

Fifth Regular Meeting
May 13, 2008

The Fifth Regular Meeting of 2008 was called to order by the Chair at 1:30 P.M. Eight Legislative Members were present, Legislator Quinlan being absent.

Chair Weston asked Legislator Burns to have a moment of prayer “I would like to have a moment of silence to remember the fallen soldiers, sailors, airmen, and marines that are serving us all over the world.”

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

There were 34 people in attendance.

Legislator Oberbeck read and presented the following recognition Proclamation to employees that have had 25 years or more of service with the County.

PROCLAMATION

WHEREAS: The mission and services of Tioga County depend heavily on the tireless contributions of its dedicated employees; and

WHEREAS: The Tioga County Legislature wishes to recognize the efforts of all Tioga County employees; and

WHEREAS: The Employee Recognition Committee was created to provide a mechanism to show our appreciation for the employees of Tioga County; and

WHEREAS: Those employees who have served for more than 25 years have shown a steadfast commitment to serving the well-being of the residents of Tioga County and should be recognized by those whom they have served; and

WHEREAS: The Tioga County Legislature would like to especially recognize the following employees who have attained 25+ years since last year’s ceremonies:

<u>NAME</u>	<u>DEPT</u>	<u>YEARS</u>
Gary Howard	Sheriff’s	30
Leonard Jackson	Sheriff’s	30
George Craven	Public Works	30
Penny Eddy	Sheriff’s	30
Jill VanHousen	District Attorney’s	30
Lucinda Hanbury	Probation	30
Diane Rockwell	Sheriff’s	25

NOW THEREFORE THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the week of May 12 – 16, 2008 as

EMPLOYEE RECOGNITION AND APPRECIATION WEEK

in the County of Tioga, New York, and call upon our citizens to join in recognizing these dedicated employees.

Legislator Sauerbrey presented the following recognition resolution for Richard Travis' to Sheriff Gary Howard

REFERRED TO:

PUBLIC SAFETY

RESOLUTION NO.155 -08

***RESOLUTION RECOGNIZING
RICHARD TRAVIS' 24 YEARS
OF DEDICATED SERVICE TO
TIOGA COUNTY***

**Adoption moved unanimously,
seconded unanimously.**

WHEREAS: Richard Travis was appointed to Deputy Sheriff on January 16, 1984; appointed to Sergeant on November 5, 1988; appointed to Lieutenant on January 1, 1999 and

WHEREAS: During his tenure, Richard Travis has performed supervisory duties as a Sergeant and as a Lieutenant for both the Jail Division and the Road Patrol; and

WHEREAS: Richard Travis has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 24 years to the Sheriff's Office, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Travis retired from the Tioga County Sheriff's Office on April 27, 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 Richard Travis for his 24 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, Richard Travis.

CARRIED UNANIMOUSLY

Gary Howard spoke. "I was just going to say, I am sure everybody knows Lieutenant Travis had a total of about 35 years in law enforcement, 24 of it with us. He is presently serving in Iraq for a year training the Iraq Police. We have had a lot of communications with him through emails. He sent a lot of pictures, he is doing really well. If there is anything that anyone ever wants to tell him, just get a hold of me and I will pass it along to him. He seems to be doing very well for what is there, which looking at the pictures isn't very much. A lot of sand, but he is doing very well and I am sure he will appreciate, and I will make sure his son and family get the plaque and the proclamation. Thank you."

REFERRED TO:

PUBLIC SAFETY

RESOLUTION NO. 156-08

***RESOLUTION RECOGNIZING
MORTON ENGELBERT'S
25 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY***

**Adoption moved unanimously,
seconded unanimously.**

WHEREAS: Morton Engelbert was appointed to Deputy Sheriff on April 2, 1983; and was promoted to Sergeant on October 15, 1994; and

WHEREAS: During his tenure, Morton Engelbert has performed supervisory duties as a Sergeant for the Road Patrol; and

WHEREAS: Morton Engelbert has been dedicated in the performance of his duties and responsibilities during the past 25 years to the Sheriff's Office; and

WHEREAS: Mr. Engelbert retired from the Tioga County Sheriff's Office on April 3, 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 Morton Engelbert for his 25 years of dedicated 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 employee, Morton Engelbert.

CARRIED UNANIMOUSLY

Legislator Huttleston read and presented the following on Foster Care to Gail Barton, Deputy Commissioner of Social Services.

PROCLAMATION

WHEREAS: The Tioga County foster family serves as a source of love, identity, self-esteem and support for children in Tioga County; and

WHEREAS: There are 33 children in foster care in Tioga County, 15 of these children are in foster homes, and 2 children are in Glove House Therapeutic foster homes; and

WHEREAS: We have 23 certified foster homes, two of these are relative foster homes and another 10 are Glove House Therapeutic foster homes in Tioga County; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children in foster care, and the enduring and valuable contribution of foster parents; and

WHEREAS: It is appropriate to recognize all those who volunteer their talents and energies on behalf of children in foster care, the foster parents who serve these children and the professional staff dedicated to ensuring these children have a stable and safe foster family environment; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim May 2008 as

FOSTER CARE RECOGNITION MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize foster parents in Tioga County.

Legislator Huttleston spoke. "This is always one of my favorite Proclamations because of the Foster children program and the Foster parents that are dedicated and do a good job, and our staff that are really dedicated to the Foster Children Program and I really appreciate it.

“I would like to present Gail Barton who, is as I told you time and time again, for somebody that has not been there Gail worked for the Social Services Department. When they wanted to put her in as Deputy Commissioner of Social Service Department under the Director she said the only way she would take that job is if she could still retain the Foster Care Program, which she has done. I know it is dear to her heart. I think if she had a choice to be Deputy Commissioner or in charge of Foster Care she would have taken Foster Care. Fortunately she doing both and doing a good job.”

Gail Barton spoke. “Thank you to the Tioga County Legislature for their recognition of May as Foster Parent Month. I would especially like to thank the Health and Human Services Legislative Chairman Dick Huttleston for his ongoing heartfelt support of Tioga County Foster Parents and his concern for our foster children. We really appreciate it and it does not go unrecognized by the staff.

“A recent article in the Press and Sun Bulletin quoted the Child Welfare League of America stating “that there are 500,000 foster kids in the system at any given time.”

“In 2007 Tioga County Foster Parents provided over 8,000 bed days of foster care for Tioga County children. Each situation that necessitates any child being removed is unique, complicated and heart wrenching. The decision to remove a child from their own family is very difficult and made only after all other efforts to keep the child at home have failed or have been deemed to be inappropriate due to the seriousness of the situation.

“It would be wonderful if there were enough caring and concerned relatives, neighbors and family friends to care for all the children who cannot live at home with their own families, but that expectation is unrealistic and out of date. Tioga County Foster parents are a vital resource for the children in Tioga County who must be removed from their families due to child maltreatment or due to the child's misbehavior at home or in the community.

“Foster parents serve as the primary resource for children who cannot return home who are freed for adoption. Of the 50,000 children adopted in this country each year about 60% are adopted by Foster families.

“Tioga County Foster parents are called any hour of the day or night. Now we have one foster parent here who was called at 2:00 am Saturday morning about taking a child. They may be called to take one child or six children. Children may stay for two days, two years, or forever. The foster child may even be a parent themselves and their baby is in the foster home with them. Often even after children have returned to their own families. Foster parents remain a resource for the child and sometimes even for the biological parents.

“There is an article in the Elmira Star Gazette today, which I would encourage you to look at if you can, about a Tioga County Foster child who is now in an independent living program through Glovehouse. She left her foster home a while ago, but is still frequently in touch with her former Tioga County Glovehouse foster parents.

“I would like to say thank you to all Foster parents and especially to those who are with us here today, for all you do to give of yourself and your families to take care of the children of this county. Thank you.”

Sonja Foote spoke. “I also would like to thank the members of the Legislature for honoring our Foster parents as Gail said they do a lot for our Foster children.

“I have Brenda Dupree, Brenda and her husband Doug have been Foster parents since July 23, 2003. They have fostered twelve children since their initial certification. Brenda and Doug work very well with teenagers, especially teenage girls. Brenda and Doug currently have a fifteen year old teenage girl placed in there home. This girl has suffered sexual abuse and has a lot of mental health issues and they are doing very well with her and she is able to be maintained in their home.

“I also have Bo Henning, Bo and his wife Millie have been Foster parents since January 23, 2001. They have fostered approximately 37 foster children. They are currently certified to accept six children as they would like to keep sibling groups together. As Gail has noted Millie and Bo recently took on a two and a half year old child with special needs, they were called at about 2:00 in the morning to take this child, which they graciously welcomed this child into their home.

“I again would like to thank the members of the Legislature and especially our foster parents for all the hard work they do. Thank you.”

Legislator Huttleston read and presented the following Proclamation on Elder Abuse to Christie Walker of the Department of Social Services.

PROCLAMATION

WHEREAS: People who are elderly or have disabilities have contributed to the general welfare of Tioga County by helping to preserve customs, convictions, and traditions of many people from diverse backgrounds; and

WHEREAS: These residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS: The health and well-being of disabled and elderly people in our county should be one of our highest priorities and of concern to all Americans; and

WHEREAS: People who are elderly or have disabilities are among the most important resources of our county, and it is fitting that we recognize the need to protect their health, safety, and rights; and

WHEREAS: Abuse of the elderly and people with disabilities in domestic and institutional settings is a wide-spread problem, affecting hundreds of thousands of people across the country; and

WHEREAS: Elder abuse is underreported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS: Elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, in poor neighborhoods and in suburbia; and

WHEREAS: Many of the cases investigated by Adult Protective Services in New York involve self-neglect and it is our duty as citizens to reach out to people in need; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of May 2008 to be

Elder Abuse Prevention Month

in Tioga County, and urge all citizens to work together to help reduce abuse and neglect of people who are elderly or have disabilities.

Christie Walker spoke. “In 2007 Tioga County Department of Social Services received 75 referrals for assessment of protective services for adults or PSA as it is referred to. These referrals involve individuals who are 18 years of age or older, have a mental or physical impairment or disability and because of this impairment may have an unmet basic need, food, clothing, shelter, or medical care, or be at risk of serious physical harm and they have no one else willing and responsibly able to assist them. In Tioga County a majority of our referrals involve allegations of self neglect. The case workers difficult task is to evaluate the individual’s capacity to make decisions regarding the lifestyle and choices, and decide if they can understand the potential consequences of those choices. This may involve the individual making choices that we do not feel is in their best interest.

“ The PSA caseworker needs to follow and practice guidelines allowing the individual self determination and only in extreme cases such as those involving an individual felt to be incapable and extreme risk can the caseworker pursue involuntary interventions which may be contrary to the individuals wishes?

“Financial management is also a large portion of our work. On December 31, 2007 our agency had 26 representative payee cases and six guardianship cases, which involved court appointed legal authority over an individuals property and or person, although we focus on providing in the least restrictive manner. The number of clients needing protective services as well as financial management as anticipated is to increase dramatically with the upcoming increase to our aging population.

“In addition to protective services for adults, my staff also provides preventive services to voluntary and eligible clients as well as information in referral services to callers seeking programs and information for themselves, family or other community residents. The ability to service our adult population depends largely on cooperation from other community agencies, including Tioga County Mental Hygiene, our Department of Health, Office for the Aging, and the various Law Enforcement divisions. The Community also plays a crucial role in both identifying and assisting our agency to help these individuals remain as safely as possible in the community.

“I would like to thank all those who I have mentioned as well as this Legislature for their help in serving these individuals and your efforts to maintaining a safe community for disabled and elderly adults. Thank you.”

Legislator Huttleston read and presented the Proclamation on Older American’s month to Mary Ellen Gage.

PROCLAMATION

WHEREAS: Tioga County is home to over nine thousand older adults who support Older Americans Month, the annual observance that gives recognition to the immeasurable contributions made by older citizens throughout our County, State and Nation; and

WHEREAS: Seniors in Tioga County devote their time, energy and wisdom to making their communities better places to live; and

WHEREAS: The experiences, knowledge, skills and aspirations of Tioga County’s seniors are vital to the continued progress of our State and its quality of life; and

WHEREAS: Our society must champion choices for individual independence for all senior citizens; and

WHEREAS: We support the U.S. Administration on Aging (AoA) in helping our nation prepare for a larger aging population that is relying on a balance of important elements to maintain dignity and independence for a long as possible; and

WHEREAS: As America grows older, each community must strive to understand and address the evolving challenges and needs of our older citizens and the people who care for them; and

WHEREAS: It is especially fitting for Tioga County to pay special tribute to seniors across this State, Nation and around the world in support of the special events and activities being held during the month of May; therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate May 2008 as

OLDER AMERICANS’ MONTH

***And May 21, 2008 as
SENIOR CITIZENS’ DAY***

in the County of Tioga, New York, and call upon our citizens to take the time to honor older citizens of Tioga County, especially our senior volunteers, for the contributions they have made and continue to make to our society.

Legislator Huttleston spoke. “I think everybody probably remembers one of the most important people in their life is always a grandmother. I had a grandmother on one side that always had the cookie jar with molasses cookies. When was the last time anybody got a home made molasses cookie? I went to my daughters for Mother’s Day, She invited us over for steak and it was a little tough. I did not want to say to much, but I always remember my grandmother on the other side and what she always said when you complained about the steak being tough, she said what is tougher yet is when you do not have any steak.”

Mary Ellen Gage spoke. “I just would like to thank the Legislature for the continue support of our programs. Without your help we could not do what do for the senior citizens of Tioga County. Thank you.”

Legislator Huttleston notes and presented the following Proclamation on Senior of the Year.

Legislator Huttleston spoke. “I am not going to read it because I think that everybody has heard enough from this old duffer. I think next Wednesday is the ceremony at the Office of Aging. Kathy Roush, which we all know, is the Senior of the Year this year, which is very well deserving. She has been involved with a lot of activities and so on. Thank you for coming.”

PROCLAMATION

WHEREAS: Kathy Roush has strong commitment and passion for the areas in which she volunteers and takes her responsibility as a volunteer very seriously; and

WHEREAS: Kathy Roush moved to Apalachin in the late ‘60’s and became involved in PTA, the J and “Jayne” Ceas, the Garden Club, Girl Scouts, Girl’s softball, volunteer librarian at the Apalachin Library, physical exercises with a Cerebral Palsy child, and worked with a small group on the development of the Waterman Center; and

WHEREAS: Kathy Roush spent most of her working career in the Tioga County Probation Department where she was instrumental in starting parenting classes, served on numerous committees working with schools on ways to deal with problem students, working with agencies to get more services for youth and families, and worked with others to start what is now “First Call for Help”; and

WHEREAS: Kathy Roush volunteered on the Board of Directors of Cornell Cooperative Extension, serving as President, helped start a new organization for retired Tioga County employees, and has served as an officer for this organization; and

WHEREAS: Kathy Roush is in her third year of serving as President of the REAP Board of Directors, serves on the Delta Project through A New Hope Center, and until recently served as the Cornell Cooperative Extension representative on a regional team; and

WHEREAS: Kathy Roush volunteers weekly as a HIICAP counselor for the Department of Aging and also serves on the Tioga County Department of Mental Hygiene Community Services Board; and

WHEREAS: Kathy Roush was recognized by the Owego Rotary Club as a Paul Harris Fellow; and

WHEREAS: Kathy Roush has been selected as the 2008 Senior Citizen of the Year in Tioga County;

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate May 21, 2008

KATHY ROUSH DAY

In the County of Tioga, New York, and commend this observance to our citizens.

Joe Albrecht had Privilege of the Floor “I will try to keep this hopefully short. In fact this package of paper and I think the wrapping was biodegradable because it kind of came apart. Thank you for the opportunity. I have my basic shopping list of things that concern me. One, I think cruel and unusual behavior deserves cruel and unusual rewards. I think tax abatements for industry should be accompanied by a reduction in property taxes for long time residential property owners. Is it possible to rescind pilot programs that have not gone into effect, for example, if there is a corporation with 1400 million shares providing a dividend of a \$1.40 a share, and this corporation or company has been granted a pilot program for approximately 10 million dollars over fifteen years, that to my calculations is about \$670,000 a year. A 0.01 cent reduction in dividends would provide \$4,130,000 available and I really do not see a need for a tax abatement. A 0.01 cent reduction in a dividend would provide \$4,130,000 and this corporation is asking for a 10 million dollar tax abatement or pilot program. I do not think it has gone into effect. I wonder if it could be rescinded because I have spent time trying to communicate with officials of this corporation and have not had the courtesy of a response or comment. I think it is just inconscionable that this continues on.

“Are there any possibilities of encouraging natural gas produced in this area to be utilized in this area for the production of chemicals manufactured where as an energy source as opposed to sending it to New York for which we receive a portion of there 12,000 tons a day to of refuse to build mountains in, I believe in either Seneca or Ontario County and Chemung County. We are quickly becoming the county of a thousand ponds or a hundred lakes, or however you want to define the gravel excavations. That is a business situation, but it also should require some form of management.

“For those who may be in doubt of the effect of drainage water, runoff, let me offer you this opportunity to understand the situation. Pick a tree on the banks of the Susquehanna. Find a tree either on your property or on a neighboring property of someone who does not really mind if you dig it up. Take your choice of round pointed shovel, long handle, or short handle and see how long it takes you to dig that tree up or how much energy you expend. Drainage water is going to be a major problem and there is no simple answer to it. If you impound it you end up with sleeping sickness and encephalitis, mosquitoes, etc. If you run it off you end up with erosion, but I think that the basic level of understanding of some of these situations has gone by the boards. You pave the ground the water does not soak in. You put a roof on the ground the water does not soak in. You run the water in a sewage drain it maintains more of its energy getting to the river or the stream than it normally would. It should be at least observed and possibly alternatives can be found to control some of these environmental situations.

“I have on this table a ream of paper which is approximately five hundred sheets. One of the presidential candidates indicated that the United States Tax code is about sixty thousand pages. If I take two of those reams, which are approximately two inches in thickness and I stack it up, that is four inches to the thousand. If I have sixty thousand of those to do, I think sixty times four is two hundred and forty, that is inches, which is twenty feet. This carpenter tape is six feet. What you are looking at is three and third times this for the tax code of the United States.

“The reason that I introduced that to you is that somewhere I came across a statement which goes something like this, “Lead, follow, or get out of the way. Now if stacks of paper like this are what control our lives I think it is time for the get out of the way for this one. Carrying that somewhat further, is there any way or are there any programs that could be instituted in this county without interference from New York State or the US Government? I will leave that for you if some of you come up with it, please let me know because no change comes from the top down, it comes from the bottom up, but the bottom up is seriously impeded by those people above us who think they can run our lives better than we can. I disagree with the concept.

“The last thing on the agenda, since we are hearing three presidential candidates who are obsessed with Universal Health Care, I do not think any of them have done the arithmetic yet. Is there any way that I could get the quantity of tax revenue that Tioga County spends on Healthcare? I think I was provided with a number of 23 million dollars relative to Medicare a couple of years ago by a member, I believe the Treasurer of the County provided me with that number. I hope it is accurate. If he did not than he did not provide it because he is a very accurate and very conscientious individual, but in the back of my mind it sits there. That is not the only expense that is incurred in Health relative to the local taxpayer. I believe there would be some from Social Services. I believe there would be some relative to others not covered by insurance or not members of a program, i.e., illegal immigrants, legal immigrants, and I am not sure who else is out there, but before everybody goes wild about the Federal Government providing a service, you really want to figure out what it means.

“The thing that gets me is the equating this to the Iraq War. One presidential candidate said we spend 10 billion dollars a month on the war and to the last of my knowledge there are 4 million Aids victims in the United States whose drug bill average per month is \$1,000, that is 4 billion of it. I do not know how many more bridges you are going to build or how much healthcare you are going to provide with the left over 6 billion. There are people out there who are just going to destroy our lives unless we challenge what they say. Thank you very much.”

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		407.52
A1165	District Attorney	470.00	1,677.36
A1172	Assigned Council		19,269.69
A1325	Treasurer		3,105.33
A1355	Assessments		2,480.26
A1357	RPTS Assessment Grant	289.96	1,250.00
A1362	Tax Advertising and Expense		4,126.51
A1410	County Clerk		1,121.63
A1411	Department of Motor Vehicles		3,134.81
A1420	Law		116.60
A1430	Personnel		1,499.18
A1450	Elections		185.24
A1460	Records Management		54.88
A1490	Public Works Administration		177.26
A1620	Buildings		83,317.43
A1680	Information Technology		18,271.16
A2960	Education of Handicapped Children		156,076.76
A3020	Public Safety Comm E911 System		1,096.45
A3110	Sheriff	215.37	26,054.85

A3110.41	Sheriff Court Attendants		2,048.46
A3116	Sheriff CPSG Grant	5,374.64	
A3140	Probation		1,943.41
A3146	Probation Sex Offender Registration		469.65
A3150	Jail		34,686.46
A3315	Special Traffic Programs	4,590.00	681.89
A3410	Fire		7,668.30
A3640	Emergency Management Office		710.73
A3649	Fire WMD Grant	25,303.84	
A4010	Public Health Nursing		39,328.01
A4011	Public Health Administration		19,759.09
A4012	Public Health Education		1,157.66
A4042	Rabies Control		1,316.65
A4044	Early Intervention		64,959.69
A4053	Preventive and Primary Health Services		113.59
A4054	Preventive Dental Services		3,887.12
A4062	Lead Poisoning Program		853.88
A4064	Managed Care Dental Services		12,800.92
A4070	Disease Control		664.60
A4090	Environmental Health		8,428.41
A4210	Alcohol and Drug Services		14,118.32
A4309	Mental Hygiene		7,139.32
A4310	Mental Health Clinic		58,598.04
A4315	Mental Retardation		18,477.36
A4320	Crisis Intervention Services		9,515.12
A4321	Intensive Case Management		1,655.63
A6010	Social Services Administration		49,733.48
A6422	Economic Development		810.24
A6423	434 Site Development		50,000.00
A6610	Sealer of Weights and Measures		199.16
A7180	Snowmobile Grant Program		20,212.50
A7310	Youth Programs		131.05
A7310	Youth Programs, Refundable		2,538.42
A8020	Planning		346.08
SOLID WASTE FUND			73,879.20
COUNTY ROAD FUND			52,491.36
SPECIAL GRANT FUND			2,662.99
CONSOLIDATED HEALTH FUND			1,384.07
CAPITAL FUND			533,520.55
LIABILITY INSURANCE FUND			499.65
WORKERS' COMP			19,455.00
GRAND TOTAL			\$ 1,478,612.79

Legislator Sauerbrey made a motion to approve the minutes of April 15, 2008, seconded by Legislator Burns, and carried.

Chair Weston made the following Appointment Interview Committee Veterans' Director Position effective May 15, 2008.

Legislator George Penney
Legislator William Oberbeck
Legislator Don Burns

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

Legislator McEwen made a motion to have the following three resolutions, all Erroneous Assessments, passed as one, seconded by Legislator Oberbeck, and was carried.

REFERRED TO: FINANCE COMMITTEE
RESOLUTION NO. 157-08 *ERRONEOUS ASSESSMENT*
TOWN OF TIOGA

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: An application for corrected tax roll indicates that the taxable value of \$3,000 on property no. 14, assessed to NYS Dept of Transportation on the 2008 tax roll of the Town of Tioga, is erroneous in that the property should be in roll section 8, therefore exempt from taxation; be it therefore

RESOLVED: That the erroneous town tax of \$134.47 be charged back to the Town of Tioga and the erroneous fire district tax of \$31.51 be charged back to the Tioga Fire District; and be it further

RESOLVED: That the erroneous recycle tax of \$13.39 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$306.84 be charged to the proper account of the County Treasurer.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO. 158-08 *ERRONEOUS ASSESSMENT*
*TOWN OF BERKSHIRE***

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

WHEREAS: An application for corrected tax roll indicates that the taxable value of \$5,250 on property no. 352, assessed to Kurt Kuhlman on the 2008 tax roll of the Town of Berkshire is erroneous in that the assessment increased for a barn that was not built on the property until the end of December 2007, therefore changing the taxable value to \$4,750; and

WHEREAS: The 2008 Town and County Taxes on property no. 352 in the Town of Berkshire were paid to the Town of Berkshire on 1/28/08; be it therefore

RESOLVED: That a refund of \$215.38 be issued to Kurt Kuhlman for overpayment of 2008 taxes on property no. 352 in the Town of Berkshire; and be it further

RESOLVED: That the erroneous town tax of \$4.47 be charged back to the Town of Berkshire and the erroneous fire district tax of \$20.99 be charged back to the Berkshire Fire District FD202; and be it further

RESOLVED: That the erroneous recycle tax of \$87.50 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$102.42 be charged to the proper account in the record of the County Treasurer.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO. 159-08 *ERRONEOUS ASSESSMENT*
*TOWN OF OWEGO***

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

WHEREAS: An application for corrected tax roll submitted by the Town of Owego Assessor and approved by the Director of the Tioga County Real Property office, indicates that a tax bill for the amount of \$849.92 was generated in error for property no. 2824, assessed to County of Tioga on the 2008 tax rolls of the Town of Owego; be it therefore

RESOLVED: That the erroneously billed amount of \$849.92 be charged back to the Town of Owego.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 160-08 *CENTRALIZED TAX STUDY*

Adoption moved by Legislator McEwen,
seconded by Legislator Oberbeck.

WHEREAS: Tioga County has received \$25,000.00 from the centralized property tax administration program initiated by the State Office of Real Property Services; and

WHEREAS: The program provides these funds to develop a study for implementation of a county level database for tax collection purposes. The study must include a plan for managing the collection data at the county level by September 1st; and

WHEREAS: As additional payment of up to \$25,000.00 will be available to defray the cost of implementing the county level database; and

WHEREAS: The County Treasurer, as tax enforcement officer, has recommended the county contract with Allen Tunnell Corporation to perform the various tasks associated with creating the study by September 1st; and

WHEREAS: The Allen Tunnell Corporation has extensive experience and staff to gather tax data, analyze various collection systems used within Tioga County, and examine the necessary functions needed to install and maintain a centralized database as shall be defined by the study; and

WHEREAS: The Allen Tunnell Corporation has agreed to perform and produce such study by August 1st for \$7,500.00; be it therefore

RESOLVED: That with the contract approval of the County Attorney, the county hire Allen Tunnell Corporation for \$7,500.00 to perform the centralized tax collection study and to be paid out of Tax Collection Grant Account A1330.40-140.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS/LEGAL

RESOLUTION NO. 161-08 ***AUTHORIZE TRANSFER OF PROPERTY TO NEW YORK STATE FOR CONSTRUCTION OF NEW BRIDGE OVER OWEGO CREEK AT ROUTE 96/ROUTE 38 JUNCTION***

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

WHEREAS: The County is the owner of a certain parcel of real property located at the junction of Route 38 and Route 96, described as follows:

P.I.N. 6047.09.221; Owego-Candor, Pt.2, SH 5471; Tioga County; Map(s) 189 R-1 198 R-1, Parcel (s) 207, 208, 219, 220

hereinafter described as The Property and

WHEREAS: New York State Department of Transportation is replacing and re-aligning the bridge at the junction of Routes 96 and 38, which bridge is commonly known as Turner’s Bridge; and

WHEREAS: Prior to New York State taking over ownership and maintenance of Route 38 and 96, Tioga County owned the routes as well as lands adjacent to the routes, referenced herein as The Property, for maintenance purposes; and

WHEREAS: The Property is necessary for New York State Department of Transportation to replace and re-align Turner’s Bridge at the Route 38/Route 96 juncture; and

WHEREAS: Tioga County Legislature is willing to transfer under the authorization set forth in General Municipal Law Section 72-h The Property for \$1.00 payment waived to the Commissioner of Transportation for the People of the State of New York; and

WHEREAS: New York State Department of Transportation has requested that the Chair of the Legislature be authorized by this Resolution to execute Agreements of Adjustment and Release of Owner; and

WHEREAS: The County Attorney and Commissioner of Public Works have reviewed and approved the Maps 189 and 198 describing The Property and the Agreements of Adjustment and Release of Owner; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute the Agreements of Adjustment and Release of Owner with regard to The Property.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

PUBLIC WORKS

FINANCE

RESOLUTION NO. 162-08

***AUTHORIZE INCREASE FUNDING
FOR 2008 PROJECTS***

**Adoption moved by Legislator Roberts,
seconded by Legislator Huttleston**

WHEREAS: The Commissioner of Public Works received notification from NYS Dept. of Transportation that the approved 2008/2009 budget increased the CHIPS (Consolidated Highway Improvement Program) funding from \$919,193.84 to \$1,026,970.95, an increase amount of \$107,777.11; and

WHEREAS: Due to the rising costs of fuel and asphalt, the budgeted amount for the 2008 road projects may run short of funds; therefore be it

RESOLVED: That the Tioga County Legislature increases the CHIPS Revenue budget by \$107,777.11; and be it further

RESOLVED: That the Tioga County Legislature apply the increased CHIPS revenue to the 2008 road projects as follows:

<u>Account</u>	<u>Road</u>	<u>2008 Budget</u>	<u>Increase Amt</u>	<u>Total</u>
H2008.01	Day Hollow Rd	\$250,000.00	\$50,777.11	\$300,777.11
H2008.04	Montrose Trnpk	\$663,000.00	\$37,000.00	\$700,000.00
H2008.05	Sulpher Springs Rd.	\$580,000.00	\$20,000.00	\$600,000.00

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

**REFERRED TO: PUBLIC WORKS
 FINANCE**

RESOLUTION NO. 163-08 *AWARD DESIGN SERVICES
 CONTRACT TO MCFARLAND-
 JOHNSON ENGINEERS FOR DESIGN
 SERVICES OF THE GLEN MARY DR
 BRIDGE (BIN:3335120) OVER
 CATATONK CREEK*

Adoption moved by Legislator Roberts,
 seconded by Legislator Huttleston.

WHEREAS: NYSDOT has indicated that they may have rehabilitation construction grant money available for the Glen Mary Dr. Bridge (BIN:3335120) over Catatank Creek in 2009; and

WHEREAS: NYSDOT has indicated that if the County had plans & specifications prepared for this project at County cost they would advance this project in their program; and

WHEREAS: The Tioga County Treasurer’s Office has determined that there will be \$428,075.66 of Tobacco Bridge funding still available at the end of 2008 due to good bid pricing and interest income; therefore be it

RESOLVED: That a design project be awarded to McFarland –Johnson Engineers, Binghamton, NY in the amount of \$67,718 for the Glen Mary Dr. Bridge over Catatank Creek; and be it further

RESOLVED: That Glen Mary Drive Bridge account number H2008.07 be established for this project.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

**REFERRED TO: PUBLIC WORKS
FINANCE**

**RESOLUTION NO. 164-08 *AWARD DESIGN SERVICES
CONTRACT TO MCFARLAND-
JOHNSON ENGINEERS FOR DESIGN
SERVICES OF THE SOUTHSIDE DR
BRIDGE (BIN:3335530) OVER
PUMPELLY CREEK***

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

WHEREAS: NYSDOT has indicated that they may have rehabilitation construction grant money available for the Southside Dr. Bridge (BIN:3335530) over Pumpelly Creek in 2009; and

WHEREAS: The Tioga County Treasurer's Office has determined that there will be \$428,075.66 of Tobacco Bridge funding still available at the end of 2008 due to good bid pricing and interest income; and

WHEREAS: There is an indication that if the County has projects ready for construction, NYSDOT may advance the project in the Federal Program for grant funding; therefore be it

RESOLVED: That a design project be awarded to McFarland –Johnson Engineers, Binghamton, NY in the amount of \$155,474 for the Southside Dr. Bridge (BIN:3335530) over Pumpelly Creek; and be it further

RESOLVED: That Southside Drive Bridge account number H2008.08 be established for this project.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

**REFERRED TO: ED&P COMMITTEE
PUBLIC WORKS COMMITTEE**

**RESOLUTION NO. 165-08 APPROVAL OF 2007 MS4 STORMWATER
ANNUAL REPORT**

**Adoption moved by Legislator Roberts,
seconded by Legislator Huttleston**

WHEREAS: The Tioga County Legislature, as per resolution 115-03, submitted a Notice of Intent (NOI) to NYS DEC pursuant to NYS Environmental Conservation Law Article 17, Titles 7 and 8 and Article 70 for and is now covered under Municipal Separate Stormwater Sewer Systems (MS4) SPDES Permit No. NYR20A047; and

WHEREAS: This MS4 NOI outlined a 5-year stormwater management plan with required and suggested activities; and

WHEREAS: The MS4 permit requires that an annual report be prepared detailing stormwater activities conducted during the year and that said report be presented at an open meeting to solicit comments from the public and then submitted to NYS DEC by June 1 of each year; and

WHEREAS: Tioga County has prepared such report detailing accomplishments during the fourth year of the stormwater management plan and the Tioga County Legislature held a public hearing on May 8th, 2008 at which the annual report was presented, public comment was solicited and those comments have been incorporated into the annual report; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the Tioga County 2007 (Year 5) MS4 Stormwater Annual Report and authorizes the Chair of the Legislature to sign said report and submit it to NYS DEC.

CARRIED

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

**RESOLUTION NO. 166-08 APPROPRIATIONS OF FUNDS
MENTAL HYGIENE**

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

To: H 5630.21 Bus Operations- Capital \$698,200

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO.168-08 APPROPRIATIONS OF FUNDS
SOCIAL SERVICES

Adoption moved by Legislator Huttleson,
Seconded by Legislator Burns.

WHEREAS: Additional funding has been awarded to the Tioga County
Department of Social Services from the Office of Temporary and Disability
Assistance for the development of a Long Term Care Point of Entry Program ; and

WHEREAS: The plan submitted for expenditure of these funds has been approved;
and

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

RESOLVED: That funding be appropriated as follows:

From: A3610.00 State Aid: Administration \$ 52,000
To: A6010.40.140 Contracting Services \$ 28,400
A6010.40.10 Advertising \$ 19,000
A6010.20.270 Telephone Equipment \$ 600
A6010.20.901 Computer Equipment \$ 4,000

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

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

**RESOLUTION NO. 169-08 TRANSFER OF FUNDS
PUBLIC HEALTH**

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

WHEREAS: The Tioga County Department of Weights & Measures approved 2008 budget includes funds to purchase a software and equipment package for conducting program services; and

WHEREAS: Changes in both technology and the product offerings of the software and equipment package have occurred since the time of the product quote prepared in the summer 2007 for the 2008 Budget development process; and

WHEREAS: Upon review of the current product offerings and needs by both the Weights & Measures staff and Tioga County Information Technology, a new product quote was provided by the vendor; and

WHEREAS: The new product quote is slightly less than was budgeted, yet due to the product quote changes will require a transfer of funds from within the Weights & Measures budget into the appropriate procurement line items for the items in the quote; and

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

RESOLVED: That funding be transferred as follows:

FROM:	A6610.20-130 Weights & Measures	\$ 2,175
TO:	9950.93 Transfer to Capital-All Other	\$ 2,175

And

FROM:	H5301.30 Interfund Transfer All Other	\$ 2,175
TO:	H6610.21 Capital Equip Weights & Measures	\$ 2,175

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC SAFETY AND FINANCE

**RESOLUTION NO.170-08 *APPROPRIATION OF FUNDS FOR
SENATOR LIBOUS MEMBER ITEM
APPROPRIATION***

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

WHEREAS: Senator Libous has granted the Tioga County Bureau of Fire a discretionary Senate Member Item Grant in the sum of \$6,000.00 for the purpose of creating a Web Site for the Tioga County Bureau of Fire to communicate Training and Emergency Information to the Fire and EMS Departments in Tioga County; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes acceptance of the Six Thousand Dollars (\$6,000) from Senator Libous New York State Senate Member Item Projects Appropriation; and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the County

Treasurer to appropriate the sum of \$6,000.00 as follows:

From: A3352 State Aid - Fire Web Site Grant \$6,000

To: A3411.40-140 - Web Site Development Grant \$6,000

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 171-08 *APPOINT NEW MEMBER TO THE
TIOGA COUNTY BOARD OF HEALTH*

Adoption moved by Legislator Huttleston,
seconded by Legislator Burns.

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: The appointed term for Richard Shelling, MD, on the Board of Health expires 12/31/08; and

WHEREAS: Dr. Shelling passed away January 24, 2008, while actively serving as a Board of Health member; and

WHEREAS: Mark Corey, MD, has agreed to fill the unexpired term of Dr. Shelling; therefore be it

RESOLVED: That Dr. Mark Corey be appointed to the Board of Health to fill the unexpired term of Richard Shelling, MD, for a term of 05/12/08-12/31/08.

CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 172-08 *AUTHORIZE CONTRACT WITH EBS
BENEFIT SOLUTIONS – MEDICARE PART D
DRUG COVERAGE*

Adoption moved by Legislator Oberbeck,
seconded by Legislator McEwen.

WHEREAS: Medicare-eligible beneficiaries may purchase prescription drug coverage through a Medicare Part D Plan; and

WHEREAS: An employer who provides prescription drug coverage to Medicare eligible employees, retirees, and/or their spouses must disclose to them whether or not the benefit provided is “at least as good” as the Medicare coverage, referred to as creditable coverage notice; and

WHEREAS: Plan sponsors who offer postretirement drug coverage to their qualified covered retirees may be eligible to receive a 28% tax-free subsidy of allowable drug costs for those retirees who do not elect to receive prescription benefits under a Medicare Part D Plan; and

WHEREAS: It is necessary to complete an actuarial attestation to determine that the participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide drug coverage which meets the actuarial equivalence test in order to determine if the retiree prescription coverage is “at least as good” as the Medicare coverage and to determine if the TCCMHIP participants are eligible to apply for the subsidy for the 2009 Plan Year, January 1, 2009 through December 31, 2009; and

WHEREAS: Creditable coverage notices must be provided to all Part D eligible participants no later than November 15, 2008 and the deadline to file for the 2009 Plan Year subsidy is October 3, 2008, and

WHEREAS: EBS Benefit Solutions performed this actuarial attestation in 2005 for the 2006 Plan Year, in 2006 for the 2007 Plan Year, and in 2007 for the 2008 Plan Year and is available to perform the actuarial attestation and necessary testing again in 2008 for the 2009 Plan Year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to sign a contract with EBS Benefit Solutions, subject to review by the County Attorney, to provide the necessary actuarial services for creditable coverage and the 28% tax-free subsidy related to Medicare Part D for the 2009 Plan Year at a cost of \$4,000 to be paid for out of the TCCMHIP Fund.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 173-08 *OPPOSE PENDING STATE
LEGISLATION (S.6778/A 10553)*

Adoption moved by Legislator Oberbeck,
seconded by Legislator Sauerbrey.

RESOLVED: That the Tioga County Legislature authorize Katie Searle's title of Typist (CSEA salary grade III) upgraded to the title of Senior Clerk (CSEA salary grade IV) reflective of an annual salary increase of \$1,114; and be it further

RESOLVED: That Ms. Searles be provisionally appointed to the title of Senior Clerk at an annual salary of \$22,329, retroactive to November 06, 2007.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 175-08 *AMEND RESOLUTION 310-07*
TREASURER'S OFFICE

Adoption moved by Legislator McEwen,
Seconded by Legislator Oberbeck.

WHEREAS: Resolution 310-07 authorized the creation of a Second Deputy County Treasurer position; and

WHEREAS: The creation of a Second Deputy County Treasurer position intended to provide the Treasurer with the ability to designate an additional person in the office to act for and in place of him or the First Deputy in the event both are unable to act: therefore be it

RESOLVED: That Resolution 310-07 be amended to include the following statement:

The Second Deputy County Treasurer shall possess the powers of his/her principal during times of absence or inability of his/her principal and the First Deputy to act.

And be it further

RESOLVED: That in the event the Treasurer does not designate a person to serve as the Second Deputy County Treasurer, then it shall be the authority of the Legislature to designate such person.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 176-08 *CREATE TEMPORARY PART-TIME
POSITIONS AND APPROVAL TO HIRE
BOARD OF ELECTIONS*

Adoption moved by Legislator Burns,
seconded by Legislator Penney.

WHEREAS: The workload in the Board of Elections is expected to increase considerably June through November due to petition filings, Election Day and re-cavassing; and

WHEREAS: The Board of Elections anticipated the need for additional temporary part-time staff and budgeted the additional monies in the 2008 budget; therefore be it

RESOLVED: That the Board of Elections be hereby authorized to create and fill two (2) part-time (17 hours/week or less) Election Clerk positions at a rate of \$10 per hour, effective May 14, 2008 through November 28, 2008.

On roll call vote on the above resolution, seven members voted Aye, Legislator Quinlan being absent, Legislator Roberts voting no, and the resolution was adopted.

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO.177-08 *AUTHORIZE EXTENSION OF
CONTRACT
TREASURER'S OFFICE*

Adoption moved by Legislator McEwen,
seconded by Legislator Burns.

WHEREAS: Resolution 318-07 authorized a contract with Darlene Cobler to provide training for the 2nd Deputy County Treasurer; and

WHEREAS: Ms. Cobler has been providing said training but has exhausted the original contract amount and the County Treasurer expects additional time will be needed as the 2nd Deputy County Treasurer has not received training on all required tasks; and

WHEREAS: The County Treasurer would like Ms. Cobler to extend her training up to 100 hours and Ms. Cobler is willing; and

WHEREAS: The County Attorney has reviewed the contract; now therefore be it

RESOLVED: That the County Treasurer is hereby authorized to amend the contract with Darlene Cobler to provide training at an hourly rate of \$25.00, not to exceed a total of \$2,500 for the period May 13, 2008 through August 1, 2008.

On roll call vote on the above resolution, seven members voted Aye, Legislator Quinlan being absent, Legislator Roberts voting no, and the resolution was adopted.

REFERRED TO: BOARD OF ELECTIONS/LEGAL

RESOLUTION NO. 178-08 AUTHORIZATION LEASE OF SPACE FOR VOTING MACHINES ON AS NEEDED BASIS

Adoption moved by Legislator Penney,
seconded by Legislator McEwen.

WHEREAS: The Board of Elections has ordered its mandated HAVA compliant voting machines and may receive all of its voting machines from the manufacturer without notice in the coming months; and

WHEREAS: The State and the manufacturer of the machines have not finalized all of the storage requirements for these machines; and

WHEREAS: Until such time as the requirements are finalized, the County is unable to make any long term decisions on the location of the storage of these machines; and

WHEREAS: The County may not have sufficient and compliant space to store the machines until such time as a permanent solution can be found; and

WHEREAS: Temporary space of a 1,020 square foot room is available at the site commonly known as the Washington Gladden building owned by Abide in the Vine for a month to month at a pro-rata rate of \$9.50/sq. ft. annually [1,020 @ \$9.50 equals \$9690/yr. or \$807.50/month] with the tenant making all improvements; and

<u>2008 Corrected Tax</u>	
County	\$487.53
Recycle	21.28
Townwide	416.49
Berkshire Fire	99.94
TOTAL	\$1,025.24

and be it further

RESOLVED: That the erroneous town tax of \$73.50 be charged back to the Town of Berkshire and the erroneous fire district tax of \$17.63 be charged back to the Berkshire Fire district; and be it further

RESOLVED: That the erroneous recycle tax of \$3.75 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$86.04 be charged back to the proper account in the records of the Tioga County Treasurer.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO: FINANCE COMMITTEE

**RESOLUTION NO.180-08 *ERRONEOUS ASSESSMENT
 TOWN OF RICHFORD***

Adoption moved by Legislator McEwen,
 seconded by Legislator Burns.

WHEREAS: An application for corrected tax roll indicates that the taxable values of \$11,300 for 2008, and \$4,500 for 2007, on property no. 666, assessed to Stuhlmiller Farms Inc. on the tax rolls of the Town of Richford, are erroneous in that no agriculture exemptions were granted for those years, therefore changing the 2008 taxable value to \$7,600, and the 2007 taxable value to \$2,500; and

WHEREAS: The taxable value of \$3,800 on the 2006 tax roll of the Town of Richford is erroneous in that an agricultural exemption was allowed for that year, therefore changing the taxable value for 2006 to \$500; and

WHEREAS: The taxes for 2008 were paid to the Town of Richford on 12/31/07; the 2007 taxes were paid on 12/30/06; and the 2006 taxes were paid on 12/31/05; be it therefore

RESOLVED: That a refund of \$215.16 be issued to Stuhlmiller Farms Inc. for overpayment of 2008, 2007, and 2006 taxes on property no. 666 in the Town of Richford; and be it further

RESOLVED: That the erroneous town tax of \$123.97 be charged back to the Town of Richford and the erroneous fire district tax of \$18.67 be charged back to the Richford Fire District 702; and be it further

RESOLVED: That the erroneous recycle tax of \$3.35 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$69.17 be charged to the proper account in the record of the County Treasurer.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO.181-08 *ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

Adoption moved by Legislator McEwen,
seconded by Legislator Burns.

WHEREAS: An application for corrected tax roll indicates that the taxable value of \$28,650 on property no. 896, assessed to Jessica E Lang on the 2008 tax roll of the Town of Spencer is erroneous in that the assessed amount was an error by the prior Town of Spencer assessor, therefore changing the taxable value to \$21,100; and

WHEREAS: The 2008 Town and County Taxes on property no. 896 in the Town of Spencer were paid to the Town of Spencer on 1/31/08; be it therefore

RESOLVED: That a refund of \$505.59 be issued to Jessica E Lang for overpayment of 2008 taxes on property no. 896 in the Town of Spencer; and be it further

RESOLVED: That the erroneous town tax of \$210.97 be charged back to the Town of Spencer and the erroneous fire district tax of \$12.96 be charged back to the Spencer Fire District 202; and be it further

RESOLVED: That the erroneous recycle tax of \$11.77 be charged back to the Recycle Fund; and be it further

RESOLVED: That the erroneous county tax of \$269.89 be charged to the proper account in the record of the County Treasurer.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

Legislator Sauerbrey made a motion to adjourn at 2:21 pm, seconded by Legislator Roberts, and the motion to adjourn was carried.