

Sixth Regular Meeting
June 10, 2008

The Sixth Regular Meeting of 2008 was called to order by the Chair at 6:01 P.M. All Legislative Members were present.

Chair Weston asked Legislator McEwen to have a moment of prayer.

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

There were approximately 53 people in attendance.

Joe Albrecht had privilege of the floor. “There was a 10 hour verbal presentation read into the Senate House, Congressional record. Part of this whole situation I did not understand, talking about primary greenhouse gas and water vapor was never mentioned. I requested information from seven Senators and the two Presidential candidates. The responses I received from the staff were quite interesting. I will keep you apprised of what they tell me if they have the courtesy of answering, but once again primary greenhouse water vapor was never mentioned.

“The second item has to do with fiscal capacity of the State of New York. The AIDS support group lost over \$100,000 or 3% of their operating budget. Cuts in State distribution, fees, surcharges, etc. There is a significant shortage of funds to do anything.

“The third item has to do with a multipage document regarding working six days and taking one day off. Priorities, social behavior, seven years of feast, seven years of famine. There are a significant amount of people that do not have sufficient funds to maintain health conditions within their residences. To my best estimation there will be a travesty of what do we do. I have no idea. Anything done to help with be done by people with their neighbors helping each other. Poles and analysts. Take the first four letters of analysts and you had a validity of comment. Thank you.”

Charles Root had privilege of the floor. “I would like to discuss the current contract negotiations between the County and the CSEA. I would also like to discuss some of the facts that I feel that the legislative body needs to know.

- In 2007, the Administrative Division of Social Services ended approximately \$800,000 under budget.
- The Child Support Enforcement Unit collections reached a record level with collections totaling \$5,267,222
- After the last contract was ratified, over 80% of the CSEA members switched to the PPO health insurance plan, which was a reduced cost to the county. A study was done by the negotiation team and they reported that over a three year time span, that our current health insurance programs had not cost the county any additional money.

“What do these facts show? They show that county employees want to work together with the legislative body to save money; however, we will not idly stand by and have the county give us a contract that proposes a no-cap premium on new employee’s health insurance, and a contract that does not give current employees their retroactive pay.

“Due to the increase in gas prices, as well as the increases in living expenses, some of your county employees have had to become in-house clients of DSS, obtaining services such as food stamps, Medicaid, HEAP, and more. Currently, over 10% of county employees are obtaining these services, however there are also many more employees who work long hours by working two jobs, myself included, in order to make ends meet.

“It is possible that if we do not work out a fair contract soon, some employees may be forced to find work in other areas, thus decreasing Tioga County’s tax base, as well as making it harder for us to find new employees to fill their positions. It will also cost the county more money because they will have to spend time and money on trainings for the new employees.

“As a taxpayer and as a county employee, I am disappointed with some proposals that were offered by the proposed contract. The first item is the retroactive pay dating back to January 1, 2008. In previous years we have always received retroactive pay, with the exception of a contract negotiation dating back to the 1980’s. It is public knowledge that the county does have enough money to give us this small request, yet the legislative body has decided to not give us employees retro pay.

“The second issue that I see with the proposed contract is that new employees pay 10% of their PPO premium. Why should new employees be penalized with this additional payment? The proposed health insurance increases were acceptable, but this additional 10% on new employees is not. I do not feel that this is an acceptable measure. It is a known fact that the county is having trouble hiring new employees, and with this issue it will be much harder to hire new employees.

“I hope that these facts provide reasons for you to reconsider your stance on the retro and the 10% for new hires. We all stand together and will continue to voice our opinions until both sides of the table can reach an agreement that satisfies the needs of the Tioga County employees and residents. Thank you for this opportunity to address you all and have a good night.”

Lisa Baker had privilege of the floor. “Thank you for allowing me to speak. CSEA made every effort to negotiate in good faith and resolve our negotiations on a timely basis. We started negotiations in September ‘07, three months before our contract was due to expire, but were unable to reach an agreement before that contract expired, mainly due to the County’s resistance to an open dialog at the table over the 90+ contract proposals on the table between the two sides. For these contract negotiations the County hired an outside attorney to conduct their negotiations, all the while having the regular county attorney at the table. We reached a stalemate at the beginning of the year and needed the assistance of a neutral mediator to reach a tentative agreement. We voted to reject that tentative agreement, feeling that the County is treating us unfairly by NOT agreeing to pay a wage increase retroactive to January 1, 2008. Had the County not been combative and not refused to have consistent and meaningful discussion about our concerns at the table, we believe we would have made better progress and reached an agreement sooner rather than later .

“We are feeling the impact of the national recession and increases in costs of living, just like everyone else in this County. Despite having no contract we continue to do our jobs to the best of our abilities, along side of non-union employees who received their raises as of January 1, 2008, consistently doing more with fewer resources, and continuing to make our County leaders look good with the quality services we provide every day, around the clock. We as County workers take pride in our jobs and support the community, but we think that we deserve to be treated fairly.”

Lynn Wool had privilege of the floor. “Good evening. My name is Lynn Wool. I am the CSEA Local President, member of this Unit, and a Tioga County taxpayer. I would like to start by telling all of you that I am offended by the way the County is treating this Unit of CSEA members. My understanding has always been that we are Tioga County employees and there is not division between us. We work side by side with Union and Non-union employees every day. We ban together in time of need to save money for the County so that our County maintains its budget and saves on our insurance costs. During the flood we all went above and beyond to help one another, never asking if we were Union or Non-union. Last month was Employee Recognition and we were told what valuable employees we are, yet it seems when it comes to money and fairness we are divided. I though we were a team.

“Non-union employees received their raises January 1, 2008, yet you feel that we are not entitled to the same. We worked along side of them the same days and the same hours. We stand strong and would like you to think about how you would feel if you were us. Many of the employees cannot be here tonight as they are working second jobs or still working at some of the County buildings.”

Shawn Lucas had privilege of the floor. “Thank you. I am a resident and taxpayer of Tioga County, Town of Spencer. I am also the CSEA staff representative for the Tioga County CSEA Unit and other units and locals in the area.” DUE TO TECHNICAL DIFFICULTIES MS. LUCAS’ COMMENTS WERE NOT ENTERED.

Pat Brown had privilege of the floor. “My name is Pat Brown and I am a county taxpayer and county employee. I’d like to address the lack of a union contract. I have asked my legislator who in turn referred me to another legislator who was serving on that committee, why we are paying an out of county attorney to negotiate our contract when we already have on staff a county attorney? Neither of them could give me a clear answer. Is it true that we have already this year spent over \$3,800 for this out of county attorney? Is it true that there is no increased cost to the county for health insurance? Why isn’t the health insurance issue consistent across the board with all county employees? Why does the Sheriff’s Department have a better contract? Why was the county paying for a dental policy for the Sheriff’s department with no contribution from the employees, but are unwilling to do the same for us? Shouldn’t all county employees share the same health insurance cost?

“It is my understanding that our department gave back to the county in 2007 \$96,000. It is also my understanding that our department has monies in a liability reserve account. This money has accumulated since 2003 and the county has drawn interest. Where has this money gone? We deserve a contract that recognizes our achievements and we need to be treated as equals with all county departments.”

Rita Hollenbeck had privilege of the floor. “Good evening. I have talked to a couple of Legislators over the phone. I am a taxpayer, Town of Candor, and also a CSEA member. CSEA members feel they have already made sacrifices in the area of health insurance. We gave up our dental coverage in the last contract and were told the non-union would as well. This has not happened. Healthcare cost increases are a national problem and it is unfortunate the County shifts more of the burden onto the lowest paid County workers. This is not a good decision nor fair. All County employees must share in the pain of increasing costs. Across the board everyone should pay their fair share of the costs.

“Four years ago the CSEA members agreed or bit the bullet to the cost savings PPO and increased contributions. Currently we have over 81% participation rate. We are proud of this. A cost savings has been realized and this past year the health insurance costs remained stable. Yes it is anticipated and a given that these costs like all others will increase. We validate this and support an increase to everyone’s contribution. Currently the non-union group has only a 35% participation rate in the cost savings PPO, has dental, and their contribution rate is comparable to all other groups. Yet their capacity to pay more is evident with larger base salaries and larger wage increases. The non-union’s contribution rate for indemnity is actually less than all other groups.

“Please consider that contract disparity creates division and animosity within this valued workforce. Please consider seriously a mutual gain approach that affords a win win conclusion for you, the CSEA members, and the residents of Tioga County. Please as our leaders consider leading by example and taking action by availing yourselves and the non-union group to the same sacrifices the CSEA Union has already made and continues to.

“Please consider that your mediation for a retroactive contract is fair, equitable, and a reasonable concession on the County’s part. Please join us and share in our economic burdens and pain. Share in the joy we have everyday with efficient cost saving services we provide to Tioga County residents.”

Mandy Nebenfahr had privilege of the floor. “I am the CSEA Unit Vice President. I think we deserve a contract that recognizes our commitment and dedication to our work, and treats us with respect. A contract that does not include retroactive wage increases is insulting to us, as it sends the message that our work during this time is not valued. We have always received retroactive raises in the past, as have all other bargaining units. We deserve wage increases spread out over the whole year that will allow us to keep up with rising costs of living.”

Kris Madison had privilege of the floor. “I am a Tioga County resident and also a Tioga County employee. I work for the Department of Mental Hygiene. Unfortunately a number of my co-workers are not able to be here tonight because of appointments with previously scheduled clients. By seeing these clients we are bringing in revenue for Tioga County. We continue to do so without a current contract in place.

“We feel that even though we work very hard to do just that, it is not appreciated by the county. That it is an insult to not offer a retroactive contract with fair wage increases. We deserve a fair contract with wage increases and a retroactive clause to January 1st to equal what is given to the other department’s contracts. As you know, when employees develop the feeling that their work is not appreciated and that no one really cares if they give that little extra, the quality of

work starts to slide and then everyone is negatively affected. Thank you for listening and your reconsideration on this contract would be greatly appreciated.”

Joan Kellogg had privilege of the floor. “Good evening, my name is Joan Kellogg and I am the President of Tioga County’s CSEA Unit. I would like to respectfully request the Legislative body to reconsider their rigid position of a non-retroactive contract with my CSEA brothers and sisters. We work as a team, we receive mandates to save money and have consistently stepped up to the plate. By taking this staunch position you are not showing respect for the majority of this county’s workforce and the work they do. Thank you.”

Liz Harris had privilege of the floor. “CSEA represents more than 260 County workers, providing vital (and sometimes life-saving) services throughout Tioga County, including human services, infrastructure services, community security and protection, and essential business services. We are not only County workers, but many of us also live in this county, raise our families, vote, shop and pay taxes here. We are involved in our communities on and off the job, and we have a large economic impact with a payroll of more than eight and a half million dollars annually. This is multiplied by the households supported by County workers so that our county workforce serves as its own important economic engine. Paying fair wage increases and providing decent benefits for our County workers is actually an investment back into our community.”

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	232.27	599.52
A1165	District Attorney		4,297.79
A1170	Public Defender		3,498.51
A1172	Assigned Counsel		42,516.24
A1185	Medical Examiners and Coroners		842.39
A1325	Treasurer		1,041.08
A1355	Assessments		2,686.62
A1357	RPTS Assessment Grant	360.20	
A1362	Tax Advertising and Expense		4,479.21
A1410	County Clerk		934.35
A1411	Department of Motor Vehicle		3,137.49
A1420	Law		2,838.27
A1430	Personnel		6,796.60
A1450	Elections		1,648.94
A1460	Records Management		297.88
A1490	Public Works Administration		129.21
A1620	Buildings	232.00	70,193.62
A1680	Information Technology		11,929.88
A2960	Education of Handicapped Children		230,767.97
A3020	Public Safety Communication E 911 System		3,252.18

A3110	Sheriff	89.81	25,814.33
A3110.41	Sheriff Court Attendant		1,110.90
A3117	Sheriff LE07-1003-E00 Grant	1,096.61	
A3140	Probation		2,892.11
A3150	Jail		34,704.72
A3315	Special Traffic Programs		1,058.43
A3410	Fire		5,350.32
A3640	Emergency Management Office		662.94
A3650	EMO WMD Grant C837960	278.00	
A4010	Public Health Nursing		42,731.80
A4011	Public Health Administration	3,857.26	6,668.63
A4012	Public Health Education	525.00	1,190.38
A4042	Rabies Control		627.57
A4044	Early Intervention	404.28	58,944.21
A4053	Preventative and Primary Health Services		400.39
A4054	Preventative Dental Services		3,089.41
A4062	Lead Poisoning Program		13.60
A4064	Dental Van	912.65	14,854.44
A4070	Disease Control		3,996.78
A4090	Environmental Health	1,316.00	5,302.24
A4210	Alcohol and Drug Services		13,488.50
A4211	Council on Alcoholism		19,123.84
A4309	Mental Hygiene Administration		7,968.59
A4310	Mental Health Clinic		56,016.83
A4315	Mental Retardation		27,143.86
A4320	Crisis Intervention Services		34,013.95
A4321	Intensive Case Management		1,177.56
A6010	Social Services Administration		117,960.23
A6422	Economic Development		616.51
A6510	Veterans' Service		47.74
A6610	Sealer of Weights and Measures		222.50
A7310.41	Youth Programs		9,227.88
A8020	Planning	445.97	180.81
A9060	Health Insurance		603.90
SOLID WASTE FUND			90,792.17
COUNTY ROAD FUND			25,745.52
SPECIAL GRANT FUND			3,959.95
CONSOLIDATED HEALTH FUND			1,272,078.95
CAPITAL FUND			177,282.58
LIABILITY INSURANCE FUND			2,260.47
WORKERS' COMP			4,648.13
GRAND TOTAL			\$ 2,475,207.19

Legislator Sauerbrey made a motion to approve the minutes of May 8, 12, & 13, 2008, seconded by Legislator Roberts, and carried.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 182-08 *ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: The school tax collector for the Owego-Apalachin School District has informed the Tioga County Treasurer that the returned school taxes on property no. 2736, assessed to State of New York on the 2008 tax roll for the Town of Owego is erroneous in that the school taxes were paid on 12/4/07; be it therefore

RESOLVED: That the erroneous school tax of \$2,306.15 and 2% interest of \$46.12 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous 7% county penalty of \$164.66 be charged to the proper account in the records of the County Treasurer

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 183-08 *ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that the 2008 tax bill on property no. 1865, assessed to Carl R Smith on the 2008 tax roll for the Town of Spencer is erroneous in that the releived school taxes were paid to the school tax collector; and

WHEREAS: The 2008 Town and County taxes on property no. 1865 were paid to the Town of Spencer including the erroneous school tax amount; be it therefore

RESOLVED: That a refund of \$539.80 be issued to Carl R Smith for overpayment of 2008 taxes on property no. 1865 in the Town of Spencer; and be it further

RESOLVED: That the erroneous school tax of \$489.80 and interest of \$14.69 be charged back to the Spencer-VanEtten School District; and be it further

RESOLVED: That the erroneous county penalty of \$35.31 be charged to the proper account in the records of the County Treasurer

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 184-08 *ERRONEOUS ASSESSMENT
TOWN OF BERKSHIRE*

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that the \$1,610 taxable value on property no. 623, assessed to Charles F Cox and Lucinda H Detweiler on the 2007 tax roll of the Town of Berkshire, is erroneous in that property no. 623 is 1.52 acres of 59.79 acres and the assessed value for property no. 623 should be \$80; and

WHEREAS: The 2007 property tax for property no. 623 was paid to the Town of Berkshire; be it therefore

RESOLVED: That a refund of \$537.20 be issued to Charles F Cox for overpayment of 2007 taxes on property no. 623 in the Town of Berkshire; and be it further

RESOLVED: That that erroneous town tax of \$226.90 be charged back to the Town of Berkshire; and be it further

RESOLVED: That the erroneous recycle tax of \$12.31 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$297.99 be charged back to the proper account in the record of County Treasurer

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 185-08 ***AUTHORIZE TIOGA COUNTY TREASURER
TO HIRE REYNOLDS AUCTION COMPANY
TO AUCTION REAL PROPERTY ACQUIRED
BY COUNTY FORECLOSURE***

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

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

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

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

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

RESOLVED: That James P. McFadden, Tioga County Treasurer be and hereby is authorized to contract the services of Reynolds Auction Company for the public auction of tax foreclosure properties.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

**RESOLUTION NO 186-08 *AUTHORIZE SALE OF COUNTY
OWNED PROPERTIES ACQUIRED
FOR DELINQUENT TAXES***

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

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

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

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 7, 2008 at 6:00 p.m. conducted by the Reynolds Auction Company.

Town of Barton:

**166.15-7-28, Koons, Richard
122.18-1-16, Loco Holdings, LLC
146.00-2-29, Loco Holdings, LLC
166.20-2-35, Woodruff, Donald
157.07-1-17, Yaple, Frank III
166.15-1-62, Zimmer, Arlene**

Town of Berkshire:

43.00-2-13, Terenzi, Rose

Town of Candor

**61.13-1-15.10, Baker, Charles & Sheila
61.13-1-18, Mott, Ruth
61.05-1-34, Roe, Thelma**

Town of Newark Valley

**64.15-3-32, Loco Holdings, LLC
43.00-1-31, Martyak, John E.
44.00-1-54, Schell, Mary Beth
44.00-1-57.10, Schell, Mary Beth**

Town of Nichols

**170.07-1-8, House, John H. & Tracy L. & Perry Pierce
160.00-1-14.11, Rogers, Roy D.**

Town of Owego:

117.20-2-6, Burrell, EC, Attn. Verner & Irene Zimmer
 85.00-1-3.122, CTS Properties Inc.
 118.19-1-1.5, Dyer, Gary Excavating & Tank Service
 118.19-1-1.6, Dyer, Gary Excavating & Tank Service
 128.08-2-17, Haskell, Gary
 128.08-2-31, Macaluso, Marianne V.
 128.08-30, Macaluso, Marianne V.
 131.17-2-3.1, Tracy, Rose V. & Mary Louise, Attn. Tracy Benjamin
 131.00-1-34, Urban, Christine

Town of Richford:

11.00-2-22.11, Rounseville, Herbert

Town of Spencer

81.00-2-14, Eastman, Robert
 57.00-1-71, Spicer, Thomas E.
 81.00-2-13.20, Washington, William K. & Diane

Town of Tioga

105.00-1-14.20, Kelsey, Glen W.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 187-08

***AUTHORIZE SALE OF BARBARA
 LUPOLE PROPERTY LOCATED IN
 THE TOWN OF TIOGA TO MARK
 LISAK OR HIS ASSIGNS***

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

WHEREAS: Property located in the Town of Tioga, assessed to Barbara Lupole, identified as Tax Map number 115.00-1-13.311, parcel number 1769 owes 2006-2007 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Mark Lisak, who has made an offer to purchase the property for \$2,400.00, “as is”, thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$2,400.00 and recording costs, a Quit Claim Deed conveying the property assessed to Barbara Lupole located in the Town of Tioga, identified on the Town of Tioga Tax Map as number 115.00-1-13.311, parcel number 1769, to Mark Lisak or his assigns.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 188-08 *TRANSFER FUNDS*
DISTRICT ATTORNEY

Adoption moved by Legislator McEwen,
Seconded by Legislator Huttleston.

WHEREAS: Resolution #148-08 authorized the District Attorney’s Office to backfill the vacancy position of one part-time typist and also authorized the hours to be increased to 17 hours per week effective April 16, 2008; and

WHEREAS: There is a need for a computer, monitor, and keyboard for this position as the employee will now be located within the Department; and

WHEREAS: Information Technology has approved a computer, monitor and keyboard suitable for the District Attorney’s needs and has provided a quote of \$642.50; and

WHEREAS: Funds will need to be transferred from District Attorney Account A1165.40-280 to District Attorney Account A1165.20-90; therefore be it

RESOLVED: That the District Attorney be authorized to purchase a computer, monitor, and keyboard at an amount not to exceed \$642.50 and that the following sums be transferred:

From:	District Attorney Account A1165.40-280	\$642.50
To:	District Attorney Account A1165.20-90	\$642.50

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 189-08 *TRANSFER OF FUNDS –
PURCHASE COMPUTER EQUIPMENT
ECONOMIC DEVELOPMENT & PLANNING*

Adoption moved by Legislator Roberts,
seconded by Legislator Sauerbrey.

WHEREAS: Legislative approval is necessary to purchase equipment; and

WHEREAS: Legislative approval is necessary to transfer funds from one account to another; and

WHEREAS: The Deputy Director of Economic Development is in need of a replacement computer monitor; and

WHEREAS: Economic Development has money in their budget, although requires a partial transfer of funds in the amount of \$75.00 from A6422.40 Expense Account to A6422.20 Equipment Account; and

WHEREAS: Information Technology has recommended the replacement and provided a quote for such; and

WHEREAS: The Director of Information Technology has approved the replacement purchase of such monitor; therefore be it

RESOLVED: That the Director of Economic Development & Planning be authorized to purchase a replacement computer monitor for the Deputy Director of Economic Development at the sum of \$169.00 with a partial transfer of funds in the amount of \$75.00 to be transferred from Economic Development Account A6422.40/10 to Economic Development Account A6422.20/90.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 190-08 ***APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD***

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

WHEREAS: The term of the member from the Town of Barton expired as of December 31st, 2007 and that member, Edward Rogers declined to serve another term causing a vacancy, and

WHEREAS: The Town of Barton has found Peter Kanze willing and able to serve and the Barton Town Board has nominated him for said position; therefore be it

RESOLVED: That Peter Kanze be appointed to serve on the Tioga County Planning Board for a three-year term from 1/1/08 to 12/31/10, replacing Edward Rogers.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 191-08 ***ADOPTION OF UPDATES TO THE
TIOGA COUNTY ALL HAZARDS
COMPREHENSIVE PLAN – PART 1
MITIGATION***

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

WHEREAS: The Tioga County Legislature by resolution 165-06 adopted Part 1 Mitigation Plan of the Tioga County All Hazards Comprehensive Plan in June 2006; and

WHEREAS: The Tioga County Flood Mitigation Think Tank was created as a result of the devastating property loss caused by the unprecedented flood in June 2006 as well as prior flood events in 2004 and 2005 to develop methods of mitigating future loss due to flooding; and

WHEREAS: The Tioga County Flood Mitigation Think Tank presented their recommendations to the Tioga County Legislature in March of this year and these recommendations included various actions such as policy development, education and outreach activities and specific physical projects identified by every municipality; and

WHEREAS: The Tioga County Flood Mitigation Think Tank has prepared the text and projects to be included in said plan as an official update; therefore be it

RESOLVED: That the Tioga County Legislature adopts this update to Tioga County All Hazards Comprehensive Plan – Part 1 Mitigation.

Legislator Penney made a motion to table the above resolution, seconded by Legislator Quinlan. On roll call vote to table the above resolution, two members voted Aye, Legislators McEwen, Oberbeck, Weston, Roberts, Sauerbrey, Burns, and Huttleston voting no, and the motion to table failed.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 192-08 *APPROVAL OF AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE TIOGA COUNTY COMMUNITY SERVICES BOARD AND THE TIOGA COUNTY LEGISLATURE*

Adoption moved by Legislator Huttleston,
seconded by Legislator Burns.

WHEREAS: Resolution 418-98 authorized the Chair of the Tioga County Legislature to enter into a Memorandum of Understanding with the Tioga County Community Services Board on October 20, 1998; and

WHEREAS: There have been changes in County personnel since October 20, 1998 that necessitate changes to the text of the Memorandum of Understanding; and

WHEREAS: The Community Services Board and the Tioga County Legislature are desirous of continuing the framework established to ensure cooperation and to develop a method to resolve problems; and

WHEREAS: A new Memorandum of Understanding has been written, approved by the County Attorney and approved by the Community Services Board; therefore be it

RESOLVED: That the Legislature, having reviewed the revised Memorandum of Understanding between the Tioga County Legislature and the Community Services Board, hereby authorizes and directs the Chairman to sign the same on behalf of the Legislature.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 193-08 AMEND COUNTY POLICY #3

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

WHEREAS: County Policy #3, Section III on Recruitment stipulates in Paragraph H that job vacancies shall be advertised in three specific newspapers; and

WHEREAS: The reality is that where ads are run, if at all, is determined on a case by case basis dependent upon the labor market; and

WHEREAS: Advertisements are rarely run in multiple newspapers due to the cost; and

WHEREAS: Section J indicates that the Personnel Department shall issue all employment offers for full-time positions; and

WHEREAS: The Personnel Department does not issue written offers, but instead each Department issues such offers; therefore be it

RESOLVED: That County Policy #3, Section III.H be amended to read:

“Advertisements for job vacancies may be announced by the Personnel Department in newspapers, if appropriate for the title.” (Sub-paragraphs 1 and 2 to remain unchanged);

And be it further

RESOLVED: That Section J be revised to read:

“Employment offers for new hires shall be made in writing by the Appointing Authority, with a copy to the Personnel Department.” (Sub-paragraphs 1, 2 & 3 to be deleted)

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 194-08 *REVISE COUNTY POLICY 46
CONTRACTUAL HIRE PROCEDURE
POLICY*

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

WHEREAS: County Policy 46 outlines the steps departments must follow when contracting for personal services; and

WHEREAS: In 2007, the Personnel Committee required the Personnel Department to begin reporting monthly on the number of contractual workers in each department; and

WHEREAS: The best way for the Personnel Department to track these numbers is to receive any resolution which authorizes such contracts; and

WHEREAS: Currently, Step 1 of the Policy indicates conversation with the Legislative Committee needs to occur before proceeding to Step 2; and

WHEREAS: The Legislature prefers that such discussion occur after Steps 2 and 3 have been completed; therefore be it

RESOLVED: That Step 1 be changed to read:

**“Meet with the Budget Officer to review the funding for the contract.
If adequate funding exists, proceed to Step 2.”**

And be it further

RESOLVED: That Step 2 be changed to read:

**“Conduct the 20-question IRS test with the Personnel Department.
If the results indicate the worker is contractual in nature, proceed to Step 3. If the results indicate the worker is employee-like in nature, discuss with the Legislative Committee the possibility of creating a position(s). A copy of the test results shall be kept on file in the Personnel Department.”**

And be it further

RESOLVED: That Step 4 be changed to read:

“Meet with the Legislative Committee to review the need for the contract and present a resolution that authorizes the contract, which will go to the Personnel Committee as well.”

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

Change the last Whereas the word Legislature to “Personnel Department”.

On roll call vote on the above amendment, two members voted Aye, Legislators McEwen, Oberbeck, Weston, Roberts, Sauerbrey, Burns, and Huttleston voting no, and the motion to amend was failed.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 195-08 RECLASSIFY VACANT POSITION
PROBATION DEPARTMENT

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Burns.

WHEREAS: The Probation Department has had a vacant part-time Senior Probation Officer position since March, 2006; and

WHEREAS: The Probation Director has been unable to fill the position due to the qualifications; and

WHEREAS: The Probation Director would like to reclassify the position to part-time Probation Officer which will require lower qualifications; and

WHEREAS: The Probation Director has agreed to reassign the responsibilities which differentiated this position from that of Probation Officer; therefore be it

RESOLVED: That one vacant position of part-time Senior Probation Officer (\$17.442 per hour) is hereby reclassified to Probation Officer (\$16.763 per hour) effective June 16, 2008.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO:

**ED&P COMMITTEE
FINANCE COMMITTEE
PERSONNEL COMMITTEE**

RESOLUTION NO. 196-08

***AUTHORIZATION OF STIPEND AND
ASSIGNMENT OF PROJECT
MANAGER DUTIES FOR TIOGA
COUNTY INDUSTRIAL
DEVELOPMENT AGENCY (IDA) FOR
E=MT3 PROPERTY (ROUTE 434)***

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

WHEREAS: Jeffrey Stoke serves as Deputy Director of Economic Development for Tioga County; and

WHEREAS: The Tioga County Legislature assigned Jeffrey Stoke the duties of project manager for the 434 site, per Resolution 149-07; and

WHEREAS: The agreement outlined in Resolution 149-07 was for a term of one year from date of resolution (June 12, 2007) and will expire as of June 12, 2008; and

WHEREAS: Tioga County, in the best interest of client service, has created an economic development “one-stop shop” that requires a close relationship between the County, the Industrial Development Agency (IDA) and the Local Development Corporation (LDC); and

WHEREAS: There is a contractual agreement relative to this site between Tioga County and the Industrial Development Agency (IDA); and

WHEREAS: The IDA determined the best opportunity for development of this site is to continue with the current arrangement of the Deputy Director of Economic Development serving as Project Manager for this site; and

WHEREAS: The IDA recognizes the increased job responsibilities of a project of this size and is willing to offer a stipend for such duties. The stipend will be reimbursed to the County by the IDA to Economic Development Account A6422.10-10 and Social Security Account A9030.80, so that there is no cost to the County; and

WHEREAS: The IDA will pay to the Tioga County Treasurer the amount of the stipend and all related expenses and the net will be paid to Jeffrey Stoke as a stipend for such services from Economic Development Account A6422.10-10; and

WHEREAS: A status report will be presented at the monthly Economic Development & Planning Committee meeting; therefore be it

RESOLVED: That the Tioga County Legislature assigns Jeffrey Stoke the duties of project manager for the 434 site until project completion; and now therefore be it further

RESOLVED: That Tioga County will pay Jeffrey Stoke a stipend not to exceed \$1,300.00 per month.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 197-08 *STATE OPPOSITION TO PENDING LEGISLATION (S.7298/A 10345)*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Penney.

WHEREAS: A bill has been proposed in both the State Senate (S.7298) and State Assembly (A 10345) which proposes to amend Civil Service Law Section 75 to prohibit public employers from dismissing a public employee for cause unless the determination is made by an independent hearing officer; and

WHEREAS: Similar legislation has been vetoed by each of the last three governors, a total of eight times; and

WHEREAS: This bill would interfere with the collective bargaining process whereby alternative disciplinary procedures may be established; therefore be it

RESOLVED: That the Tioga County Legislature strongly opposes Senate Bill 7298 and Assembly Bill 10345, which prohibit public employers from dismissing public employees for cause unless the determination is made by an independent hearing officer; and be it further

RESOLVED: That copies of this resolution shall be distributed to Tioga County's representatives in both the State Senate and State Assembly.

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

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

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

**RESOLUTION NO. -08 *RESOLUTION TO CONTRACT WITH
 OWEGO-APALACHIN CENTRAL SCHOOL
 DISTRICT AND CENTRAL NEW YORK
 SERVICES FOR SCHOOL-BASED SOCIAL
 WORKER, AND APPROPRIATION OF FUNDS***

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

WHEREAS: The mission of Tioga County Mental Hygiene is to ensure that the mental health needs of the children of Tioga County are addressed; and

WHEREAS: Providing mental health services in community settings such as schools is a well-established method of overcoming the barriers of transportation and stigma associated with going to a mental health clinic site; and

WHEREAS: Tioga County Mental Hygiene has a long and successful history of providing mental health services in schools in Tioga County; and

WHEREAS: Owego-Apalachin Central School District has identified students with significant mental health problems that impact their ability to succeed in school and at home and may impact other students or the learning environment at the school; and

WHEREAS: The Owego-Apalachin School District is requesting one (1) school-based Social Worker be provided by the Tioga County Department of Mental Hygiene to provide mental health services on site to its students; and

WHEREAS: The Owego-Apalachin School Board has approved funding for the addition of one (1) school-based Social Worker; and

WHEREAS: The Department of Mental Hygiene is able to bill for services to generate revenue which pays for 60% of the cost of the school-based Social Worker and Owego-Apalachin School District is willing to pay for 40% of the cost of the school-based Social Worker, the total cost of this position is funded with non-County funds; and

WHEREAS: Central New York Services is willing to contract to provide the school-based Social Worker for this purpose; and

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

RESOLVED: That the Department of Mental Hygiene is authorized to contract with Owego-Apalachin School District and Central New York Services for the provision of a school-based Social Worker to the Owego-Apalachin School District; and be it further

RESOLVED: That funding be appropriated as follows:

A1620.10 Mental Health: School Recovery Fee	\$ 9,400
To: A4310.40-120 Mental Health Clinic	\$ 23,500

On roll call vote on the above resolution, three members voted Aye, Legislators McEwen, Quinlan, Oberbeck, Sauerbrey, Roberts, and Burns voting no, and the resolution failed.

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

RESOLUTION NO. 198-08 *RESOLUTION TO CONTRACT WITH
CENTRAL NEW YORK SERVICES FOR
A MEDICAID CORPORATE COMPLIANCE
SPECIALIST
APPROPRIATION OF FUNDS*

Adoption moved by Legislator Huttleston,
seconded by Legislator Burns.

WHEREAS: Chapter 442 of the Laws of New York State 2006 established the New York State Office of Medicaid Inspector General (OMIG); and

WHEREAS: The NYS OMIG has been charged with recovering previously paid Medicaid claims from Medicaid providers due to fraud or improper payments due to errors or omissions in documentation or practice; and

WHEREAS: NYS has entered into an agreement with the federal government to make recoveries of the following amounts:

2008 - \$215 million

2009 - \$322 million

2010 - \$429 million

2011 - \$644 million; and

WHEREAS: The NYS OMIG will add 250 staff in 2008 for a total of 650 staff to perform audits, reviews and investigations of Medicaid providers; and

WHEREAS: Tioga County Mental Hygiene provides licensed outpatient mental health services under 14 NYCRR 587 and 588 and licensed outpatient chemical dependency services under 14 NYCRR 822; and

WHEREAS: The NYS OMIG workplan for 2008-2009 specifically indicates that OMIG will review providers of licensed outpatient mental health and chemical dependency services to determine if providers claimed Medicaid reimbursement under 14 NYCRR 587 and 588 and NYCRR 822; and

WHEREAS: Social Services Law 363-d of 2006 requires Medicaid providers to develop and implement compliance programs to detect fraud, waste and abuse in

the Medicaid program and designate a corporate compliance employee with responsibility for day-to-day operation of the corporate compliance program; and

WHEREAS: Chapter 442 of the NYS Laws of 2006 provided for OMIG to make guidelines available for the development of compliance plans and information has been forthcoming from the NYS OMIG in the first quarter 2008 indicating that plans need to be in place in 2008; and

WHEREAS: The Department of Mental Hygiene receives approximately \$1.9 million in Medicaid reimbursements annually; and

WHEREAS: The Mental Hygiene Department is responsible for reviews of approximately 1,000 clinical records annually; and

WHEREAS: The Director of Community Services has reviewed the current Medicaid compliance structure within the department and determined that it is insufficient to assure adequate compliance and minimize recovery of Medicaid revenue related to the audits under the new regulations; and

WHEREAS: Federal Salary Sharing funds are available to the Department of Mental Hygiene to assist with the cost of managing and operating Medicaid programs and these funds will cover the cost of a contract for a dedicated, full-time Medicaid compliance staff; and

WHEREAS: Central New York Services is willing to contract for the provision of a Medicaid compliance staff; and

WHEREAS: The cost of this contract will not require County funds; and

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

RESOLVED: That the Department of Mental Hygiene is authorized to contract with Central New York Services for a Medicaid compliance staff; and be it further

RESOLVED: That funding be appropriated as follows:

From: A4490.10 Federal Aid – Medicaid Salary Sharing \$ 25,000

To: A4310.40-130 Mental Health Clinic \$ 25,000

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

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

**RESOLUTION NO. 199-08 *RESOLUTION TO CONTRACT WITH
CENTRAL NEW YORK SERVICES FOR
A MEDICAID CORPORATE COMPLIANCE
SPECIALIST***

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

WHEREAS: Chapter 442 of the Laws of New York State 2006 established the New York State Office of Medicaid Inspector General (OMIG); and

WHEREAS: The NYS OMIG has been charged with recovering previously paid Medicaid claims from Medicaid providers due to fraud or improper payments due to errors or omissions in documentation or practice; and

WHEREAS: NYS has entered into an agreement with the federal government to make recoveries of the following amounts:

- 2008 - \$215 million**
- 2009 - \$322 million**
- 2010 - \$429 million**
- 2011 - \$644 million; and**

WHEREAS: The NYS OMIG will add 250 staff in 2008 for a total of 650 staff to perform audits, reviews and investigations of Medicaid providers; and

WHEREAS: Tioga County Health Department provides health services under Title 10 of the NYSCRR Sections 760, 761, 762, 763; Title 10 of the NYSCRR Diagnostic and Treatment Center Section 750, 751 & 755; Public Health Law Section 2540 and State Education Law Section 4410; and

WHEREAS: The NYS OMIG workplan for 2008-2009 specifically indicates that OMIG will review providers of licensed Certified Home Health Agency, Long Term Home Health Care Program, Early Intervention, Education Preschool program and Transportation of Early Interventions and Preschool program; and

WHEREAS: Social Services Law 363-d of 2006 requires Medicaid providers to develop and implement compliance programs to detect fraud, waste and abuse in the Medicaid program and designate a corporate compliance employee with responsibility for day-to-day operation of the corporate compliance program; and

WHEREAS: Chapter 442 of the NYS Laws of 2006 provided for OMIG to make guidelines available for the development of compliance plans and information has been forthcoming from the NYS OMIG in the first quarter 2008 indicating that plans need to be in place in 2008; and

WHEREAS: The Health Department receives approximately \$1 million in Medicaid reimbursements annually; and

WHEREAS: The Health Department is responsible for annually reviewing approximately 400 clinical records in Early Intervention and Preschool, approximately 900 clinical records in Home Health Care, and another 2,100 clinical records in the Diagnostic & Treatment Center; and

WHEREAS: The Public Health Director has reviewed the current Medicaid compliance structure within the department and determined that it is insufficient to assure adequate compliance and minimize recovery of Medicaid revenue related to the audits under the new regulations; and

WHEREAS: Central New York Services is willing to contract for the provision of a Medicaid compliance staff; and

WHEREAS: The cost of this contract will not require additional County funds, as the Department of Health will make the necessary adjustments to absorb the costs in their 2008 budget; therefore be it

RESOLVED: That the Health Department is authorized to contract with Central New York Services for Medicaid compliance nursing staff.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO. 200-08 *ERRONEOUS ASSESSMENT*
*TOWN OF OWEGO***

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

WHEREAS: An application for corrected tax roll indicates that the \$40,000 assessment of property no. 4670, apportioned to Michael Doris for the 2008 tax roll for the Town of Owego, is erroneous in that a house on the property was demolished in December 2006, therefore lowering the assessment to \$14,000; and

WHEREAS: An application for corrected 2007-08 school tax on property no. 4670 was also received and the 07-08 school taxes were returned; and

WHEREAS: The 2008 tax bill on property no. 4670 was paid on 5/29/08; be it therefore

RESOLVED: That a refund of \$1,083.29 be issued to Michael Doris for overpayment of 2008 taxes including 07/08 school taxes; and be it further

RESOLVED: That the erroneous town tax of \$71.45 be charged back to the Town of Owego, and the fire district tax of \$43.82 be charged back to the Apalachin Fire District; and be it further

RESOLVED: That the erroneous school tax and penalty of \$650.04 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous recycle tax of \$11.39 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax and penalty of \$306.59 be charged back to the proper accounts in the records of the County Treasurer.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 201-08

***ERRONEOUS ASSESSMENT
TOWN OF CANDOR***

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that the taxable value of \$3,500 on property no. 1226, assessed to County of Tioga on the 2008 tax roll of the Town of Candor, is erroneous in that the property was seized for delinquent taxes and an exemption code should have been specified indicating exemption from general municipal taxes and Ad Valorem tax therefore changing the taxable value to zero; be it therefore

RESOLVED: That the erroneous town tax of \$249.54 be charged back to the Town of Candor, and the erroneous fire tax of \$79.82 be charged back to the Candor Fire District; be it further

RESOLVED: That the erroneous recycle tax of \$15.53 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$355.60 be charged to the proper account in the record of the County Treasurer

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

Legislator Oberbeck made a motion to adjourn at 6:49 P.M., seconded by Legislator McEwen, and the motion to adjourn was carried.