

Second Regular Meeting
February 12, 2008

The Second Regular Meeting of 2008 was called to order by the Chair at 1:32 PM. All Legislative Members were present.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. “Heavenly Father we thank you for the blessings of freedom. We ask that you watch over our Country and this County, and guide us as we make decisions that affect so many people.”

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

There were 3 people in attendance.

Legislator Chair noted the following recognition resolution:

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 58-08

***RESOLUTION RECOGNIZING
JAMES MAHAR’S 19 YEARS
OF DEDICATED SERVICE TO
TIOGA COUNTY***

**Adoption moved unanimously,
seconded unanimously.**

WHEREAS: James Mahar was appointed to the position of Cleaner on April 4, 1988, Cleaner II August 17, 1988 and Cleaner III March 18, 1993; (this position is where he completed his appointment; and

WHEREAS: James Mahar has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 19 years to the department of Public Works/Buildings & Grounds. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Mahar will retire on February 21, 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 James Mahar for his 19 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, James Mahar.

CARRIED UNANIMOUSLY

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		1,313.25
A1165	District Attorney	239.48	7,118.29
A1170	Public Defender		2,118.58
A1172	Assigned Counsel		22,269.80
A1185	Medical Examiners/Coroners		10,410.44
A1345	Purchasing		96.00
A1355	Assessments		3,336.66
A1362	Tax Advertising and Expense		12,008.31
A1410	County Clerk		5,168.92
A1411	Department of Motor Vehicles		8,246.63
A1420	Law		1,561.84
A1430	Personnel		3,445.27
A1450	Elections		16,605.69
A1460	Records Management		277.46
A1460.41	Records Management Grant		5,033.66
A1490	Public Works Administration		854.98
A1620	Buildings	1,095.12	156,544.67
A1680	Information Technology		63,944.98
A1920	Municipal Association Dues		5,540.00
A2960	Education of Handicapped Children		253,240.60
A3020	Public Safety Comm E911 System	708.00	19,831.09
A3110	Sheriff	250.75	37,385.60
A3110.41	Sheriff-Court Attendants		955.29
A3117	Sheriff WM 06837962 Grant	3,795.08	
A3140	Probation	252.99	6,041.88
A3146	Probation Sex Offender Regis		420.36
A3150	Jail	1,245.85	69,907.08
A3151	Jail-Alternatives Program		35.98
A3315	Special Traffic Programs		13,289.27
A3410	Fire	6,485.14	3,022.15
A3640	Emergency Management Office		559.01
A4010	Public Health Nursing		45,718.86
A4011	Public Health Administration	593.10	9,405.15
A4012	Public Health Education		3,281.37
A4042	Rabies Control		1,365.19
A4044	Early Intervention	2,654.06	33,637.71
A4053	Preventive/Primary Health Services		406.83

A4054	Preventive Dental Services	977.00	1,804.30
A4056	Pre-Natal Care and Assistance		9.50
A4064	Managed Care-Dental Services		19,513.65
A4070	Disease Control		2,430.24
A4090	Environmental Health	668.00	10,522.92
A4210	Alcohol and Drug Services		10,588.00
A4309	Mental Hygiene Co Admin	6,046.70	8,221.70
A4310	Mental Health Clinic		58,516.54
A4315	Mental Retardation		25,081.00
A4320	Crisis Intervention Services		17,699.15
A4321	Intensive Case Management		3,266.72
A6010	Social Services Administration		144,268.52
A6422	Economic Development		442.67
A6510	Veterans' Service		163.57
A6610	Sealer Weights/Measures		75.55
A7310	Youth Programs		36.54
A7310.41	Youth Programs, Refundable		15,415.00
A7510	Historian		73.82
A7989	Tourism/Recreation		105,244.56
A8020	Planning		1,255.86
SOLID WASTE FUND			80,221.40
COUNTY ROAD FUND			148,334.58
SPECIAL GRANT FUND			22,750.27
CONSOLIDATED HEALTH FUND			8,917.11
CAPITAL FUND			353,854.25
LIABILITY INSURANCE FUND			833.60
WORKERS' COMP			<u>111,526.67</u>
GRAND TOTAL			\$ 2,000,477.81

Legislator Roberts made a motion to approve the minutes of January 15, & 24, 2008, seconded by Legislator Oberbeck and carried.

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

Legislator McEwen made a motion to have the following six (6) resolutions, all on erroneous assessments, passed as one, seconded by Legislator Burns and carried.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 59-08

***ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE***

Adoption moved by Legislator McEwen,
seconded by Legislator Burns.

WHEREAS: An application for corrected tax roll indicates that the \$9,500 taxable value on property no. 5, assessed to Patricia V. Strasser on the 2008 tax roll of the Town of Berkshire, is erroneous, an agricultural exemption in the amount of \$2,061 applies, lowering the taxable value to \$7,439; be it therefore

RESOLVED: That a corrected tax bill be issued to Patricia V. Strasser for property no. 5 by the Town of Berkshire as indicated below:

	<u>2008 Corrected Tax Bill</u>
County	\$1,523.85
Recycle	66.51
Townwide	1,301.80
Berkshire Fire	312.37
	<u>Total \$3,204.53</u>

further

RESOLVED: That the erroneous town tax of \$360.66 be charged back to the Town of Berkshire and the erroneous fire district tax of \$86.54 be charged back to the Berkshire Fire District; and be it further

RESOLVED: That the erroneous recycle tax of \$18.43 be charged to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$422.19 be charged to the proper account in the record of County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO. 60-08 *ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE***

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

WHEREAS: An application for refund indicates that the \$9,500 taxable value on property no. 5, assessed to Patricia V. Strasser on the 2006 tax roll of the Town of Berkshire, is erroneous, an agricultural exemption in the amount of \$1,671 applies, lowering the taxable value to \$7,829; and

WHEREAS: The 2006 Town and County Taxes on property no. 5 in the Town of Berkshire were paid to the Town of Berkshire; be it therefore

RESOLVED: That a refund of \$606.27 be issued to Patricia V. Strasser for overpayment of 2006 taxes on property no. 5 in the Town of Owego; and be it further

RESOLVED: That the erroneous town tax of \$235.51 be charged back to the Town of Berkshire and the erroneous fire district tax of \$45.10 be charged back to the Berkshire Fire District; and be it further

RESOLVED: That the erroneous recycle tax of \$8.48 be charged to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$317.18 be charged to the proper account in the record of County Treasurer

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

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO. 61-08 *ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE***

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

WHEREAS: An application for refund indicates that the \$9,500 taxable value on property no. 5, assessed to Patricia V. Strasser on the 2007 tax roll of the Town of Berkshire, is erroneous, an agricultural exemption in the amount of \$1,979 applies, lowering the taxable value to \$7,521; and

WHEREAS: The 2007 Town and County Taxes on property no. 5 in the Town of Berkshire were paid to the Town of Berkshire; be it therefore

RESOLVED: That a refund of \$755.89 be issued to Patricia V. Strasser for overpayment of 2007 taxes on property no. 5 in the Town of Owego; and be it further

RESOLVED: That the erroneous town tax of \$293.49 be charged back to the Town of Berkshire and the erroneous fire district tax of \$61.04 be charged back to the Berkshire Fire District; and be it further

RESOLVED: That the erroneous recycle tax of \$15.92 be charged to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$385.44 be charged to the proper account in the record of County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 62-08

***ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE***

Adoption moved by Legislator McEwen,
seconded by Legislator Burns.

WHEREAS: An application for corrected tax roll indicates that the taxable value of \$10,000 on property no. 687, assessed to Kenneth R & Heather L Anderson on the 2008 tax roll of the Town of Berkshire, is erroneous in that the Town of Berkshire files were incorrect because of inventory and address, therefore changing the taxable value to \$5,690; be it therefore

RESOLVED: That a corrected 2008 tax bill be issued to Kenneth R & Heather L Anderson for property no. 687 by the Town of Berkshire as follows:

<u>2008 Corrected Tax</u>	
County	\$1,165.57
Recycle	50.87
Townwide	995.73
<u>Berkshire Fire</u>	<u>238.93</u>
TOTAL	\$2,451.10

and be it further

RESOLVED: That the erroneous town tax of \$754.23 be charged back to the Town of Berkshire and the erroneous fire tax of \$180.98 be charged back to the Berkshire Fire district; and be it further

RESOLVED: That the erroneous recycle tax of \$38.54 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$882.89 be charged back to the proper account in the records of the County Treasurer.

Roll Call:
 Ayes 09
 Noes 00
 Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 63-08 *ERRONEOUS ASSESSMENT
 TOWN OF BERKSHIRE*

Adoption moved by Legislator McEwen,
 seconded by Legislator Burns.

WHEREAS: An application for corrected tax roll indicates that the taxable value of \$2,800 on property no. 45, assessed to Christopher & Jennifer R Mueller on the 2008 tax roll of the Town of Berkshire, is erroneous in that the log home on the property burned down in July of 2006, therefore changing the taxable value to \$450; be it therefore

RESOLVED: That a corrected 2008 tax bill be issued to Christopher & Jennifer R Mueller for property no. 45 by the Town of Berkshire as follows:

<u>2008 Corrected Tax</u>	
County	\$ 92.18
Recycle	4.02
Townwide	78.75
<u>Berkshire Fire</u>	<u>18.90</u>
TOTAL	\$ 193.85

and be it further

RESOLVED: That the erroneous town tax of \$411.24 be charged back to the Town of Berkshire and the erroneous fire district tax of \$98.67 be charged back to Berkshire Fire district; and be it further

RESOLVED: That the erroneous recycle tax of \$21.01 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$481.39 be charged back to the proper account in the records of the County Treasurer.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 64-08 *ERRONEOUS ASSESSMENT*
TOWN OF BERKSHIRE

Adoption moved by Legislator McEwen,
seconded by Legislator Burns.

WHEREAS: An application for corrected tax roll indicates that the \$5,400 taxable value on property no. 795, assessed to Michael R. and Doris E. Davies on the 2008 tax roll of the Town of Berkshire, is erroneous in that the assessment was reduced by the Board of Assessment Review to \$4,760; be it therefore

RESOLVED: That a corrected tax bill be issued to Michael R. and Doris E. Davies for 2008 taxes on property no. 795 by the Town of Berkshire; be it further

RESOLVED: That the erroneous town tax of \$112.00 be charged back to the Town of Berkshire and the erroneous fire district tax of \$5.72 be charged back to the Berkshire Fire District; and be it further

Adoption moved by Legislator Huttleston,
Seconded by Legislator Burns.

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) for the 2008 Environmental Prevention Strategies Targeting Compulsive Gambling; and

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

RESOLVED: That funding be appropriated as follows:

From: A3486.10 State Aid- OASAS Gambling Prevention \$ 44,796

To: A4211.40-595 Services Rendered (TCCASA) \$ 44,796

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: PUBLIC SAFETY AND FINANCE

**RESOLUTION NO. 67-08 *APPROPRIATION OF FUNDS FOR –
SENATOR LIBOUS FIRE SERVICE
COMMUNITY PROJECTS
APPROPRIATION***

Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.

WHEREAS: Senator Libous has granted the Tioga County Bureau of Fire a Community Projects Appropriation Grant in the sum of \$27,000.00 for the purchase of two Emergency Generators with Emergency Lighting, to be used by all Public Safety Agencies in Tioga County and in surrounding Counties through the New York State Fire Mutual Aid System, to provide needed lighting and safety for personnel at work in all types of emergency situations; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes acceptance of the Twenty Seven Thousand Dollars (\$27,000) from New York State Community Projects Appropriation, Contract #M041118; and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the County Treasurer to appropriate the sum of \$27,000.00 as follows:

From: A3351.00 State Aid - Fire Light Tower Grant	\$27,000
To: A3651.20 191 - Fire Light Tower Grant – M041118	\$27,000

Roll Call:
 Ayes 09
 Noes 00
 Absent 00
CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 68–08 *APPOINT TIOGA COUNTY
 EMPIRE ZONE ADMINISTRATIVE
 BOARD MEMBER*

Adoption moved by Legislator Oberbeck,
 seconded by Legislator Burns.

RESOLVED: That the following member be appointed to the Tioga County Empire Zone Administrative Board for a term of two (2) years retroactive from January 1, 2008 until December 31, 2009.

<u>Appointee</u>	<u>Representing</u>	<u>Affiliation</u>
Raymond Avery	Local Business	Harvard Custom Manufacturing, Inc.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 69–08 *APPOINT REAP BOARD MEMBER*

Adoption moved by Legislator Sauerbrey,
 seconded by Legislator Burns.

WHEREAS: Resolution No. 54-06 appointed the Chair of the Tioga County Legislature to the REAP Board; and

WHEREAS: Resolution No. 92-07 appointed a Legislative representative in place of the Chair of the Tioga County Legislature; and

WHEREAS: The By-Laws of the REAP Board require that the Legislature nominate one person to act as its member on the REAP Board of Directors; and

WHEREAS: The Tioga County Legislature has found Elaine Jardine, Planning Director, willing and eligible to serve on the REAP Board; therefore be it

RESOLVED: That Elaine Jardine, Planning Director, be hereby appointed to the REAP Board for a two year term from February 14, 2008 through February 13, 2010.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 70-08 *APPOINT STOP DWI SCHOOL ASSOCIATES*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Burns.

WHEREAS: It is the desire of the STOP DWI Program to appoint STOP DWI Associates in the following School Districts: Candor, Newark Valley, Owego Apalachin, Spencer VanEtten, Tioga, and Waverly; and

WHEREAS: It is the desire of the following persons to fill the STOP DWI School Associate position for the calendar year 2008 with the exception of the months of July and August: Arthur Cacciola to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Michelle McNamara to serve the Spencer VanEtten School District; Janice Barto to serve the Tioga Central School District, and Debra Lauper to serve the Waverly School District; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and that outlines the compensation to be paid to the STOP DWI School Associates. The Contract further defines the STOP DWI School Associates as Independent Contractors not entitled to County employee benefits; be it therefore

RESOLVED: That Arthur Cacciola be appointed STOP DWI School Associate to serve the Candor School District for the Calendar year 2008; Mathew Cicchetti be appointed STOP DWI School Associate to serve the Newark Valley School District for the Calendar year 2008; Joan Beck be appointed STOP DWI School Associate to serve the Owego Apalachin School District for the calendar year 2008; Michelle McNamara be appointed the STOP DWI School District to serve the Spencer VanEtten School District for the calendar year 2008; Janice Barto be appointed STOP DWI School Associate to serve the Tioga Central School District for the calendar year 2008, and Debra Lauper be appointed STOP DWI School Associate to serve the Waverly School District for the calendar year 2008 in accordance with the signed and approved STOP DWI School Associate Agreement for 2008.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 71-08 *APPOINT MEMBERS TO
TRAFFIC SAFETY BOARD
STOP DWI DEPARTMENT*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Burns.

WHEREAS: The Traffic Safety Board is an eleven-member board that serves in an advisory capacity; and

WHEREAS: The Board members have been specifically named in previous resolutions, causing difficulty in gathering a quorum for meetings due to scheduling conflicts; and

WHEREAS: By allowing the Board members to send a designee in their stead, a better chance of gathering a quorum will occur; and

WHEREAS: New York State and County Local Laws require the terms of the members to be staggered; and

WHEREAS: The current board member terms are staggered but need to conform to an even distribution of terms; and

WHEREAS: In order to conform the staggered terms, certain existing terms need to be adjusted; therefore be it

RESOLVED: That the following persons or positions as members shall have the terms which commence immediately and expire March 31, 2009:

**Tioga County Sheriff or designee, currently LT. Rick Travis
Gerald Hyatt
Tioga County Emergency Management Director;**

And be it further

RESOLVED: That the following persons or positions as members shall have the terms which commence immediately and expire March 31, 2010:

**Tioga County Public Works Commissioner or designee, currently Gary
Hammond
Tioga County Public Health Director or designee, currently Lisa Kocak
Arthur Cacciola
Tioga County Economic Development & Planning Director or designee;**

And be it further

RESOLVED: That the following persons or positions as members shall have the terms which commence immediately and expire March 31, 2011:

**James Devita
Tioga County Fire Coordinator or designee, currently Will Roden
Tioga County Stop DWI Coordinator or designee
One community representative currently vacant.**

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. -08 RESOLUTION TO APPOINT
DR. SUSAN CHOI TO THE
COMMUNITY SERVICES BOARD**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: The Tioga County Community Services Board has a vacant position available; and

WHEREAS: Susan Choi, MD, who practices medicine in Apalachin, NY, has expressed interest in filling a vacant position; and

WHEREAS: The Community Services Board formally nominated Dr. Choi for a position at its January 2008 meeting, and recommends to the Tioga County Legislature that she be appointed to the Community Services Board; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Dr. Susan Choi to the Tioga County Community Services Board for the remainder of a vacant term ending December 31, 2009.

Legislator Oberbeck made a motion to table the above resolution, seconded by Legislator Roberts. On roll call vote to table the above resolution, seven members voted Aye, Legislators Huttleston and Penney voting no, and the motion to table was carried.

REFERRED TO: PUBLIC SAFETY COMMITTEE

**RESOLUTION NO. 72-08 APPOINT - FIRE ADVISORY BOARD
AND SPECIAL TEAMS**

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Roberts.

RESOLVED: That upon recommendation of the Tioga County Fire Chiefs, the following members be and are hereby appointed to the Tioga County Fire Advisory Board for the year 2008:

OFFICERS:	CHAIRMAN	STEVE FEDOROWICZ
	VICE CHAIRMAN	DON HOWARD
	SECRETARY	MIKE RODEN

Membership:

DEPARTMENT	DELEGATE	ALTERNATE
APALACHIN	MIKE RODEN	CARL SQUIRES
BERKSHIRE	MIKE SIMMONS	BRET WELCH
CAMPVILLE	KEN SCHNEIDER	MARK DANIEL
CANDOR	JON ROMAN Jr.	TOM KING
HALSEY VALLEY	RON FRISBEE	DAVE BUMP
LOCKWOOD	DAVE CURTIS	DEAN ANDERSON Jr.
NEWARK VALLEY	CLIF ALEXANDER	CHERYL GALUZO
NICHOLS	TRUMAN KITTLE	JEFF HILLER
OWEGO	TOM TAFT	JOE HOPKINS
RICHFORD	KENNETH GORDINIER	JOHN KEENER
SOUTHSIDE	FRANK OKRASINSKI	JOE STOCKS
SPENCER	CHRIS GARLAND	DEREK GRIER
TIOGA CENTER	MILTON KEMP	ART MAYER
WAVERLY	DON HOWARD	JOE SATTERLY
WELTONVILLE	STEVE GUNTHER	RON HOLBROOK
BUREAU of FIRE	JOHN V. SCOTT	
	DAVID MARTINICHIO	
	LARRY SINGLETON	
	CONNIE FEDOROWICZ	
	KEVIN FORD	
	STEPHEN FEDOROWICZ	
EMO	RICHARD LeCOUNT	

BE IT FURTHER RESOLVED: That upon recommendation of the Tioga County Fire Coordinator, the following members are hereby appointed to the Tioga County Special Teams and when activated, training or otherwise working at a team sponsored event, are working as employees of Tioga County and serving as Volunteer Firefighters in support of a Special Team for the year 2008:

TIOGA COUNTY FIRE COORDINATOR STAFF - 2008

JOHN V. SCOTT	FIRE COORDINATOR
FRANK OKRASINSKI	1 st ASSISTANT FIRE COORDINATOR
DAVID MARTINICHIO	ASSISTANT FIRE COORDINATOR (HAZ-MAT)
LARRY SINGLETON	ASSISTANT FIRE COORDINATOR
CONNIE FEDOROWICZ	ASSISTANT FIRE COORDINATOR (EMS)
STEPHEN FEDOROWICZ	ASSISTANT FIRE COORDINATOR
KEVIN FORD	ASSISTANT FIRE COORDINATOR

TIOGA COUNTY FIRE INVESTIGATION TEAM - 2008

JOHN V. SCOTT	FIRE COORDINATOR
FRANK OKRASINSKI	SENIOR FIRE INVESTIGATOR
THOMAS J. DONOVAN	DEPUTY FIRE COORDINATOR W/O PAY
STEPHEN FEDOROWICZ	DEPUTY FIRE COORDINATOR
STANLEY N. GILLMEISTER	DEPUTY FIRE COORDINATOR – W/O PAY
MILTON KEMP	DEPUTY FIRE COORDINATOR – W/O PAY
DAVID MARTINICHIO	DEPUTY FIRE COORDINATOR – W/O PAY
RYAN QUIGLEY	DEPUTY FIRE COORDINATOR – W/O PAY
BILL STANDINGER	DEPUTY FIRE COORDINATOR - NYSP
MARK DANIEL	DEPUTY FIRE COORDINATOR – W/O PAY
RANDY HAMILTON	DEPUTY FIRE COORDINATOR – W/O PAY
BRET WELCH	DEPUTY FIRE COORDINATOR – W/O PAY
DAVID R. CHURCHMAN	DEPUTY FIRE COORDINATOR – W/O PAY
ALL TCSD INVESTIGATORS	LAW ENFORCEMENT

TIOGA COUNTY HAZARDOUS MATERIALS TEAM – 2008

MEMBER - SUPPORT	<u>DEPARTMENT</u>
JOHN V. SCOTT	BUREAU of FIRE – COUNTY FIRE
RICHARD LeCOUNT	EMERGENCY MANAGEMENT OFFICE
ALL DEPUTY FIRE	BUREAU of FIRE

MEMBER - HAZ-MAT TECHS	DEPARTMENT
DAVID MARTINICHIO	BUREAU of FIRE – DCFC HAZ-MAT
MIKE MCDONALD	EMERGENCY MANAGEMENT OFFICE
ROB BLAASCH	T/C - SHERIFFS DEPARTMENT
JOHN OLSEN	DEPUTY FIRE COORDINATOR – W/O PAY
BRIAN INSCHO	DEPUTY FIRE COORDINATOR – W/O PAY
TONY QUARANTA	DEPUTY FIRE COORDINATOR – W/O PAY
RICH PERKINS	DEPUTY FIRE COORDINATOR – W/O PAY
MARK DANIEL	DEPUTY FIRE COORDINATOR – W/O PAY
MARK STORM	DEPUTY FIRE COORDINATOR – W/O PAY
JEFF HILLER	DEPUTY FIRE COORDINATOR – W/O PAY
JOSEPH MOREY	DEPUTY FIRE COORDINATOR – W/O PAY
DAVID SAYLES	DEPUTY FIRE COORDINATOR – W/O PAY
FRANK OKRASINSKI	BUREAU of FIRE – DCFC HAZ-MAT
MIKE SIMMONS	DEPUTY FIRE COORDINATOR – W/O PAY

TIOGA COUNTY TACTICAL MEDICAL TEAM STAFF - 2008

DEPARTMENT

MEMBER

MEDICAL ADVISOR
CAMPVILLE FDDR. KEITH NICHOLS
JOHN OLSEN

CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 73-08

*APPOINT MEMBERS
RECORDS MGMT. ADVISORY BOARD*Adoption moved by Legislator Burns,
seconded by Legislator Oberbeck.

WHEREAS: There are two vacant seats created by expiration of terms on February 28, 2008 on the Records Management Advisory Board; now therefore be it

RESOLVED: That the members whose terms expire on 2/28/2008, but will continue to serve on the Board, be re-appointed for a term from 2/28/2008 through 2/28/2010, namely:

Cheryll Connolly Berg – Tioga County Courier
Gail Foley – Department Records Steward of DSS

CARRIED

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 74-08

*AWARD CONTRACT TO CONDUCT
AN ENVIRONMENTAL AUDIT OF
THE HIGHWAY DEPT. FACILITIES
AT 477 RTE. 96 TO WOODARD &
CURRAN*Adoption moved by Legislator Roberts,
seconded by Legislator Burns.

WHEREAS: The ability to maintain a DPW maintenance garage or transportation facility in full compliance with environmental, health and safety rules has never been more difficult and important for Municipalities in New York; and

WHEREAS: Woodard & Curran is a company that will come in to do an audit to make sure that facilities are in compliance with all federal and state environmental regulations; and

WHEREAS: Woodard & Curran has submitted a cost of \$4,700 to do the audit; and

WHEREAS: The Department of Public Works has enough money in their budget to cover this cost; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works to hire Woodard & Curran to conduct this environmental audit at a cost not to exceed \$4,700 and to be paid out of Maintenance, Roads, and Bridges Account D5110.40 use code 140.

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

REFERRED TO: PUBLIC WORKS

**RESOLUTION NO. 75-08 *AWARD CONTRACT FOR DESIGN OF
HHS STANDBY GENERATOR TO
LABELLA ASSOCIATES***

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

WHEREAS: The Health and Human Services Building located at 1062 State Route 38, Owego, NY does not have any backup power in case there is a power outage; and

WHEREAS: The Commissioner of Public Works received a quote from LaBella Associates to design an emergency backup generator to serve the DSS addition and related complex buildings; and

WHEREAS: The standby power will have the capabilities to power the lights, receptacles, heating and electronic plumbing sensors; and

WHEREAS: The fee for the design of the Diesel Generator is \$17,000; therefore be it

RESOLVED: That the Tioga County Legislature awards the contract to LaBella Associates for the Design of the HHS standby generator not to exceed \$17,000 to be paid out of Buildings-Capital account H1620.20 use code 923.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 76-08 *AUTHORIZATION TO MAKE
APPLICATION FOR SECTION 5311
ANNUAL OPERATING ASSISTANCE
SOCIAL SERVICES*

Adoption moved by Legislator Burns,
Seconded by Legislator McEwen.

WHEREAS: The County of Tioga is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for fixed route and demand response service throughout the County, with limited service to contiguous counties, by First Transit, Inc. for the 2007 and 2008 fiscal years; and

WHEREAS: The County of Tioga and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share; and

WHEREAS: The County of Tioga is contracting with a third party subcontractor for the project described above; now therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of the County of Tioga to sign the application and progress and complete the above named project; and be it further

RESOLVED: That the Chair of the Legislature is authorized to sign any contracts or agreements between County of Tioga and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the County Attorney.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

**ED&P COMMITTEE
AG COMMITTEE**

RESOLUTION NO. 77-08

***SET PUBLIC HEARING FOR 2008
ANNUAL AGRICULTURAL DISTRICT
INCLUSIONS***

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

WHEREAS: The Tioga County Legislature, as per resolution 296-03 designated January 2nd through January 31st as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and said law requires that the Tioga County Legislature hold a public hearing before making a decision on inclusion of lands; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within in the designated time period in 2008 on February 21, 2008 at 10:00 AM in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, NY.

CARRIED

REFERRED TO:

PUBLIC SAFETY/PROBATION & DWI

RESOLUTION NO. 78-08

***APPROVE ALTERNATIVES TO
INCARCERATION 2008
CONSOLIDATED SERVICE PLAN***

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

WHEREAS: The Alternatives To Incarceration Service Plan for 2008 has been presented to and approved by members of the Alternatives To Incarceration Committee on January 17, 2008; now therefore be it

RESOLVED: That the Tioga County Legislature approve the Alternatives To Incarceration Service Plan for the time period of 1/01/08 to 12/31/08 and submit same to the NYS Division of Probation and Correctional Alternatives in order to continue state funding for Pre-Trial Release, Community Service, and Specialized & Drug/Alcohol Programs.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 79-08 *AUTHORIZE CONTRACT FOR TRAININGS BY TC3*

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

WHEREAS: The Personnel Department identified a need for training on a variety of topics amongst County employees; and

WHEREAS: Money was budgeted in the 2008 Budget for the purpose of offering trainings to County employees; and

WHEREAS: The Personnel Department has worked with Tompkins Cortland Community College to arrange seven training sessions, each 3 ½ or 5 ½ hours in length; and

WHEREAS: The cost for these training sessions will be \$6,735; therefore be it

RESOLVED: That the Personnel Officer is hereby authorized to enter into contracts with Tompkins Cortland Community College for trainings to be provided throughout 2008 at a cost not to exceed \$6,735.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 80-08

***AUTHORIZE PAYMENT FOR
CONTRACTUAL POSITION FOR
ONE-TO-ONE AIDE
3-5 PRESCHOOL PROGRAM
HEALTH DEPARTMENT***

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

WHEREAS: There is a need for a one-to-one Aide for the Tioga County 3-5 Preschool Program; and

WHEREAS: Tioga Opportunities Head Start Program is willing to provide the one-to-one Aide; and

WHEREAS: The current contract rate has been \$6.00 per hour since at least 1989, per our 3-5 billing clerk; and

WHEREAS: The minimum wage rate is \$7.15 per hour; and

WHEREAS: Tioga Opportunities is willing to administer the program with a minor administrative cost; therefore be it

RESOLVED: That the rate for the one-to-one Aide for the 3-5 Preschool Program be set at \$8.50 per hour, effective February 01, 2008.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

**REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE**

RESOLUTION NO. 81-08

***APPOINT 2ND DEPUTY CLERK
TO THE LEGISLATURE***

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

WHEREAS: Resolution No. 313-07 authorized the creation of a 2nd Deputy Clerk to the Legislature; and

WHEREAS: The Clerk of the Legislature has identified a candidate for the position; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Clerk of the Legislature to appoint Amber Keefer as 2nd Deputy Clerk to the Legislature at an annual, non-union, salary of \$22,245 effective February 19, 2008.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 82-08 *BACKFILL FULL-TIME DEPUTY
SHERIFF POSITION
SHERIFF'S OFFICE*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Oberbeck.

WHEREAS: Tioga County Resolution 211-99 requires legislative approval for any appointments made above an established base salary amount; and

WHEREAS: The Sheriff would like to fill a vacant budgeted Deputy Sheriff position with Brian Henry, who has successfully completed and graduated from the basic Police Academy training; and

WHEREAS: The Sheriff has approval from the TCLEU to hire a new Deputy Sheriff with several years of law enforcement experience at the salary reflecting 2.5 years of experience per the current union contract, or \$44,250; and

WHEREAS: Brian Henry is eligible for appointment from a duly certified Civil Service list and is willing to accept appointment to such position; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the appointment of Brian Henry to a vacant full time Deputy Sheriff position at an annual salary of \$44,250 effective 02/16/08.

Roll Call:
 Ayes 09
 Noes 00
 Absent 00
CARRIED

Legislator Burns made a motion to have the following late-filed resolutions brought to the floor, seconded by Legislator Oberbeck and carried.

Legislator McEwen made a motion to have the following six (6) resolutions, all on erroneous assessments, passed as one, seconded by Legislator Roberts and carried.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 83-08 *ERRONEOUS ASSESSMENT
 TOWN OF BARTON*

Adoption moved by Legislator McEwen,
 seconded by Legislator Roberts.

WHEREAS: An application for corrected tax roll indicates that the \$200 taxable value on property no. 11116, assessed to Billy J. Chilson and Kira A. Bernas on the 2008 tax roll of the Town of Barton, is erroneous in that this property was part of a buy out by the Town of Barton and the assessment was lowered to \$1.00; be it therefore

RESOLVED: That a corrected tax bill be issued to Billy J. Chilson and Kira A. Bernas in c/o Town of Barton on property no. 11116 by the Town of Barton as follows:

<u>2008 Corrected Tax Bill</u>	
County	\$0.11
Recycle	0.00
Townwide	0.02
Part Town	0.00
Returned School	0.25
<u>Barton Fire</u>	<u>0.01</u>
TOTAL	\$0.39

be it further

RESOLVED: That the erroneous town tax of \$5.28 be charged back to the Town of Barton and the erroneous fire district tax of \$2.56 be charged back to the Barton Fire District; and be it further

RESOLVED: That the erroneous school tax and interest of \$46.49 be charged back to the Waverly School District; and be it further

RESOLVED: That the erroneous recycle tax of \$0.94 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$24.71 be charged to the proper account in the record of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 84-08

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

Adoption moved by Legislator McEwen,
seconded by Legislator Roberts.

WHEREAS: An application for corrected tax roll indicates that the \$140,507 taxable value on property no. 1474, assessed to Warren E. Johnson on the 2008 tax roll of the Town of Newark Valley, is erroneous in that a Senior Citizens Exemption applies; be it therefore

RESOLVED: That a corrected tax bill be issued to Warren E. Johnson on property no. 1474 by the Town of Newark Valley as follows:

	<u>2008 Corrected Tax Bill</u>
County	\$993.68
Recycle	43.37
Townwide	469.55
<u>Newark Valley Fire</u>	<u>111.53</u>
TOTAL	\$1,618.13

be it further

RESOLVED: That the erroneous town tax of \$201.24 be charged back to the Town of Newark Valley and the erroneous fire district tax of \$47.80 be charged back to the Newark Valley Fire District; and be it further

RESOLVED: That the erroneous recycle tax of \$18.59 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$425.86 be charged to the proper account in the record of the County Treasurer

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 85-08 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,
seconded by Legislator Roberts.

WHEREAS: An application for corrected tax roll indicates that the \$61,115 taxable value for Town and County purpose only on property no. 5488, assessed to Leslie M. and Charles Forsyth on the 2008 tax roll of the Town of Owego, is erroneous in that a Disabled Veteran Exemption applies; be it therefore

RESOLVED: That a corrected tax bill be issued to Leslie M. and Charles Forsyth on property no. 5488 by the Town of Owego as follows:

	<u>2008 Corrected Tax Bill</u>
County	\$541.51
Recycle	23.62
Townwide	45.80
Part Town	102.38
Lighting Distr #6	25.42
Apalachin Fire	121.18
<u>Utilities</u>	<u>267.06</u>
TOTAL	\$1,126.97

be it further

RESOLVED: That the erroneous town tax of \$19.76 be charged back to the Town of Owego; and be it further

RESOLVED: That the erroneous recycle tax of \$3.15 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$72.21 be charged to the proper account in the record of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 86-08

***ERRONEOUS ASSESSMENT
TOWN OF OWEGO***

Adoption moved by Legislator McEwen,
seconded by Legislator Roberts.

WHEREAS: An application for corrected tax roll indicates that the \$22,500 taxable value on property no. 1491, assessed to Marion Ulrich. on the 2008 tax roll of the Town of Owego, is erroneous in that the assessment was reduced to \$15,200 by the Village of Owego since the property sustained more than 50% Flood; be it therefore

RESOLVED: That a corrected tax bill be issued to the Marion Ulrich for taxes on property no. 1491 by the Town of Owego as follows:

	<u>2008 Corrected Tax Bill</u>
County	\$152.64
Recycle	6.66
Townwide	12.91
Village Relevy	413.35
<u>School Relevy</u>	<u>407.86</u>
TOTAL	\$993.42

be it further

RESOLVED: That the erroneous town tax of \$6.20 be charged back to the Town of Owego; and be it further

RESOLVED: That the erroneous school tax and interest of \$183.06 be charged back to the Owego Apalachin School District; be it further

RESOLVED: That the erroneous village tax and interest of \$130.39 be charged back to the Village of Owego; be it further

RESOLVED: That the erroneous recycle tax of \$3.20 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$95.25 be charged to the proper account in the record of the County Treasurer

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 87-08 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,
seconded by Legislator Roberts.

WHEREAS: An application for corrected tax roll indicates that the \$59,400 taxable value on property no. 12429, assessed to Les Wagner Foundation, Inc. on the 2008 tax roll of the Town of Owego, is erroneous in that the assessment was reduced as per Tax Certiorari Index #2007-001824 to \$20,000; be it therefore

RESOLVED: That a corrected tax bill be issued to the Les Wagner Foundation, Inc. for 2008 taxes on property no. 12429 by the Town of Owego as follows:

	<u>2008 Corrected Tax Bill</u>
County	\$200.84
Recycle	8.76
Townwide	16.99
Part Town	37.97
Owego Fire	29.11
TOTAL	\$293.67

be it further

RESOLVED: That the erroneous town tax of \$108.26 be charged back to the Town of Owego and the erroneous fire district tax of \$57.36 be charged back to the Owego Fire District; and be it further

RESOLVED: That the erroneous recycle tax of \$17.26 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$395.65 be charged to the proper account in the record of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 88-08 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,
seconded by Legislator Roberts.

WHEREAS: The Supreme Court of the State of New York has rendered a Consent Order Index no. 36002 filed on December 6th, 2007, between VERIZON NEW YORK, INC. and the Town of Owego lowering the assessment on the 2008 Tax Roll of the Town of Owego for the following parcels as indicated below:

Owner	Account #	from	to
VERIZON NEW YORK	2693	\$ 11,251	\$ 9,563
VERIZON NEW YORK	2692	297,155	252,582
VERIZON NEW YORK	2691	267,872	227,691
VERIZON NEW YORK	2690	54,526	46,347
VERIZON NEW YORK	2687	811,694	689,940

and

WHEREAS: The 2008 taxes for the above mentioned properties in the Town of Owego were paid on February 5th, 2008; therefore be it

RESOLVED: That a refund of \$3,177.16 be issued VERIZON NEW YORK, INC. and mailed to Patrick J. Raymond as attorney for VERIZON NEW YORK, INC. for overpayment of 2008 Town and County Taxes; and be it further

RESOLVED: That the erroneous amount of \$594.59 be charged back to the Town of Owego and the erroneous fire tax of \$314.97 be charge back to the Owego Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$94.77 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$2,172.83 be charged to the proper accounts in the records of the County Treasurer

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 89-08 *AUTHORIZE OUT OF TITLE PAY
TREASURER'S OFFICE*

Adoption moved by Legislator Oberbeck,
Seconded by Legislator McEwen.

WHEREAS: Legislative approval is required to compensate employees who are performing the duties of an existing higher grade or classification for a period of more than 25 calendar days; and

WHEREAS: Resolution 310-07 granted Margareta Williams-Olin, Tax Roll Supervisor, a leave of absence during a probation period upon her promotion to Second Deputy County Treasurer; and

WHEREAS: The Treasurer has been assigning Tax Roll Supervisor related duties to Wanda Grover, Account Clerk Typist, since January 7, 2008 and will continue to do so beyond 25 calendar days in order to assist with transition of work in his office; now therefore be it

RESOLVED: That Ms. Grover be compensated out of title pay which is the difference between an Account Clerk Typist (CSEA salary grade IV) and a Tax Roll Supervisor (CSEA salary grade VII) reflective of an annual rate of \$29,532.00 retroactive to January 7, 2008; and be it further

RESOLVED: That the Treasurer will actively seek to fill the Tax Roll Supervisor position with a candidate who meets the minimum qualifications of the position in order to make a provisional appointment in accordance with Civil Service Law and pending the result of the exam for such title to be held in late 2008; and be it further

RESOLVED: That in the event Ms. Grover is not selected for provisional appointment to the Tax Roll Supervisor title, her pay will immediately revert back to her salary for an Account Clerk Typist (salary grade IV) in accordance with CSEA.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

Legislator Oberbeck made a motion to adjourn at 1:54 P.M., seconded by Legislator McEwen, and the motion to adjourn was carried.