

*Eleventh Regular Meeting*  
November 14, 2017

The Eleventh Regular Meeting of 2017 was held on November 14, 2017 and was called to order by the Chair at 12:02 P.M. Eight Legislators were present, Legislator Weston being absent.

Chair Sauerbrey asked Legislator Huttleston to have a moment of prayer. "Let us pray. It is a sad time for our country and other worldwide countries because of the several recent killings and wounding of many innocent persons by shootings and other killing methods done by radical persons, which has a sad and large impact on the affected families, which I ask to be in our prayers and blessings. Also, let us bless and pray and thank our past and current leaders, military forces and law enforcement people in making the many sacrifices to ensure and protect our freedom. Let us pray that all countries and all people will someday be able to live in peace and the entire world will be free of hate, anarchy and terrorism. Thank you Lord for this great country and our freedom, and I ask you to bless this Legislative body, department heads and employees."

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

There were 9 people in attendance.

William Ostrander of the Employee Recognition Committee announced that the Employee of the 3<sup>rd</sup> Quarter 2017 is Wayne Amendola of the Mental Hygiene Department. "Wayne is not with us yet, but we can go through his biography. Wayne Amendola started working with Tioga County Mental Hygiene, Alcohol and Drug Services on July 28, 2014 as a Certified Alcohol and Drug Counselor and was promoted to his current position of Senior Certified Alcohol and Drug Counselor on August 22, 2016.

"Wayne has many years of experience in the field of addiction, working as a counselor and case manager at several facilities since the late 1990s where he resided in New York City. Wayne has worked with multiple client populations from LGBTQ, HIV, to individuals diagnosed with co-occurring mental health and substance use disorders. Beginning in 1999 Wayne joined Villa Outpatient Treatment Center in Brooklyn, New York as a Counselor/Case Manager. In 2001 he focused on LGBTQ populations at Cornerstone Medical Arts/Pride Institute in New York, New York. In 2002 Wayne took a position as Head Counselor at Bridge Back to Life Center, Inc. in New York City and a Senior Counselor position at Phoenix House in 2003. In 2004 Wayne began working at Day Top Village and by 2009 Wayne excelled in his career at Day Top following successive

promotions to Assistant Clinical Director, only leaving after the facility was closed in 2011.

“Wayne decided to relocate closer to his hometown of Deposit, New York in 2011 and took a position at United Health Services New Horizons as a Dual Diagnosis Counselor and eventually came to work at his current employer in Tioga County. Wayne also holds a position at Industrial Medical Associates where he works part time outside of his employment here. Wayne received his Bachelor of Arts in English Literature and Rhetoric in 1987 from State University of New York at Binghamton. He completed his New York State CASAC education in 2000 and in 2003 he attended Lincoln Medical and Mental Health Center to receive his certification as an Acupuncture Detoxification Specialist.

“Wayne aspires to work in a managerial position and often looks for both personal and professional growth in all he does. When Wayne is not in the office he enjoys antique car restoration and is an avid animal lover.

“None of that is why he is the Employee of the Quarter however. I am going to share with you his nomination and his nomination came from another Department, the Probation Department from Barb Riley and what she said was, Wayne performs the evaluations for substance abuse treatment for inmates at the Tioga County Jail as well as at his office at Tioga County Alcohol and Drug Services. In the current opioid abuse epidemic in Tioga Wayne’s workload has increased significantly. He performs the evaluations efficiently and with compassion.

“As a person who makes referrals to Wayne for those evaluations and needing the information for time sensitive reports to various Courts, I appreciate Wayne’s professionalism and efficiency. Though doing this aspect of his job may not be seen as above and beyond, his efficiency, compassion and thoroughness has an impact on the lives of those in the throes of addiction and of those of us who are also working with those defendants. I believe appreciation for a job well done and done with compassion is what we all should be expressing and recognizing. I hope Wayne’s workload subsides as the opioid crisis is addressed. In the meantime I appreciate his work. That is why he is Employee of the Quarter.”

Wayne Amendola spoke. “I would like to start with does anybody know why the scarecrow was given a promotion? Because he stands out in his field. This is not for me, this is for everybody that I work with at Tioga County. We work fantastically well together, collaboratively because nothing is ever done individual, it is all done as a team effort. I accept this on behalf of everybody that I work with including my superiors. Thank you very very much.”

Lori Morgan, Director of Community Services spoke. "I think there were a few things that were left out about Wayne that his colleagues shared. They say you are a great neighbor, that you take care of stray dogs and cats, that fitness is very important to you, and that you know everything about music from the 70s and 80s. I would like to just say that Wayne is very respected by clients, peers and administration. Wayne has been active in the community also with our coalition. He is many times a panelist at those events. Wayne, when he does attend any of those events, brings passion, knowledge and a friendly face to our agency and to our community we serve. Thank you Wayne."

Chair Sauerbrey stated that there are four Proclamations, Small Business Saturday, Giving Tuesday, Tioga County United Way Month and Adoption Awareness Month. These will be noted in the minutes.

PROCLAMATION  
SMALL BUSINESS SATURDAY

WHEREAS: The Tioga County Legislature Supports Small Business Saturday; and

WHEREAS: "On Saturday, November 25, 2017 the Tioga County Legislature will join in supporting America's small business and entrepreneur community by participating in the annual 'Small Business Saturday'. Small Business Saturday plays a key role in driving customer traffic and growing revenue for our 28 million independent businesses during the important holiday retail season. We're also encouraging consumers to 'dine small' by grabbing a bite at a local eatery; and

WHEREAS: On Small Business Saturday in 2016, 112 million shoppers showed their love for their favorite spots and spent a reported \$15.4 billion at small businesses across America; and

WHEREAS: By shopping local and small the majority of the money stays within the community. Small business owners and Main Street businesses are the fabric of our daily lives. They have energy and passion for what they do, and when we support small businesses, jobs are created and local communities preserve their unique culture; and

WHEREAS: Small Business Saturday also provides us an opportunity to honor and celebrate the hardworking men and women that are creating jobs and fueling the economy in our local neighborhoods; now therefore

THE TIOGA COUNTY LEGISLATURE supports and encourages its citizens to participate in Small Business Saturday and support their local small businesses.

**PROCLAMATION  
GIVING TUESDAY**

WHEREAS: Giving Tuesday was established as a national day of giving on the Tuesday following Thanksgiving; and

WHEREAS: Giving Tuesday is a celebration of philanthropy and volunteerism where people give whatever they are able to give; and

WHEREAS: Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

WHEREAS: It is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in Tioga County; and

WHEREAS: Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and during other times of the year; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim November 28, 2017 as Giving Tuesday in Tioga County and encourage all citizens to join together to give back to the community in any way that is personally meaningful.

**PROCLAMATION**

WHEREAS: Tioga United Way continues to service the needs of the community through funding of 34 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 2018 United Way Campaign is \$210,000; 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.

#### **PROCLAMATION**

This November marks the 27th annual National Adoption Month. November 18, 2017 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized three adoptions this year so far and has four pending for the remainder of 2017. Every child in America and Tioga County deserves a permanent, loving forever 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.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of October 5, 10 and 19, 2017, seconded by Legislator Mullen, and carried.

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 258-17 *APPROPRIATION OF FUNDS*  
*MENTAL HYGIENE*

WHEREAS: The Suicide Coalition of Tioga County has received a gift donation; and Tioga County Department of Mental Hygiene is the administrator of these funds; and

WHEREAS: The funding is specifically designated for the purchase of program deliverables; and

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

RESOLVED: That funding be appropriated as follows:

From: A4322 427051 Gifts and Donations	\$ 286
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To: A4322 540733 Training	\$ 286
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ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 259-17                      *AWARD 2017 EMERGENCY  
MANAGEMENT PLANNING GRANT  
(EMPG17) AND  
MODIFY 2017 BUDGET  
EMERGENCY MANAGEMENT*

WHEREAS: The Tioga County Office of Emergency Management has been awarded a grant of \$24,026 by the New York State Office of Homeland Security and Emergency Services; and

WHEREAS: The grant will be used to offset 50% of budgeted operational costs; therefore be it

RESOLVED: That the Emergency Management Office be allowed to accept the awarded 2017 Emergency Management Planning Grant in the amount of \$24,026, and be it further

RESOLVED: That the 2017 budget be modified as follows:

A3640.443050 EMP17 Emergency Management Planning Grant 2017 Revenue  
\$24,026

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 260-17                    *APPROPRIATION OF FUNDS*  
    *2017 HOMELAND SECURITY GRANT*  
    *MODIFY 2017 BUDGET*  
    *EMERGENCY MANAGEMENT*  
    *SHERIFF'S OFFICE*

WHEREAS: The New York State Office of Homeland Security Program (SHSP) has been awarded a grant of \$69,980 (contract #C973970) to the Tioga County Office of Emergency Management; and

WHEREAS: 75% (\$52,485) of said grant will be appropriated to Emergency Management and 25% (\$17,495) will be appropriated to the Sheriff's Office; and

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

RESOLVED: That the 2017 NYS Homeland Security Grant (contract # C973970) be appropriated as follows:

A3360.433567	SHS17 Homeland Security 2017 Revenue	\$52,485
A3360.540140	SHS17 Homeland Security Grant–Contracting Services	\$52,485
A3361.433567	SHS17 Homeland Security 2017 Revenue	\$17,495
A3361.520230	SHS17 Homeland Security Grant–Radio & Equipment	\$17,495

And be it further

RESOLVED: That the 2017 Emergency Management budget and the Sheriff's Office budget be modified to reflect the above changes.



ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 261-17                                 *APPROPRIATION OF FUNDS HAZARDOUS  
MITIGATION PLANNING GRANT  
(HMPG16)  
MODIFY 2017 BUDGET  
EMERGENCY MANAGEMENT*

WHEREAS: The New York State Division of Homeland Security and Emergency Services (DHSES) has been awarded a grant under the Federal Emergency Management Agency (FEMA) in the amount of \$54,000; and

WHEREAS: \$40,500 of said grant is federal share and \$13,500 is local share which has been budgeted under Planning's account A8020.540140; and

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

RESOLVED: That the 2017 Emergency Management budget be appropriated as follows:

A3360.443566 HMP16 Hazardous Mitigation 2017 Revenue	\$40,500
A3360.540140 HMP16 Hazardous Mitigation – Contracting Services	\$40,500

And be it further

RESOLVED: That the 2017 Emergency Management budget be modified to reflect the above changes.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 262-17                      *APPROPRIATION OF FUNDS  
HAZARDOUS MATERIALS EMERGENCY  
PREPAREDNESS  
(HMEP17)  
MODIFY 2017 BUDGET  
EMERGENCY MANAGEMENT*

WHEREAS: The New York State Division of Homeland Security and Emergency Services (DHSES) has been awarded a grant of \$5,172, and

WHEREAS: The grant will be used to update the County Emergency Plan and Hazardous Materials Plan; and

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

RESOLVED: That the 2017 Hazardous Materials Emergency Preparedness (HMEP17) be appropriated as follows:

A3360.433567 HME17	HMEP 2017 Revenue	\$5,172
A3360.540140 HME17	HMEP Contracting Services	\$5,172

And be it further

RESOLVED: That the 2017 Emergency Management budget be modified to reflect the above changes.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 263-17 *MODIFY 2017 BUDGET  
EMERGENCY MANAGEMENT*

WHEREAS: The Emergency Management Office has need to advertise for job openings; and

WHEREAS: The 2017 budget needs to be modified to create a budget line item A3640 540010 for Advertising to pay for such expenses; and

WHEREAS: There are available funds in the EMO A3640 budget to cover said expenses; therefore be it

RESOLVED: That the 2017 budget be modified and budget transfer authorized as below:

Transfer From: A3640 540220 EMO Automobile Fuel \$700.00

Transfer To: A3640 540010 EMO Advertising \$700.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 264-17                      *APPROPRIATE AND MODIFY 2017 BUDGET  
TO HOUSEHOLD HAZARDOUS WASTE  
ACCOUNT*

WHEREAS: There is a significant increase in the amount of electronic waste being brought by Tioga County residents; and

WHEREAS: Anticipate before year end a revenue surplus of \$9,000 over the budgeted amount; and

WHEREAS: Contingency funds have already been transferred; and

WHEREAS: This increase has caused the budgeted amount to be exceeded for the 2017 Hazardous Waste Program; therefore be it

RESOLVED: That the Tioga County Legislature authorize and appropriate funds from revenue to Household Hazardous Waste Program as follows:

From: B8160 412220 Recycling Fees	\$8,500
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To: B8160 542261 Household Hazardous Waste	\$8,500
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And be it further

RESOLVED: That the 2017 Solid Waste budget be modified to reflect the above changes.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 265-17 TRANSFER OF FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has had need for additional Dental Hygienist contractual services in 2017 due to demand of services and a long-term vacancy of a Dental Hygienist; and

WHEREAS: Additional funds are needed for the contractual services; and

WHEREAS: TCPH has the funds available due to the position vacancy, yet requires the transfer of these funds into the appropriate budget lines; and

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

RESOLVED: That funding be transferred as follows:

From: A4011 510010	Public Health Admin: Personnel	\$ 15,000
To: A4064 540140	Dental Services: Contractual	\$ 15,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 266-17 TRANSFER OF FUNDS FOR HVAC CONTROL  
SYSTEM AND MODIFY 2017 CAPITAL BUDGET

WHEREAS: The metasys system which controls the HVAC for 1/3 of the Ronald E. Dougherty County Office Building has failed; and

WHEREAS: The Commissioner of Public Works has received a proposal of \$39,030.50 from Johnson Controls Inc. based on NYS OGS pricing to replace the failed system with new controls; and

WHEREAS: Transfer of capital funds and budget modifications require Legislative approval; and

WHEREAS: Public Works has surplus in several other approved capital projects and \$44,000.00 is available to transfer to a new project; therefore be it

RESOLVED: That funding be transferred and the 2017 Capital Budget be modified as follows:

From: H1620.520907	Building/Grounds Facility	\$16,500.00
H1620.520911	Renovations 56 Main Street	\$ 3,000.00
H1621.520923	Standby Generator HHS	\$ 6,500.00
H5130.520938	Low Boy Trailer	\$15,500.00
H5130.521930	Walk Behind Striper	\$ 2,500.00
To: H1620.520926	HVAC Control System	\$44,000.00

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL  
 ADMINISTRATIVE SERVICES  
 INFORMATION TECHNOLOGY

RESOLUTION NO. 267-17                      *AUTHORIZE AND FUND  
 TAX COLLECTION SOFTWARE AND  
 APPROPRIATE FUNDS FROM  
 FMAS RESERVE ACCOUNT*

WHEREAS: The Tioga County Legislature recognizes the importance of County Infrastructure; and

WHEREAS: The Treasurer's office, in conjunction with the Real Property and Information Technology Department has conducted a Request For Proposals to replace the County's existing tax and delinquent tax software; and

WHEREAS: The above departments have conducted an evaluation of available options; and

WHEREAS: Allen Tunnel Corporation has been identified as the preferred vendor from "RFP 2017-03 Tax Collection Software"; therefore be it

RESOLVED: That the County Treasurer be authorized to purchase the Allen Tunnel Corporation tax collection software package as specified in their response to "RFP 2017-03 Tax Collection Software" at a cost not to exceed \$290,340 for the software and initial maintenance period of five years; and be it further

RESOLVED: That the following funds be transferred and the 2017 Capital Budget be modified as follows:

From: H387808 Financial Management Reserve Account	\$290,340.00
TO: H1325 520620 Treasurer Capital Software	\$290,340.00

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 268-17

*AWARD BRIDGE PREVENTATIVE  
MAINTENANCE PHASE III PIN#9753.99  
CONSTRUCTION CONTRACT*

WHEREAS: The Bridge Preventative Maintenance Project Phase III PIN#9753.99 has been placed on the FHWA Program; and

WHEREAS: The project will be funded as follows:

FEDERAL:	80%
State:	15%
Local:	5%

And

WHEREAS: The Commissioner of Public Works received sealed bids for the construction phase of this project on 10/18/2017 and the results were as follows:

R. DeVincentis Construction	Binghamton, NY	\$305,000.00
Bothar Construction, LLC	Binghamton, NY	\$283,717.00
Draper Supply, Inc.	Millerton, PA	\$248,396.78

And

WHEREAS: McFarland Johnson, Binghamton, NY have completed the review of the bids and finds the low bidder Draper Supply, Inc., Millerton, PA meets all of the qualifications of the bid specifications contingent upon NYSDOT's award concurrence; therefore be it



RESOLVED: That the Tioga County Legislature authorize awarding the bid to Draper Supply, Inc., Millerton, PA not to exceed \$248,396.78 to be paid out of Bridge Project account D5110 (org) 540050 (object).

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 269-17                      *AUTHORIZE THE SUBMISSION OF  
STATEWIDE INTEROPERABLE  
COMMUNICATIONS GRANT  
(SICG 17) APPLICATION 2017  
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security has issued a Statewide Interoperable Communications Formula Grant to Tioga County. The grant will be used for upgrading the radio communications in the county; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be given authorization to apply for this grant.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 270-17      *AUTHORIZE THE SUBMISSION OF 2018 PSAP OPERATIONS GRANT APPLICATION*

WHEREAS: The NYS Office of Interoperable and Emergency Communications has announced 2018 PSAP (Public Safety Answering Point) Operations grant funding; and

WHEREAS: Applications for this grant are required to be submitted in November of 2017; and

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

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 271-17      *RESOLUTION URGING THE NEW YORK STATE CONGRESSIONAL DELEGATION TO PRESERVE THE FEDERAL INCOME TAX DEDUCTION FOR STATE AND LOCAL TAXES*

WHEREAS: Congress is giving serious consideration to eliminating the federal income tax deduction for state and local taxes; and

WHEREAS: This deduction, which has been in place for more than 100 years, is heavily utilized by residents of our community and our state; and

WHEREAS: The state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they pay to state and local governments; and

WHEREAS: This federal cost shift onto local governments would place extreme pressure on municipal budgets, including diminished revenue for essential local government investments, including public safety and public infrastructure; and

WHEREAS: Increased federal taxation and reduced municipal services will harm our local housing market, decrease home values and erode our local tax base; now therefore be it

RESOLVED: That Tioga County expresses its strong opposition to any tax reform proposal that would eliminate the State and Local Tax (SALT) Deduction and urges U.S. Congressional Representative Thomas Reed and Senator Fred Akshar to join us in publicly opposing any such proposal, and be it further

RESOLVED: That the Legislative Clerk is hereby authorized and directed to communicate the concerns of Tioga County by transmitting certified copies of this resolution to President Donald. J. Trump, United States Senate Majority Leader Mitch McConnell, United States Senate Minority Leader Charles Schumer, United States House of Representatives Speaker Paul Ryan, United States House of Representatives Minority Leader Nancy Pelosi, and the National Association of Counties.

#### ROLL CALL VOTE

Yes – Legislators Huttleston, Monell, Mullen, Sauerbrey, Roberts, Standinger and Hollenbeck.

No – Legislator Sullivan.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 272-17      *DESIGNATION OF TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION, D.B.A. TIOGA COUNTY TOURISM, AS AUTHORIZED TOURISM PROMOTION AGENCY FOR 2018*

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the state in its tourism grants program; and

WHEREAS: The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA); therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2018 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 273-17 *AUTHORIZE 2018 CONTRACT EXTENSION  
AMENDMENT FOR INMATE MEDICAL CARE*

WHEREAS: The Sheriff's Office contracts with Correctional Medical Care Inc. (CMC); CBH Medical, P.C., and; SM Dental, P.C. to provide medical care to the inmates of the Tioga County Jail; and

WHEREAS: The current contract will expire on December 31, 2017; and

WHEREAS: The Sheriff's Office is desirous to extend the current contract one additional year for an annual fee of \$614,289.96; and

WHEREAS: Funding for this contract will be appropriated in the 2018 budget and the Tioga County Attorney has approved the contract amendment; be it therefore

RESOLVED: That the Tioga County Legislature authorize the contract extension amendment for one year, beginning on January 1, 2018 and expiring on December 31, 2018.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 274-17 *AUTHORIZE CONTRACT BETWEEN  
TWIN TIER PATHOLOGY  
ASSOCIATES, PC, AND TIOGA COUNTY*

WHEREAS: Beginning January 1, 2018 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$875.00 to be paid to Pathologists and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/18 through 12/31/18.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 275-17 APPOINT MEMBERS TO YOUTH BOARD  
YOUTH BUREAU

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

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

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

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 224-17 and vacancies exist; now therefore be it

RESOLVED: That the following listed representatives be appointed as members of the Tioga County Youth Board with the corresponding term of office consistent with the requirement of staggered rotation.

	<u>TERM</u>
Michael Patitucci (Replacing Carter Bryce Jackson)	11/01/17 - 12/31/20
Ryleigh Clark (Replacing Zack Baker)	11/01/17 – 12/31/20

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 276-17 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 Huttleston, Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, and Hollenbeck.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO: 277-17 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2017 to September 30, 2017 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:

Barton (Town)	\$ 20,898.39
Berkshire (Town)	6,211.76
Candor (Town)	23,378.33
Candor (Village)	148.28
Newark Valley (Town)	5,811.99
Newark Valley (Village)	2,564.90
Nichols (Town)	9,825.76
Nichols (Village)	2,236.98
Owego (Town)	107,484.84
Owego (Village)	9,096.20
Richford (Town)	6,896.17
Spencer (Town)	15,138.59
Spencer (Village)	2,668.70
Tioga (Town)	18,868.79
Waverly (Village)	<u>15,730.46</u>
	\$246,960.14

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.



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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 278-17 *AUTHORIZE THE SALE OF COUNTY OWNED  
PROPERTY LOCATED IN THE VILLAGE OF CANDOR  
TO CHAD ROSE & ATHENA HOLLARD*

WHEREAS: Property located in the Village of Candor assessed to William McAvoy, identified as Tax Map number 61.09-1-5, parcel number 274, owes 2015, 2016 & 2017 taxes and is past the last date of redemption; and

WHEREAS: Brandon S. Baird was the closing bidder with \$4,600 deposit paid at the Foreclosure Auction held on August 10, 2017 and has defaulted by not appearing at closing with forfeiture of the \$4,600 and the second bidder passed on buying said property; and

WHEREAS: The Treasurer has held a Public Auction on November 1, 2017 and the winning bidder is Chad Rose & Athena Hollard, hereby making an offer to purchase said property for \$500, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the County rescinds its previous resolution to sell said property to Brandon S. Baird, the closing bidder with \$4,600, paid at the Foreclosure Auction held on August 10, 2017, by Default of Appearance at closing, with forfeiture of the \$4,600; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$500 and recording costs, a Quit Claim Deed conveying the property assessed to William McAvoy located in the Village of Candor identified on the Village of Candor Tax Map as number 61.09-1-5, parcel number 274, to Chad Rose & Athena Hollard and/or assigns.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 279-17      *AUTHORIZE THE SALE OF COUNTY OWNED  
PROPERTY LOCATED IN THE TOWN OF CANDOR  
TO THOMAS D. DARPINO & DEBORAH A. DARPINO*

WHEREAS: Property located in the Town of Candor assessed to Harold R. Vrabel, identified as Tax Map number 62.00-1-17.111, parcel number 610, owes 2015, 2016 & 2017 taxes and is past the last date of redemption; and

WHEREAS: Anthony Huizinga was the closing bidder with \$7,100 deposit paid at the Foreclosure Auction held on August 10, 2017 and has defaulted by not appearing at closing with forfeiture of the \$7,100 and the second bidder passed on buying said property; and

WHEREAS: The Treasurer has held a Public Auction on November 1, 2017 and the winning bidder is Thomas D. Darpino & Deborah A. Darpino hereby making an offer to purchase said property for \$45,000, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the County rescinds its previous resolution to sell said property to Anthony Huizinga, the closing bidder with \$7,100, paid at the Foreclosure Auction held on August 10, 2017, by Default of Appearance at closing, with forfeiture of the \$7,100; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$45,000 and recording costs, a Quit Claim Deed conveying the property assessed to Harold R. Vrabel located in the Town of Candor identified on the Town of Candor Tax Map as number 62.00-1-17.111, parcel number 610, to Thomas D. Darpino & Deborah A. Darpino and/or assigns.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 280-17 AMEND EMPLOYEE HANDBOOK SECTION IV  
PERSONNEL RULES, SUBSECTION C:  
"ORIENTATION/EXIT  
INTERVIEW/RECRUITMENT/RETIREMENT"

WHEREAS: The eligibility criteria in Section IV.B of the Orientation /Exit Interview/Recruitment/Retirement policy was established prior to the adoption of the 25 year retirement plan for Corrections Officers and Deputy Sheriff's; and

WHEREAS: As currently written, someone retiring with 25 years of service under The Special Plan would not necessarily qualify to carry health insurance into retirement due to the age criteria; and

WHEREAS: It is not the County's intention to preclude the Correction and Road Patrol staff from carrying health insurance into retirement; therefore be it

RESOLVED: That paragraph B.1 of the policy be replaced with the following:

"Any full-time employee, elected official or Legislator who retires from Tioga County directly into the NYS Employee and Local Retirement System shall be entitled to a health insurance benefit in accordance with the following criteria:";

and be it further

RESOLVED: That the remainder of the policy is unchanged.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 281-17      *AMEND RESOLUTION 176-94*  
*MEDICARE REIMBURSEMENT*

WHEREAS: Current eligible retirees receive reimbursement of their Medicare Part B premiums; and

WHEREAS: In recent years, Medicare has established different premiums based on different qualifying criteria, making administration of the reimbursement program far more challenging; and

WHEREAS: The County is interested in honoring the commitment to provide the reimbursement but needs to find a way to streamline the process; therefore be it

RESOLVED: That effective February 1, 2018 – January 31, 2021, the amount current eligible retirees will receive as reimbursement shall be the average of all 2017 rates indicated by Medicare, which is \$115; and be it further

RESOLVED: That said average rate shall be reviewed every 3 years for possible adjustment; and be it further

RESOLVED: That this resolution shall amend Resolution 176-94 only as to the Medicare reimbursement portion of said Resolution.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:                                 LEGAL/FINANCE COMMITTEE  
  PERSONNEL COMMITTEE

RESOLUTION NO. 282-17                 *RATIFY COLLECTIVE BARGAINING AGREEMENT  
  AND ADOPT 20-YEAR RETIREMENT PLAN FOR  
  TCLEA*

WHEREAS: Tioga County and the Tioga County Law Enforcement Association (TCLEA) have been negotiating a successor agreement to the 2013/2014 binding arbitration award; and

WHEREAS: The parties have reached agreement on a contract for the period of 2015-2020; and

WHEREAS: The TCLEA members ratified the agreement at a vote on October 26, 2017; and

WHEREAS: The agreement includes adoption of a 20-Year Retirement Plan referred to as 553(b) and in order to officially adopt this Plan the County Legislature must pass a resolution declaring such; therefore be it

RESOLVED: That the County Legislature hereby ratifies the 2015-2020 collective bargaining agreement and as such adopts the Retirement Plans known as 552, 553 and 553(b) under Article 14B, effective December 1, 2017, and be it further

RESOLVED: That the Chair of the Legislature, along with the Sheriff, is hereby authorized to sign the Agreement as a joint employer; and be it further

RESOLVED: That the Tioga County Legislature does hereby agree to implement the funds necessary to carry out the terms and provisions of said contract.

Legislator Mullen spoke. "I would like to just say that in this contract negotiations that the Sheriff's Deputies Union and the members of the Legislature that were on the committee came together and put together I believe a very good contract for the benefit of all that were involved, and I especially want to thank Bethany O'Rourke our Personnel Director for the tremendous job that she did on that effort."

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 283-17

*AUTHORIZE 2018 CONTRACTS WITH SADD  
SCHOOL ASSOCIATES*

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

WHEREAS: It is the desire to contract with the following five SADD School Associates for the calendar year 2018; Aria French to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Britney Eley to serve the Spencer Van Etten School District, and Janice Barto to serve the Tioga Central 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 2018 calendar year.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

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

REFERRED TO: PUBLIC WORKS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 284-17      *AUTHORIZE POSITION RECLASSIFICATION  
PUBLIC WORKS*

WHEREAS: Legislative approval is required for position reclassification; and

WHEREAS: On September 26, 2017, the Personnel Department received a position description questionnaire from Keith French, Maintenance Mechanic I (CSEA grade 5, \$16.088/hr), who works within the Building and Grounds unit of the Public Works Department; and

WHEREAS: A desk audit resulted and involved the review of work tasks performed by Mr. French in comparison to the Maintenance Mechanic classification levels; and

WHEREAS: Due to the type of work assigned to and performed by Mr. French which routinely involves two skill trades, the Personnel Officer has determined justification exists to classify Mr. French as a Maintenance Mechanic II (CSEA grade 4, \$16.768/hr); therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of the Maintenance Mechanic I position currently filled by Keith French to Maintenance Mechanic II and that Mr. French shall receive an increase of \$0.68 to his current hourly rate effective retroactive to September 26, 2017.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

REFERRED TO:

PERSONNEL COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 285-17

*AUTHORIZE APPOINTMENT OF  
ACCOUNTANT  
TREASURER'S OFFICE*

WHEREAS: Legislative approval is required for any appointment to a non-union position within Tioga County; and

WHEREAS: The position of Accountant became vacant on September 29, 2017, within the Treasurer's Office; and

WHEREAS: The Treasurer has conducted a recruitment search and has identified a qualified candidate; therefore be it

RESOLVED: That Jackson Bailey is hereby provisionally appointed to the title of Accountant, pending successful completion of civil service examination requirements, at an annual, non-union salary of \$45,000 effective November 27, 2017; and be it further

RESOLVED: In accordance with Section IV(k) of the Tioga County Employee Handbook, Mr. Bailey shall not receive a salary increase on January 1, 2018, and instead will be evaluated after six (6) months in order to determine if eligible for a salary increase at that time.



## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

## RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 286-17

*SUPPORTING SPECIAL LEGISLATION  
RETROACTIVELY ENROLLING DARYL  
WILLIAMS IN A NEW YORK STATE RETIREMENT  
PLAN ESTABLISHED PURSUANT TO SECTION  
551 AND AUTHORIZING PAYMENT OF  
ADDITIONAL RETIREMENT CONTRIBUTIONS*

WHEREAS: Tioga Sheriff Deputy Daryl Williams was employed by the Tioga County Sheriff's Department before retiring in 2009; and

WHEREAS: As of 2001 Daryl Williams should have been enrolled in a 25 year retirement plan established under Retirement and Social Security Law Article 14-b section 551 pursuant to the terms of a collective bargaining agreement negotiated between Tioga County and the Tioga County Law Enforcement Union which represented Daryl Williams; and

WHEREAS: Through no fault of his own Daryl Williams was enrolled in a 25 year retirement plan established under Retirement and Social Security Law section 89-p; and

WHEREAS: The 89-p plan does not provide Mr. Williams with the same benefits he would have been entitled had he been enrolled in the correct retirement plan; and

WHEREAS: Daryl Williams may be retroactively enrolled in the correct plan as a result of special New York State legislation with Tioga County agreeing to be responsible for the additional retirement plan contributions which would have been made had he been enrolled in the section 551 plan; and

WHEREAS: Tioga County is committed to making the financial contribution which would be required in order to retroactively enroll Daryl Williams in the section 551 retirement plan rather than his current plan; therefore be it

RESOLVED: That Tioga County supports special legislation retroactively enrolling Daryl Williams in a retirement plan pursuant to section 551 and asks that its local representatives in the New York State Assembly and Senate sponsor such legislation; and be it further

RESOLVED: That upon Daryl Williams being approved for enrollment in a section 551 plan, Tioga County is authorized to make such additional contributions for past service credit to the New York State Retirement System as may be required for such retroactive enrollment.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE COMMITTEE

RESOLUTION NO. 287-17

*AUTHORIZING THE CREATION OF A TRAFFIC SAFETY DIVERSION PROGRAM IN THE DISTRICT ATTORNEY'S OFFICE, AUTHORIZING THE SALARY OF THE FIRST ASSISTANT DISTRICT ATTORNEY AND THE THIRD ASSISTANT DISTRICT ATTORNEY AND MAKING APPROPRIATIONS RELATED TO TIOGA COUNTY TRAFFIC SAFETY DIVERSION PROGRAM*

WHEREAS: The District Attorney's Office has made presentations to the Legislature, as well as appropriate Standing committees regarding the inception of a Tioga County Traffic Safety Diversion Program; and

WHEREAS: The Tioga County Traffic Safety Diversion Program will be monitored and administered in the District Attorney's Office, which are not among the current duties and responsibilities of the Office and will result in more work for the First Assistant District Attorney and Third Assistant District Attorney and the Office, requiring adjustments to the position salaries to compensate for said additional work and duties; and

WHEREAS: The program is principally intended to serve public safety rather than generate revenue and a portion of the proceeds derived from the program, if any, will be distributed to local justice courts on a periodic basis (e.g., semi-annually) to offset expenses resulting from the Traffic Safety Diversion Program with the amount of said disbursements being determined by the District Attorney with the consultation of the County Legislature and with said program being reviewed on an annual basis to assess its effectiveness, disbursements and fee structure; and

WHEREAS: Legislative approval is required to authorize the salary of an appointment to a position designated as non-union; and

WHEREAS: In order to initiate the program, it is necessary that a related budget be established; now therefore be it

RESOLVED: That in order to effectuate the government, protection, order, conduct, safety, health and well-being of persons and property within the County pursuant to Home Rule Law §10, Tioga County establishes a Traffic Safety Diversion Program; and be it further

RESOLVED: That the position of 1<sup>st</sup> Assistant District Attorney is established at an annual, non-union salary of between \$70,233– 80,233, effective January 2, 2018; and be it further

RESOLVED: That the position of 3<sup>rd</sup> Assistant District Attorney is established as a full time position at an annual, non-union salary of between \$56,876 – 66,876, effective January 2, 2018; and be it further

RESOLVED: That the Tioga County Treasurer be and hereby is authorized to create accounts for the District Attorney's Traffic Safety Diversion Program; and be it further

RESOLVED: That in the event any portion of the program shall be declared unenforceable, the remaining balance of the program shall be in full force and effect.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:25 P.M.