

Third Regular Meeting
March 11, 2008

The Third Regular Meeting of 2008 was called to order by the Chair at 6:00 P.M. All Legislative Members were present.

Chair Weston asked for a moment of prayer. “At this time I would ask that you would join me in a moment of prayer. I would ask that you remember not only the men and women of the Armed Forces who have made the supreme sacrifice, but at the same time never forget the moms, dads, and families of the fallen. Time may diminish psychological pain and anguish they must endure for the rest of their lives, but it will never do away with it completely. I hope these heartfelt and sincere thoughts will cause people to reflect on the true cost of freedom. Thank you.”

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

There were 15 people in attendance.

Chair Weston noted the following recognition resolution for David Relyea.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 91-08

*RESOLUTION RECOGNIZING
 DAVID RELYEA’S 30 YEARS
 OF DEDICATED SERVICE TO
 TIOGA COUNTY*

Adoption moved unanimously,
 seconded unanimously.

WHEREAS: David Relyea was appointed to the position of Temporary Laborer on October 22, 1975; appointed to Full-time Automotive Mechanic September 13, 1976; appointed to Motor Equipment Operator May 9, 1977; appointed to Heavy Equipment Operator September 11, 1978; title changed to Heavy Equipment Operator I on January 1, 1988; appointed to Heavy Equipment Operator II on September 24, 1988; appointed to Heavy Equipment Operator III July 2, 1990; (this position is where he completed his appointment; and

WHEREAS: David Relyea has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 30 years to the department of Public Works/Highway. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Relyea will retire on February 29, 2008; therefore be it

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

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

CARRIED UNANIMOUSLY

Legislator Huttleston read and presented the following recognition resolution to Mrs. Leticia Shelling and her son in recognition of Dr. Richard Shelling.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 92-08 *RECOGNITION RESOLUTION
RECOGNIZING RICHARD SHELLING
POSTHUMOUSLY*

Adoption moved unanimously,
seconded unanimously.

WHEREAS: Richard Shelling, MD, passed away January 24, 2008, while an active member of the Tioga County Board of Health; and

WHEREAS: The Tioga County Legislature, along with the members of the Board of Health would like to posthumously recognize Dr. Shelling for his many years of dedicated service to the residents of Tioga County; and

WHEREAS: Dr. Shelling began his tenure as member of the Board of Health on January 01, 1992; and

WHEREAS: Dr. Shelling's continual involvement in the community was evidenced by his faithful attendance at meetings of the Board of Health; 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 and recognize Dr. Richard Shelling posthumously for his sixteen years of service to 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 Leticia Shelling, wife of Dr. Richard Shelling.

CARRIED UNANIMOUSLY

Legislator Huttleston spoke. “I might say I think that was about the time I got elected and he always was a faithful member and he always sat across from me so we always had some nice conversations, and I always asked him how things were down in the Valley, which is what they call it down there. He was certainly a good member of the Board of Health and you could depend on him and his knowledge was just beyond reproach, and I really miss him, but he did do a good service to the community as well as to the citizens of Tioga County. We certainly appreciate that.”

Mrs. Shelling spoke. “I want to thank everyone here for this recognition. Thank you.”

Hans Peeters, Public Health Director, spoke. “I just want to say that one of the things that Dr. Shelling did that you are probably not aware of is, but we have this medical reserve corps and the object of the medical reserve corps is to try to get doctors and medical professional people to work for us during a crisis and stuff. We have always had a problem doing that and it is a shortage, but Dr. Shelling took on the task of talking to the doctors on one on one which got us so that we are even better than Broome County on getting the number of medical professions in our community. I contribute that to Dr. Shelling and I would say that he was my right hand man at the Board of Health and that is because he sat to the right of me. I will definitely miss him. He has been a great asset to the Board of Health.”

Legislator Huttleston read and presented the following Proclamation on Public Health Week to Hans Peeters, Public Health Director.

County of Tioga
PROCLAMATION
 PUBLIC HEALTH WEEK
 April 3 – April 9, 2008

WHEREAS: The people of Tioga County benefit every day from the efforts of the public health workforce when eating at restaurants, drinking tap water, learning about prevention of deadly diseases or receiving vaccinations; and

WHEREAS: Public health activities protect Tioga County residents from infectious and chronic diseases, environmental and workplace hazards, unintentional injuries and violence; and

WHEREAS: Educating people about the benefits of healthy behaviors is an essential element in attaining good health and preventing premature illness and death; and

WHEREAS: Public health efforts alone cannot accomplish the goal of a healthier Tioga County without cooperation and partnership with communities and individuals; and

WHEREAS: Each of us needs to do our part by taking personal responsibility to improve behaviors by not using tobacco, making time for regular, safe physical activity and eating more fruits and vegetables in order to prevent disease; and

WHEREAS: National Public Health Week provides an opportunity for our county to learn about public health concerns and success stories that are vital to healthy communities, such as immunizing against infectious disease, maintaining good nutritional standards and providing good prenatal care; and

WHEREAS: The residents of Tioga County recognize the essential role public health plays in their every day lives; therefore be it

RESOLVED: That the Tioga County Legislature does hereby ask all residents of our county to join in declaring the week of April 3, 2008 to April 9, 2008 be designated as Public Health Week in Tioga County.

Hans Peeters, Public Health Director, spoke. “Public Health is known as a silent partner. What I mean by that is you do not always see what public health does. You talk about food inspections, people do not know that we are doing those types of things unless you are a person in the business. People do not know that you do that. It is important to get the word out on April 3rd to 9th and we will be doing a lot of things to promote public health to make people aware of all the things that we do. It is for the health and well being of the community. I would like to thank the Legislature for this Proclamation and such will be displayed in our office. Thank you.”

Joe Albrecht had privilege of the floor. “Thank you for the opportunity to speak. A couple of things from days past. LLC status for residents of the County. It has taken a new meaning in the last two days at higher level. Cruel and unusual behavior still deserves cruel and unusual rewards. I still would like to have the Legislature utilize natural resources such as gas that is available in our area.

“A question pertinent to the future. Are there any situations available to the Legislature to refuse to fund federal mandates? I leave that open as a rhetorical question. My experience in the past with Federal mandates is that we are going to set a lot more relative to campaign commitments being suggested, universal health care and discussions with people who provide health care who are practitioners. It is going to cost \$5,000 per head to do any kind of health care. It is costing us 1.5 trillion dollars to pay for the Iraq war. We need to do something about health care plans. Mandates care coming down the highway. Also to the best of my knowledge there are a recorded 4 million active AIDS cases in the United States requiring \$1,200 a month for medications they get. Be alert that expenses may be coming that have not been laid up for us.

“Second suggestion is that we will forgive expenses for college educations involved in public service. Again be alert someone is going to cover those costs, it is not going to be the Federal Government. Cap and trade related to carbon, and I suffer ignorance, but how much additional carbon is being released from petroleum stored millions of years ago in ground? I would like to see numbers before getting excited about carbon molecules.

“Relative to global warming, I traveled in Tennessee and there is a 20 degree difference in temperature in woods covered roads than asphalt roads. I was in Florida this late winter and there are a lot of housing developments there. A lot of them have flattened pitch roofs covering the entire length with asphalt shingles. They do not provide a cooling effect. There was a conference last week in New York that put together triple digits people who disagree with Gore’s discussion about global warming. The temperature of the earth has not changed in the last 10 years. Polar ice is increasing in size. There are two sides and decisions are based on accurate information. Right or wrong does not matter. I would like to be informed.

“There are three candidates running for office from a pool whose public approval is about 20%, which is two-tenths. If you take one of them and combine that with a person who is absolutely perfect, two-tenths times one is a maximum positive effect of two-tenths. If you put two on the same care, two-tenths times two-tenths is four-one hundredths which indicates that quite possibly 96% of the public could do a better job than those who have been selected to represent our needs and wishes publicly. I leave you with that thought, numbers and people who use those numbers uniquely.”

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		638.97
A1165	District Attorney		2,932.94
A1170	Public Defender		2,437.09
A1172	Assigned Counsel		12,815.72

A1185	Medical Examiners/Coroners		3,500.00
A1325	Treasurer		818.75
A1355	Assessments		50.83
A1410	County Clerk		9,895.58
A1411	Department of Motor Vehicles		3,213.39
A1420	Law		5,884.56
A1430	Personnel		5,492.63
A1450	Elections		33,519.08
A1460	Records Management		163.43
A1490	Public Works Administration		1,312.38
A1620	Buildings	34.99	78,143.51
A1680	Information Technology	922.03	21,001.89
A2960	Education of Handicapped Children		90,461.17
A3020	Public Safety Comm E911 System	66.00	2,759.77
A3110	Sheriff	2,229.56	35,164.58
A3110.41	Sheriff-Court Attendants		2,168.27
A3116	Sheriff CPSG Grant	360.09	
A3140	Probation	533.32	1,422.38
A3146	Probation Sex Offender Registration		418.90
A3150	Jail	119.74	58,156.12
A3151	Jail-Alternatives Program		98.45
A3315	Special Traffic Programs		2,236.90
A3410	Fire	1,265.80	8,228.72
A3640	Emergency Management Office		397.24
A3641	EMO Grant Program	65.71	
A3649	Fire WMD Grant	126.56	
A4010	Public Health Nursing		50,943.02
A4011	Public Health Administration		9,319.26
A4012	Public Health Education		376.26
A4042	Rabies Control		1,406.10
A4044	Early Intervention	1,083.09	35,196.90
A4053	Preventive/Primary Health Services		269.59
A4054	Preventive Dental Services		3,406.23
A4062	Lead Poisoning Program		15.05
A4064	Managed Care-Dental Services		9,889.57
A4070	Disease Control	165.85	3,567.24
A4090	Environmental Health		5,365.10
A4210	Alcohol & Drug Services		27,265.05
A4309	Mental Hygiene Co Admin		5,214.44
A4310	Mental Health Clinic		100,616.14
A4311	Rehabilitation Support Services		2,793.75
A4315	Mental Retardation		10,931.86
A4320	Crisis Intervention Services		7,703.97
A4321	Intensive Case Management		1,056.11

A4333	Psycho Social Club		43,074.50
A6010	Social Services Administration	3,221.59	79,592.20
A6422	Economic Development		605.98
A6510	Veterans' Service		194.06
A6610	Sealer Weights/Measures		143.71
A7310	Youth Programs		88.67
A7310.41	Youth Programs, Refundable		4,500.00
A7510	Historian		41.54
A8020	Planning		29.44
A8025	Regional Planning 7-County Board		11,137.00
A9060	Health Insurance		798.00
SOLID WASTE FUND			79,292.77
COUNTY ROAD FUND			114,837.23
SPECIAL GRANT FUND			7,473.93
CONSOLIDATED HEALTH FUND			640,985.34
CAPITAL FUND			342,984.50
LIABILITY INSURANCE FUND			<u>1,026.84</u>
GRAND TOTAL			\$ 1,995,668.93

Legislator Roberts made a motion to approve the minutes of February 12 and 21, 2008, seconded by Legislator Oberbeck and carried.

Legislator Huttleston made a motion to untable the resolution tabled at the February 12th Regular meeting, seconded by Legislator McEwen and 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 Huttleston made a motion to retable the above resolution, seconded by Oberbeck, and the motion to table was carried.

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

Chair Weston presented high lights of the State of the County Address.

Areas of note within Tioga County in 2007 and 2008 goals.

- I. Continuation of 2006 Flood:
 - Grant applications in the amount of \$315,000 for flood assistance and relief activities.
 - Housing buyouts in the Towns of Barton, Tioga, Owego, & Village of Owego – parcels will forever be green areas.
- II. On the Economic Development front:
 - Marketed and managed a \$200,000 Gateway Revitalization Grant.
 - Assisted small businesses in securing over \$300,000 in loans.
 - Participated in negotiations with CNYOG which resulted in settling a Town of Owego certiorari suit, ultimately saving taxpayers hundreds of thousands of dollars.
- III. County Government organization:
 - County Clerk in conjunction with DMV generated over 1.9 million.
 - People v. Calvin Harris murder trial. Guilty verdict on June 7, 2007 and on November 1, 2007 Judge Martin Smith set aside the jury's verdict – District Attorney is appealing.
 - CSEA negotiations – despite considerable efforts to resolve, negotiations carried over into 2008.
 - Child Support Enforcement Unit collections reach a record level for the fourth year in a row, with collections totaling over 5.2 million.
 - Completed conversion of Parker Lane house to Records Management Office.
 - New Records storage room constructed by cutting a second floor hallway at 56 Main Street in half.
 - New walking trail at Health & Human Services Complex on Route 38.
 - Space prepared at highway garage to house 911 backup equipment.
 - New Conference Room built on second floor at 56 Main Street.

- IV. Overall good news for the County:
 - Sheriff generated \$677,555 in revenue, 3% increase.
 - Community College tuition billings were \$2.3 million.
 - Less than 2% budget increase second year in a row.
 - Cell tower permit application in process for coverage of dead spots in the northern part of Tioga County.
- V. 2008 Goals
 - Renovation of stage area to house Information Technology equipment.
 - Renovation of Information Technology offices.
 - Second floor over Information Technology equipment area to be constructed for utilization of a Conference Room and training center for Personnel, etc.
 - Renovation of basement at 56 Main Street for BCC classes to be held once again.
 - Complete the three year bridge rehabilitation and replacement program using tobacco securitization funds.

REFERRED TO: ED&P COMMTTEE

**RESOLUTION NO.93-08 RE-APPOINT MEMBERS
TIOGA COUNTY LOCAL
DEVELOPMENT CORPORATION
(TCLDC)**

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

**RESOLVED: That the following members be re-appointed to the Tioga County
Local Development Corporation (TCLDC):**

<u>Member</u>	<u>Term</u>
Aaron Gowan	1/01/08 – 3/30/11
William Caloroso	1/01/08 – 3/30/11

CARRIED

REFERRED TO: PUBLIC SAFETY/PROBATION & DWI

**RESOLUTION NO.94-08 APPOINT MEMBERS ALTERNATIVES
TO
INCARCERATION ADVISORY BOARD**

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

**RESOLVED: That the following members be appointed to the Alternatives to
Incarceration Advisory Board for the following terms:**

TERM

Ex-Offender	4/1/08-3/31/09
Crime Victim	4/1/08-3/31/09
Rep for Private Organization Operating within County	4/1/08-3/31/09
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/08-3/31/09

CARRIED

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

**RESOLUTION NO. 95-08 *AUTHORIZE 2008 REQUESTS FOR
INCLUSION OF LANDS IN AGRICULTURAL
DISTRICT***

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

WHEREAS: In accordance with §303-B of the NYS Agricultural and Markets Law 25-AA, the Tioga County Planning Department has solicited agricultural land owners to request inclusion of lands in agricultural districts; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and prepared a report listing and summarizing these requests which are located within all three of Tioga County's Agricultural Districts; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed said report and determined that the land to be included consists of viable agricultural land and its inclusion will serve the public interest by helping to maintain a viable agricultural industry within the district and therefore recommends County Legislature approval of inclusion of lands into their respective agricultural districts; and

WHEREAS: The Tioga County Legislature has held the required public hearing and no opposition was heard; therefore be it

RESOLVED: That the Tioga County Legislature approve the 2008 requests for inclusion of land listed in said report into the Spencer, North Tioga and Owego Nichols Agricultural Districts, and be it further

RESOLVED: That the Tioga County Legislature directs the Tioga County Planning Department to submit said report to the Commissioner of NYS Department of Agriculture and Markets for final certification.

CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 96-08 *AMEND POLICY 23
BIDDING POLICY & PROCEDURE*

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: Section VI A of Policy 23 needs to be amended; therefore be it

RESOLVED: That Policy 23 be amended as follows:

A. The County Legislature grant authority to the Deputy County Treasurer to issue Purchasing Cards to department heads for an amount to be determined by the County Legislature up to \$2,500.00 upon the recommendation of the Deputy County Treasurer. Financial reports regarding the use of the Purchasing Cards shall be reported to the Finance Committee following the close of each quarter of the fiscal year.

And be it further

RESOLVED: That the remainder of Policy 23 shall remain in full force and effect.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO: PUBLIC SAFETY/PROBATION & DWI

RESOLUTION NO. 97-08 *APPROVE ALTERNATIVES TO
INCARCERATION ELECTRONIC
MONITORING PROGRAM*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Huttleston.

WHEREAS: The Tioga County Alternatives to Incarceration Board has recommended that the Probation and Sheriff's Department research the availability, feasibility and cost effectiveness of an Electronic Monitoring program in Tioga County as an alternative to incarceration program; and

WHEREAS: The Public Safety Sub-Committee and the Tioga County Legislature have reviewed the County's costs for incarcerating inmates in the Tioga County Jail and have reviewed the County's costs for operating an Electronic Monitoring program and have determined it would be feasible and financially prudent to fund an Electronic Monitoring program in the County; and

WHEREAS: The Tioga County Alternatives to Incarceration Board will monitor the use of an electronic monitoring program as a criminal court sentencing option in Tioga County by reviewing on a quarterly basis the number of defendants sentenced to electronic monitoring as an alternative to incarceration; and

WHEREAS: A proposal for the cost of one year of electronic home monitoring services for the rental of 15 units and monitoring services has been received from Group 4 Securior for a cost of \$38,100. The Treasurers Office has set up an account under the Alternatives to Incarceration Account A3142.40-140 for contracting services; therefore be it

RESOLVED: That \$38,100 be transferred from Contingency Account A1990.40-715 to Alternatives to Incarceration budget Account A3142.40-140 to pay for the cost of renting monitoring units (up to 15 units per year) and monitoring service from Group 4 Securior.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

HEALTH & HUMAN SERVICES

RESOLUTION NO. 98-08

***URGE STATE LEGISLATURE TO OPPOSE
THE PROPOSED SHIFT OF THE STATE'S
HISTORIC SHARE OF PUBLIC ASSISTANCE
TO COUNTIES
SOCIAL SERVICES***

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

WHEREAS: Tioga County believes that the 2008-09 Executive Budget has broken a historic, fundamental state/local partnership by proposing to increase the county share of public assistance by two percent, while simultaneously decreasing the state share by two percent; and

WHEREAS: This shift in cost sets a policy from the Governor that mandates local property taxpayers increase their taxes for public assistance, while the State saves itself \$40.5 million per year; and

WHEREAS: Since 1938, counties and New York State have equally shared in the cost of public assistance at a 50 percent state, 50 percent local split for this program; and

WHEREAS: The 2008-09 Executive Budget proposes to break this historic state/local fiscal partnership by shifting a portion of the State’s cost for the Family Assistance and the Safety Net program; and

WHEREAS: The Governor’s proposed budget includes another serious impact to counties by implementing a local share for the cost of carving out two-parent families from the federal work participation rates, by removing the local district hold-harmless provision; and

WHEREAS: This carve-out of the two-parent families will save the state approximately \$7.5 million per year, but directly, negatively impact county budgets; now therefore be it

RESOLVED: That Tioga County opposes any policy or fiscal initiative like this proposed increase in the local share for public assistance and “two-parent carve-out” that changes the fundamental promise Governor Spitzer made to the counties of New York State about ongoing, historic state and local partnerships; and be it further

RESOLVED: That Tioga County shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature and all others deemed necessary and proper.

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 99-08

***URGE STATE LEGISLATURE TO OPPOSE
THE PROPOSED SHIFT OF 100 PERCENT OF
THE COST OF JUVENILE DETENTION
FACILITIES TO COUNTIES
SOCIAL SERVICES***

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

WHEREAS: Tioga County strongly opposes the unprecedented 2008-09 Executive Budget proposal that ends the state/local partnership in funding the costs associated with operating local detention facilities by requiring counties to assume 100 percent of the cost; and

WHEREAS: According to the 2008-09 Executive Budget proposal, effective April 1, 2008, counties will assume the full cost of youth placed by the Family Court in secure and non-secure detention facilities; and

WHEREAS: Currently the State reimburses counties 50 percent for secure and non-secure detention costs but by shifting the cost completely to counties, the State's estimated savings for this initiative is \$35.4 million; and

WHEREAS: The policy rationale behind this cost shift is the State's recommendation that counties find alternative, diversion programs for these youth, such as community-based solutions; however, there is no possibility of diversion or other community-based alternatives for a youth who has been placed in a secure detention facility; and

WHEREAS: This is an example of a break in a state/local partnership, where local property taxpayers will be directly impacted; and

WHEREAS: At the time of this proposal, the State is currently in the process of closing many of their state owned and operated secure detention facilities, which will result in immediate state savings; now therefore be it

RESOLVED: That Tioga County urges the State Legislature to oppose this policy and fiscal shift of 100 percent of the cost of juvenile detention facilities to counties, and to focus on strengthening, not severing, the local/state partnership; and be it further

RESOLVED: That Tioga County shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature and all others deemed necessary and proper.

CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES
FINANCE

RESOLUTION NO. 100-08 *APPROPRIATION OF FUNDS*
SOCIAL SERVICES

Adoption moved by Legislator Huttleston,
Seconded by Legislator Burns.

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for food stamp outreach efforts ; and

WHEREAS: Catholic Charities is contracted to provide food stamp outreach services; and

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

RESOLVED: That funding be appropriated as follows:

From: A4610.00 Federal Aid: Administration \$ 25,000

To: A6010.40.140 Social Services Contracting Services \$ 25,000

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 101-08 *APPROPRIATIONS OF FUNDS*
MENTAL HYGIENE

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: This ongoing funding is specifically earmarked for the 2008 Environmental Prevention Strategies Targeting Compulsive Gambling program Community Assessment and implementation, and other approved OASAS programs; and

WHEREAS: Binghamton University will be contracted to provide the Community Assessment; and

WHEREAS: Central New York Services will be contracted to provide professional staffing to provide services as approved by OASAS for this funding; 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 \$ 60,000

To: A4210.40-595 Alcohol and Drug - Services Rendered \$ 60,000

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 102-08

***AWARD BID FOR CONSTRUCTION
WEST CREEK RD BRIDGE OVER
DOOLITTLE CREEK***

Adoption moved by Legislator Roberts,
seconded by Legislator Oberbeck.

WHEREAS: The Tioga County Dept. of Public Works held a sealed bid opening for the rehabilitation of the West Creek Rd. Bridge (BIN#3335170) over Doolittle Creek, Town of Candor, NY on 2/27/08; and

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

WHEREAS: Funds were budgeted for the rehabilitation of the West Creek Rd. Bridge over Doolittle Creek Account H2007.04; and

WHEREAS: The bid results were as follows:

1. Procon Contracting, LLC	Vestal, NY	\$189,014.50
2. Silverline Construction	Burdett, NY	\$201,467.00
3. R. DeVincentis Construction	Binghamton, NY	\$216,000.00
4. Vector Construction	Cicero, NY	\$217,186.00
5. Economy Paving	Cortland, NY	\$226,838.00

And

WHEREAS: LaBella Associates has reviewed the bid proposals and recommends awarding the project to the low bidder Procon Contracting, LLC, Vestal, NY, which satisfies the requirement for qualifications; therefore be it

RESOLVED: That the Tioga County Legislature award the construction contract to the low bidder Procon Contracting LLC not to exceed \$189,014.50 and to be paid out of West Creek Rd. Bridge over Doolittle Creek account H2007.04.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: ED&P COMMITTEE
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 103-08 *AUTHORIZE CONTRACT WITH BROOME COMMUNITY COLLEGE*

Adoption moved by Legislator Burns,
seconded by Legislator Roberts.

WHEREAS: Broome Community College has requested that the County provide it with space to conduct some of its courses at the 56 Main Street facility; and

WHEREAS: The Legislature has agreed that the providing of space for community college courses would benefit the residents of Tioga County; and

WHEREAS: The basement area of the 56 Main Street facility would provide adequate space for such classes; and

WHEREAS: The Commissioner of Public Works has laid out a plan for classrooms, bathroom facilities and ancillary rooms which could be constructed in such a way that any water back up would require minimal to no damage to the basement areas so renovated; and

WHEREAS: The basement area as remodeled would also serve as an area to gather for other organizations benefiting the citizens of Tioga County, including other colleges and classes conducted by Cornell Cooperative Extension; and

WHEREAS: A non-exclusive use agreement has been prepared and approved by Broome Community College and by the County Attorney; therefore be it

RESOLVED: That Chair of the Legislature is authorized to execute upon final approval by the County Attorney the non-exclusive use agreement between the County and Broome Community College; and be it further

RESOLVED: That the Commissioner of Public Works is authorized to remodel the basement of 56 Main Street according to the plans and specifications presented to his committee.

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

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 104-08 *AUTHORIZE CONTRACT WITH TIOGA
OPPORTUNITIES, INC.
SOCIAL SERVICES*

Adoption moved by Legislator McEwen,
Seconded by Legislator Burns.

WHEREAS: Legislative approval is required according to County Policy 46 prior to entering into any new contractual agreements for Tioga County; and

WHEREAS: The steps outlined in County Policy 46 have been completed and approval to proceed has been received; and

WHEREAS: Tioga County’s 2008 Flexible Funding for Family Services Plan includes 100% State funding for the provision of Intensive Case Management Services for the Disabled Population remaining on Public Assistance and a Work Experience Crew Coordinator; and

WHEREAS: These state allocations are time-limited and do not warrant the hiring of a permanent County Employee; and

WHEREAS: Tioga Opportunities, Inc. has agreed to provide the services and is well-equipped within the community to provide said services; therefore be it

RESOLVED: That Tioga County DSS utilize FFFS funding to contract with Tioga Opportunities, Inc. for the provision of Intensive Case Management Services for the Disabled Population remaining on Public Assistance and a Work Experience Crew Coordinator.

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

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

**RESOLUTION NO. 105–08 AUTHORITY CONTRACT WITH
LIBERTY RESOURCES, INC.
SOCIAL SERVICES**

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

WHEREAS: Legislative approval is required according to County Policy 46 prior to entering into any new contractual agreements for Tioga County; and

WHEREAS: The steps outlined in County Policy 46 have been completed and approval to proceed has been received; and

WHEREAS: Tioga County’s 2008 Flexible Funding for Family Services Plan includes 100% State funding for the provision of multi-systemic therapy (MST), a family-focused and community-based preventive treatment program; and

WHEREAS: These State allocations are time-limited and do not warrant the hiring of a permanent County employee; and

WHEREAS: The Department has found Liberty Resources, Inc. willing and able to provide the resources necessary to move forward with this program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Commissioner of Social Services to sign a contract with Liberty Resources, Inc. for the provision of multi-systemic therapy.

Legislator Penney made a motion to table the above resolution. There being no second on the motion to table, the motion failed.

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

REFERRED TO:

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

RESOLUTION NO. 106-08

***AUTHORIZE SIX-MONTH
EXTENSION FOR
MEMORANDUM OF
UNDERSTANDING BETWEEN
TIOGA COUNTY AND RURAL
ECONOMIC AREA PARTNERSHIP
(REAP)***

Adoption moved by Legislator Quinlan,
seconded by Legislator Roberts.

WHEREAS: Tioga County Policy 46 outlines the procedure for contractual hires; and

WHEREAS: Tioga County Legislature unanimously approved Resolution 239-07 on October 9, 2007 authorizing a Memorandum of Understanding between Tioga County and Rural Economic Area Partnership (REAP) for the six month period of October 11, 2007 through April 11, 2008; and

WHEREAS: Rural Economic Area Partnership (REAP) is interested in extending said Memorandum of Understanding in order to continue contracting for secretarial and other administrative support services; and

WHEREAS: Rural Economic Area Partnership (REAP) is pleased with the secretarial and other administrative support services rendered by the Secretary to Economic Development and Planning under the terms and conditions set forth in the Memorandum of Understanding; and

WHEREAS: The Secretary to Economic Development and Planning is willing to continue providing the necessary secretarial and other administrative support services set forth in the Memorandum of Understanding; and

WHEREAS: The Director of Economic Development and Planning is willing to allow the continuation of such services to be rendered in the total amount of \$1,224.00 as set forth in the Memorandum of Understanding; and

WHEREAS: The County Attorney has reviewed and approved said Memorandum of Understanding; therefore be it

RESOLVED: That the Tioga County Legislature authorize Tioga County Economic Development and Planning to extend their current Memorandum of Understanding with Cathy Haskell providing the secretarial and other administrative support services to Rural Economic Area Partnership for an additional six month period of April 12, 2008 through October 12, 2008; and be it further

RESOLVED: That Tioga County Economic Development & Planning will invoice Rural Economic Area Partnership for six equal payments of \$204.00 per month for the total amount of \$1,224.00 for said secretarial and other administrative services and monies received shall be forwarded to the Tioga County Treasurer's Office for deposit in Revenue Account 1989.10

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 107-08 DEFERRED COMPENSATION AMEND AND
RESTATE THE MODEL PLAN

Adoption moved by Legislator Burns,
seconded by Legislator Overbeck.

WHEREAS: The New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of County of Tioga (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

WHEREAS: The County of Tioga, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of County of Tioga; and

WHEREAS: Effective December 7, 2007 the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS: The Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS: Upon due deliberation, County of Tioga has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of County of Tioga by adopting the amended Model Plan; now therefore be it

RESOLVED: That the County of Tioga hereby amends the Deferred Compensation Plan for Employees of County of Tioga by adopting the amended Model Plan effective December 7, 2007.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

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

**RESOLUTION NO. 108–08 AMEND RESOLUTION NO. 384-05 TO
ABOLISH TITLE OF
PART-TIME CLERK POSITION
SOCIAL SERVICES**

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

**WHEREAS: The Tioga County Legislative reviews requests from various
department regarding staff changes; and**

**WHEREAS: Annual requests are considered and decided upon during the budget
process; and**

**WHEREAS: Resolution 384-05 created a new Social Welfare Examiner position
but did not abolish a vacant part-time Clerk position; and**

**WHEREAS: The part-time Clerk position has been vacant since April 25, 2005,
which was why the original intention of the 2006 budget proposal was to abolish the
slot and therefore Resolution No. 384-05 needs to be amended; therefore be it**

**RESOLVED: That Resolution 384-05 is amended as follows to abolish a vacant
part-time Clerk position effective January 1, 2006:**

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
Vacant	p/t Clerk (Grade II)	Abolish	-\$8,052

And be it further

**RESOLVED: That the Department of Social Service’s 2008 authorized part time
headcount be changed from 4 to 3.**

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

REFERRED TO: COUNTY CLERK COMMITTEE
INFORMATION TECHNOLOGY
COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 109-08 *AMEND RESOLUTION #285-93; ABOLISH
POSITION; RECLASSIFY POSITION;
GRANT SALARY INCREASE; GRANT OUT-
OF-TITLE PAY*

Adoption moved by Legislator Burns,
seconded by Legislator Sauerbrey.

WHEREAS: The position of Director of Records Management and Fixed Assets has been vacant since September 2007 as a result of the retirement of the previous incumbent; and

WHEREAS: The Tioga County Legislature saw an opportunity for consolidation as a result of the vacancy; and

WHEREAS: The Information Technology Department already plays a significant role in the Fixed Assets Program; and

WHEREAS: The Director of Information Technology and Communications Services is willing to accept responsibility for both the Fixed Assets and Records Management programs; therefore be it

RESOLVED: That Resolution #285-93 be amended to indicate the Records Management and Fixed Assets programs will be under the Information Technology Department instead of the County Clerk's Office; and be it further

RESOLVED: That the Director of Information Technology and Communications Services shall receive a salary increase of \$2,500 per year; and be it further

RESOLVED: That \$2,500 be transferred from Records Management Account A1460.10.10 to Information Technology Account A1680.10.10 to cover the increase in salary of the Director of Information Technology; and be it further

RESOLVED: That the day-to-day handling of the Fixed Assets Program shall be assigned to the Purchasing Coordinator, with no additional compensation; and be it further

RESOLVED: That the Records Clerk shall continue to receive out-of-title pay until March 31, 2008 during transfer of the Fixed Assets Program to the Purchasing Coordinator; and be it further

RESOLVED: That the Records Clerk position shall be reclassified to Records Management Officer in the Non-Union group at an annual salary of \$26,747 and shall be responsible for the day-to-day operations of the Records Management Program; and be it further

RESOLVED: That Chris Silvestri shall be provisionally appointed to the Records Management Officer position; and be it further

RESOLVED: That the vacant position of Director of Records Management and Fixed Assets is abolished; and be it further

RESOLVED: That all of the above-mentioned changes shall be effective March 31, 2008.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES
COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 110- 08 *COMPENSATE FOR WORK
PERFORMED OUT OF TITLE
HEALTH DEPARTMENT*

Adoption moved by Legislator Huttleston,
seconded by Legislator Oberbeck.

WHEREAS: A Sr. Typist position in the Health Department has been vacant since August 20, 2007; and

WHEREAS: Lisa Schumacher, Typist (CSEA Salary Grade III), has been assigned the duties of a Sr. Typist (CSEA Salary Grade IV) since August 20, 2007; and

WHEREAS: The Director of Public Health wishes to acknowledge Ms. Schumacher’s efforts in accordance with Article 4, Section E of the CSEA contract; therefore be it

RESOLVED: That Ms. Schumacher be compensated at an annual rate of \$23,695 (reflective of the difference in CSEA Salary Grades IV and III) retroactive to August 20, 2007; and be it further

RESOLVED: That since the Sr. Typist position has been permanently vacated, Ms. Schumacher will be allowed to continue receiving out of title pay until such time a new appointment is made to the vacant Sr. Typist position.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 111-08 *CREATE TEMPORARY SUMMER
LABORERS – PUBLIC WORKS*

Adoption moved by Legislator Roberts,
seconded by Legislator Burns.

WHEREAS: There will be a need for the Highway Department to employ six temporary laborers for the summer 2008; and

WHEREAS: There will be a need for the Building & Grounds Department to employ one temporary laborer for the summer 2008; and

WHEREAS: The Commissioner of Public Works has budgeted money to cover expenditures of such employment; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works to create and fill a total of seven temporary laborers at an hourly rate of \$9.583/hr effective 3/31/08 for a temporary duration not to exceed 11/30/08.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

**RESOLUTION NO. 112–08 *AMEND POLICY 29*
RULES OF PROCEDURE OF THE
*TIOGA COUNTY LEGISLATURE***

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

WHEREAS: Section 2-Committees and Section 4-Appointments of Policy 29 needs to be amended; therefore be it

**Section 2 - Committees
Title Change
Information Technology & Communications**

Added # 3

Records-All matters pertaining to Records Management, including both current and archive records and physical asset inventory of County and personal property.

Administrative Services

Changed #2

- 2. All matters pertaining to the operation of the County Historian Office and county history.**

Section 4 - Appointments

Deleted N-Records Management Director who shall serve according to Civil Service Law.

And be it further

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

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

Chair Weston announced that the Standing Committees for 2008 have been changed due to resolution activity earlier in the meeting and are as follows:

**STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2008**

	Chairman			
1. County Clerk, Historian, Real Property Veterans/Elections,	Penney	Huttleston	Quinlan	Sauerbrey
2. Economic Development/ Planning/Tourism/ Job Training & Agriculture	Quinlan	Roberts	Burns	McEwen
3. Finance/Legal	McEwen	All Legislators		
4. Information Technology	Burns	Penney	Sauerbrey	Roberts
5. Legislative Worksessions/ Legislative support	Weston	All Legislators		
6. Health & Human Services	Huttleston	Oberbeck	Quinlan	Penney
7. Public Safety/ Probation DWI, & Safety	Sauerbrey	Huttleston	Burns	McEwen
8. Public Works/ Capital Projects	Roberts	Oberbeck	Quinlan	Huttleston
9. Personnel/ADA	Oberbeck	Penney	Burns	Sauerbrey

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 113-08

***AWARD CONTRACT FOR
CONSTRUCTION OF NEW IT
COMPUTER AREA & NEW 2ND
FLOOR AREA***

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

WHEREAS: Tioga County had water backup in the County Office Building on June 28, 2006; and

WHEREAS: Water damage to the basement was extensive, the Information Technology Department had to be moved to a temporary location; and

WHEREAS: The Commissioner discussed with the Public Works Committee options for a permanent location and it was decided to renovate an area in the County Office Building at 56 Main St.; and

WHEREAS: Tioga County has received funding for this from Insurance; and

WHEREAS: The Commissioner of Public Works received sealed bids for construction of this project; and

WHEREAS: The sealed bids were opened on March 10, 2008 and the results were as follows:

General Contractor

- | | | |
|---|-----------------------|-------------------|
| 1. Andrew R. Mancini Assoc. | Endicott, NY | \$186,800* |
| 2. F.E. Jones Construction Corp. | Binghamton, NY | \$203,000 |
| 3. S & W General Contractors | Owego, NY | \$197,000 |

Electrical

- | | | |
|----------------------------|-----------------------|-------------------|
| 4. B&W Electric | Binghamton, NY | \$164,247 |
| 5. Wade Electric | Vestal, NY | \$109,648* |
| 6. Nelcorp | Endwell, NY | \$204,489 |

Mechanical

- | | | |
|----------------------------|-----------------------|-------------------|
| 7. Evans Mechanical | Endicott, NY | \$ 85,412 |
| 8. Kimble, Inc. | Elmira, NY | \$ 84,200* |
| 9. J&K Plumbing | Binghamton, NY | \$132,000 |

Therefore be it,

RESOLVED: That the Tioga County Legislature authorizes the Commissioner of Public Works to hire the following low bid contractors:

- | | | |
|--|-----------------------------|------------------|
| • Andrew R. Mancini, Endicott, NY | General Construction | \$186,000 |
| • Wade Electric, Vestal, NY | Electrical | \$109,648 |
| • Kimble, Inc., Elmira, NY | Mechanical | \$ 84,200 |

For the Information Technology Computer Area and new 2nd Floor Area over the stage in the Auditorium project with the contractual cost of the project not to exceed \$379,848 to be paid out of 56 Main St. Building Account H2007.17

And be it further

RESOLVED: That an additional \$150,000 be appropriated from Sales Tax-Capital Revenue Account H1110.10 to 56 Main St. Building Account H2007.17.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 114-08 *ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY*

Adoption moved by Legislator McEwen,
seconded by Legislator Burns.

WHEREAS: An application for corrected tax roll indicates that the townwide taxable value of \$1,800 on property no. 2065, assessed to the People of the State of New York on the 2008 tax roll of the Town of Newark Valley, is erroneous in that the property is in Roll Section 3 and the Newark Valley-Town Tax-ORPS approved assessment was exceeded by \$1,800, therefore an adjustment in the amount of \$1,800 is necessary; be it therefore

RESOLVED: That the erroneous assessment of \$1,800 on property no. 2065 be adjusted to zero; and be it further

RESOLVED: That the erroneous town tax of \$8.59 be charged back to the Town of Newark Valley for property no. 2065.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 115-08 *APPROPRIATION OF STATE AID
COUNTYWIDE ASSESSMENT
STUDY GRANT
ASSESSMENTS*

Adoption moved by Legislator Burns,
seconded by Legislator McEwen.

WHEREAS: The County has received funding from New York State Office of Real Property for a Countywide Assessment Study Grant; and

WHEREAS: The funded activity is to study countywide assessing; therefore be it

RESOLVED: That the amount of \$25,000 be appropriated from State Aid-CPTAP County Assessment Grant Account A3042 to the following appropriation accounts:

A1357.20-130 - RPTS Assessment Grant \$ 5,000.00
A1357.40-140 – RPTS Assessment Grant \$ 2,500.00
A1357.40-487 – RPTS Assessment Grant \$17,500.00

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 116-08 *AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR*

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

WHEREAS: A project for the replacement of BIN 3335280, Tappan Rd. Bridge over East Branch of Owego Creek, Town of Newark Valley, Tioga County, PIN 6753.95 is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of replacement of BIN 3335280, Tappan Rd. Bridge over East Branch of Owego Creek, Town of Newark Valley, Tioga County, PIN 6753.95; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and be it further

RESOLVED: That the County Legislature hereby authorizes the County of Tioga to pay in the first instance 100% of the federal and non-federal share of the cost of the Preliminary Engineering, Design and ROW Incidentals work for the Project or portions thereof; and be it further

RESOLVED: That the sum of \$215,000 is hereby appropriated from Tappan Road Bridge Account H2007.14 and made available to cover the cost of participation in the above phase of the project; and be it further

RESOLVED: That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED: This resolution shall take effect immediately.

Roll Call:

Ayes 09

Noes 00

Absent 00

CARRIED

Legislator Huttleston made a motion to adjourn at 7:03 P.M., seconded by Legislator Roberts, and the motion to adjourn was carried.