

Seventh Regular Meeting
July 9, 2013

The Seventh Regular Meeting of 2013 was held on July 9, 2013 and was called to order by the Chair at 12:00 P.M. Eight Legislative members were present, Legislator Roberts being absent.

Chair Weston asked Legislator Monell to have a moment of prayer. "Lord, we thank you this day for the honor and the privilege that is ours to meet and discuss the issues that relate to this County. We pray Lord that you would be with each one of us as we make these decisions and that we would make the ones that would be best for the people of this County."

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

There were seven people in attendance.

Joe Albrecht had privilege of the floor. "Thank you for the privilege. The single page document whose 237th anniversary was recently celebrated lead to the formation of a 28 page pamphlet on the separation of three branches of Government whose responsibility it was to provide for the services of its citizens. That in turn lead to the Patient Protection and Care Act, which I guess has generated 20,000 pages or in excess of 20,000 pages. 20,000 pages is represented by 40 packages of paper that would be about 6 feet 8 inches tall, which is about that height. My question is this: Do you as a Legislative body with the responsibility for utilization of fiscal resources for the function of the County including my healthcare and the provision of acceptable working conditions for your employees have access to accurate information that will allow you to make appropriate decisions that is within the framework of 30 days has September, 31 days in August, and the remainder of the month of July to determine what you are going to do to meet your responsibilities as a Legislative body for the utilization of resources not only for healthcare, but for the functioning of the County and its employees? That is the first part of what I have to say.

"The second part relates to the Safe Act of 2013, Section 265.01 involving criminal possession of a weapon in the 4th degree. The second paragraph contains the following statement: "or any other dangerous or deadly instrument or weapon with the intent to use the same unlawfully against another". Recently an automobile has been shown to have been involved in a vehicular

homicide. That statement to me exposes every person in the State of New York to a class A misdemeanor possession of a dangerous weapon. That is part of 265.01. That is for your consideration. I realize that this Legislature has taken a stand relative to the Safe Act, but I think this needs clarification.

“The second part of my concern with the Safe Act involves the statement that precedes many of the amendments that are given to various other laws. It states the following: “upon a finding of a willful failure to obey an order of protection or temporary order of protection”. My knowledge or my understanding of orders or protection, they are issued by either a Criminal Court or the Family Court. If they are issued by a Criminal Court they involve the commission of a crime. If they are issued by the Family Court they do not necessarily involve the commission of a crime, which in my interpretation indicates that if my firearms are seized because I violate a noncriminal order of Family Court, my basic due process has been violated. Thank you very much for the time. You will be hearing more about this and my attitude within the next few months. With the idea of the healthcare situation, we have until the first of October to clarify for the benefit of our two State Senators the significance of this Legislative situation.”

Chris Bonner had privilege of the floor. He spoke about Legislators who are lawyers and practicing law. He also spoke about Governor Cuomo’s 10 year tax free for businesses if they locate near a college and also spoke about casinos.

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		186.47
A1172	Assigned Counsel		13,584.22
A1185	Medical Examiners/Coroners		452.53
A1325	Treasurer		454.63
A1355	Assessments		2,095.00
A1410	County Clerk		1,736.05
A1420	Law		3,050.00
A1430	Personnel		1,952.42
A1450	Elections		6,709.29
A1460.41	Records Management		548.99
A1490	Public Works Administration		42.44
A1620	Buildings		37,230.44
A1621	Buildings		16,478.31
A1680	Information Technology		4,868.03
A2490	Community College Tuition		32,671.54
A2960	Education Handicapped Children		189,863.78

A3020	Public Safety Comm E911 System	260.00	4,684.99
A3110	Sheriff	1,235.50	23,739.90
A3140	Probation		20.00
A3146	Sex Offender Program		9,240.00
A3150	Jail	511.14	51,118.41
A3315	Special Traffic Programs		642.25
A3357	FY11 NYS Homeland Security Grant	5,794.34	13,252.74
A3410	Fire		2,770.55
A3640	Emergency Mgmt Office		367.54
A4010	Public Health Nursing		29,537.35
A4011	Public Health Administration		8,744.92
A4042	Rabies Control		7,628.28
A4044	Early Intervention		403.44
A4053	Preventive/Primary Health Svcs		89.68
A4054	Preventive Dental Services		664.90
A4062	Lead Poisoning Program		12.00
A4064	Managed Care-Dental Services		3,869.10
A4070	Disease Control		2,886.88
A4090	Environmental Health		764.15
A4210	Alcohol and Drug Services		870.92
A4211	Council on Alcoholism		10,999.34
A4309	Mental Hygiene Co Admin		5,843.42
A4310	Mental Health Clinic		7,218.11
A4320	Crisis Intervention Services		416.67
A4321	Intensive Case Management		1,877.60
A5630	Bus Operations		68,333.93
A6010	Social Services Administration		41,779.34
A6422	Economic Development		150.15
A6510	Veterans' Service		125.00
A6610	Sealer Weights and Measures		209.74
A8020	Planning		1,436.56
A9060	Health Insurance		4,930.74
SOLID WASTE FUND			12,313.00
SPECIAL GRANT FUND			1,140.79
COUNTY ROAD FUND			33,749.99
CAPITAL FUND			725,214.74
CONSOLIDATED HEALTH INSURANCE			618,163.78
SELF-INSURANCE FUND			<u>1,300.00</u>
GRAND TOTAL			\$ 2,016,236.02

Legislator Sullivan made a motion to approve the minutes of June 11, 2013, seconded by Legislator Sauerbrey, and carried.

Chair Weston made the following appointment to the Municipal Electric and Gas Alliance (MEGA) Board for a term of 07/09/2013 to 11/12/2013:

Douglas Barton

Chair Weston abolished the following committees effective July 9, 2013:
Economic Development & Planning Director Search Committee
Legislative Vacancy Ad Hoc Committee

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

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 164-13 *APPROPRIATION OF FUNDS*
SOCIAL SERVICES

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Summer Youth Employment Programs; and

WHEREAS: The plan submitted for expenditure of these funds has been approved; and

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

RESOLVED: That funding be appropriated as follows:

From: A4610.00 Federal Aid: Administration	\$58,315.00
To: A6010.40.140 Contractual	\$58,315.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 165-13 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: Tioga County Health Department is mandated to provide a Rabies Control Program for Tioga County residents; and

WHEREAS: Due to an increase in the number of residents receiving post-exposure medical services, the costs have exceeded the budgeted amount; and

WHEREAS: Additional expenditure appropriations are needed to meet the costs of the mandated medical services that have and will be provided; and

WHEREAS: State Aid reimbursement funding is available for the County costs; and

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

RESOLVED: That funding be appropriated as follows:

From: A3442.00	State Aid: Rabies Control Program	\$20,000
To: A4042.40-590	Rabies Control – Services Rendered	\$20,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE FINANCE COMMITTEE
RESOLUTION NO. 166-13	<i>TRANSFER OF FUNDS WORKERS' COMPENSATION</i>

WHEREAS: The Tioga County Self-Insurance Plan has received notification from Safety National that an audit of the payroll figures for the period of January 1, 2012 through January 1, 2013 submitted for our workers' compensation Specific Excess Insurance has resulted in additional premium due in the amount of \$1,504.00; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1720.40 (380)	\$1,504.00
To: Workers' Compensation Account S1722.40 (270)	\$1,504.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 167-13	<i>TRANSFER OF FUNDS PURCHASE OF CHROMEBOOKS LEGISLATIVE OFFICE</i>

WHEREAS: The Legislative Office has tried to be proactive in the elimination of paper and also in trying to keep up with current technology; and

WHEREAS: Over the past couple of months some of the Legislators have been using laptop computers at meetings, which have to be setup, plugged in, and information loaded each time they need to be used; and

WHEREAS: The Legislative Office has had a demo Chromebook for the last month being used by a Legislator, which is much more convenient and e-mail can be sent to it and opened to be used at Legislative meetings; and

WHEREAS: The Acting Information Technology Director has approved the purchase of said Chromebooks; therefore be it

RESOLVED: That the Legislative Clerk be authorized to purchase eight Chromebooks for Legislators at a sum not to exceed \$2,010 to be paid out of Legislative Account A1010.20-90; and be it further

RESOLVED: That the following sums be transferred:

From: Legislative Account A1010.40-390	\$2,010.00
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To: Legislative Account A1010.20-90	\$2,010.00
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ROLL CALL VOTE

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

No – Legislator Huttleston.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS
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RESOLUTION NO. 168-13	<i>CREATE WEST CREEK RD BRIDGE BIN: 3335150 ACCOUNT AND TRANSFER FUNDS</i>
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WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within Tioga County; and

WHEREAS: West Creek Rd. Bridge is the next bridge on the schedule for rehabilitation; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works to create and establish Account West Creek Rd. Bridge over East Branch of Owego Creek (Bin:3335150) H2013.07; and be it further

RESOLVED: That the Tioga County Legislature authorizes the transfer of funds as follows:

From: H511.00	Capital Bridge Bond Reserve	\$82,000
TO: H2013.07	West Creek Rd. Bridge over East Branch of Owego Creek	\$82,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 169-13

*AWARD DESIGN CONTRACT TO
DELTA ENGINEERS FOR WEST CREEK
RD. BRIDGE (BIN:3335150) OVER
EAST BRANCH OF OWEGO CREEK*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within Tioga County; and

WHEREAS: Funding is available for the design of the West Creek Rd. Bridge (BIN: 3335150) as part of the Bond Issue; and

WHEREAS: Delta Engineers has expertise in design of truss bridges and the Commissioner of Public Works requested a design proposal from Delta Engineers; and

WHEREAS: The Commissioner of Public Works received a design proposal from Delta Engineers in the amount of \$82,000; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to Delta Engineers, Endicott, NY not to exceed \$82,000 to be paid out of West Creek Rd. Bridge Account H2013.07.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRING TO:

FINANCE/LEGAL

RESOLUTION NO. 170-13

*DESIGNATION OF NYS SECRETARY OF
STATE AS AGENT FOR SERVICE OF
NOTICE OF CLAIM*

WHEREAS: The General Municipal Law was recently changed to permit Notices of Claim against Public Corporations to be served on the New York State Secretary of State; and

WHEREAS: Public Corporations are required to file a certificate with the NYS Department of State designating the NYS Secretary of State as their agent for service of Notices of Claim; and

WHEREAS: Public Corporations that fail to file such a designation will not receive their share of the fee that will be charged to the entity serving the Notice of Claim; and

WHEREAS: Tioga County must make the designation and provide address information to the entity within Tioga County to whom the Secretary of State will forward the Notices of Claim; now therefore be it

RESOLVED: That the NYS Secretary of State is hereby designated to be the agent of Tioga County for service of Notices of Claim; and it is further

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized and directed to file a certificate with the Department of State so designating; and it is further

RESOLVED: That the Tioga County Attorney's address will be provided as the address for forwarding the Notices of Claim.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 171-13 *APPLY FOR INDIGENT LEGAL SERVICES GRANT*

WHEREAS: The New York State Office of Indigent Legal Services has made available to Tioga County a three year, non-competitive grant totaling \$61,902.00 to improve the quality of indigent legal services provided under Article 18-B of the County Law; and

WHEREAS: Tioga County realizes the importance of providing quality representation to indigent individuals; and

WHEREAS: The grant funds will be used:

- (1) to purchase software, installation, training and maintenance services for case management systems for the Public Defender's and Assigned Counsel offices; and
- (2) to provide additional training opportunities to the Public Defender's Office; and

WHEREAS: There are no local matching funds required under this grant;
now therefore be it

RESOLVED: That the Tioga County Legislature authorizes the submission of said grant to the Office of Indigent Legal Services for the sum of \$61,902.00, and authorizes and directs the Chair of the Legislature to execute any contracts or other necessary documents to proceed with the grant, subject to approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 172-13 *RESOLUTION AUTHORIZING THE ISSUANCE
OF \$2,000,000 SERIAL BONDS OF THE
COUNTY OF TIOGA, NEW YORK, TO
PAY A PORTION OF THE COST OF
CERTAIN BUILDING REPAIRS AT
VARIOUS LOCATIONS THROUGHOUT
THE COUNTY*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Standinger.

WHEREAS: Tioga County (the "County") is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

WHEREAS: The County Legislature of the County now desires to authorize the construction, reconstruction and financing of improvements to various buildings in and for the County; therefore be it

RESOLVED: By the County Legislature of the County of Tioga, New York, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature, as follows:

Section 1. The County, having reviewed the impact of undertaking the construction, reconstruction and financing of improvements to various buildings in and for the County, hereby determines that such action constitutes a "Type II Action" under the 6 NYCRR § 617.5(c)(1) and (2) of the Regulations and is not subject to review under SEQRA; and

Section 2. For the class of objects or purposes of paying a portion of the cost of the construction, reconstruction and financing of improvements to various buildings in and for the County, including all related construction, demolition, renovations, site improvements, original furnishings, fixtures and equipment required for such purposes, architectural, inspection and engineering fees, and all other cost incidental to such work (collectively, the "Project"), there are hereby authorized to be issued \$2,000,000 serial bonds of the County of Tioga, New York, pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$2,000,000 and that the plan for the financing thereof includes the issuance of serial bonds in the aggregate principal amount not to exceed \$2,000,000 to finance said Project, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, subject to applicable amounts of any state or federal assistance available for such purpose or from any other source.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years under subdivision 12(a)(2) of paragraph a. of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Tioga, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and

interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the County of Tioga, New York, by the manual or facsimile signature of the County Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 10. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 2 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 3 of this resolution shall be from the County's General Fund. It is intended that the County shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the County's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, of which a summary shall be published in the Tioga County Courier and the Morning Times, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 173-13 *RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,000,000 SERIAL BONDS OF THE COUNTY OF TIOGA, NEW YORK, TO PAY A PORTION OF THE COST OF CERTAIN BRIDGE REPAIRS AT VARIOUS LOCATIONS THROUGHOUT THE COUNTY*

Adoption moved by Legislator Sullivan,
Seconded by Legislator Standinger.

WHEREAS: Tioga County (the "County") is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

WHEREAS: The County Legislature of the County now desires to authorize the construction, reconstruction and financing of improvements to various bridges in and for the County; therefore be it

RESOLVED: By the County Legislature of the County of Tioga, New York, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature, as follows:

Section 1. The County, having reviewed the impact of undertaking the construction, reconstruction and financing of improvements to various bridges in and for the County, hereby determines that such action constitutes a "Type II Action" under the 6 NYCRR § 617.5(c)(1) and (2) of the Regulations and is not subject to review under SEQRA; and

Section 2. For the class of objects or purposes of paying a portion of the cost of the construction, reconstruction and financing of improvements to various bridges in and for the County, including all related construction, demolition, renovations, site improvements, original furnishings, fixtures and equipment required for such purposes, architectural, inspection and engineering fees, and all other cost incidental to such work (collectively, the "Project"), there are hereby authorized to be issued \$8,000,000 serial bonds of the County of Tioga, New York, pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$8,000,000 and that the plan for the financing thereof includes the issuance of serial bonds in the aggregate principal amount not to exceed \$8,000,000 to finance said Project, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, subject to applicable amounts of any state or federal assistance available for such purpose or from any other source.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years under subdivision 10 of paragraph a. of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Tioga, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the County of Tioga, New York, by the manual or facsimile signature of the County Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 10. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 2 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 3 of this resolution shall be from the County's General Fund. It is intended that the County shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds

shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the County's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, of which a summary shall be published in the Tioga County Courier and the Morning Times, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 174-13 *AUTHORIZE SALE OF COUNTY
OWNED PROPERTIES ACQUIRED
FOR DELINQUENT TAXES*

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 9, 2013 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

166.16-3-64, Citizens & Northern Bank
122.00-2-6, Jack Gerwin
166.20-2-2, Tony B Merrill
167.00-1-11.32, Joseph & Jane Sindoni
111.00-1-11.20, Harvey K Wright

Town of Candor:

50.00-1-38, George Bobowski
95.00-1-5.13, Joo Shin Kim
82.00-1-46, Lyn G & Sandra B Mclain
82.00-1-37, Lyn G & Sandra B Mclain
82.00-1-39, Lyn G & Sandra B Mclain
60.00-1-13.11, Raymond L & Patsy L Stevens
61.14-1-36, Corey R & Deborah J Whatley

Town of Newark Valley:

44.00-1-25, Beverly Forbes-Diaby
65.00-1-21.22, Dominick Salerno
75.18-1-25.10, Venus Smith

Town of Nichols:

159.19-2-5, Peter & Anne Haahr

Town of Owego:

131.19-1-39.12, Edward D Browne
117.19-2-4, April Buchner
117.19-2-48, Julie L Carrigan AKA Julie L Rambus
142.18-1-33, Thomas W & Cathleen Fotorny
117.20-3-36, Donald F Hills
128.11-2-5, Stephen Klenotiz III
128.11-2-33, Stephen Klenotiz III
128.08-3-87 Whitney R Michaud
128.07-1-10, William D & Carmelita Oakes
142.20-1-4, Traci R Oakley
117.19-1-69, John & Deborah Santacroce
129.10-1-2, Nicholas T Sbarra
175.00-2-51, Lori A Searfoss
128.08-3-93, Southside Storage, LLC

Town of Richford:

11.00-2-12.113, Roberta Rounsville

Town of Spencer:

70.00-2-31, Patricia A Shelly
70.00-2-33, Patricia A Shelly

Town of Tioga

147.00-1-17.20, Jay & Ann Ball
159.10-1-8.10, Barbara McKean
148.00-1-14.10, Leticia Ramirez

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 175-13 *AUTHORIZE THE SALE OF LORI A. SEARFOSS PROPERTY LOCATED IN THE TOWN OF OWEGO TO LORI A. SEARFOSS OR HER ASSIGNS*

WHEREAS: Property located in the Town of Owego, assessed to Lori A. Searfoss, identified as Tax Map number 175.00-2-51, parcel number 5292 owes 2011, 2012 and 2013 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Lori A. Searfoss , who has made an offer to purchase the property for \$6,500.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$6,500.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property assessed to Lori A Searfoss, located in the, Town of Owego, identified on the Town of Owego Tax Map as number 175.00-2-51 parcel number 5292, to Lori A. Searfoss, or her assigns.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 176-13 *AUTHORIZE THE SALE OF JOSEPH AND JANE SINDONI PROPERTY LOCATED IN THE TOWN OF BARTON TO VANDERBILT MORTGAGE AND FINANCE, INC OR THEIR ASSIGNS*

WHEREAS: Property located in the Town of Barton, assessed to Joseph & Jane Sindoni, identified as Tax Map number 167.00-1-11.32, parcel number 1789 owes 2011, 2012 and 2013 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Vanderbilt Mortgage & Finance Inc., who has made an offer to purchase the property for \$8,000.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$8,000.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property assessed to Joseph & Jane Sindoni, located in the, Town of Barton, identified on the Town of Barton Tax Map as number 167.00-1-11.32 parcel number 1789, to Vanderbilt Mortgage & Finance, Inc. or their assigns.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 177-13

*AUTHORIZE THE SALE OF HARVEY K. WRIGHT
PROPERTY LOCATED IN THE TOWN OF
BARTON TO GWENDOLYN REILLY OR HER
ASSIGNS*

WHEREAS: Property located in the Town of Barton, assessed to Harvey K. Wright, identified as Tax Map number 111.00-1-11.20, parcel number 11463 owes 2011, 2012 and 2013 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Harvey K. Wright's daughter, Gwendolyn Reilly, who has made an offer to purchase the property for \$5,000.00, "as is", thereby placing the property back on the tax rolls; be it therefore

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Economic Development & Planning Director	LeeAnn Tinney	7	7/8/13-12/31/15	Y	N/A

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 179-13

*BACKFILL FULL TIME
E-911 DISPATCHER POSITION;
AUTHORIZE HIRING WAIVER
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a full-time E-911 Dispatcher Trainee position due to the transfer of an E-911 Dispatcher effective July 2, 2013; and

WHEREAS: The Tioga County Legislature established a 90-day delay in backfilling vacant positions for the purpose of cost savings; and

WHEREAS: The Sheriff is in need of backfilling this most recent E-911 Dispatcher Trainee position in order to maintain adequate staffing levels for the Communications Division; therefore be it

RESOLVED: That the Sheriff is hereby granted a waiver from the 90-day hiring delay for the position of E-911 Dispatcher Trainee; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to fill the full-time position of E-911 Dispatcher Trainee at an annual salary of \$27,572 (CSEA salary grade VI), effective July 10, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 180-13 *ABOLISH TITLE OF SOLID WASTE MANAGER
AND CREATE TITLE OF MATERIALS RECOVERY
MANAGER
PUBLIC WORKS*

WHEREAS: Legislative approval is required for the abolishment and creation of job titles within Tioga County; and

WHEREAS: In 2012, Tioga County sold the Barton Solid Waste Transfer Station to a private agency which resulted in a reassignment of duties for the Solid Waste Manager, Ellen Pratt; and

WHEREAS: The Personnel Department has reviewed the work currently being performed by Ms. Pratt and find it is primarily related to oversight of the Tioga County recycling and hazardous waste programs and is no longer involved with the management of the Solid Waste Transfer Station; and

WHEREAS: The Personnel Officer has determined that the classification of Materials Recovery Manager is more representative of Ms. Pratt's duties; and

WHEREAS: Upon review, the NYS Civil Service Department has determined that these titles have comparable examination scopes which will not require additional testing of Ms. Pratt; and

WHEREAS: There will be no fiscal impact on the budget by making this title change; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the abolishment of the title Solid Waste Manager and the creation of the title Materials Recovery Manager; and be it further

RESOLVED: That Ellen Pratt is permanently appointed to the title of Materials Recovery Manager without further examination, at her current annual salary, \$47,665.00, effective July 10, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to have the following late-filed resolution considered, seconded by Legislator Sullivan and carried with Legislator Roberts being absent.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 181-13 FUND CAPITAL RESERVE

WHEREAS: The Tioga County Legislature recognizes the importance of computer technology in maintaining government efficiency and established a fund for such needs in Resolutions #119-13 and #120-13; and

WHEREAS: The Tioga County Legislature would like to fund these reserves through funds it will be receiving from the Consolidated Health Fund due to the County's removal of 330 employees as a result of implementation of the fully-insured High Deductible Plan in February 2012, therefore be it

RESOLVED: That the Tioga County Treasurer accept a payment of \$800,000 from the Consolidated Health Fund; and be it further

RESOLVED: That the Tioga County Treasurer funds the "Computer Software Reserve Fund" with \$500,000 and the "Computer Hardware Reserve Fund" with \$300,000 as follows:

FROM:	A2701.00 Refund of Prior Year Expenses	\$800,000.00
TO:	A9950.93-715 Transfer to Capital Fund	\$800,000.00
FROM:	H5031.00 Interfund Transfers all Others	\$800,000.00
TO:	H878.04 Capital Software Reserve Fund	\$500,000.00
TO:	H878.05 Capital Hardware Reserve Fund	\$300,000.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:19 P.M.