

Twelfth Regular Meeting
December 11, 2012

The Twelfth Regular Meeting of 2012 was held on December 11, 2012 and was called to order by the Chair at 6:01 P.M. All Legislative members were present.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. "Heavenly Father thank you for the blessings on this Country and we ask for your guidance and knowledge as we make decisions for the good of others."

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

There were 37 people in attendance.

The Chair asked for unanimous motion and second for the following four recognition resolutions.

Legislator Sullivan read and presented the following recognition resolution to Gerald Keene, District Attorney.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 277-12

*RESOLUTION RECOGNIZING
GERALD A. KEENE'S
32 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Gerald A. Keene began his career as Assistant Public Defender in the Public Defender's Office on January 1, 1981. On January 1, 1983 he was appointed 2nd Assistant Public Defender; on November 15, 1985 he was appointed 3rd Assistant District Attorney in the District Attorney's Office; on August 24, 1992 he was appointed 2nd Assistant District Attorney; on January 1, 1998 he was appointed 1st Assistant District Attorney; on September 1, 1999 he was appointed Acting District Attorney; and on January 1, 2000 was elected District Attorney; and

WHEREAS: Jerry has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 32 years. He has earned the respect of his colleagues in other county agencies, and those citizens he professionally interacts with throughout Tioga County; and

WHEREAS: Jerry was very instrumental as District Attorney in some very high profile cases including the Cal Harris murder trial, Francis Strasser, Eunice Baker, Giuseppe Cataldo, Joseph Brown, just to name a few; and

WHEREAS: Jerry will be leaving County employment on December 31, 2012; 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 Gerald A. Keene for his 32 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, Gerald A. Keene.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sullivan spoke. "After 32 years thank you so much and congratulations on your new assignment. Jerry is going to continue serving the public of Tioga County in his new position as Judge. Good luck to you."

District Attorney Gerald Keene spoke. "First of all I want to say that I am relieved because I thought you were asking me here to give back all the money that you had paid me over the years and I am glad that that is not the purpose of this. Seriously, I feel like I should be presenting a plaque to the Legislature instead of me getting a plaque from you because Tioga County has been a great employer for me over the years and I really do appreciate everything that the County has done for me, provided medical insurance that got me through my wife's bout with breast cancer, two children that all their medical bills were paid when they were born, and it has been great working for Tioga County. It has been great working with the different agencies in Tioga County and the

nice thing about this retirement is that I really do not have to go anywhere, I am going to be right down the street and hopefully continuing to serve the County for at least the next 10 years. Thank you very much for this honor and thank you for the job that you have given me over the years. I do appreciate it.”

Chair Weston noted the following recognition resolution for Jill Van Housen’s 34 years of dedicated service to Tioga County.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 278-12

*RESOLUTION RECOGNIZING
JILL E. VAN HOUSEN’S
34 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Jill E. Van Housen began her career as a Clerk Typist in the Department of Social Services on March 6, 1978. On September 15, 1986 she was appointed Account Clerk Typist to Employment & Training; on January 1, 1988 she was appointed Senior Account Clerk Typist to Employment & Training; on May 2, 1988 she was reinstated to Account Clerk Typist for Tioga Allied Services Assessment Program; on February 2, 1989 she was appointed Stenographer to the Department of Social Services; on July 9, 1990 she was appointed Administrative Secretary to the Department of Social Services; on August 10, 1992 she was appointed Secretary to the Senior Assistant County Attorney in the Law Department; and on December 8, 1997 she was appointed Secretary to the District Attorney; and

WHEREAS: Jill has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 34 years. She has earned the respect of the District Attorney, co-workers, colleagues in other county agencies, and those citizens she professionally interacts with throughout Tioga County; and

WHEREAS: Jill E. Van Housen will retire on December 26, 2012; 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 Jill E. Van Housen for her 34 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, Jill E. Van Housen.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston read and presented the following recognition resolution to Kathleen Klossner.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 279-12 *RECOGNITION OF
KATHLEEN A. KLOSSNER'S 22 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
HEALTH DEPARTMENT*

WHEREAS: Kathleen A. Klossner was appointed to the position of Home Health Aide on May 7, 1990 in the Tioga County Health Department; the position she still holds; and

WHEREAS: Kathleen A. Klossner has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 22 years to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Klossner will retire on December 31, 2012; 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 Kathleen A. Klossner for her over 22 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, Kathleen A. Klossner.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. “You are the winner because you are retiring, but the people you served for all those years are probably the losers, and probably are going to miss you. I really appreciate all you have done.”

Kathleen Klossner spoke. “Thank you. It is great to have a job that you really love what you are doing. It was a pleasure to come to work every day. Thank you.”

Sandy Hoose of the Public Health Department spoke. “I have had the pleasure of being Kathy’s Supervisor for about five years now and I can honestly say that she does love her job, the way she treats her patients and how she cares for the people in Tioga County with compassion and hard work. She is always there to help when we need her and she is always willing to volunteer to do extra. She even earned her LPN degree while working as a Home Health Aide full time and decided to stay with us even though she could have gone elsewhere. We were really pleased about that.

“We have only heard positive things from her clients. They love her. They truly do. We are grateful that we had her for so long with the Health Department, but also we wish her much luck. Thank you.”

Johannes Peeters, Public Health Director, spoke. “I just want to talk a little bit about what a Home Health Aide does. For those people that do not know, they go into people’s houses, some of them are not the best in the world. They have to take people out of bed and get those things done, and that is not a very easy job. In managed care you will find out that Health Aides are going to be more of a thing that is going to be required because of the savings that it does for health insurance. They do a lot of hard work. If you do not know the types of work they do, it is very difficult. I mean they get to clean people’s

houses and some of the houses you would not even want to go into and yet they still go in there and do their task.

“In past life I have had a Home Health Aide that even got beat up while they were in a home. It is a demanding job. It takes a special person to do that and I want to thank Kathy because she is one of those very special persons to do that and for 22 years. That is a long time to be doing that. Most people in that job burnout long before that occurs. I want to thank her for all of that. I wish her all the best in her retirement. She has been a great gal to be working for us for all those years. Thank you.”

Legislator Huttleston read and presented the following recognition resolution to Patricia Brown of the Mental Hygiene Department.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 280-12

*RESOLUTION RECOGNIZING
PATRICIA A. BROWN'S
25 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Patricia A. Brown began her career as a county employee when she was appointed to the position of Account Clerk Typist on September 23, 1987 at the Tioga County Mental Hygiene Department. On July 17, 1989, she was appointed to Office Manager; on July 16, 1990 she was promoted to the position of Principal Account Clerk; and on January 1, 1994 she was promoted to Administrative Accounting Supervisor; and

WHEREAS: Patricia A. Brown has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 25 years. She has earned the respect of her Director, co-workers, colleagues in other county agencies, and those citizens she professionally interacts with throughout Tioga County; and

WHEREAS: Patricia A. Brown will retire on December 29, 2012; 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 Patricia Brown for her 25 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, Patricia A. Brown.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. “Congratulations and I guess Lori the way she was moving up the ladder, if she stayed there you might not of had the job you have. She would have went right into that job running the whole show. We really appreciate people and we hate to see people like you leave, but we also wish you a lot of luck and a lot of success. Thank you.”

Lori Monk, Director of Community Services spoke. “I am very sad to be saying goodbye to Pat, but very happy that she will be enjoying her retirement. Thank you Pat for your 25 years of dedication to the Department where you have shared your wisdom and served with honor and integrity. The Department will be emptier without you, but we will always be grateful for your honest opinions, work ethic like no other, and a commitment that will continue to be recognized in the Department. I would like to wish you the very best in starting a new chapter in your life.”

Chris Korba, Director of Administrative Services for Mental Hygiene spoke. “As Pat’s Supervisor for the last two and a half years it has just been an absolute pleasure to have her work for me. She has made my job so much easier. She is honest, dedicated. Her integrity is second to none. May God Bless you in your retirement.”

Pat Brown spoke. “I really appreciate it. I have had the pleasure of working with a lot of great people and have been very fortunate working with these wonderful billing people that help do my job. I appreciate everything and may God Bless you.”

Sandy Hoose from the Employee Recognition Committee presented Employee of the 4th Quarter 2012 to Barbara McCormick of the Public Health Department.

"On behalf of the Employee Recognition Committee we would like to thank the Legislators for their continued support as we recognize those who serve our County so well. I would like to recognize Barb McCormick as the Employee of the 4th Quarter 2012.

"Barb's Supervisor Denis could not be here. Barb started with the County in 1988 as an Account Clerk Typist and has been promoted several times all the way to her current position as Confidential Assistant to Denis McCann. One constant through all these positions is that Barb has processed payroll for the Health Department. We love her dearly for that.

"Other responsibilities include preparing grants and state aid reimbursement claims, supervision of staff, purchase orders, liaison with Buildings and Grounds for daily building issues. She reconciles and prepares monthly fiscal reports and access badge system operator, and the right hand of her Supervisor. In addition, Barb regularly assists many in their daily tasks. She is the go to person for many even outside the Health Department. Barb does not wait to be asked to help someone as she typically sees a need and she offers help first. Barb is respected by all her colleagues and supervisors for her thoroughness, compliance, productivity, initiative, accuracy, loyalty, and overall team work approach. She represents Tioga County in a positive manner every day."

Johannes Peeters, Public Health Director, spoke. "Barb has been here ever since I have been here and I will not go through all the standard stuff about she is a hard worker, she completes all her assignments, always on time, she is a team player, I want to go a little bit about what is in her job description. I would say if I did not know her and she had changed her career a little bit and had gone to college instead of raising a family, I would have assumed that we would have all been working for her at one point. She is smart, she is clever, she is bright.

"She devoted her life to her family and to her job. While Denis is going about doing his day-to-day stuff, running here and there, there is somebody in the background that is doing all the hard work on that and that is Barb. She is doing all the hard work while her Supervisor is out doing different things. He has to do his job, but I am just saying she is the lady behind all the work doing the stuff. I want to give her credit where credit is due. She does a great job and she has been a pleasure to work with for all these years. I will have to also let you know this is her second time as Employee of the Quarter. I wish her all the best."

Legislator Huttleston spoke. "I congratulate you. She is just one of the many good employees we have. Everybody tells me she is not only a good employee, but she is a lot of fun to be around. I appreciate what you do. I appreciate the whole Department and everybody else. Thank you."

Barb McCormick spoke. "I just want to say thank you. I enjoy working for the County and I work with a great group of people so it makes it all that easier to work with. Thank you."

There was no privilege of the floor.

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		800.90
A1165	District Attorney		1,428.46
A1170	Public Defender		4,334.34
A1172	Assigned Counsel		25,341.24
A1185	Medical Examiners/Coroners		4,781.38
A1325	Treasurer		12,794.05
A1355	Assessments		6,623.22
A1410	County Clerk		242.54
A1411	Department of Motor Vehicles		78.19
A1420	Law		6,181.73
A1430	Personnel		3,631.20
A1450	Elections		42,914.25
A1460	Records Management		3,183.78
A1490	Public Works Administration		5.75
A1620	Buildings	20.99	52,076.46
A1621	Buildings		11,089.12
A1680	Information Technology		37,773.55
A2490	Community College Tuition		942,794.63
A2960	Education Handicapped Children		86,979.29
A3020	Public Safety Comm E911 System		7,806.61
A3110	Sheriff	6,367.50	27,776.64
A3119	LE09-1035-E00	2,779.03	
A3140	Probation		839.59
A3146	Sex Offender Program		18,480.00
A3150	Jail		60,680.76
A3315	Special Traffic Programs		2,442.80
A3410	Fire		9,358.16
A3640	Emergency Mgmt Office		1,040.18
A3641	Emergency Mgmt Grant Program		1,029.50
A3957	Hazard Mitigation Plan		2,126.25

A4010	Public Health Nursing	44,335.37
A4011	Public Health Administration	3,725.81
A4012	Public Health Education	111.89
A4042	Rabies Control	4,195.90
A4044	Early Intervention	27,536.63
A4053	Preventive/Primary Health Services	334.83
A4054	Preventive Dental Services	4,062.21
A4062	Lead Poisoning Program	254.00
A4064	Managed Care-Dental Services	8,485.42
A4070	Disease Control	3,068.17
A4090	Environmental Health	1,209.51
A4210	Alcohol and Drug Services	3,258.70
A4211	Council on Alcoholism	21,980.60
A4309	Mental Hygiene Co Admin	8,482.20
A4311	Mental Health Clinic	56,975.11
A4320	Crisis Intervention Services	33,116.34
A4321	Intensive Case Management	1,963.85
A4390	Criminal Psychiatric Expenditures	6,075.18
A6010	Social Services Administration	63,853.50
A6422	Economic Development	274.17
A6510	Veterans' Service	124.25
A6610	Sealer Weights and Measures	235.82
A7180	Snowmobile Grant Program	6,018.07
A7310	Youth Programs	37.78
A7310.41	Youth Programs, Refundable	2,932.47
A8020	Planning	48.24
A8760	NYS DOS LTCRS Grant	2,417.39
A9060	Health Insurance	3,692.32
SOLID WASTE FUND		92,165.50
SPECIAL GRANT FUND		6,882.02
LIABILITY INSURANCE FUND		716.00
COUNTY ROAD FUND		58,155.73
CAPITAL FUND		951,050.56
CONSOLIDATED HEALTH FUND		576,736.21
SELF INSURANCE FUND		<u>5,118.00</u>
GRAND TOTAL		\$ 3,383,431.84

Legislator Monell made a motion to approve the minutes of November 13, 20, and 21, 2012, seconded by Legislator Roberts, and carried.

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

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 281-12 *FIX TIME OF
ORGANIZATIONAL MEETING*

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 A.M., Wednesday, January 2, 2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 282-12 *ADOPT STATE EQUALIZATION REPORTS*

RESOLVED: That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 283-12 YEAR END TRANSFERS

RESOLVED: That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That the County Treasurer is hereby authorized and directed to effect this resolution.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 284-12 AUTHORIZE TREASURER TO
ENCUMBER FUNDS

RESOLVED: That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

RESOLVED: That said funds be encumbered before December 31, 2012 to allow proper coding of bills for payment in January.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey, moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 285-12 *ADOPT COUNTY BUDGET FOR 2013,
APPROPRIATIONS AND SALARY
SCHEDULE*

RESOLVED: That the tentative budget for Tioga County for the year 2013 submitted by the Budget Officer on November 15, 2012 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2013; and be it further

RESOLVED: That the several amounts specified in such budget as to the total for the several objects as set forth in Schedule 1 therein be appropriated for such objects, effective January 1, 2013; and be it further

RESOLVED: That the full time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 286-12 TOWN TAX LEVY

WHEREAS: There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2013; be it

RESOLVED: That there shall be, and there is, assessed against and levied upon and collected from the taxable property situate in the following Towns outside the incorporated Villages or partially located therein, the amounts indicated for Town purposes as specified in the Budgets of the respective Towns as follows:

<u>Part Town</u>	<u>General Outside</u>	<u>Highway Outside</u>
Barton	-	-
Candor	53,460.00	217,380.00
Newark Valley	-	-
Nichols	12,009.00	38,458.00
Owego	-	1,745,943.00
Spencer	26,692.00	399,141.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

Town of Barton	
Halsey Valley Fire Protection	17,046.00
Lockwood Fire Protection	38,000.00
Waverly Joint Fire Protection	253,348.00
Town of Berkshire	
Berkshire Fire District	146,783.00
Town of Candor	
Candor Fire District	420,203.00
Town of Newark Valley	
Newark Valley Fire District	186,297.74

Town of Nichols	
Lounsberry Fire Protection	3,000.00
Nichols Joint Fire Protection	137,900.00
Town of Owego	
Apalachin Fire District	715,481.00
Owego Fire District	981,994.00
Newark Valley Fire District	27,646.26
Town of Richford	
Richford Fire District	76,705.00
Town of Spencer	
Spencer Fire Protection District	75,000.00
Town of Tioga	
Tioga Fire District	181,039.00
Further	

RESOLVED: That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within certain sewer, water and lighting Districts in the Town of Owego and the amounts specified in their annual budgets as follows:

Water District No. 4/Ext. 13	11,438.00
Water District No. 4/Ext. 15	7,228.00
Water District No. 4/Ext. 17	20,075.00
Water District No. 4/Ext. 20	16,925.00
Sewer District No. 2/Ext. 14	12,950.00
Sewer District No. 2/Ext. 15	12,280.00
Lighting District No. 1	6,344.00
Lighting District No. 2	13,374.00
Lighting District No. 3	12,400.00
Lighting District No. 4A	695.00
Lighting District No. 4B	2,197.00
Lighting District No. 5	7,486.00
Lighting District No. 6	17,243.00
Lighting District No. 7	2,287.00
Lighting District No. 8	1,476.00
Lighting District No. 9	680.00
Lighting District No. 10	951.00

Further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$221,305.92; be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$2,311.18; be it further

RESOLVED: That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	187,880.00	476,180.00
Berkshire	82,455.00	333,750.00
Candor	407,041.00	753,006.00
Newark Valley	286,431.00	307,200.00
Nichols	100,601.00	240,192.00
Owego	860,766.00	-
Richford	150,510.00	407,689.00
Spencer	291,257.00	101,255.00
Tioga	221,494.00	522,533.00

Further

RESOLVED: That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 287-12 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. 285-12 dated December 11, 2012 adopted a Budget for the fiscal year 2013 and by Resolution No. 285-12 dated December 11, 2012 has made appropriations for the conduct of the County Government during said fiscal year and has by resolution No. 286-12 dated December 11, 2012 levied the taxes required for the support of the Government of the several Towns; therefore be it

RESOLVED: That this Legislature hereby levies the following for recycling purposes, upon the taxable real property liable therefore, in the County upon valuation as heretofore equalized by it.

Barton	131,242.72
Berkshire	22,604.28
Candor	93,930.07
Newark Valley	65,010.86
Nichols	46,239.67
Owego	397,228.08
Richford	22,355.45
Spencer	61,657.85
<u>Tioga</u>	<u>77,875.02</u>
Total	918,144.00

And be it further

RESOLVED: That pursuant to Section 360 of the County Law and Section 900 of the Real Property Tax Law, this Legislature hereby levied the following for County purposes, excluding Solid Waste set forth above, upon the taxable real property in the County upon valuation as heretofore equalized by it.

Upon all the taxable property liable for the support of County Government, the sum of \$20,900,794.00 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	438,383.40
For School Tax Returned	4,351,878.28
For Deficits from prior years' taxes	11.00
For Reimbursement of Erroneous taxes, etc.	2,927.99

All of the forgoing being subject to
 Credit for excess collection the prior year of 308.49

Further

RESOLVED: That the County Treasurer's Department be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. 286-12 on the rolls of the several Towns against each parcel of property set forth in said rolls, and that the Chair and the Clerk of the County Legislature be directed and empowered to execute under the seal of this Legislature the several Tax warrants for the collection of said taxes, and to cause the several tax rolls with said warrants annexed to be delivered to the Collectors of the several Tax Districts of the County on or before December 31, 2012; and be it further

RESOLVED: That the tax rates for each of the Towns, excluding Solid Waste, are as follows:

Barton	Out	9.104
	In	9.104
Berkshire		8.720
Candor	Out	8.635
	In	8.635
Newark Valley	Out	12.988
	In	12.988
Nichols	Out	30.768
	In	30.768
Owego	Out	10.791
	In	10.791
Richford		6.681
Spencer	Out	8.560
	In	8.560
Tioga		115.351

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey, moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC SAFETY AND LEGAL

RESOLUTION NO. 288-12 *A RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF TIOGA AUTHORIZING THE ADOPTION OF THE TIOGA COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN*

WHEREAS: All of Tioga County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS: Pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS: The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS: The Tioga County Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS: A coalition of Tioga County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Tioga County; and

WHEREAS: The coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy; now therefore be it

RESOLVED: That the Tioga County Legislature:

- 1) Adopts in its entirety, the Tioga County Multi-Jurisdictional All-Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.

- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Sauerbrey.

REFERRED TO: ED&P & AGRICULTURE COMMITTEES

RESOLUTION NO. 289-12 *RESOLUTION TO ADOPT SPENCER AGRICULTURAL DISTRICT (#1) EIGHT-YEAR REVIEW MODIFICATION AND SEQR NEGATIVE DECLARATION AND SUBMIT SAME TO THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR APPROVAL*

WHEREAS: Pursuant to the New York State Agriculture and Markets Law Article 25AA and upon 300-day notice by the Department of Agriculture and Markets, the Tioga County Legislature has initiated a review of the existing Spencer Agricultural District (#1) to determine if it should be modified or terminated; and

WHEREAS: The Tioga County Planning Department has conducted this review and has created a corresponding modification plan based on public comments, surveys and extensive consultation with area farmers; and

WHEREAS: The required public hearing was held on September 13th, 2012 at which time the District map and findings along with the proposed revisions were presented to the public; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed the plan for modification to the Spencer Agricultural District #1 and voted unanimously to recommend approval of the modification plan to the Tioga County Legislature; and

WHEREAS: The modification of a state Agricultural District is subject to SEQR review and the Tioga County Legislature is the lead agency for SEQR (State Environmental Quality Review) requirements; therefore be it

RESOLVED: That based upon SEQR review of the above as outlined on the New York State Department of Agriculture & Markets “Environmental Assessment Form” provided by them for this purpose, the County of Tioga has determined that the proposed modifications of the Spencer Agricultural District would not have a significant adverse impact on the environment and therefore makes a Negative Declaration and shall submit such documentation to NYS Department of Agriculture & Markets; and be it further

RESOLVED: That the Tioga County Legislature does hereby approve the proposed plan as revised to date, and directs the Planning Department to prepare a submission package including the findings report and map as required by the NYS Department of Agriculture and Markets in accordance with NYS Agricultural Districts Law, Article 25AA.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 290-12 *AWARD PRINTING SERVICES*
CONTRACT EXTENSION

WHEREAS: The Tioga County Legislature entered into a contract with Smith-Ingalls-French on December 6, 2011 for the provision of printing services, which commenced on January 1, 2012 and expires on December 31, 2012; and

WHEREAS: Said contract provided for three one-year extensions; and

WHEREAS: The contract will expire on December 31, 2012; and

WHEREAS: Smith-Ingalls-French has requested in writing a one-year extension of the printing services contract and is willing to provide the same service specified in the contract; therefore be it

RESOLVED: That the Tioga County Legislature agrees to the first one-year extension of the Smith-Ingalls-French printing services contract at the same terms and conditions as the December 6, 2011 contract upon approval of the County Attorney, which extension shall commence on January 1, 2013 and expire on December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 291-12 *AUTHORIZE THE TIOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO USE 2012 FUNDS TO HAVE BLUE SPRING ENERGY CONDUCT A COMPRESSED NATURAL GAS STUDY FOR COUNTY FLEET*

WHEREAS: The Department of Public Works would like to investigate the feasibility of converting the County's fleet to compressed natural gas; and

WHEREAS: Blue Springs Energy has proposed to conduct a comprehensive study at the cost of \$5,000.00 on the feasibility of converting the County's fleet; and

WHEREAS: Information obtained from said study would be very helpful in obtaining upcoming grants in 2013; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Department of Public Works to use said funds to have Blue Spring Energy conduct a study on the feasibility and possible benefits of switching the County’s fleet to Compressed Natural Gas (CNG).

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 292-12 *AWARD BID FOR CONSTRUCTION
PENN. AVE BRIDGE PROJECT
AND TRANSFER OF FUNDS*

WHEREAS: On November 20, 2012 the Department of Public Works received sealed bids for the construction of the Penn. Ave. Bridge: and

WHEREAS: The bids were as follows:

<u>Company Name</u>	<u>Bid</u>
Bothar Construction	\$719,172.00
Dycon Construction Northeast	\$643,236.10
Economy Paving	\$495,271.91
FAHS Construction	\$587,000.00
Procon Contracting *	\$463,999.00
R.DeVincentis Construction	\$546,000.00

Silverline Construction**\$536,568.00**

And

WHEREAS: McFarland Johnson Engineers have completed the review of the bids and finds the low bidder Procon Contracting, Vestal, NY meets all of the qualifications of the bid specifications; and

WHEREAS: This project is receiving Federal Funding and was authorized in resolution 127-12; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid subject to approval of their DBE submission to Procon Contracting, Vestal, NY not to exceed \$463,999 to be paid out of the Penn. Ave Bridge Account H2012.05; and be it further

RESOLVED: That the following sums be transferred:

From: H2011.09-Dean Creek/Sabin Rd Bridges	\$200,000.00
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To: H2012.05-Penn Ave Bridge	\$200,000.00
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ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:	PUBLIC WORKS
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RESOLUTION NO. 293-12	<i>AWARD CONSTRUCTION SERVICES TO MCFARLAND JOHNSON FOR PENN AVE BRIDGE PROJECT</i>
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WHEREAS: The Tioga County Legislature authorized the Penn Ave Bridge Project on Resolution 127-12; and

WHEREAS: On November 20, 2012 the Dept of Public Works received sealed bids for the construction of this project; and

WHEREAS: This is a federally funded project and inspections services are included; therefore be it

RESOLVED: That the Tioga County Legislature hire McFarland Johnson, Binghamton, NY for inspection services for the Penn Ave Bridge Project not to exceed \$117,359 to be paid out of Penn Ave Bridge Account H2012.05.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 294-12

*AWARD INSPECTION SERVICES FOR
CONSTRUCTION & ROOF REPAIR
OF COURT HOUSE PROJECT TO
C & S ENGINEERS*

WHEREAS: The Tioga County Legislature has authorized a three phase Court House Project; and

WHEREAS: In 2013 we will be entering the third and final phase of this project; and

WHEREAS: The Commissioner of Public Works received a proposal from C & S Engineers, Syracuse, NY for the Inspection services and to include design of roof replacement in the amount of \$19,000; therefore be it

RESOLVED: That the Tioga County Legislature award the contract for Inspection Services to C & S Engineers, Syracuse, NY not to exceed \$19,000 to be paid out of Court House Renovation account H1620.20 use code 927.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 295-12 *AWARD CABLING INSTALLATION FOR
COURTS TO
MATRIX COMMUNICATIONS*

WHEREAS: Tioga County leases space to the NYS Unified Courts System at the Court House and Court Annex; and

WHEREAS: The Court House basement and Court Annex received water damage during the 2011 Tropical Storm Lee including damage to the OCA's server and cabling system; and

WHEREAS: The Commissioner of Public Works requested proposals from firms approved by the Office of Court Administration and received one proposal from Matrix Communications, Syracuse, NY for the cable installation at the basement of the Court House and the Court Annex; and

WHEREAS: The proposal was as follows:

Court House	\$24,596.00
Court Annex	<u>\$28,018.00</u>
Total	\$52,614.00

And

WHEREAS: Tioga County will be receiving reimbursements from FEMA & the Unified Court System to assist in funding for this project as follows:

Court House	\$24,596.00
Reimb. From FEMA	-\$ 5,631.23
Reimb. From Courts	<u>-\$18,000.00</u>
Total cost to County	964.77

Court Annex	\$28,018.00
Reimb From FEMA	-\$ 9,554.52
Reimb. From Courts	<u>-\$17,000.00</u>
Total cost to County	\$ 1,463.48

And

WHEREAS: The Commissioner of Public Works has funds in the Court House Renovations Account H1620.21 use code 988; therefore be it

RESOLVED: That the Tioga County Legislature award the cabling installation for the Court House & Court Annex to Matrix Communications, Syracuse, NY for the total amount of \$52,614.00 to be paid out of the Court House Renovations Account H1620.21 use code 988.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 296-12 *AUTHORIZE FUNDS TO BE USED FOR MANDATORY COMPUTER UPGRADES*

WHEREAS: The Tioga County Department of Public Works is required to replace six (6) computers by the end of the year; and

WHEREAS: Tioga County Department of Public Works has received scrap steel beams from the Gridleyville Bridge Project valued at \$7,000; and

WHEREAS: This amount from the sale of the scrap will pay for the computer upgrades; therefore be it resolved

RESOLVED: That the Tioga County Legislature authorize the sale of this scrap with the sales amount being applied to revenue account A1293 and that revenue be applied to Public Works Office Equipment Account A1490.20 use code 90 to be used to purchase the required computers.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 297-12 *APPROVE CHANGE ORDER FOR
PSB BOILER PROJECT*

WHEREAS: The Tioga County Legislature authorized the PSB Boiler Project in the 2012 Budget; and

WHEREAS: The construction bid for this project came in under budget; and

WHEREAS: The engineer overseeing the project, Delta Engineers, has recommended some changes to the control sequencer and associated work with a cost of \$17,418; therefore be it

RESOLVED: That the Tioga County Legislature authorize approval of the change order in the amount of \$17,418 to be paid out of the boiler account H1620.21 use code 929.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: LEGAL/SAFETY COMMITTEE

RESOLUTION NO. 298-12 *RENEW CONTRACT
PARTNERS IN SAFETY, INC.
(CDL DRUG & ALCOHOL TESTING)*

WHEREAS: Federal Law requires random drug and alcohol testing of CDL drivers performing “safety sensitive” tasks; and

WHEREAS: The Safety Department has coordinated with several of the Towns and Villages within Tioga County to have this testing done by an outside agency since 1995; and

WHEREAS: All the municipalities involved, including the County are in agreement that the contract should be renewed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, pending approval by the County Attorney, to renew the contract with Partners in Safety, Inc. for random drug and alcohol testing in accordance with Federal regulations at the following rates indicated:

Complete DOT Random Testing Program \$43.00 Per Employee Per Year

To Include:

- Random Selection of Employees (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- Blind Specimen Submissions
- MIS Reports
- Supervisor Training for Reasonable Cause

- Collection Site Management

ADDITIONAL CHARGES: For pre-employment, post-accident, reasonable cause or follow-up tests performed during business hours:

Drug Test (at lab or office of Partners in Safety):	\$46.00 per test
Drug Test (at Walk-In Medical Facilities, Hospitals, etc.):	\$76.00 per test
Return to Duty/Follow-Up drug test including observed Specimen collection performed at: Offices of Partners in Safety: Approved walk-in Medical facility	\$76.00
Breath Alcohol Test:	\$40.00 per test
DOT/19A Physicals (at the office of Partners in Safety):	\$50.00 per person
Emergency Service	\$125 per hour Minimum 2 hours plus the cost of the test
Split Specimen Testing (re-test of positive specimen by other SAMHSA certified lab, including shipping and maintenance of chain of custody; only when requested by employee within 72 hours of MRO's notification):	\$250.00
On-site 19A/DOT physicals available upon request (minimum volume required).	

Additional services are billed monthly. Payment is due prior to the 30th of the month following the month in which services were provided.

and be it further

RESOLVED: That this contract shall be effective January 1, 2013 - December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 299-12 TRANSFER OF FUNDS
BOARD OF ELECTIONS

WHEREAS: The Tioga County Board of Elections has advised their committee during the year that there would be a budget shortfall as a result of the Federal Primary held on June 26, 2012 within New York State; and

WHEREAS: The Tioga County Board of Elections has identified \$2133.82 within current appropriation accounts that could be transferred to the Part Time/Temporay to cover the salary for the Voting Machine Technicians through the remainder of 2012; therefore be it

RESOLVED: That the following monies be transferred as follows:

FROM:	Account A1450.40.420 – Office Supplies	\$1,500.00
	Account A1450.40.520 – Recording/Microfilm	\$ 450.00
	Account A1450.40.560 – Repairs	\$ 42.00
	Account A1450.40.733 – Training/All Other	\$ 141.82
TO:	Account 1450.10.20 – Part Time/Temporary	\$2,133.82

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 300-12 TRANSFER OF FUNDS
TROPICAL STORM LEE DISASTER

WHEREAS: There are repairs and related work that still needs to be done from the Tropical Storm Lee Disaster; and

Whereas: Funds need to be spent before we can get reimbursed from FEMA and/or the State; and

WHEREAS: Some examples are local Fire Departments need to be reimbursed for items we submitted on their behalf, repairs and mitigation plans for County owned property; and

WHEREAS: Funds need to be transferred from Contingency to the Tropical Storm Lee Disaster Account by the end of 2012 to cover these expenses; therefore be it

RESOLVED: That the following sums be transferred:

From:	A1990.40-715 Contingency Account	\$300,000
To:	A9950.93-715 Transfer to Capital	\$300,000
From:	H5031.30 Interfund Transfers	\$300,000
To:	H1624.20 Tropical Storm Lee Disaster	\$300,000

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

RESOLUTION NO. 301-12 APPOINT TIOGA COUNTY EMPIRE ZONE ADMINISTRATIVE BOARD

RESOLVED: That the following members be appointed to the Tioga County Empire Zone Administrative Board for a term of two (2) years from January 1, 2013 until December 31, 2014:

Appointee:	Representing:	Affiliation:
LDC President	Community Organization	Tioga Co Local Development Corp.
Wendy Solomon	Financial Institution	Tioga State Bank
Stephen M. Lounsberry	Local Business	Applied Technology Mfg Corp.
Dr. Wm. C. Russell	Educational Institution	Owego-Apalachin CSD
Laura St George	Organized Labor	Broome Community College
Christine Baust	Resident	NA

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO:	ED&P COMMITTEE
RESOLUTION NO. 302-12	<i>APPOINT MEMBER TO THE TIOGA COUNTY PLANNING BOARD</i>

WHEREAS: The Tioga County Planning Board position from the Town of Barton has been vacated due to the resignation of David Mumbulo; and

WHEREAS: The Barton Town Board has found Arrah Richards willing to serve and nominated her to this position; therefore be it

RESOLVED: That the Tioga County Legislature appoints Arrah Richards to serve as the Town of Barton representative on the Tioga County Planning Board replacing David Mumbulo, to serve a term of 12/11/2012 - 12/31/2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 303-12 ADOPT LOCAL LAW NO. 3 OF 2012

WHEREAS: A public hearing was held on December 6, 2012, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2012 A Local Law prohibiting the sale and possession of psychoactive bath salts, psychoactive herbal incense and synthetic hallucinogens within the County of Tioga; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 3 of 2012; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 3 of the Year 2012.

A LOCAL LAW PROHIBITING THE SALE AND POSSESSION OF PSYCHOACTIVE BATH SALTS, PSYCHOACTIVE HERBAL INCENSE AND SYNTHETIC HALLUCINOGENS WITHIN THE COUNTY OF TIOGA

Be It Enacted by the Legislature of the County of Tioga as follows:

Article 1. Purpose and Intent

The Legislature of the County of Tioga finds that psychoactive bath salts, psychoactive herbal incense also known as synthetic marihuana, synthetic hallucinogens and other synthetic drugs are dangerous substances, public nuisances, pose an immediate threat to the public health and safety within the

County of Tioga, all of which substantially and seriously interfere with the interest of the public in the quality of life, the total community environment, commerce in the county, property values, the common good and are detrimental to the public health, safety and welfare.

The Tioga County Legislature further finds that the sale and/or possession of said substances are unlawful, detrimental to the health, safety and welfare of the residents of the County of Tioga and visitors thereto. It is the purpose of this local law to criminalize the sale and/or possession of psychoactive bath salts, psychoactive herbal incense also known as synthetic marijuana, synthetic drugs and synthetic hallucinogens and to deter or eradicate same and such powers may be exercised either in conjunction with, or apart from, the powers contained in other laws without prejudice to the use of procedures and remedies available under such other laws. The Tioga County Legislature further finds that the sanctions and penalties imposed by this local law constitute an additional and appropriate response to the proliferation of the above described dangerous substances. The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the County of Tioga and to promote the general welfare and safety pursuant to the county's police powers and municipal home rule authority.

Article 2. Definitions

For the purposes of this local law, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

1. "Sale" shall mean and cover the following activities: to offer for sale, to sell, to distribute, to furnish, to gift, to transfer, to barter, exchange or give, to any person or minor and each and every transaction of the same or similar nature made by any person, whether as principal, proprietor, agent, servant, or employee, with or without actual consideration.
2. "Person" shall mean any individual, minor, corporation, business trust, estate, trust, partnership or association, or any other entity or business organization of any kind.
3. "Possession" shall mean to possess on one's own person or possession by a person exercising dominion or control over the immediate area where contraband is found whether in a vehicle, vessel, container, snowmobile, dwelling, building or structure or whether upon public or private property.
4. "Psychoactive Bath Salts" shall be defined herein as follows:

(A). Any crystalline or powder product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including but not limited to the following substances: 3,4-Methylenedioxymethcathinone (Methylone); 3,4-Methylenedioxypropylamphetamine (MDPV); 4-Methylmethcathinone (Mephedrone); 4-Methoxymethcathinone (Methedrone); 4-Fluoromethcathinone (Flephedrone); 3-Fluoromethcathinone (3-FMC); naphthylpyrovalerone; 2-amino-1-phenyl-1-propanone (cathinone); or any derivatives, analogues, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

(B). "Psychoactive bath salts" are commonly marketed under the following trade names: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Glass Cleaner, Hurricane, Ivory Snow, Ivory Wave, Legal Phunk, Tranquility, Zoom, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Plant Food, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

(C). "Psychoactive bath salts" as defined herein shall exclude normal, typical bath salts which do not contain synthetic chemical compounds listed above that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate (Epsom salts), sodium chloride (table salt), sodium bicarbonate (baking soda), sodium hexametaphosphate (Calgon, amorphous/glassy sodium metaphosphate), sodium sesquicarbonate and borax.

5. "Psychoactive herbal incense" shall be defined herein as follows:

(A). Any organic product consisting of plant material that contains a synthetic chemical compound that elicits *psychoactive* or psychotropic euphoric effects including, but not limited to the following: any synthetic cannabinoid compound that contains 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl)indole (JWH-073), 1-(2-(4-morpholinyl)ethyl)-3-(1-naphthoyl)indole (JWH-200), 5-(1,1-dimethylheptyl)-2-(1R,3S)-3-hydroxycyclohexyl]-phenol, (CP-47,497), 5-(1,1-dimethyloctyl)-2-(1R,3S)-3-hydroxycyclohexyl]-phenol, (cannabicyclohexanol; CP-47,497C8 homologue); 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the

phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent; 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent; 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent; 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog); 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

(B). "Psychoactive herbal incense" products are commonly marketed under the following names: K2, K3, Spice, Genie, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Serenity, Fake Weed, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

(C). "Psychoactive herbal incense" shall exclude typical, standard incense that is sold as incense sticks, oils or cones that is commonly used for their aromatic qualities that do not contain any synthetic chemical compounds listed above which elicit psychoactive or psychotropic

euphoric effects.

6. "Synthetic Hallucinogens" shall be defined as any crystalline or powder product or any organic plant material that is laced with or contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including, but not limited to the following substances:

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E); 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D); 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C); 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I); 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2); 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4); 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H); 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N); and, 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

- (7) "Synthetic Marijuana" or "Synthetic Cannabinoids" shall include the definition of psychoactive herbal incense herein.

- (8) "Synthetic Drug" shall include the definitions contained in paragraphs 4 through 7 of this section and shall additionally be defined as:

(a) Any substance prohibited in the federal "Synthetic Drug Abuse Prevention Act of 2012," (S. 3187); and

(b) Any synthetic drug *analog which* shall include a substance prohibited by 21 U.S.C. 813, the Federal Analog Act, or any synthetic drug prohibited hereunder where:

1. The chemical structure of which is substantially similar to the chemical structure of a Synthetic Drug as described above; or

2. Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above; or

3. Which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is

substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above.

Article 3. Enforcement

This local law may be enforced by any police officer, as that term is defined by New York State Criminal Procedure Law § 1.20(34), within the County of Tioga

Article 4. Sale or Possession of Synthetic Drugs Prohibited

1. Unlawful Possession of a Synthetic Drug - A person is guilty of unlawful possession of a synthetic drug when said person knowingly and unlawfully possesses a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise prescribed by a licensed physician.
2. Criminal Sale of a Synthetic Drug - A person is guilty of criminal sale of a Synthetic Drug when said person knowingly and unlawfully sells a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise licensed by the U.S. Drug Enforcement Agency, the Food and Drug Administration or NYS Department of Health.

Article 5. Penalties for offenses

Any person who knowingly and unlawfully violates the provisions of Article 5 of this local law shall be guilty of an unclassified misdemeanor as defined by this local law and NYS Penal Law§55.10.(2)(c) and, upon conviction, shall be punishable by a fine of up to \$1,000 or up to one year's imprisonment, or both.

Article 6. Applicability

This local law shall apply to all actions occurring on or after the effective date of this local law.

Article 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its

operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Article 8. Reverse Preemption

This local law shall be null and void on the date that statewide legislation goes into effect, incorporating either the same or substantially similar provisions under the New York State Penal Law and/or New York State Public Health Law as are contained in this local law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Tioga. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

Article 9. Administrative liability

Neither the County of Tioga, nor any officer, agent, or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this local law.

Article 10. SEQRA Determination

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20),(21) and/or (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York State Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Clerk of the Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance as may be necessary in accordance with this local law.

Article 11. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 304-12 *AMEND RESOLUTION 90-12 RETIREE
CONTRIBUTIONS FOR HIGH DEDUCTIBLE HEALTH
PLAN*

WHEREAS: Resolution 90-12 established a 2012 retiree contribution toward the High Deductible Health Plan for retirees covered by County Policy 3, Section 1V.A; and

WHEREAS: Resolution 90-12 established that Tioga County would continue to fund the Deductible for employees who retired during 2012 and who were eligible to carry the High Deductible health insurance into retirement in accordance with County Policy 3, Section IV.A; and

WHEREAS: The Legislature wants to allow retirees and employees who are currently on the High Deductible Health Plan to be able to continue this coverage into retirement until such time that a more cost effective health insurance option for retirees is identified and implemented; and

WHEREAS: Retiree contributions toward the cost of the High Deductible Health Plan in 2013 need to be established; therefore be it

RESOLVED: That Resolution 90-12 shall be amended as follows: That effective January 1, 2013, any retiree who is covered by County Policy 3, Section IV.A and enrolled in the High Deductible Health Plan shall be required to pay 4½ % of the Individual 2013 Premium or 2½ % of the 2013 Family Premium through December 31, 2013; and be it further

RESOLVED: That for the 2013 calendar year Tioga County shall fund the deductible via a Health Reimbursement Account for retirees who enrolled in the High Deductible plan as of 2012; and be it further

RESOLVED: That an employee enrolled in the High Deductible Health Plan with a retirement date during 2013 who keeps the High Deductible Health Plan for 2013 shall have the remaining balance of his/her Health Reimbursement Account available through December 31, 2013; and be it further

RESOLVED: That if, as of January 1, 2014, the High Deductible Health Plan or Health Reimbursement Account is changed in any way or no longer available either due to Excellus Blue Cross Blue Shield changes or due to the Legislature no longer offering the High Deductible Health Plan to retirees, those retirees enrolled in the High Deductible Health Plan and Health Reimbursement Accounts during 2013 shall be allowed to enroll as of January 1, 2014 in whatever plan(s) are available to retirees as of January 1, 2014.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 305-12 *AUTHORIZE THE REAPPOINTMENT OF
SHAWN L. YETTER AS COMMISSIONER
OF SOCIAL SERVICES*

WHEREAS: Commissioner Shawn L. Yetter's current appointment, effective January 21, 2008, will expire on January 20, 2013; and

WHEREAS: Pursuant to the Social Services Law of the State of New York, Article Three, Section 116, Paragraph 1 which states: "Any inconsistent provision of the law, notwithstanding, the position of the chief executive officer of the county or city social services department, whether referred to as commissioner or by other title, shall be in the non-competitive class of civil service, except any which is or may hereafter be in the competitive class. Appointments to such positions in the non-competitive class shall be for terms of five years and shall be made by the appropriate county or city body or officer."; and

WHEREAS: The Legislature is well pleased with Commissioner Shawn L. Yetter's performance, experience and qualifications and desires to reappoint him as the Tioga County Commissioner of Social Services; now therefore be it

RESOLVED: That Shawn L. Yetter be and hereby is reappointed as Tioga County Commissioner of Social Services for a third five-year term effective January 21, 2013 through January 20, 2018.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 306-12 *APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER*

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Bernadette M. Toombs be and hereby is appointed Republican Election Commissioner for Tioga County Board of Elections from January 1, 2013 through December 31, 2014; and be it further

RESOLVED: That Ms. Toombs' annual salary for 2013 is established at \$37,283.00, in accordance with Resolution 274-12.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 307-12 *APPOINTMENT OF DEMOCRATIC
ELECTION COMMISSIONER*

WHEREAS: The Chairman of the Democratic Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That John J. Langan be and hereby is appointed Democratic Election Commissioner for Tioga County Board of Elections from January 1, 2013 through December 31, 2014; and be it further

RESOLVED: That Mr. Langan's annual salary for 2013 is established at \$37,283.00, in accordance with Resolution 274-12.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 308-12 *REQUEST WAIVER OF 90-DAY HOLD*
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Effective October 2, 2012, Jessica Hobart resigned as Social Welfare Examiner in the Employment and Transitional Supports Division; and

WHEREAS: The 90-day hold would not allow backfilling the vacancy until January 2, 2013; and

WHEREAS: Authorizing the backfill of this vacancy effective January 1, 2013, will prevent laying off an employee with longevity of 24 years; and

WHEREAS: Geraldine Hammond is willing and able to fill this vacancy after being advised of her displacement rights from Salary Grade IX; now therefore be it

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver of the 90-day hiring delay and is authorized to fill the Social Welfare Examiner position at an annual salary of \$37,425 (2013 CSEA Salary Grade VI), effective January 1, 2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 309-12 *STAFF CHANGES FOR 2013
(VARIOUS DEPARTMENTS)*

WHEREAS: The Tioga County Legislature reviewed requests from various departments regarding staff changes for 2013; and

WHEREAS: These requests were considered during the 2013 Budget preparation process; and

WHEREAS: Departments were directed by the County Legislature to reduce their budgets, which necessitated staff changes in some departments; therefore be it

RESOLVED: That the following position changes are effective January 1, 2013 unless noted otherwise:

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
<u>DEPARTMENT OF SOCIAL SERVICES</u>			
Vacant	Typist (Grade III)	Abolished	-22,869
Vacant	Account Clerk-Typist (Grade IV)	Abolished	-24,212
Vacant	Data Base Clerk (Grade IV)	Unfunded	-24,212

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
Vacant	Support Investigator (Grade VII)	Unfunded	-31,274
Vacant	Records Clerk (Grade IV)	Abolish	-24,212
A. Howe	Managed Care Coord. (Grade VII)	Abolish	-33,569
N. Bostwick	Senior SWE (Grade IX)	Abolish	-35,158
G. Hammond	Quality Control Inspect. (Grade IX)	Abolish	-43,687
C. Olmstead	Principal SWE (Grade X)	Abolish	-38,674

MENTAL HYGIENE

Vacant	Account Clerk-Typist (Grade IV)	Unfunded	-24,212
Vacant	Senior CSW (Grade XVII)	Unfunded	-52,014
Vacant	Supervising CSW (Grade XVIII)	Unfunded	-54,146

PROBATION

Vacant	Probation Officer (PT)	Abolish	-18.84/hr.
Vacant	Probation Officer (Grade XI)	Unfunded	-38,063
L. Baker	Probation Assistant (Grade VI)	Reallocation (Grade VII)	3,702

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
<u>PUBLIC HEALTH</u>			
Vacant	Account Clerk-Typist (Grade IV)	Unfunded	-24,212
Vacant (2)	Home Health Aide (Grade V)	Unfunded	-51,100
Vacant	Public Health Nurse (PT)	Unfunded	-23.64/hr.
Vacant	Comm. Health Nurse (Grade XV)	Unfunded	-47,751
<u>REAL PROPERTY</u>			
S. Griffin	Real Property Tax Service Tech. (PT)	Change to FT (Grade VII)	17,590
<u>SHERIFF'S OFFICE</u>			
Vacant	Deputy Sheriff (PT)	Unfunded	-18.67/hr.

Legislator Standinger moved to amend the above resolution, seconded by Legislator Case as follows:

Remove:

"REAL PROPERTY

S. Griffin	Real Property Tax Service Tech. (PT)	Change to FT (Grade VII)"	17,590
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ROLL CALL VOTE ON AMENDMENT

Yes – Legislators Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – Legislator Sauerbrey.

Absent – None.

AMENDMENT ADOPTED.

ROLL CALL VOTE ON RESOLUTION AS AMENDED

Yes – Legislators Sauerbrey, Standingr, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standingr.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 310-12 *AUTHORIZE WAIVER OF 90-DAY DELAY;
AUTHORIZE BACKFILL AND
APPOINTMENT
(DISTRICT ATTORNEY'S OFFICE)*

WHEREAS: The position of Secretary to the District Attorney will become vacant upon the retirement of the current incumbent December 26, 2012; and

WHEREAS: The incoming Acting District Attorney would like to backfill the position effective December 27, 2012 due to the limited number of support staff within the office; and

WHEREAS: The Acting District Attorney has found a qualified candidate to accept the appointment; therefore be it

RESOLVED: That a waiver of the 90-day delay is granted so the position may be backfilled as of December 27, 2012; and be it further

RESOLVED: That Stephanie Carrigg is appointed by the Acting District Attorney effective December 27, 2012 with an annual salary of \$41,620; and be it further

RESOLVED: That Ms. Carrigg's salary as Secretary to the District Attorney will remain at \$41,620 through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, Weston, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 311-12 *WAIVE HIRING DELAY;
AUTHORIZE APPOINTMENT
(DISTRICT ATTORNEY'S OFFICE)*

WHEREAS: District Attorney Gerald Keene was elected County Judge and will take office on January 1, 2013, thereby vacating the office of District Attorney; and

WHEREAS: County Law § 702.4 and 702.5 dictate that, in the absence of a District Attorney and until such time a successor is appointed by the Governor, the Assistant District Attorney designated by the District Attorney shall serve in the capacity of District Attorney; and

WHEREAS: 1st Assistant District Attorney, Irene Graven, has been so designated by Mr. Keene; and

WHEREAS: While serving as Acting District Attorney, Ms. Graven will acquire a considerable amount of additional work which is expected to require full-time hours; and

WHEREAS: In accordance with 1962 Opp Atty Gen Feb 13, when serving on a full-time basis, an Acting District Attorney is entitled to the salary of the District Attorney; and

WHEREAS: Additional staffing changes will result from the absence of the District Attorney; and

WHEREAS: The authorized staffing in the District Attorney's Office does not allow for lengthy vacancies if the demands of the workload are to be met; and

WHEREAS: A series of promotions amongst the Assistant District Attorneys are planned, resulting in the 3rd Assistant District Attorney position becoming vacant; and

WHEREAS: Acting District Attorney Graven would like to backfill the vacated position of 3rd Assistant District Attorney effective January 2, 2013; therefore be it

RESOLVED: That effective January 1, 2013, Acting District Attorney Irene Graven shall receive an annual salary of \$146,400 while serving as Acting District Attorney; and be it further

RESOLVED: That the 2nd Assistant District Attorney, Adam Schumacher, shall be promoted to 1st Assistant District Attorney effective January 2, 2013 at an annual salary of \$41,561; and be it further

RESOLVED: That the 3rd Assistant District Attorney, Cheryl Mancini, shall be promoted to 2nd Assistant District Attorney effective January 2, 2013 at an annual salary of \$34,915; and be it further

RESOLVED: That the County Legislature hereby waives the 90-day Hiring Delay for the backfill of the 3rd Assistant District Attorney position and authorizes it be filled on January 2, 2013 at an annual salary of \$30,908; and be it further

RESOLVED: That Acting District Attorney Graven appoints Tim Thayne as 3rd Assistant District Attorney effective January 2, 2013; and be it further

RESOLVED: That upon appointment of a District Attorney by the Governor, if Ms. Graven is not so appointed, she shall return to her 1st Assistant District Attorney position and salary, and the other Assistant District Attorneys shall also return to their previous levels and the newly appointed 3rd Assistant District Attorney Tim Thayne shall be terminated.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Monell, Weston, and Roberts.

No – None.

Abstention – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:41 P.M.