

Eighth Special Meeting
December 19, 2013

The Eighth Special Meeting of 2013 was held on December 19, 2013 and was called to order by the Chair at 10:19 A.M. Eight Legislators were present, Legislator Standinger being absent.

Chair Weston asked for a moment of prayer. "I would ask for a moment of silence for all the little boys and girls all over the world who will not have a happy Christmas".

Chair Weston led all Legislators and those in attendance in the Pledge of Allegiance.

There were five people in attendance.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -13 ADVOCATING NEW YORK STATE TO INCREASE FUNDING FOR PUBLIC TRANSPORTATION AND ALLOW FOR LOCAL DISTRIBUTION OF DEPARTMENT OF HEALTH TRANSPORTATION FUNDS

WHEREAS: Public transit is the key to independence for many, to individual health and to a healthier, cleaner community, and can contribute to a more robust economy, while the most vulnerable population relies on public transportation for their health and quality of life; and

WHEREAS: Since 1991 the New York State Department of Health has provided funds to the Department of Social Services to provide the essential service of providing for and arranging for non-emergency Medicaid transportation services for medical appointments; and

WHEREAS: In 2010, the State Department of Health was given statutory authority under 365-h of Social Services Law to assume the administrative management of non-emergency transportation from counties and has since mandated that a private Medicaid brokerage system be implemented, which began in Tioga County October 1, 2013; and

WHEREAS: Medical Answering Services (MAS) from Syracuse was awarded the state contract and rides that would have been previously assigned to the public transit were switched to taxis and ambulette/ambulance providers, many from outside the county; and

WHEREAS: The intent of the NYS Dept. of Health take over granted by 365-h was to reduce Medicaid costs and payments, but without public transportation available in Tioga County Medicaid recipients in need of non-emergency transportation services will no longer be able to pay for their own trips to medical appointments using the public system; and

WHEREAS: Medicaid eligible riders will be forced to seek approval for taxi transportation from the State which will increase the overall costs of non-emergency transportation paid for by Medicaid; and

WHEREAS: The elimination of Medicaid funding to support the portion of ridership attributed to Medicaid recipients using public transportation has dramatically impacted the public transit system in Tioga County, and as a result Tioga County could face the loss of public transit in the county; now therefore be it

RESOLVED: That the Tioga County Legislature hereby opposes this mandate to work with an out-of-county brokerage firm, thus indirectly jeopardizing the public transit system that has benefitted County residents for the last 20 years; and be it further

RESOLVED: That the Tioga County Legislature requests that NYS pay a fair share of public transportation to support the general Medicaid ridership that relies on the system to independently get to their medical appointments; and be it further

RESOLVED: That the Tioga County Legislature calls upon our state representatives to act on behalf of those in need in Tioga County to assist in saving the public transit systems by repealing the mandated brokerage service and allowing local control over non-emergency Medicaid transportation; and be it further

RESOLVED: That a copy of this resolution be sent to Governor Andrew Cuomo; the NYS Association of Counties; State Senator, Thomas Libous; Assembly Speaker, Sheldon Silver; Assembly person, Christopher Friend and counties throughout NYS that are facing similar problems providing public transportation due to yet another NYS mandate.

ROLL CALL VOTE

Yes – None.

No – Legislators Weston, Roberts, Sauerbrey, Sullivan, Case, Hollenbeck, Huttleston, and Monell.

Absent – Legislator Standinger.

RESOLUTION DEFEATED.

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

REFERRED TO: PUBLIC WORKS
LEGAL

RESOLUTION NO. 339-13 *AWARD BID FOR FLOOD MITIGATION
CLERK'S BUILDING/COURTHOUSE ANNEX*

WHEREAS: The Clerk's Building/Courthouse Annex was substantially damaged by the 2011 flood; and

WHEREAS: FEMA maintains a funding program which provides for flood mitigation projects; and

WHEREAS: Tioga County has decided to participate in that program and has had McFarland Johnson Engineers design projects to mitigate the building for future flood events in accordance with FEMA recommendations; and

WHEREAS: Bids were received on November 20, 2013 with one bidder Holmes Contracting deemed to be unresponsive bid since it had:

- 1) No projects under construction or under contract
- 2) No information on employees as required
- 3) No list of subcontractors as required
- 4) No list of suppliers as required
- 5) No experience in similar projects
- 6) The bid bond submitted in an improper form
- 7) No experience with flood gates which is a critical component of the project

And

WHEREAS: McFarland Johnson recommends that the bids be awarded to the following lowest responsible bidders furnishing the required security, as follows:

General Contractor:	Andrew R. Mancini	\$ 38,000
Electric:	Nelcorp	\$172,000
HVAC Contract:	J&K Plumbing & Heating	\$ 50,000

Therefore be it

RESOLVED: That the Tioga County Legislature finds, for the reasons set forth above, that Holmes Contracting is not the lowest responsible bidder; and it is further

RESOLVED: That the Tioga County Legislature awards the bids to the lowest responsible bidders as follows:

General Contractor:	Andrew R. Mancini	\$ 38,000
Electric:	Nelcorp	\$172,000
HVAC Contract:	J&K Plumbing & Heating	\$ 50,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS LEGAL
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RESOLUTION NO. 340-13	<i>AWARD BID FOR FLOOD MITIGATION COURTHOUSE</i>
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WHEREAS: The Courthouse was substantially damaged by the 2011 flood; and

WHEREAS: FEMA maintains a funding program which provides for flood mitigation projects; and

WHEREAS: Tioga County has decided to participate in that program and has had McFarland Johnson Engineers design projects to mitigate the building for future flood events in accordance with FEMA recommendations; and

WHEREAS: Bids were received on November 20, 2013 with one bidder Holmes Contracting deemed to be unresponsive bid since it had:

- 1) No projects under construction or under contract
- 2) No information on employees as required
- 3) No list of subcontractors as required
- 4) No list of suppliers as required
- 5) No experience in similar projects
- 6) The bid bond submitted in an improper form
- 7) No experience with flood gates which is a critical component of the project

And

WHEREAS: McFarland Johnson recommends that the bids be awarded to the following lowest responsible bidders furnishing the required security, as follows:

General Contractor:	Andrew R. Mancini	\$ 63,000
Electric:	Nelcorp	\$ 43,000
HVAC Contract:	J&K Plumbing & Heating	\$ 68,000

Therefore be it

RESOLVED: That the Tioga County Legislature finds, for the reasons set forth above, that Holmes Contracting is not the lowest responsible bidder; and it is further

RESOLVED: That the Tioga County Legislature awards the bids to the lowest responsible bidders as follows:

General Contractor:	Andrew R. Mancini	\$ 63,000
Electric:	Nelcorp	\$ 43,000
HVAC Contract:	J&K Plumbing & Heating	\$ 68,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
LEGAL

RESOLUTION NO. 341-13 *AWARD BID FOR FLOOD MITIGATION
COUNTY OFFICE BUILDING*

WHEREAS: The County Office Building was substantially damaged by the 2011 flood; and

WHEREAS: FEMA maintains a funding program which provides for flood mitigation projects; and

WHEREAS: Tioga County has decided to participate in that program and has had McFarland Johnson Engineers design projects to mitigate the building for future flood events in accordance with FEMA recommendations; and

WHEREAS: Bids were received on November 20, 2013 with one bidder Holmes Contracting deemed to be unresponsive bid since it had:

- 1) No projects under construction or under contract
- 2) No information on employees as required
- 3) No list of subcontractors as required
- 4) No list of suppliers as required
- 5) No experience in similar projects
- 6) The bid bond submitted in an improper form
- 7) No experience with flood gates which is a critical component of the project

And

WHEREAS: McFarland Johnson recommends that the bids be awarded to the following lowest responsible bidders furnishing the required security, as follows:

General Contractor:	Andrew R. Mancini	\$160,000
Electric:	Panko Electric	\$ 23,000
HVAC Contract:	J&K Plumbing & Heating	\$ 61,000

Therefore be it

RESOLVED: That the Tioga County Legislature finds, for the reasons set forth above, that Holmes Contracting is not the lowest responsible bidder; and it is further

RESOLVED: That the Tioga County Legislature awards the bids to the lowest responsible bidders as follows:

General Contractor:	Andrew R. Mancini	\$160,000
Electric:	Panko Electric	\$ 23,000
HVAC Contract:	J&K Plumbing & Heating	\$ 61,000

ROLL CALL VOTE

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

No – Legislator Huttleston.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 342-13 *AMEND COUNTY POLICY 44;
NON-UNION BENEFITS*

WHEREAS: County Policy 44 outlines Non-Union benefits, including health insurance contributions; and

WHEREAS: Effective January 1, 2014, two part-time Attorney positions in the District Attorney’s Office will be increased in hours to 4 days per week, on average; and

WHEREAS: This raised the question of whether their health insurance contributions should be the same as part-time Attorneys or full-time staff; and

WHEREAS: The Legislature prefers that the 4 day per week positions qualify to contribute the same as full-time staff toward health insurance; therefore be it

RESOLVED: That Section 5: Health & Dental Insurance paragraph 1 "Eligibility" be amended to read as follows:

"Eligibility: All full-time employees, Elected Officials, and part-time Attorneys (except those in the Treasurer's Office) are eligible to participate in the Health/Dental/Vision programs"

and be it further

RESOLVED: That Section 5 of County Policy 44 shall be amended effective January 1, 2014 to have the 2014 Contributions Chart read as follows:

	Contributions:	2013	2014
Legislators		7% of premium	8½% of premium
Full-time hired prior to 1/1/09		10% of premium	12½% of premium
Full-time hired on or after 1/1/09		15% or premium	15% of premium
4 day/week Attorneys		-----	15% of premium
Part-time Attorneys		20% or premium	20% of premium

ROLL CALL VOTE

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

No – Legislator Sullivan.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 343-13 *RATIFY COLLECTIVE BARGAINING
AGREEMENT WITH TIOGA COUNTY
CORRECTIONS ASSOCIATION (TCCA)*

WHEREAS: The previous collective bargaining agreement expired December 31, 2012; and

WHEREAS: The negotiation process for a successor agreement has been underway since September 2012; and

WHEREAS: The members of the TCCA voted on December 18, 2013 to approve a four-year proposal for the years 2013-2016; therefore be it

RESOLVED: That the Tioga County Legislature hereby ratifies the collective bargaining agreement with TCCA for the term January 1, 2013 – December 31, 2016; and be it further

RESOLVED: That the Budget Officer is hereby authorized to appropriate funds in accordance with the terms of the agreement.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 344-13 *AUTHORIZE SALARY OF FULL-TIME
ASSISTANT PUBLIC DEFENDER
(PUBLIC DEFENDER'S OFFICE)*

WHEREAS: Resolution #288-13 authorized the creation and hiring of a full-time Assistant Public Defender effective January 2, 2014; and

WHEREAS: The Public Defender has selected Mari Townsend to fill the position; therefore be it

RESOLVED: That an annual salary of \$55,000 is hereby authorized effective January 2, 2014 for Mari Townsend.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 345-13 *AUTHORIZE WAIVER OF HIRING DELAY;
INCREASE HOURS; AUTHORIZE SALARIES
(DISTRICT ATTORNEY'S OFFICE)*

WHEREAS: As a result of the November election, a new District Attorney, Kirk Martin, will take office on January 1, 2014; and

WHEREAS: This change will result in staffing changes in several of the positions within the office; and

WHEREAS: It would be impractical to require the vacant positions to remain vacant for 90 days before appointments become effective; and

WHEREAS: Kirk Martin has selected his appointees for some of the positions; and

WHEREAS: The District Attorney elect has presented a proposed reorganization plan to the Legislature, which was approved; therefore be it

RESOLVED: That the Legislature hereby waives the 90-day Hiring Delay for the 1st Assistant District Attorney, 3rd Assistant District Attorney and Secretary to the District Attorney positions; and be it further

RESOLVED: That the positions of 1st Assistant District Attorney and 2nd Assistant District Attorney shall have increased hours effective January 2014, averaging 4 days per week, resulting in Hiring Ranges of \$50,343-\$60,343 for 1st Assistant District Attorney and \$42,980 - \$52,980 for 2nd Assistant District Attorney; and be it further

RESOLVED: That due to the reorganization, the 3rd Assistant District Attorney Hiring Range shall be reduced from \$30,154 - \$30,908 to \$28,000 - \$28,700 effective January 1, 2014; and be it further

RESOLVED: That the Legislature hereby approves the following 2014 salaries for the District Attorney’s appointments, effective January 1, 2014:

Eric Gartenman	1 st Assistant District Attorney	\$60,000
Cheryl Mancini	2 nd Assistant District Attorney	\$48,500
Unknown	3 rd Assistant District Attorney	\$28,000 - \$28,700
Unknown	Secretary to District Attorney	\$26,909 - \$36,909

ROLL CALL VOTE

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

No – Legislator Monell.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 346-13 *STAFF CHANGES FOR 2014
(VARIOUS DEPARTMENTS)*

WHEREAS: Various Departments proposed staffing changes for 2014 during the 2014 Budget preparation process; therefore be it

RESOLVED: That the following position changes are effective January 1, 2014 unless noted otherwise:

<u>Name:</u>	<u>Current Title/ Salary Grade:</u>	<u>New Title/ Salary Grade:</u>	<u>Budget Impact:</u>
<u>FIRE</u>			
R. Ervay		EMT Instructor (PT)/\$12.50/hr	+ \$650
A. Ervay		EMT Instructor (PT)/\$20/hr	+ \$7,100
<u>MENTAL HYGIENE</u>			
1 Vacant	Senior CSW (Grade XVII)	Certified Alcohol & Drug Counselor (Grade XI)	-\$14,299
<u>PUBLIC DEFENDER</u>			
G. Awad	Public Defender (PT)	Salary Increase	+\$10,400
T. Miller	1 st Assist Public Defender (PT)	Salary Increase	+\$4,450
T. Cline	2 nd Assist Public Defender (PT)	Salary Increase	+\$4,450
<u>PUBLIC HEALTH</u>			
1 Vacant	Community Health Nurse (Grade XV)	Abolished	-\$48,945
5 positions	Registered Professional Nurse PT Temp/ \$27.80/hr	Abolished	-\$96,400 (\$19,280 each)
2 positions	Home Health Aide PT Temp/\$18.65/hr	Abolished	-\$24,828 (\$12,414 each)
J. Zepkowski	Registered Prof. Nurse FT (Grade XIV)	Abolished	-\$53,314
<u>PUBLIC WORKS</u>			
D. Ackley	Maint. Mechanic II (Grade 4)	Maint. Mechanic III (Grade 3)	+\$1,307
M. Calabrese	Maint. Mechanic I (Grade 5)	Maint. Mechanic II (Grade 4)	+\$1,357

T. Murray	Maint. Mechanic I (Grade 5)	Maint. Mechanic II (Grade 4)	+\$1,357
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TREASURER'S OFFICE

New Position	Assigned Counsel Administrator (PT)	+\$5,200
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ROLL CALL VOTE

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

No – None.

Absent – Legislator Standinger.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:26 A.M.