ext. 20</b>	<b>15,729.00</b>
<b>Sewer District No. 2/Ext. 14</b>	<b>12,171.00</b>
<b>Sewer District No. 2/Ext. 15</b>	<b>10,092.00</b>
<b>Lighting District No. 1</b>	<b>6,171.00</b>
<b>Lighting District No. 2</b>	<b>13,267.00</b>
<b>Lighting District No. 3</b>	<b>11,918.00</b>
<b>Lighting District No. 4A</b>	<b>735.00</b>
<b>Lighting District No. 4B</b>	<b>2,201.00</b>
<b>Lighting District No. 5</b>	<b>7,198.00</b>
<b>Lighting District No. 6</b>	<b>17,399.00</b>
<b>Lighting District No. 7</b>	<b>2,257.00</b>
<b>Lighting District No. 8</b>	<b>1,498.00</b>
<b>Lighting District No. 9</b>	<b>676.00</b>
<b>Lighting District No. 10</b>	<b>943.00</b>

**Further**

**RESOLVED:** That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$176,677.15; further

**RESOLVED:** That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$9,517.48; further

**RESOLVED:** That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Newark Valley returned sewer and water rents in the amount of \$1,865.73; further

**RESOLVED:** That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	176,000	409,000
Berkshire	82,865	311,768
Candor	380,915	701,300
Newark Valley	289,157	266,600
Nichols	121,452	213,200
Owego	699,000	-
Richford	112,420	373,278
Spencer	277,578	60,874
Tioga	206,419	452,400

**Further**

**RESOLVED:** That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

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

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 353-08** COUNTY TAX LEVY

Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.

**WHEREAS:** This Legislature by Resolution No. 324-08 dated December 9, 2008 adopted a Budget for the fiscal year 2009 and by Resolution No. 324-08 dated December 9, 2008 has made appropriations for the conduct of the County Government during said fiscal year and has by resolution No. 352-08 dated December 9, 2008 levied the taxes required for the support of the Government of the several Towns; therefore be it

**RESOLVED:** That this Legislature hereby levies the following for recycling purposes, upon the taxable real property liable therefore, in the County upon valuation as heretofore equalized by it.

<b>Barton</b>	<b>100,455.38</b>
<b>Berkshire</b>	<b>19,877.70</b>
<b>Candor</b>	<b>86,940.39</b>
<b>Newark Valley</b>	<b>53,135.27</b>
<b>Nichols</b>	<b>41,484.18</b>
<b>Owego</b>	<b>363,847.39</b>
<b>Richford</b>	<b>15,925.02</b>
<b>Spencer</b>	<b>45,779.14</b>
<b>Tioga</b>	<b><u>69,149.54</u></b>

**Total**                      **796,594.01**

**And be it further**

**RESOLVED:** That pursuant to Section 360 of the County Law and Section 900 of the Real Property Tax Law, this Legislature hereby levied the following for County purposes, excluding Solid Waste set forth above, upon the taxable real property in the County upon valuation as heretofore equalized by it.

Upon all the taxable property liable for the support of County Government, the sum of \$18,969,870.00 and in addition thereto upon the real property liable therefore, and following taxes:

<b>For Returned Village Taxes</b>	<b>598,242.24</b>
<b>For School Tax Returned</b>	<b>2,614,574.66</b>
<b>For Deficits from prior years' taxes</b>	<b>727.89</b>
<b>For Reimbursement of Erroneous taxes, etc.</b>	<b>11,951.34</b>

**All of the forgoing being subject to**  
**Credit for excess collection the prior year of**                      **\$ 143.19**

**Further**

**RESOLVED:** That the County Treasurer's Department be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. 352-08 on the rolls of the several Towns against each parcel of property set forth in said rolls, and that the Chair and the Clerk of the County Legislature be directed and empowered to execute under the seal of this Legislature the several Tax warrants for the collection of said taxes, and to cause the several tax rolls with said warrants annexed to be delivered to the Collectors of the several Tax Districts of the County on or before December 31, 2008; and be it further

**RESOLVED:** That the tax rates for each of the Towns, excluding Solid Waste, are as follows:

Barton	Out	8.234
	In	8.234
Berkshire		236.618
Candor	Out	115.004
	In	115.004
Newark Valley	Out	11.206
	In	11.206
Nichols	Out	32.146
	In	32.146
Owego	Out	10.502
	In	10.502
Richford		5.796
Spencer	Out	38.219
	In	38.219
Tioga		115.511

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

**REFERRED TO: PUBLIC SAFETY COMMITTEE**

**RESOLUTION NO. 354-08**      *AMEND RESOLUTION NO. 301-08*  
*APPROVE 2009 STOP DWI PLAN*

Adoption moved by Legislator Sauerbrey,  
 Seconded by Legislator Huttleston.

**WHEREAS:** Resolution No. 301-08 adopted the 2009 Stop DWI Plan; and

**WHEREAS:** The New York State Governor’s Traffic Safety Committee (GTSC) will not approve the original 2009 STOP DWI Tioga County Plan until the \$8,400 designated for the purchases of a radar trailer is eliminated from the plan or shifted to an approved expenditure; and

**WHEREAS:** As a result of discussions between the Owego Police Department Police Chief and the Tioga County STOP DWI Coordinator it was determined that shifting the \$8,400 from the purchase of a radar trailer to a portion of the purchase price on a new patrol car is desirable, especially in the light of the fact that the Owego Police Department now has additional Police Officers available to man a second patrol car, to do patrols during hours known to be hours that drunk driving commonly occur, and

**WHEREAS:** The STOP DWI Coordinator has submitted an amended 2009 STOP DWI Plan to the Tioga County Legislature shifting \$8,400 from the purchase of a radar trailer to part of the cost of an additional patrol car for the Owego Police Department for approval: be it therefore

**RESOLVED:** That Resolution No. 301-08 amend the 2009 Stop DWI Plan shifting the \$8,400 from the purchase of a radar trailer for the Owego Police Department to a portion of the cost of an additional patrol car for the Owego Police Department, and be it further

**RESOLVED:** That Resolution No. 301-08 amend the 2009 STOP DWI Plan as follows including the following budgeted figures:

<b>Enforcement</b>	<b>\$ 57,300</b>
<b>Court Related</b>	<b>\$ 16,900</b>
<b>Probation</b>	<b>\$ 15,500</b>
<b>Rehabilitation</b>	<b>\$ 13,500</b>
<b>PI&amp;E</b>	<b>\$ 17,000</b>
<b>Administration</b>	<b><u>\$ 27,800</u></b>
<b>Total</b>	<b>\$148,000</b>

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

**Legislator Sauerbrey made a motion to adjourn at 7:09 P.M., seconded by Legislator Oberbeck, and the motion to adjourn was carried.**