

*Eleventh Regular Meeting*  
November 9, 2010

The Eleventh Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Eight Legislators were present, Legislator Quinlan being absent.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. "Our Father it seems hard to care for those we find easier to hate, to love those whom we regard as unlovely, to spend our lives for those who are ungrateful. If we are to learn, you must be our teacher. Since we will be criticized let it be for doing too much, too little, rather than for doing nothing. Teach us to trust not to cleverness or learning, but to that inward faith which can never be denied. Lead us out of confusion to simplicity."

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

There were 21 people in attendance.

The following recognition resolution on Arthur Wasielewski was read and presented by Legislator Sauerbrey.

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

REFERRED TO: PUBLIC SAFETY

RESOLUTION NO. 203-10                      *RESOLUTION RECOGNIZING  
ARTHUR L. WASIELEWSKI'S  
20 YEARS OF DEDICATED  
SERVICE TO TIOGA COUNTY*

WHEREAS: Arthur L. Wasielewski was appointed as a Corrections Officer on 10/15/90 and ; and

WHEREAS: Arthur L. Wasielewski has been dedicated and loyal in the performance of his duties and responsibilities during the past 20 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Arthur L. Wasielewski will retire from the Tioga County Sheriff's Office on November 30, 2010; 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 Arthur L. Wasielewski for his 20 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, Arthur L. Wasielewski.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED UNANIMOUSLY.

Sheriff Gary Howard spoke. “Art has done 20 years of hard time, eight hours at a time. He will be missed of course. He has been a great employee. We really hate to see him leave. We tried to get him to stay, but he just kept saying no. That was the final word, so now onward to a lot more and better and bigger things. Congratulations.”

Chair Weston noted the two following Proclamations on Adoption Awareness Month and Tioga County United Way Month.

#### PROCLAMATION

This November marks the 20<sup>th</sup> annual National Adoption Month. November 20<sup>th</sup> is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized eight adoptions for 2010. Every child in America, every child in Tioga County deserves a permanent, loving family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on the behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim November as

#### ADOPTION AWARENESS MONTH

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

#### PROCLAMATION

WHEREAS: Tioga United Way continues to service the needs of the community through funding of 32 agencies within Tioga County, benefiting all segments of Tioga County's population; and

WHEREAS: Without this support, these agencies would not be able to continue the support to our community; and

WHEREAS: The goal for the 2011 United Way Campaign is \$330,000; and

WHEREAS: The employees of the Tioga County Government represent a potentially substantial number of contributors for this campaign; and

WHEREAS: The Tioga County Legislature supports the work of the Tioga United Way; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the month of November

#### TIOGA COUNTY UNITED WAY MONTH

in the County of Tioga, New York, and call upon all of its employees and all members of the community at large to support this effort.

Chris Bonner had privilege of the floor: "I am going to do a little plagiarism today. I do not know who said it, but I heard it and it makes a lot of sense. He said "read everything, listen to everybody, believe nothing until you can verify it for yourself." I have lived by this for quite a ways and I have thought of this as befitting to some of these people, what is going on in the political arena in this circus that we call New York State. We got here a resolution, unfunded mandates, well gee how did they all get unfunded. The Federal Government says to you I am going to pay 50% for Medicare. The State will pay 50%. The State comes to Tioga County and these other Counties and says I will give you 25% if you will take the other 25%. See those men up there on those plaques, they are the ones that voted for it. There is your unfunded mandates. Just take a look at this poor guy out there, Hamlin in Johnson City, look at the problem he inherited from the humps that he had before, Lewis.

"Now let's get on to something different. Let's get on to how do we solve the crisis, the unemployment crisis that we have in this Country that was created by the democratic and republican party. They created it. They are nothing but a bunch of puppets and I voted for them all out. Any incumbent, I voted against them and I got one thing against your election process, that is where it slips into the automatic machine. We have no track of this thing. Sarah Palin, her computer was invaded by, I think it was a 19 or 20 year old. The Federal Government computer, that was where they were trying to find out where they were getting all this information. It was a guy, a young teenager, playing with the computers. Well I say this, you should hire these young guys and get rid of them people that you got in there working because these guys are really good. Those ones that you have in there are nothing but a bunch of time punchers, tick of the clock.

“Now if you want to bring this back, there is only one way to do it and I do not care where Obama is or what he is doing, and that is to do away with NAFTA, do away with Gat, put a tariff on your products coming into this Country. If you think that you can compete with the China men making \$1.00 an hour and our workers are making somewhere around \$25.00 an hour, and you think why you have to work harder, you got to get more efficient. Will anybody in here with a brain tell me how do you do it or in Government, how do you do it?”

“Now, I mention the Glass Steagall Act. You got a mortgage problem today that is created by these banks. It is called diversion. They take these here mortgages and they keep selling them, derivatives and they are selling them to different places. They are even selling them overseas. Now if you own a mortgage make sure when they try to foreclose, I want to see the original contract, and they cannot produce it, you stay there, you milk it until you get yourself some money and go out and buy yourself a home.”

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		881.18
A1165	District Attorney		2,748.05
A1170	Public Defender		4,387.93
A1175	Assigned Counsel		40,348.36
A1185	Medical Examiners/Coroners		5,370.88
A1325	Treasurer		4,047.25
A1355	Assessments		5,002.83
A1410	County Clerk		440.18
A1411	Department of Motor Vehicles		335.81
A1420	Law		7,821.01
A1430	Personnel		556.70
A1450	Elections		31,410.66
A1490	Public Works Administration		231.00
A1620	Buildings		55,301.39
A1680	Information Technology		28,825.27
A2490	Community College Tuition		558,853.49
A2960	Education Handicapped Children		60,134.19
A3020	Public Safety Comm E911 System	60.00	3,162.69
A3110	Sheriff	194.95	14,991.62

A3140	Probation	207.00	271.20
A3142	Alternatives to Incarceration		835.45
A3146	Sex Offender Program		8,766.67
A3150	Jail		40,206.27
A3315	Special Traffic Programs		2,717.00
A3410	Fire		4,674.43
A3555	EMO Grant-SHSP C837970	2,500.00	
A3640	Emergency Mgmt Office		418.43
A4010	Public Health Nursing		32,713.71
A4011	Public Health Administration	336.38	8,497.95
A4012	Public Health Education		67.51
A4042	Rabies Control		2,777.97
A4044	Early Intervention		54,193.63
A4053	Preventive/Primary Health Svcs		81.21
A4054	Preventive Dental Services		1,892.46
A4064	Managed Care-Dental Services		15,345.05
A4070	Disease Control		10,254.51
A4090	Environmental Health		847.19
A4210	Alcohol and Drug Services		16,847.52
A4309	Mental Hygiene Co Admin	98.99	24,904.92
A4310	Mental Health Clinic		49,922.69
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		6,782.42
A4321	Intensive Case Management		1,388.81
A6010	Social Services Administration		85,733.71
A6422	Economic Development		558.29
A6610	Sealer Weights/Measures		215.85
A7180	Snowmobile Grant Program		22,153.57
A8020	Planning		61.29
A9060	Health Insurance		1,537.34
SOLID WASTE FUND			84,156.65
COUNTY ROAD FUND			41,353.22
SPECIAL GRANT FUND			13,367.27
CONSOLIDATED HEALTH FUND			62,167.95
CAPITAL FUND			302,055.10
LIABILITY INSURANCE FUND			781.00
WORKERS' COMP			<u>1,250.00</u>

GRAND TOTAL \$ 1,728,667.29

Legislator McEwen made a motion to approve the minutes of October 12 and 21, 2010, seconded by Roberts Legislator, and carried.

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

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 204-10 *RESOLUTION URGING NEW YORK STATE TO SIGNIFICANTLY CUT THE UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES*

WHEREAS: New York property taxes are nearly 80% above the national average; and

WHEREAS: New York county leaders have long recognized the need for lower property taxes and have been strong advocates in support of lowering the local tax burden for decades; and

WHEREAS: Counties do not have a choice over how to spend most of their locally raised revenues as mandates from Albany and other fixed costs make up as much as 80 percent of a typical county budget; and

WHEREAS: Governor Paterson and many State Legislators support a cap on local property tax levies of 4%, or 120% of inflation, whichever is less, but the current crop of property tax cap proposals do nothing to reduce or eliminate current State mandates on counties or prevent new mandates; and

WHEREAS: Arbitrarily capping property taxes without addressing root causes would cripple county governments within a few short years, because all non-mandated spending would have to be eliminated to meet the cap; and

WHEREAS: Little action has been taken by New York State to decrease or control the costs of unfunded State mandates, which have been driving up county property tax levels for decades; and

WHEREAS: The major cost drivers for counties are fixed costs and delivering state services locally; and

WHEREAS: Counties' fixed costs include pension contributions, which are determined by benefit levels established by the State Legislature; and

WHEREAS: The other major cost drivers are unfunded and underfunded state mandates, such as Medicaid, early intervention services, pre-school special education, public assistance, child welfare, youth detention, probation, and indigent defense that will cost county property taxpayers and New York City residents over \$10 billion this year alone, along with numerous other programs; and

WHEREAS: These mandated costs grow well in excess of the rate of inflation nearly every year, including:

- County payments to the New York State Retirement System that are expected to rise 40% in 2011 and by a similar amount in 2012, and have grown by over 1000 percent since the year 2000 due to generous benefit expansions mandated by the State Legislature and Governor.
- Since 2005, the local share of Medicaid costs has increased at least 3% each year and sometimes by double digit annual increases in the years prior to 2005.
- The State continued to shift its costs to counties in the 2009-10 and 2010-11 State budgets by over \$400 million in human service delivery alone.
- New York State counties are owed hundreds of millions of dollars in state reimbursement at any given moment, without providing any compensation to counties for the cost of "floating" cash to the state, and this amount can easily double when the State Budget is not adopted on time.

WHEREAS: Simply capping property taxes does nothing to reduce the costs of these and many other State services that counties must pay for and implement at the local level; in fact it preserves the distinction of having the highest property taxes in the nation; and



WHEREAS: This distinction continues to drive people and businesses out of New York and acts as a deterrent to re-location to our state; and

WHEREAS: The property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the State; now therefore be it

RESOLVED: That the Tioga County Legislature encourages all parties, state and local, to enact legislation so that fiscal responsibility for services resides with the level of government that has the decision-making authority over those services; this will in turn reduce the property tax burden and not preserve the status quo; and be it further

RESOLVED: That the Tioga County Legislature urges the Governor and State Legislature not to impose a local property tax cap unless it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases; and be it further

RESOLVED: That copies of this Resolution be sent to Governor Paterson, members of the New York State Legislature and all those deemed necessary and proper.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 205-10      *AMEND POLICY 26  
TIOGA COUNTY ETHICS LAW  
LOCAL LAW NO. 5 OF THE  
YEAR 1990 AS AMENDED*

WHEREAS: Policy 26 Section VI addresses the membership of the Board of Ethics and how appointments are made; and

WHEREAS: Section VI Ethics Board needs amending to further clarify members and their appointments; therefore be it

RESOLVED: That Policy 26 Tioga County Ethics Law Section VI A and B be amended as follows:

VI. ETHICS BOARD

A. ESTABLISHMENT

The Legislature of the County of Tioga, pursuant to Article 18 of the New York State General Municipal Law, hereby establishes the Tioga County Board of Ethics, responsible for ensuring full compliance with this code of ethics and disclosure. The Ethics Board shall consist of seven members, two of whom shall be nominated by the Tioga County Legislature Majority Leader. Two shall be nominated by the Minority Leader of that body except that in the event there is no Minority Leader, then the two otherwise nominated by the Minority Leader shall be nominated by the Majority Leader. Three shall be nominated by the chief Elected Official of Tioga County. No more than two shall be of the same enrolled party affiliation. A majority of the members shall not be officers or employees of the county or municipalities wholly or partially located in the county. At least one member shall be an elected or appointed officer or employee of a municipality located within the county, or an appointed officer or employee of the county, except that no more than one member shall presently be a county officer or employee, and none shall presently hold elected office. All shall be approved by majority vote of the Legislature. Failure to gain approval or in the instance of the creation of a vacancy, such succeeding member shall be determined by the entity through which the original member was selected.

Any action of the Board requires four affirmative votes.

B. MEMBERSHIP

The members of the Ethics Board shall serve staggered 3 year terms, provided that the first appointments to the Ethics Board shall be as follows: one member, appointed by the Chief Elected Official, for a one year term; one member appointed by the Chief Elected Official, one member appointed by the Majority Leader of the Tioga County Legislature and one appointed by the Minority Leader of the Tioga County Legislature, each for a two year term; one member, appointed by the Chief Elected Official, one member appointed by the Majority Leader of the Tioga County Legislature and one appointed by the Minority Leader of the Tioga County Legislature; each for a three year term. Members of the Ethics Board who have served two full three-year terms may not be reappointed to the Ethics Board for at least one year after the expiration of their last term.

And be it further

RESOLVED: That the remainder of Policy 26 Tioga County Ethics Law shall remain in full force and effect.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 206-10      *SET PUBLIC HEARING*  
*2011 BUDGET*

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2011 be held at 6:00 P.M., Tuesday, November 23, 2010 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 207-10      *CONFINEMENT OF DOGS  
FOR PROTECTION OF DEER*

WHEREAS: The Tioga County Board of Legislators hereby determine that there is a possibility that the deer population in said County could suffer severe depredation due to the possibility of dogs attacking, chasing or worrying deer. That pursuant to the provisions of §122 of the Ag & Markets Law; it is

RESOLVED: That it is hereby ordered that all dogs within the County of Tioga shall be securely contained at all times from November 20, 2010 until April 15, 2011.

NOTICE of this order shall be published one time in the Morning Times and the Tioga County Courier, and a certified copy of this order shall be filed in the Office of the County Clerk and all Town Clerks and all Village Clerks in the County of Tioga.

All provisions set forth in said Agriculture and Markets Law §122 as to the destruction and seizure of any dog by any Dog Control Officer or Peace Officer, and civil penalty on the owner of the dog and all other provisions of said §122 are hereby adopted in this order.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Roberts.

No – Legislator Sullivan.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 208-10 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2011 County taxes among the several Towns are hereby established as follows:

Town of Barton	100.00
Town of Berkshire	100.00
Town of Candor	7.35
Town of Newark Valley	64.50
Town of Nichols	26.75
Town of Owego	76.00
Town of Richford	100.00
Town of Spencer	18.19
Tioga of Tioga	7.50

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 209-10 RE-APPOINT MEMBER TO THE TIOGA COUNTY BOARD OF HEALTH

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

WHEREAS: The appointed term for Ellen Pratt, PhD, Environmental Physics, on the Board of Health expires 12/31/10; and

WHEREAS: Ellen Pratt, PhD has agreed to serve for another term; therefore be it

RESOLVED: That Ellen Pratt, PhD be re-appointed to the Board of Health for a term of 1/1/11-12/31/16.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 210-10 APPOINT MEMBERS TO  
TRAFFIC SAFETY BOARD

RESOLVED: That the following members be reappointed to the Traffic Safety Board for a term as follows:

TITLE	TERM
Vacant Community Rep	4/1/11-3/31/14
James DeVita	4/1/11-3/31/14
Tioga County STOP DWI Coord or Designee	4/1/11-3/31/14
Tioga County Fire Coord or designee	4/1/11-3/31/14

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 211-10      *APPOINT MEMBER  
BOARD OF ETHICS*

WHEREAS: There has been a vacant Chair appointment on the Board of Ethics since April 1, 2010; and

WHEREAS: Colleen Craig is willing to serve; therefore be it

RESOLVED: That Colleen Craig, Chair appointment, is hereby appointed to the Board of Ethics for a term of November 10, 2010 through March 31, 2013.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 212-10                      *AWARD CONSTRUCTION BID FOR  
TAPPAN ROAD BRIDGE TO  
VECTOR CONSTRUCTION CORP.*

WHEREAS: Tioga County will be receiving federal aid for the Replacement of the Tappan Rd. Bridge, BIN 3335280, over East Branch of Owego Creek; and

WHEREAS: October 20, 2010 sealed bids were opened for the Replacement of the Tappan Rd. Bridge over East Branch of Owego Creek; and

WHEREAS: The bid results were as follows:

1. Vector Construction Corp.	Cicero, NY	\$1,083,900.00
2. Economy Paving Co., Inc.	Cortland, NY	\$1,156,353.47
3. R. DeVincentis Construction Inc.	Binghamton, NY	\$1,206,000.00
4. Slate Hill Construction Inc.	Warners, NY	\$1,212,884.85
5. Bette & Cring, LLC	Latham, NY	\$1,228,117.00

And

WHEREAS: Delta Engineers, Endicott, NY has reviewed the bid proposals and recommends awarding the project to the low bidder Vector Construction Corp., Cicero, NY, which satisfies the requirement for qualifications; therefore be it

RESOLVED: That the Tioga County Legislature award the bid for the replacement of the Tappan Road Bridge (BIN 3335280) over East Branch of Owego Creek to Vector Construction Corp, Cicero, NY not to exceed \$1,083,900.00 to be paid out of the Tappan Road Bridge Account H2007.14.



## ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 213-10

*ABANDON .08 MILE OF  
CATATONK CREEK RD. TO  
THE TOWN OF TIOGA*

WHEREAS: Tioga County has determined that there are several County Roads that don't meet any of the following characteristics of a County Road which includes:

- Roads which connect population centers
- Roads that connect State Roads or with other County Roads
- Major Roads that pass through two or more towns
- Roads that serve a major industry or otherwise serve an important interest of the County, and

WHEREAS: The .08 mile of Catatonk Creek Rd. in the Town of Tioga doesn't fit into the above categories; and

WHEREAS: The other portion of Catatonk Creek Rd is owned and maintained by the Town of Tioga; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes abandonment of .08 mile of Catatonk Creek Rd. to the Town of Tioga; effective upon the date of receipt of a resolution of the Town Board of acceptance of .08 mile of Catatonk Creek Rd as an addition to their portion of Catatonk Creek Rd.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO

PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 214-10

*ACCEPTANCE OF EMERGENCY  
SERVICE TRAINING COMMUNITY  
PROJECTS APPROPRIATION FROM  
SENATOR LIBOUS' OFFICE*

WHEREAS: Specialized Emergency Service training in the new hazards that the well drilling industry will bring to the area is not currently available from NY State through our normal training options; and

WHEREAS: Senator Libous' Office has allocated a Community Projects Appropriation in the amount of \$15,000.00 to the Tioga County Bureau of Fire to procure and provide specialized Fire and EMS training to the Fire and EMS Responders in Tioga County; be it therefore

RESOLVED: That, with the permission of the Tioga County Law Office, the Chair of the Tioga County Legislature, on behalf of the Tioga County Bureau of Fire, be permitted to enter into the received Community Projects Appropriation Contract #TM02905 for the sum of \$15,000.00 to provide Emergency Services Training for the Fire and EMS Responders of Tioga County.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 215–10      *ALLOW THE COUNTY FIRE  
COORDINATOR TO APPLY FOR  
GRANT FUNDING UNDER THE 2010  
NYS HOMELAND SECURITY HAZ-  
MAT GRANT PROGRAM*

WHEREAS: The expense of necessary equipment to be used by the Tioga County Haz-Mat Team during times of a Large Scale Hazardous Materials Incident is beyond the means of the yearly Bureau of Fire operating budget; and

WHEREAS: The New York State Office of Homeland Security is Offering a 2010 Haz-Mat Grant Program; and

WHEREAS: This grant program is focused on a Regional Approach to enhance Hazardous Materials response capabilities and the Tioga County Haz-Mat Team is a member of the Central New York Regional Hazardous Materials Response Consortium; therefore be it

RESOLVED: That the Tioga County Fire Coordinator be permitted to apply for Hazardous Materials Grant Funding, as a Submitting Partner, under the currently available New York State Division of Homeland Security 2010 Haz-Mat Grant Program to provide needed equipment for the Tioga County Haz-Mat Team; and be it further



RESOLVED: That funds be transferred as follows:

From:	A1610.16	Handicapped Education Fees	\$ 50,000
	A1610.17	Early Intervention Fees	\$ 61,250
	A3460.00	State Aid: Handicapped Education	\$ 362,561
	A1990.40-715	County Contingency Account	\$ 344,569
To:	A2960.40-590	Handicapped Education- Cont. Services	\$ 621,380
	A2960.40-710	Handicapped Education Transportation	\$ 72,000
	A4044.40-140	Early Intervention- Contracting Services	\$ 125,000

Legislator Huttleston made a motion to amend the above resolution, seconded by Legislator Hollenbeck, and to read as follows: Change "Account A1990.40-715 total from \$344,569 to \$38,337 and Account A2960.40-590 from \$621,380 to \$315,148."

#### ROLL CALL VOTE ON AMENDMENT

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

No – None.

Absent – Legislator Quinlan.

#### AMENDMENT ADOPTED

#### ROLL CALL VOTE ON RESOLUTION WITH AMENDMENT

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

No – None.

Absent – Legislator Quinlan.

#### RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 217-10 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2010 to September 30, 2010 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 30,467.96
Village of Waverly	7,734.71
Town of Berkshire	4,229.41
Town of Candor	19,956.82
Village of Candor	1,122.56
Town of Newark Valley	10,043.65
Village of Newark Valley	1,209.08
Town of Nichols	8,361.21
Village of Nichols	627.62
Town of Owego	115,645.66
Village of Owego	8,667.82
Town of Richford	4,594.10
Town of Spencer	12,839.16
Village of Spencer	1,513.92
Town of Tioga	<u>13,358.47</u>
	\$240,372.15

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 218-10 *APPROVE PUBLIC TRANSPORTATION  
BUS ROUTE CHANGES  
SOCIAL SERVICES*

WHEREAS: Analysis of fixed route service is continuously monitored in order to enhance ridership and accommodate current riders; and

WHEREAS: Tioga County desires to include Public Transportation to and from Tioga Downs in Nichols, NY in order to meet the needs of employees and patrons; therefore be it

RESOLVED: That the Department of Social Services be authorized to make the following fixed route changes, effective December 1, 2010:

1. Add four stops at Tioga Downs (Town of Nichols), utilizing Owego to Waverly fixed routes 5, 7 and 8.
2. Add four stops at Tioga Downs (Town of Nichols), utilizing Waverly to Owego fixed routes 7 and 8.

And be it further

RESOLVED: That such route changes will be reviewed on an annual basis.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 219-10 *RENEW CONTRACT WITH EXCELLUS BLUE  
CROSS/BLUE SHIELD TO ADMINISTER HEALTH  
INSURANCE BENEFITS*

WHEREAS: Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for Tioga County and members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to continue administering said programs for the period of January 1, 2011 through December 31, 2011; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with Excellus Blue Cross Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County and other participants in the TCCMHIP for the period January 1, 2011 through December 31, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.



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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 220-10 *AUTHORIZE LETTER OF CREDIT  
FROM TIOGA STATE BANK*

WHEREAS: Tioga County contracts with Excellus Blue Cross Blue Shield of Central New York for health insurance coverage; and

WHEREAS: The County obtains on an annual basis a Letter of Credit from Tioga State Bank to provide "tail" coverage; now therefore be it

RESOLVED: That the Personnel Officer be and hereby is authorized and directed to obtain a Letter of Credit from Tioga State Bank in connection with the above contract in the amount of \$984,200 for the period January 1, 2011 through December 31, 2011; and be it further

RESOLVED: That the Personnel Officer is authorized and directed to sign and complete an application form for the bank, subject to review by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 221-10 *AUTHORIZE CONTRACT WITH POMCO  
GROUP (FORMERLY EM RISK  
MANAGEMENT) FOR WORKERS'  
COMPENSATION ADMINISTRATION*

WHEREAS: The Tioga County Self-Insurance Plan has been using the services of POMCO Group, a third-party administrator for our workers' compensation program, since January 1, 2003; and

WHEREAS: POMCO representatives have a dedicated in-house team of supervisors, claims adjusters, case managers, and medical bill auditors that work together to provide effective proactive management on all workers' compensation claims; and

WHEREAS: POMCO communicates with all representatives of the Tioga County Self-Insurance Plan to ensure that cases are handled as desired by the self-insured employer; and

WHEREAS: POMCO actively works to recoup any medical savings or recover any funds under New York State Workers' Compensation Law on our workers' compensation cases; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a two year contract with POMCO Group, formerly EM Risk Management, subject to review by the County Attorney, to be our third party administrator for the Tioga County Self Insurance Plan, for the period of January 1, 2011 through December 31, 2012 at a flat per year plan administration, claim handling, and reporting cost of \$19,275.00 for 2011 and \$19,275.00 for 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 222-10      *RENEW CONTRACT WITH EMPATHIA, INC.  
(FORMERLY NEAS, INC.) FOR  
EMPLOYEE ASSISTANCE PROGRAM*

WHEREAS: Participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide an Employee Assistance Program (EAP) to covered employees; and

WHEREAS: TCCMHIP has been using the services of Empathia, Inc. as an EAP provider since January 1, 2005; and

WHEREAS: Empathia a national and global provider of EAP, work/life services, and training and management consultation has submitted a proposal to continue providing unlimited 24/7 telephonic assessment, up to 8 in-person counseling sessions for eligible employees and members of their household, and access to substance abuse professionals; and

WHEREAS: Empathia does aggressive promotion to make employees aware of their services, provide 4 hours of on-site training, provides management support, offers access to interactive web site and library of self-help and wellness materials; and

WHEREAS: Empathia has 16 offices within the local region where employees will be able to obtain services; and

WHEREAS: Empathia will provide these services for the fee of \$2.03 per covered employee per month for a three year period; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with Empathia, Inc., formerly NEAS, Inc., subject to review by the County Attorney, to continue to administer our Employee Assistance Program effective January 1, 2011 through December 31, 2013.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 223-10 *AUTHORIZE CONTRACTS WITH SADD  
SCHOOL ASSOCIATES*

WHEREAS: It is the desire of the STOP DWI Program to arrange six contracts with SADD School Associates which are defined as Independent contractors not entitled to County Employee benefits; and

WHEREAS: It is the desire to award the six SADD School Associate contracts for the calendar year 2011 to the following individuals; Matt Gelder to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Karen Curtis to serve the Spencer Van Etten School District; Janice Barto to serve the Tioga Central School District and Katie Carter-Benefiz to serve the Waverly School District; and

WHEREAS: Each SADD School Associate will be compensated \$100 each month for the ten months of the school year, but will not exceed \$1,000 for the year; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and outlines the compensation to be paid to the STOP DWI School Associates; therefore be it

RESOLVED: That these contracts for SADD School Associates be authorized for the 2011 calendar year.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 224-10 *EXTEND 60-DAY HIRING DELAY  
THROUGH 2011  
ALL COUNTY DEPARTMENTS*

WHEREAS: Resolution 147-09 established a requirement that all vacancies remain vacant for at least 60 calendar days, allowing for certain exceptions; and

WHEREAS: The savings in County payroll for the period January 2010 – September 2010 was approximately \$266,278; and

WHEREAS: The Tioga County Legislature believes this is a cost-containing measure that should be continued for 2011; therefore be it

RESOLVED: That the terms of the 60-day Hiring Delay outlined in Resolution 147-09 shall be continued through December 31, 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 225-10 *STANDARD WORK DAY AND  
REPORTING RESOLUTION  
BOARD OF ELECTIONS OFFICE*

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
<b>Deputy Elections Commissioner</b>	<b>Vera L. Richards</b>	<b>5013</b>	<b>50235761</b>	<b>7</b>	<b>10/13/10-12/31/10</b>	<b>Y</b>	<b>N/A</b>

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 226–10 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, 2011 through December 31, 2012; and be it further

RESOLVED: That Ms. Toombs' annual salary for 2011 is established at \$34,680.00, in accordance with Resolution 198-10.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 227-10 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, 2011 through December 31, 2012; and be it further

RESOLVED: That Mr. Langan's annual salary for 2011 is established at \$34,680.00, in accordance with Resolution 198-10.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

## RESOLUTION ADOPTED.

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

REFERRED TO:                   ADMINISTRATIVE SERVICES COMMITTEE  
  PERSONNEL COMMITTEE

RESOLUTION NO. 228-10 *AUTHORIZATION OF  
TWO VOTING MACHINE TECHNICIAN  
PART-TIME POSITIONS  
BOARD OF ELECTIONS*

WHEREAS: Legislative approval is required for positions within Tioga County; and

WHEREAS: the Federal Help America Vote Act, HAVA, and enacted changes in the New York State Elections Laws, resulted in the mandated use of new voting machines; and

WHEREAS: The new voting machines require quarterly testing, technical support to program, test, inspect, operate, and repair in accordance with NYS Board of Elections and manufacturer requirements; and

WHEREAS: Resolution 125-09 created two part-time Voting Machine Technician positions (one Democratic and one Republican) at a rate of \$11.00 per hour to work on an as needed basis through December 31, 2009 to provide the technical support required on the new voting machines and for ongoing training and work thereafter on an as-needed basis; and



WHEREAS: Resolution 308-09 authorized the extension through December 31, 2010 of the two part-time Voting Machine Technician positions with a review of the continued need and said use of such positions; and

WHEREAS: The Voting Machine Technician positions are mandated according to Election Law §3-300 and §3-302 which allows “every Board of Elections to fix their number, prescribe their duties, and establish their salaries within the amounts appropriated therefore by the local legislative body and shall secure in the appointment of the board of election equal representation of the major political parties”; and

WHEREAS: The Voting Machine Technicians worked over 300 hours each in 2009, the year the positions were created and have worked over 350 hours in 2010 through mid October, and will work as necessitated through the remainder of the General Election, the audit of the machines, and the end of the year mandated testing; therefore be it

RESOLVED: That the Board of Election Commissioners be authorized to maintain the two part-time Voting Machine Technician positions to work on an as-needed basis through December 31, 2011 at a rate of \$11.00 per hour, not to exceed the 2011 budgeted amount; and be it further

RESOLVED: That the 2011 authorized part-time headcount for the Board of Elections be continued at 2.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, and Weston.

No – Legislator Roberts.

Absent – Legislator Quinlan.

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. 229-10 RE-APPOINT DIRECTOR OF PUBLIC HEALTH

WHEREAS: Johannes Peeters was re-appointed as Director of Public Health by the Legislature for a six-year term beginning on January 11, 2005 which expires on January 10, 2011; and

WHEREAS: The Board of Health has unanimously recommended that the Legislature re-appoint Johannes Peeters for a six-year term; and

WHEREAS: Johannes Peeters has performed his duties well, including initiating numerous public health measures including, but not limited to:

- Established the "Tioga Smiles Mobile Dental Clinic"
- Adopted a "no waivers" policy regarding the New York State smoking ban
- Established a Quality Improvement program
- Working towards accreditation for the Health Department
- Has returned funds back to the county by reducing costs for programs and increasing revenue
- Maximizing the use of grants to offset county cost
- Helped strengthen Information Technology within the county;

therefore be it

RESOLVED: That the Legislature re-appoint Johannes Peeters as Director of Public Health effective January 11, 2011, for a term of six years, said term ending January 10, 2017.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Quinlan.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:56 p.m.