

Agenda

TIOGA COUNTY LEGISLATURE

2/9/2010

1:30 PM

EDWARD D. HUBBARD AUDITORIUM

56 Main Street

Owego NY 13827



Meeting called by: Chair Dale Weston

Type of meeting: 2nd Regular

Attendees: Legislator Huttleston
Legislator McEwen
Legislator Monell
Legislator Oberbeck
Legislator Quinlan
Legislator Roberts
Legislator Sauerbrey
Legislator Sullivan
Chair/Legislator Weston

Agenda topics

Invocation Legislator Quinlan
Pledge of Allegiance Legislator Quinlan
Privilege of the Floor
Approval of Minutes
Petitions, Communications & Notices January 4 and 12, 2010
Appointments/Reappointments
Reports of Standing Committees
Reports of Special Committees

RESOLUTIONS:

1. **Erroneous Assessment Town of Newark Valley**
2. **Erroneous Assessment Town of Barton**
3. **Erroneous Assessment Town of Owego**
4. **Erroneous Assessment Town of Barton**
5. **Erroneous Assessment Town of Tioga**
6. **Erroneous Assessment Town of Tioga**
7. **Authorize Sale of Tioga County Property located in the Town of Tioga to Beverly Atkinson or her assigns**
8. **Apportion Dog Fund Monies**
9. **Reappoint REAP Board Member**
10. **Extend Youth Board Members Term Youth Bureau**
11. **Appoint Members Alternatives to Incarceration Advisory Board**
12. **Appoint Director Soil and Water Conservation District**
13. **Resolution appointing Keith Nichols, MD to the Community Services Board**
14. **Approve Funding 2010 Youth Bureau Programs**
15. **Modify Fee Schedule Public Health**
16. **Appropriation of Funds Public Health**
17. **Appropriation of Funds**
18. **Appropriation of Funds Mental Hygiene**
19. **Award Design of Lillie Hill Rd. Bridge (BIN 3335510) & Straits Corners Rd. Bridge (BIN 3335040) to Labella Associates**
20. **Approve Alternatives to Incarceration 2010 Consolidated Service Plan**
21. **Authorize the submission of grant application Emergency Management Office**
22. **Grant Application for Project Implementation Funding for State Energy Program**
23. **Authorize to enter into Agreement**
24. **Set Public Hearing for 2010 Annual Agricultural District Inclusions**
25. **Policy 55 Space Heater Policy**
26. **Authorization to Abolish Part-Time Typist Position District Attorney's Office**
27. **Reappoint Personnel Officer Personnel**

- 28. Request Waiver of 60-Day hold Department of Social Services**
- 29. Approve Leave of Absence for Senior Payroll Clerk
Treasurer's Office**
- 30. Authorize Hiring Waiver of Probation Officer Probation
Department**
- 31. Adjust Salary of Director of Dental Health Services & and
transfer of funds**
- 32. Create & Fill Temporary Highway Worker Positions Public
Works**
- 33. Appoint Democratic Election Commissioner**

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -10

**ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY**

Adoption moved by Legislator
Seconded by Legislator

WHEREAS: An application for corrected tax roll indicates that property no. 1838 assessed to Roger L & Debra A Farthing on the 2010 tax rolls of the Town of Newark Valley is erroneous in that a clerical error was made and a correction filed last year but system never updated, therefore the 2010 taxable value of \$81,000 should have been reduced to \$62,400; be it therefore

RESOLVED: That a corrected 2010 tax bill be issued to Roger & Debra Farthing for property no. 1838 by the Town of Newark Valley as follows:

2010 Corrected Tax Bill Acct #1838

County	\$ 736.32
Recycle	30.76
Townwide	314.59
<u>Newark Valley Fire</u>	<u>90.08</u>
TOTAL	\$ 1,171.75

and be it further

RESOLVED: That the erroneous town tax of \$93.78 be charged back to the Town of Newark Valley and the erroneous fire tax of \$26.85 be charged back to the Newark Valley Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$9.17 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$219.48 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -10

**ERRONEOUS ASSESSMENT
TOWN OF BARTON**

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: An application for corrected tax roll indicates that property #10275 assessed to Cotton Hanlon Inc. on the 2010 tax roll of the Town of Barton is erroneous in that the building on the parcel is part of a pipeline assessment and the correct assessment should be \$215,300; therefore be it

RESOLVED: That the Town of Barton issue a new tax bill to Cotton Hanlon Inc. as indicated below:

Acct # 10275

County	\$ 1,667.28
Recycle	69.54
Townwide	432.45
Lockwood Fire	<u>233.17</u>
	\$ 2,402.44

and be it further

RESOLVED: That the erroneous town tax of \$70.30 be charged back to the Town of Barton and the erroneous fire tax of \$37.91 be charged back to the Lockwood Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$11.31 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$271.04 be charged to the proper account in the records of the County Treasurer.

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -10

ERRONEOUS ASSESSMENT
TOWN OF OWEGO

Adoption moved by Legislator
Seconded by Legislator

WHEREAS: An application for corrected tax roll indicates that a clerical error credited a utility payment of \$211.24 made by Roger Menhennett to property no. 11073 assessed to Robert B Giknis and Laura M St. George on the 2010 tax roll of the Town of Owego when it should have been credited to property no. 11811 assessed to Roger M and Cecilia Menhennett on the 2010 tax roll of the Town of Owego; and

WHEREAS: The error caused the amount of \$211.24 to be erroneously added as unpaid to the tax bill for property no. 11811 assessed to Roger Menhennett; and

WHEREAS: The application states that the amount of \$211.24 be added to the bill for property no. 11073 in addition to the utility amount of \$32.43 that is already on the bill, making the total unpaid utility amount \$243.67 for Robert Giknis; be it therefore

RESOLVED: That a new tax bill be issued to Roger Menhennett for property no. 11811, and a new tax bill be issued to Robert Giknis for property no. 11073 by the Town of Owego as follows:

Corrected 2010 Tax Bills

<u>Roger Menhennett #11811</u>	
County	\$ 932.76
Recycle	38.96
Townwide	75.03
Part Town	178.65
Owego Fire	131.90
<u>Lighting 3</u>	<u>36.34</u>
TOTAL	\$1,393.64

<u>Robert B Giknis #11073</u>	
County	\$ 2,176.79
Recycle	90.92
Townwide	175.11
Part Town	416.92
Return School	5,628.57
Owego Fire	307.81
<u>Utilities</u>	<u>243.67</u>
TOTAL	\$9,039.79

Roll Call:
Ayes
Noes
Absent

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -10

**ERRONEOUS ASSESSMENT
TOWN OF BARTON**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: An application for corrected tax roll indicates that (13) parcels, various account numbers, assessed to the Norfolk Southern Railway in the roll section 7 on the 2010 tax rolls of the Town of Barton are erroneous in that the 2008 instead of the 2009 ceiling amounts were used in error; and

WHEREAS: The total amount of taxes erroneously billed for the (13) parcels in the Town of Barton is \$57,651.39, and should be \$46,443.95 as indicated below:

Owner	Acct#	From	To
Norfolk Southern	11487	\$ 8,049.57	\$ 5,853.72
Norfolk Southern	11488	696.49	506.88
Norfolk Southern	11490	2,558.36	1,860.46
Norfolk Southern	11491	849.43	617.71
Norfolk Southern	11535	5,904.21	4,880.02
Norfolk Southern	11536	9,243.18	7,639.79
Norfolk Southern	11537	1,263.81	1,044.58
Norfolk Southern	11538	3,869.65	3,198.39
Norfolk Southern	11539	3,362.44	2,779.17
Norfolk Southern	11541	1,503.65	1,242.81
Norfolk Southern	11542	1,433.40	1,184.75
Norfolk Southern	11543	7,317.47	6,048.11
Norfolk Southern	11544	11,599.73	9,587.56
TOTALS		\$57,651.39	\$46,443.95

be it therefore

RESOLVED: That Norfolk Southern Railway pay the reduced amount for the (13) parcels in the Town of Barton; and be it further

RESOLVED: That the erroneous town tax of \$2,043.91 be charged back to the Town of Barton and the erroneous fire tax of \$954.76 be charged back to the Waverly Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$328.69 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$7,880.08 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -10

**ERRONEOUS ASSESSMENT
TOWN OF TIOGA**

Adoption moved by Legislator
Seconded by Legislator

WHEREAS: An application for corrected tax roll indicates that unpaid school taxes in the amount of \$2,255.28 for property no. 1301, assessed to G Henry Manwaring on the 2010 tax roll of the Town of Tioga were relieved in error to property no. 2006, assessed to Phelan Hill on the 2010 tax rolls of the Town of Tioga; be it therefore

RESOLVED: That a new tax bill be issued to G Henry Manwaring for property no. 1301 and a new tax bill be issued to Phelan Hill for property no. 2006 by the Town of Tioga as follows:

Corrected 2010 Town of Tioga Tax Bills

<u>Acct 2006 – Hill</u>		<u>Acct 1301 – Manwaring</u>	
County	\$ 71.78	County	\$ 2,103.13
Recycle	3.00	Recycle	87.85
Townwide	27.75	Townwide	813.13
<u>Tioga Fire</u>	<u>6.91</u>	Return School	2,255.28
TOTAL	\$ 109.44	<u>Tioga Fire</u>	<u>202.36</u>
		TOTAL	\$ 5,461.75

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -10

**ERRONEOUS ASSESSMENT
TOWN OF TIOGA**

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: An application for corrected tax roll indicates that property no. 2242, assessed to J2RE, LLC on the 2010 tax rolls of the Town of Tioga is erroneous in that the parcel was taken over by the Town of Tioga as a town road known as Fieldstone Lane and should be tax exempt; and

WHEREAS: The 2010 tax bill amount is \$54.72; be it therefore

RESOLVED: That the erroneous town tax of \$13.88 be charged back to the Town of Tioga and the erroneous fire tax of \$3.45 be charged back to the Tioga Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$1.50 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$35.89 be charged to the proper account in the records of the County Treasurer

Roll Call:

Ayes

Noes

Absent

REFERRED TO: FINANCE/LEGAL COMMITTEE

**RESOLUTION NO. -10 AUTHORIZE SALE OF TIOGA
COUNTY PROPERTY LOCATED
IN THE TOWN OF TIOGA TO
BEVERLY ATKINSON OR HER ASSIGNS**

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: Property located in the Town of Tioga, assessed to the County of Tioga, identified as Tax Map number 148.08-1-17 and parcel number 345; and

WHEREAS: The County has been approached by Beverly Atkinson, who has made an offer to purchase the property for \$1.00, “as is”, thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$1.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property assessed to the County of Tioga located in the Town of Tioga, identified on the Town of Tioga Tax Map as number 148.08-1-17, parcel number 345, to Beverly Atkinson or her assigns.

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -10

APPORTION DOG FUND MONIES

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: There has been received from the County Treasurer a report of the expenditures and surplus from the Dog License Fund monies for the year ended December 31, 2009; be it therefore

RESOLVED: That the County Treasurer is hereby authorized and directed to pay to the several Towns the surplus monies apportioned to them as follows:

Town of Barton	\$1,554.04
Town of Berkshire	\$ 377.78
Town of Candor	\$1,543.60
Town of Newark Valley	\$ 675.00
Town of Nichols	\$ 756.76
Town of Owego	\$2,228.12
Town of Richford	\$ 101.96
Town of Spencer	\$ 551.38
Town of Tioga	<u>\$ 924.01</u>
TOTAL	\$8,712.65

Roll Call:

Ayes

Noes

Absent

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -09 REAPPOINT REAP BOARD MEMBER

**Adoption moved by Legislator
Seconded by Legislator**

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

WHEREAS: Elaine Jardine, Planning Director, is willing to serve another term on the REAP Board of Directors; therefore be it

RESOLVED: That Elaine Jardine, Planning Director, be hereby reappointed to the REAP Board for a two year term from February 14, 2010 through February 13, 2012.

Roll Call:

Ayes

Noes

Absent

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. -10 EXTEND YOUTH BOARD MEMBERS TERM
YOUTH BUREAU**

**Adoption moved by Legislator
Seconded by Legislator**

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

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

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

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

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

	<u>TERM</u>
Angela Klopf (Extending Term)	01/01/2010 – 12/31/2013
Hannah Robinson (Extending Term)	01/01/2010 – 12/31/2013
Nicole O’Connell-Avery (Extending Term)	01/01/2010 – 12/31/2013
Barbara Crannell (Extending Term)	01/01/2010 – 12/31/2013

**Roll Call:
Ayes
Noes
Absent**

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -10

**APPOINT MEMBERS
ALTERNATIVES TO
INCARCERATION ADVISORY
BOARD**

**Adoption moved by Legislator
seconded by Legislator**

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

	TERM
Ex-Offender	4/1/10-3/31/11
Crime Victim	4/1/10-3/31/11
Rep for Private Organization Operating within County	4/1/10-3/31/11
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/10-3/31/11

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 10

**APPOINT DIRECTOR
SOIL AND WATER CONSERVATION
DISTRICT**

**Adoption moved by Legislator
Seconded by Legislator**

**RESOLVED: That Robert Aman of Candor, New York be hereby appointed Farm
Bureau Representative for a term of April 1, 2010 through March 31, 2013.**

Roll Call:

Ayes

Noes

Absent

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. -10 RESOLUTION APPOINTING
KEITH NICHOLS, MD 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: Keith Nichols, MD residing in Owego, NY, has expressed an interest in filling the vacant position; and

WHEREAS: The Community Services Board nominated Dr. Nichols for the position at its January 21, 2010 meeting; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Keith Nichols, MD to the Tioga County Community Services Board for the remainder of a vacant position ending on March 31, 2013.

Roll Call:

Ayes

Noes

Absent

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. -10 APPROVE FUNDING
2010 YOUTH BUREAU PROGRAMS**

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding, which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Board has reviewed 2010 applications for funding, which are consistent with guidelines previously presented to the Legislative Committee; now therefore be it

RESOLVED: That the following programs recommended by the Tioga County Youth Board for program year 2010 be approved by the Tioga County Legislature in the amounts indicated:

Youth Development and Delinquency Prevention Programs

Cooperative Extension Family Resource Centers	\$13,647
Tioga County Council on Alcohol & Substance Abuse	\$ 6,243
Cooperative Extension Waverly Youth Café	\$ 4,344
Camp Ahwaga	\$ 3,069
Spencer Van Etten Building Foundations	\$ 2,000
Newark Valley Historical Society Youth Programs	\$ 800

Special Delinquency Prevention Programs

Big Brothers Big Sisters of Bradford County, Inc.	\$ 8,949
A New Hope Center	\$ 8,247
Cooperative Extension Family Resource Centers	\$ 2,224
TOTAL	<u>\$49,523</u>

**Roll Call:
Ayes
Noes
Absent**

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

**RESOLUTION NO. - 10 MODIFY FEE SCHEDULE
PUBLIC HEALTH**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: The current rate schedule for Tioga County Department of Public Health services is below the level to insure maximum reimbursement; and

WHEREAS: The Department of Public Health would be able to increase revenues with the adjusted rate; and

WHEREAS: Our independent auditors have recommended that the Public Health services rate be adjusted; and

WHEREAS: Changes to rates are required to be approved by the Legislature; therefore be it

RESOLVED: That the fee schedule be modified as follows retroactive to January 1, 2010:

Skilled Nursing Care \$185.00 per visit

**Roll Call:
Ayes
Noes
Absent**

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

**RESOLUTION NO. -10 APPROPRIATION OF FUNDS
PUBLIC HEALTH**

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: Tioga County Health Department (TCHD) has received a funding award from the National Association of County and City Health Officials (NACCHO) for assisting NACCHO's development of accreditation of Health Departments; and

WHEREAS: The funding provided is intended to offset costs incurred and the purchase of items as part of the program; and

WHEREAS: NACCHO has approved the funding plan; and

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

RESOLVED: That funding be appropriated as follows:

From: A1610.22	Public Health Admin: Receipts	\$ 27,280
To: A4011.40-595	Public Health Admin: Services	\$ 27,280

**Roll Call:
Ayes
Noes
Absent**

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

RESOLUTION NO. -10 APPROPRIATION OF FUNDS

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: Tioga County Health Department (TCHD) has received funding from Office of Homeland Security (OHS) for the Public Health Emergency Preparedness program; and

WHEREAS: TCHD has received approval of the funding budget by OHS; and

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

RESOLVED: That funding be appropriated as follows:

From:	A4401.00 Federal Funds	\$27,776
To:	A4011.20-130 Health Admin: Equipment	\$11,500
To:	A4011.40-640 Health Admin: Supplies	\$16,276

**Roll Call:
Ayes
Noes
Absent**

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

**RESOLUTION NO. -10 APPROPRIATION OF FUNDS
MENTAL HYGIENE**

**Adoption moved by Legislator
seconded by Legislator**

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

WHEREAS: This Federal funding is specifically earmarked for Tioga County Council of Alcohol and Substance Abuse (TCCASA); and

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

RESOLVED: That funding be appropriated as follows:

From: A4486.00 Federal Aid \$ 1,800

To: A4211.40-590 Services Rendered \$ 1,800

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. -10

**AWARD DESIGN OF LILLIE HILL
RD. BRIDGE (BIN 3335510) &
STRAITS CORNERS RD. BRIDGE
(BIN 3335040) TO
LABELLA ASSOCIATES**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: The Commissioner of Public Works requested proposals for design services for the Lillie Hill Rd. Bridge over Apalachin Creek (BIN:#3335510) and Straits Corners Rd. Bridge over Pipe Creek (BIN #3335040); and

WHEREAS: The proposals were as follows:

Labella Associates	Rochester, NY	\$110,000
Shumaker Consulting Engineers	Binghamton, NY	\$124,050
McFarland & Johnson	Binghamton, NY	\$125,000
Delta Engineers	Binghamton, NY	\$131,000
C & S Companies	Syracuse, NY	\$250,000

And

WHEREAS: The Commissioner of Public Works put funds in the 2010 budget for these projects; therefore be it

RESOLVED: That the Tioga County Legislature award the design services for both bridges to Labella Associates, Rochester, NY in the amount of \$55,000 to be paid out of account H2010.06 Straits Corners Rd. Bridge (BIN 3335040) and \$55,000 to be paid out of account H2010.07 Lillie Hill Rd. Bridge (BIN 3335510) for a total amount of \$110,000.

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -10

**APPROVE ALTERNATIVES TO
INCARCERATION 2010
CONSOLIDATED SERVICE PLAN**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: The Alternatives To Incarceration Service Plan for 2010 has been presented to and approved by members of the Alternatives To Incarceration Committee on January 21, 2010; now therefore be it

RESOLVED: That the Tioga County Legislature approve the Alternatives To Incarceration Service Plan for the time period of 1/01/2010 to 12/31/2010 and submit same to the NYS Division of Probation and Correctional Alternatives in order to continue state funding for Pre-Trial Release, Community Service, and Specialized & Drug/Alcohol Programs.

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -10

**AUTHORIZE THE SUBMISSION
OF GRANT APPLICATION
EMERGENCY MANAGEMENT**

**Adoption moved Legislator
seconded Legislator**

WHEREAS: The NYS Emergency Management Office has announced the FY '09 Local Emergency Planning Grant (LEMPG) for Tioga County Emergency Management Office for the amount of \$21,669; and

WHEREAS: The Tioga County Emergency Management Office has already performed work that is specified in said grant; and

WHEREAS: Applications for these monies must be received no later than February 12th 2010; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant applications are submitted; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be authorized to submit the appropriate grant applications for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such applications.

Roll Call:

Ayes

Noes

Absent

**REFERRED TO: INFORMATION TECHNOLOGY
FINANCE COMMITTEE**

**RESOLUTION NO. -10 GRANT APPLICATION FOR PROJECT
IMPLEMENTATION FUNDING FOR STATE
ENERGY PROGRAM**

**Adoption moved by Legislator
seconded by Legislator**

**WHEREAS: The Information Technology and Communication Services
Department plans to submit a proposal through the New York State Energy
Research and Development Authority; and**

**WHEREAS: The grant, not to exceed \$50,000, will be used to purchase replacement
server equipment for the purpose of reducing energy cost; and**

**WHEREAS: Information Technology will apply for this grant with no local
matching funds for the 2010 grant year; therefore be it**

**RESOLVED: That the server replacement proposal be hereby approved for
submission to the New York State Energy Research and Development Authority for
the 2010 grant year.**

**Roll Call:
Ayes
Noes
Absent**

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

**RESOLUTION NO. -10 AUTHORIZATION TO ENTER INTO
AGREEMENT**

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: Tioga County Health Department (TCHD) is in need of assistance in the development and completion of the required Community Health Assessment (CHA) and a Community Health Improvement Plan (CHIP); and

WHEREAS: TCHD has identified Upstate Medical Syracuse University Central NY Master of Public Health (Upstate Medical SU-CNY MPH) as an appropriate and experienced agency to assist in the development and completion of the CHA and CHIP; and

WHEREAS: Upstate Medical SU-CNY MPH is willing and able to assist TCHD in the development and completion of the CHA and CHIP, for a fee not to exceed \$17,000;

WHEREAS: The cost of the service has been included in the Health Department's 2010 budget; and

WHEREAS: Authorization to enter into a contract requires Legislative approval; therefore be it

RESOLVED: That the Legislature authorizes Tioga Health Department to enter into contract agreement with Upstate Medical SU-CNY MPH for development and completion of the CHA and CHIP with costs not to exceed \$17,000.

Roll Call:

Ayes

Noes

Absent

REFERRED TO:

**ED&P COMMITTEE
AG COMMITTEE**

RESOLUTION NO. -10

**SET PUBLIC HEARING FOR 2010
ANNUAL AGRICULTURAL DISTRICT
INCLUSIONS**

**Adoption moved by Legislator
seconded by Legislator**

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

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

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2010 on March 4th, 2010 at 1:00 PM in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, NY.

Roll Call:

Ayes

Noes

Absent

REFERRED TO: PUBLIC WORKS

**RESOLUTION NO. -10 POLICY 55
SPACE HEATER POLICY**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: Tioga County desires to limit the use of space heaters due to fire hazard; and

WHEREAS: Tioga County provides climate controlled working space for its employees; therefore be it

RESOLVED: That Policy 55 Space Heater Policy is hereby adopted as follows:

POLICY 55

Space Heater Policy

No space heaters shall be allowed in any County Building unless installed as part of the building heating system.

Roll Call:

Ayes

Noes

Absent

**REFERRED TO: PERSONNEL
LEGAL COMMITTEE**

**RESOLUTION NO. 10 AUTHORIZATION TO ABOLISH PART-
TIME TYPIST POSITION
DISTRICT ATTORNEY'S OFFICE**

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: Legislative approval is required for any position to be abolished within Tioga County; and

WHEREAS: It has been determined that the part-time Typist position previously filled by Shari Ramsey at the Tioga County District Attorney's Office has been vacant since January 2, 2009; and

WHEREAS: The District Attorney has identified this position as one that can be abolished at this time; therefore be it

RESOLVED: That the part-time Typist position which has been vacant since January 2, 2009 within the Tioga County District Attorney's Office be abolished, effective February 10, 2010.

**Roll Call:
Ayes
Noes
Absent**

REFERRED TO: PERSONNEL COMMITTEE
RESOLUTION NO. REAPPOINT PERSONNEL OFFICER
PERSONNEL

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: The Tioga County Personnel Officer serves six-year terms; and

WHEREAS: The current term is due to expire March 17, 2010; and

WHEREAS: The Personnel Committee has recommended that Bethany O'Rourke be reappointed as Personnel Officer for the Personnel/Civil Service Department; and

WHEREAS: Bethany O'Rourke is willing and eligible to accept such reappointment; therefore be it

RESOLVED: That Bethany O'Rourke be and hereby is reappointed as the Tioga County Personnel Officer effective March 18, 2010, for a six-year term ending March 17, 2016.

Roll Call:
Ayes
Noes
Absent

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

**RESOLUTION NO. -10 REQUEST WAIVER OF 60-DAY HOLD
DEPARTMENT OF SOCIAL SERVICES**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: Resolution 147-09 placed a 60-day backfill delay on vacancies and Resolution 302-09 extended that 60-day backfill delay through December 31, 2010; and

WHEREAS: Effective February 1, 2010, Ashley Morey has been hired into a full-time Community Services Worker position from her temporary Typist position in the HEAP Unit and under the 60-day backfill delay would not be replaced until April 1, 2010; and

WHEREAS: The Typist is a key temporary position during the HEAP season, and is only authorized through May 15, 2010; and

WHEREAS: The Employment and Transitional Supports Unit has experienced short staffing in the clerical area due to the 60-day backfill delay since November 30, 2009; and

WHEREAS: The Federal reimbursement will be 100% with no local share, therefore be it

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver from the 60-day hiring delay for Ms. Morey's position and is authorized to fill it as of February 10, 2010.

Roll Call:

Ayes

Noes

Absent

**REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE**

**RESOLUTION NO. -10 APPROVE LEAVE OF ABSENCE FOR
SENIOR PAYROLL CLERK
TREASURER'S OFFICE**

**Adoption moved by Legislator
Seconded by Legislator**

WHEREAS: Legislative approval is required for a leave of absence in excess of 60 days; and

WHEREAS: Janice Yuricek, Senior Payroll Clerk within the Treasurer's Office, has accepted provisional appointment as an Administrative Accounting Supervisor with the Public Health Department; and

WHEREAS: Ms. Yuricek must successfully complete the civil service examination requirement prior to serving out a probationary period in order to obtain permanent status as Administrative Accounting Supervisor; and

WHEREAS: An examination for Administrative Accounting Supervisor is anticipated for the fall of 2010 and, upon appointment from the resulting eligible list, the probationary period would be at least 8 but not more than 52 weeks; and

WHEREAS: The Treasurer will fill, on a contingent permanent basis from within his department, the Senior Payroll Clerk position for this undetermined duration; and

WHEREAS: The leave of absence extension would allow Ms. Yuricek to return to her Senior Payroll Clerk position should she not obtain permanent status as an Administrative Accounting Supervisor; therefore be it

RESOLVED: That the Tioga County Legislature authorize a leave of absence for Ms. Yuricek from the Senior Payroll Clerk position beginning 2/10/10 until such time as she either obtains permanent status as an Administrative Accounting Supervisor, or she elects to return to her former position as Senior Payroll Clerk, whichever occurs first.

**Roll Call:
Ayes
Noes
Absent**

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

**RESOLUTION NO. 10 AUTHORIZE HIRING WAIVER OF
PROBATION OFFICER
PROBATION DEPARTMENT**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: Legislative approval is required in order to authorize a waiver of the 60-day delay to backfill a vacancy; and

WHEREAS: The Probation Director has refrained from filling vacancies, specifically with a Probation Officer vacancy which occurred in October 2008 but was not backfilled until November 2009; and

WHEREAS: The Probation Director has also delayed in making an internal promotion of a Probation Officer (Teri Rosenberger) to backfill a Senior Probation Officer slot, which has been vacant since 11/13/09 when Renee Mobley resigned; and

WHEREAS: There is a desire to backfill this most recent Probation Officer vacancy, which has occurred on 01/27/10, due to the volume of work which exists as a result of staff turnover experienced by the Department; and

WHEREAS: The Probation Director has exercised patience in filling her vacancies, which in 2010 has already resulted in a cost savings to the County of approximately \$3,000.00; therefore be it

RESOLVED: That the Probation Director is hereby granted a waiver from the 60-day Hiring Delay for the upcoming vacancy of Probation Officer and is authorized to fill said position as of February 16, 2010.

**Roll Call:
Ayes
Noes
Absent**

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

**RESOLUTION NO. -10 ADJUST SALARY OF DIRECTOR OF
DENTAL HEALTH SERVICES &
TRANSFER OF FUNDS**

WHEREAS: The position of Director of Dental Health Services was created in the 2010 County budget in accordance with compliance with IRS regulations; and

WHEREAS: The Director of Dental Health Services were performed by Sue Medina on a contractual basis since 2003; and

WHEREAS: Per Legislative policy, the starting salary for new employees is the low end of the salary range unless set at higher amount by Legislative resolution; and

WHEREAS: Since the County has acknowledged to the IRS that the position was consistent with that of an employee, the Public Health Director feels it is appropriate to adjust the salary with the increases that would have been earned by a County non-union employee during the time Sue Medina was in the position; and

WHEREAS: The Personnel Office has calculated the non-union salary increases and determined what the increases for Sue Medina would have been since 2003; and

WHEREAS: Funding for the salary adjustment was budgeted for in the 2010 department budget, yet requires a funds transfer from the budgeted contractual line to the appropriate Personal Services line items; therefore be it

RESOLVED: That the annual salary for Sue Medina, as the Director of Dental Health Services, be adjusted to \$45,949 retroactive to January 4, 2010; and be it further

RESOLVED: That funds be transferred as follows:

From: A4064.40-140 Dental Services: Contractual Services	\$ 3,949
To: A4064.10-10 Dental Services: Personnel Services	\$ 3,949

**Roll Call:
Ayes
Noes
Absent**

REFERRED TO:

**PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE**

RESOLUTION NO. -10

**CREATE & FILL TEMPORARY
HIGHWAY WORKER POSITIONS
PUBLIC WORKS**

**Adoption moved by Legislator
seconded by Legislator**

WHEREAS: There will be a need for the Highway Department to employ six seasonal Highway Workers for 2010; 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 six Highway Workers at an hourly rate of \$9.00/hr effective 03/01/10 for a temporary duration not to exceed 11/30/10.

Roll Call:

Ayes

Noes

Absent

REFERRED TO: PERSONNEL COMMITTEE
RESOLUTION NO. -10 APPOINT DEMOCRATIC
ELECTION COMMISSIONER

Adoption moved by Legislator
seconded by Legislator

WHEREAS: The Democratic Election Commissioner retired effective January 15, 2010; and

WHEREAS: The Chairman of the Democratic Party has submitted the Party's nomination of John J. Langan to the Clerk of the Legislature; and

WHEREAS: After review of the resume and qualifications of John J. Langan the Legislature is in agreement to such appointment; therefore be it

RESOLVED: That John J. Langan be and hereby is appointed Election Commissioner for the Democratic Party to fill the unexpired term from February 10, 2010 through December 31, 2010; and be it further

RESOLVED: That Mr. Langan's annual salary for 2010 was established per Resolution No. 301-09 at \$34,000 for 2010.

Roll Call:
Ayes
Noes
Absent