

Agenda



TIOGA COUNTY LEGISLATURE

3/13/2018

6: 00 PM

EDWARD D. HUBBARD AUDITORIUM
 RONALD E. DOUGHERTY COUNTY OFFICE BUILDING
 56 Main Street
 Owego NY 13827

Meeting called by: Chair Martha Sauerbrey

Type of meeting: 3rd Regular

Attendees:
 Legislator Hollenbeck
 Legislator Huttleston
 Legislator Monell
 Legislator Mullen
 Legislator Roberts
 Chair/Legislator Sauerbrey
 Legislator Standinger
 Legislator Sullivan
 Legislator Weston

Agenda topics

Invocation Pledge of Allegiance Proclamations (2) STATE OF THE COUNTY ADDRESS Privilege of the Floor Approval of Minutes Petitions, Communications & Notices Appointments/Reappointments	Legislator Standinger Legislator Standinger Welcome Home Vietnam Veterans Day Rabies Prevention & Awareness Month February 13 & 22, 2018
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Reports Standing/Special Committees		
RESOLUTIONS:	<ol style="list-style-type: none">1. Appoint Certifying Officer for environmental review Public Health2. Reappoint Member to the Tioga County Local Development Corporation (TCLDC)3. Reappoint Member to the Tioga County Local Development Corporation (TCLDC)4. Appoint Members Alternatives to Incarceration Advisory Board5. Create a County Animal Response Team (CART) Office of Emergency Services6. Amend Comprehensive Emergency Plan (CEMP) to include Animal Emergency Plan Emergency Services7. Authorize 2018 Requests for Inclusion of Lands in Agricultural Districts8. Amend Resolution No. 279-17 to state correct bid price9. Resolution Reinstating the Tax Enforcement of the collection of real property taxes and future taxes of certain property pursuant to Article Eleven of the Real Property Tax Law10. Authorize Increase in Administering Mortgage Tax by the Tioga County Clerk as approved by New York State Department of Taxation and Finance11. Appropriation of Funds and Amend 2018 Budget Public Health12. Fund Sheriff's Grant-NYS Police Traffic Services Grant13. Budget Modification Youth Programs14. Resolution to Approve continued MOU between Tioga County Probation Department and Smart Start15. Authorize Lease for RuralNet16. Salary Adjustments for Public Defender's Office Public Defender	

PROCLAMATION
WELCOME HOME VIETNAM VETERANS DAY

WHEREAS: March 29, 2018 is National Welcome Home Vietnam Veterans Day; and

WHEREAS: More than 500,000 members of our Armed Forces served in Vietnam, with 58,272 giving the ultimate sacrifice for their Country. Tioga County has 4,623 veterans living here in Tioga County, many of whom are Vietnam Era veterans; and

WHEREAS: To recognize their service and sacrifice and the failure of our nation to offer them proper respect and gratitude when they returned home at the end of the Vietnam War; therefore

THAT THE TIOGA COUNTY LEGISLATURE does hereby proclaim

March 29, 2018 as

“Welcome Home Vietnam Veterans Day” in Tioga County

and encourages Tioga County citizens to honor Vietnam Veterans Day in appreciation of our Tioga County Veterans who have served.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Rabies is a contagious and fatal virus that is spread among dogs, cats, bats, raccoons, foxes and other mammals, including humans; and

WHEREAS: It is vital to notify Tioga County Public Health of all animal bites and wild animal exposures, including bats, due to the potential risk of rabies; and

WHEREAS: If left untreated in humans rabies has a 100% fatality rate; and

WHEREAS: With animal vaccination, rabies is preventable; and

WHEREAS: New York State law requires all dogs, cats, and ferrets get their first rabies vaccination no later than four months of age and their second rabies shot within one year. Thereafter, a booster shot is required every three years; and

WHEREAS: Tioga County Public Health hosts numerous rabies vaccination clinics throughout the county, including one on March 22 at the Waverly Village Barn; therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of March 2018
as

RABIES PREVENTION & AWARENESS MONTH

and urges all the citizens of our County to vaccinate their pets against rabies.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -18 APPOINT CERTIFYING OFFICER FOR
ENVIRONMENTAL REVIEW
PUBLIC HEALTH

WHEREAS: Tioga County has been awarded Community Development Block Grant (CDBG) funds from New York State for the replacement of the Tioga County Mobile Dental Van; and

WHEREAS: Projects that include CDBG funds must be assessed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFR Part 58; and

WHEREAS: A Certifying Officer must be identified to do an environmental review to determine that there are no unanticipated impacts nor impacts not adequately addressed in the program review related to the environment; therefore be it

RESOLVED: That Todd Kopalek, Supervising Public Health Sanitarian, shall be designated as the Certifying Officer for Tioga County CDBG Project Number 1142PF59-17 and will be responsible for all activities associated with the environmental review process.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -18 RE-APPOINT MEMBER TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member Beth Johnson expires as of March 31, 2018; and

WHEREAS: Beth Johnson has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Beth Johnson for another three-year term of 4/1/18 – 3/31/21.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -18 RE-APPOINT MEMBER TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member Sonny Dewitt expires as of March 31, 2018; and

WHEREAS: Sonny Dewitt has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Sonny Dewitt for another three-year term of 4/1/18 – 3/31/21.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18

APPOINT MEMBERS ALTERNATIVES TO
INCARCERATION ADVISORY BOARD

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

	TERM
Ex-Offender	4/1/18-3/31/19
Crime Victim	4/1/18-3/31/19
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/18-3/31/19

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18

CREATE A COUNTY ANIMAL
RESPONSE TEAM (CART)
OFFICE OF EMERGENCY SERVICES

WHEREAS: Any disaster that impacts humans also impacts animals as they rely on human intervention to ensure their safety. To meet the needs of animals, New York State has adopted the Empire State Animal Response Team (ESART); and

WHEREAS: Since disaster response begins and ends at the local level, ESART supports the creation of County Animal Response Teams (CART) to develop, train, and resource coordination during such events; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services is authorized to create a County Animal Response Team (CART).

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18

AMEND COMPREHENSIVE
EMERGENCY PLAN (CEMP)
TO INCLUDE ANIMAL
EMERGENCY PLAN
EMERGENCY SERVICES

WHEREAS: Resolution #140-13 approved the revision of the Comprehensive Emergency Management Plan (CEMP), and

WHEREAS: The Director of Emergency Services would like to add an annex to include an Animal Emergency Plan; therefore be it

RESOLVED: That the current Comprehensive Emergency Management Plan (CEMP) be revised to include the Animal Emergency Plan.

REFERRED TO: ED&P COMMITTEE
AGRICULTURE COMMITTEE

RESOLUTION NO -18 AUTHORIZE 2018 REQUESTS FOR INCLUSION
OF LANDS IN AGRICULTURAL DISTRICTS

WHEREAS: In accordance with §303-B of the NYS Agricultural and Markets Law 25-AA, the Tioga County Planning Department has solicited agricultural land owners to request inclusion of lands in agricultural districts; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts located within the Owego/Nichols Agricultural Districts totaling 122 acres, and prepared the required report listing these requests; and

WHEREAS: The County Legislature has indicated its desire to be designated lead agency for SEQR (State Environmental Quality Review) requirements; and

WHEREAS: Tioga County Planning has found this plan to have “little likelihood of significant adverse environmental impact...” via completion of the SEQR Short Environmental Assessment Form, which is consistent with the programmatic review of environmental effects of agricultural districting by the New York State Department of Agriculture & Markets; and

WHEREAS: The Tioga County Agricultural and Farmland Protection Board has reviewed said report and determined that the land to be included consists of viable agricultural land and its inclusion will serve the public interest by helping to maintain a viable agricultural industry within the District and therefore recommends County Legislature approval of inclusion of lands into their respective agricultural districts; and

WHEREAS: The Tioga County Legislature has held the required public hearing and no opposition was heard; therefore be it

RESOLVED: That the Tioga County Legislature makes a SEQR Negative Declaration and approves the 2018 requests for inclusion of land listed in said report into the Owego/Nichols Agricultural Districts; and be it further

RESOLVED: That the Tioga County Legislature directs the Tioga County Planning Department to submit said report to the Commissioner of NYS Department of Agriculture and Markets for final certification; and be it further

RESOLVED: That it is the intent of this body, upon approval by the Commissioner of NYS Department of Agriculture & Markets, to make these inclusions to the Owego/Nichols Agricultural Districts effective immediately.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -18 AMEND RESOLUTION NO. 279-17
TO STATE CORRECT BID PRICE

WHEREAS: It appears necessary to amend resolution number 279-17 wherein the Tioga County Legislature authorized the sale of property identified as Tax Map number 62.00-1-17.111 to Thomas D. Darpino and Deborah A. Darpino for a purchase price of \$45,000; therefore be it

RESOLVED: That resolution number 279-17 be and hereby is amended to state a purchase price of \$22,500.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -18 RESOLUTION REINSTATING THE TAX ENFORCEMENT OF THE COLLECTION OF REAL PROPERTY TAXES AND FUTURE TAXES OF CERTAIN PROPERTY PURSUANT TO ARTICLE ELEVEN OF THE REAL PROPERTY TAX LAW

WHEREAS: The Tioga County Legislature canceled the enforcement of collection of delinquent taxes and future taxes on property listed below pursuant to Resolution #24-15; and

WHEREAS: The impediments that caused the property to be withdrawn and the tax canceled have been resolved. The Tioga County Treasurer recommends that the parcel be removed from the exempt section of the tax assessment rolls and reinstated for the future collection of real property taxes; therefore be it

RESOLVED: That the Tioga County Legislature has determined that the property be removed from the exempt section of the tax assessment rolls and reinstated for the future collection of real property taxes. The Legislature further directs the enforcing officer to issue a certificate of reinstatement and file a copy of certificate with the County Director of Real Property Tax Services and with the Assessor of the assessing unit in which the parcel is located.

FORMER ASSESSED OWNER
Northern Tioga Enterprises LLC
Current Owner: Leroy Eiklor

TOWN/VILLAGE
Newark Valley

TAX MAP #
64.19-3-32.2

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. -18 AUTHORIZE INCREASE IN ADMINISTERING
MORTGAGE TAX BY THE TIOGA COUNTY CLERK
AS APPROVED BY NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE

WHEREAS: Section 262 (Article 11) of the New York State tax law mandates that recording officers are entitled to receive for the county all necessary expenses for the purpose of administration of the mortgage tax in their office and approved allowance by the New York State Department of Taxation and Finance; and

WHEREAS: The Tioga County Clerk has requested proper compensation that are reasonable and necessary allowances to cover county expenditures for collection, disbursements of the mortgage tax; and

WHEREAS: The Tioga County Clerk's office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$126,528.00 per year; and

WHEREAS: The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to increase the mortgage expense to be \$126,528.00 for the period of April 2018 – April 2019; therefore be it

RESOLVED: That the County Clerk be authorized to collect or withhold from its disbursements in twelve (12) equal monthly installments of \$10,544.00 at a total annum amount of \$126,528.00.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18 APPROPRIATION OF FUNDS AND AMEND
2018 BUDGET
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded additional grant funding from the New York State Department of Health; and

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

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

RESOLVED: That the 2018 budget be amended and funding be appropriated as follows:

From: A4011 434010 State Aid	\$ 1,498
To: A4011 540640 Supplies	\$ 1,498

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18

FUND SHERIFF'S GRANT –NYS
POLICE TRAFFIC SERVICES
GRANT

WHEREAS: The Sheriff's Office has been awarded a NYS Police Traffic Services Grant (PTS-2018-Tioga Co SO-00106-(054) in the amount of \$17,775; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Police Traffic Services Grant be appropriated as follows:

Expense Account: A3110.510030 Overtime/Other \$17,775

State Aid Revenue Account: A3110.433900 \$17,775

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18 BUDGET MODIFICATION
YOUTH PROGRAMS

WHEREAS: The Youth Bureau Director has resigned; and

WHEREAS: The salary related administrative functions of the Youth Bureau will be done within Social Services allowing for more funds to be awarded to programs and non-salary administrative expenses; and

WHEREAS: Budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A7310.510020 Part Time/Temporary \$ 6,287

To: A7310.541540 Reimbursements \$ 6,287

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 18

RESOLUTION TO APPROVE
CONTINUED MOU BETWEEN TIOGA
COUNTY PROBATION DEPARTMENT
AND SMART START

WHEREAS: The Tioga County Probation Department must supervise offenders who are sentenced to probation supervision by Tioga County courts for drink and driving behavior; and

WHEREAS: Many probationers divest themselves of their motor vehicles pre or post sentencing so that they do not have to install an ignition interlock device (IID). The Smart Start company markets a hand held IID, similar to an IID, that will allow defendants to blow into the device at assigned times and have their BAC calculated, a photo taken and a GPS location established; and

WHEREAS: The Smart Start company has partnered with Tioga County since 2015 to provide these devices at the rate of \$3.10 per day via an MOU that is renewable automatically each year and would like to continue the program in 2018; and

WHEREAS: Tioga County Probation has budgeted funds for Clinic Supplies for testing of probationers in the amount of \$4,250 in account number A3140 540080 and there is one time 2018 STOP-DWI funding available in the amount of \$3,977 for this service; therefore be it

RESOLVED: That the Tioga County Legislative Chair is approved to contract with Smart Start, upon approval by the County Attorney, to provide hand held alcohol testing devices for the year 2018.

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. -18 AUTHORIZE LEASE FOR RURALNET

WHEREAS: The Tioga County Legislature recognizes the importance of quality Internet services for businesses and residents within the county borders; and

WHEREAS: The ITCS department has helped facilitate that development through work with Southern Tier Network, providing a "POP" (Point of Presence) location in the County data center that can be utilized by providers to connect to the Southern Tier Network middle-mile fiber optic network; and

WHEREAS: The provider RuralNet has approached the County to lease space to place a data rack and establish a connection to Southern Tier Network at a rate of \$200 per month for a lease term of 15 years in accordance with Local Law 4 of 2001; and

WHEREAS: A contract has been submitted, reviewed and approved by ITCS and the County Attorney for the above service; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized to sign the associated lease agreement with RuralNet at a rate of \$200 per month for a lease term of 15 years in accordance with Local Law 4 of 2001.

REFERRED TO:

FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -18

SALARY ADJUSTMENTS FOR
PUBLIC DEFENDER'S OFFICE
PUBLIC DEFENDER

WHEREAS: Legislative approval is required to adjust the salary of non-union employees; and

WHEREAS: Per Resolution 44-18, Tioga County will receive grant funding from the New York State Office of Indigent Legal Services (ILS) which will be used to fund salaries in the Public Defender's office; therefore be it

RESOLVED: That the following 2018 non-union salaries shall be adjusted as follows and shall be effective retroactive to 01/01/2018:

Mari Townsend, Assistant Public Defender, from \$60,708 to \$66,208 annually;

Todd Miller, 1st Assistant Public Defender, from \$40,553 to \$42,553 annually;

Thomas Cline, 2nd Assistant Public Defender, from \$39,379 to \$41,379 annually;

Stacey Reynolds, Secretary to the Public Defender, from \$11.92/hour to \$12.49/hour;

and be it further

RESOLVED: That with said salary adjustments, the Treasurer's Office shall be reimbursed by the ILS grant for only those fringe benefits which are associated with the salary increase.