

*Seventh Regular Meeting
July 14, 2015*

The Seventh Regular Meeting of 2015 was held on July 14, 2015 and was called to order by the Chair at 12:00 P.M. Seven Legislative members were present, Legislators Sullivan and Weston being absent.

Chair Sauerbrey asked Legislator Case for a moment of prayer. "In this month that we celebrate our independence, I would ask for a moment of silence for all those people that since the beginning of the Republic who have sacrificed so that we could have our way of living."

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

Chair Sauerbrey stated, "Today in the paper there was the obituary for Glenn Carter who was one of the original Directors of Economic Development & Planning. He was a great man, he did a lot of work here and would like to make note of that in the minutes."

There were 28 people in attendance.

Chair Sauerbrey noted that we have two recognition resolutions.

Chair Sauerbrey asked for a unanimous motion for the following two recognition resolutions, seconded unanimously and carried.

Legislator Standinger read and presented the following recognition resolution to Frances Berry.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 159-15 *RECOGNIZE FRANCES A. BERRY
22 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Frances A. Berry began her career with the Tioga County Department of Social Services as an Account Clerk Typist in the Accounting Unit in May 1993. Fran was promoted to Senior Account Clerk Typist in 1998 and promoted to her current title as Principal Account Clerk in February 2005; and

WHEREAS: Frances A. Berry has been a dedicated and loyal employee in the performance of her duties; and

WHEREAS: Frances A. Berry has shown the highest levels of integrity, trust, loyalty and competence in the performance of her duties; and

WHEREAS: Frances A. Berry will retire on July 31, 2015; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Frances A. Berry for her twenty-two years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Frances A. Berry.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED UNANIMOUSLY.

Shawn Yetter, Commissioner of Social Services spoke. “Fran is what you would simply call a gem of an employee who we are very sorry to see go, but extremely happy for her that she is able to take this step into the next part of her life. Very methodically and with little fanfare, Fran has spent 22 years with us, crunching numbers and helping meet the needs of the people we serve from behind the scenes as well as in front of the scenes. It was not uncommon to see Fran sitting in the waiting room with a client explaining a spend down or a daycare bill, or some other oddity that would be confusing to most people, and although you might not have heard what Fran was saying, you always saw the compassion and care in her face every time she was working with someone.

“Over the years Fran was promoted twice to her current position of Principal Account Clerk. She was always willing to learn new tasks, learn a new computer system or program, teach new employees, and when necessary go with the flow of changing Supervisors and Administrators. Through all those years she always and this gets said a lot, but in this case is so true, she always had a

smile on her face and had time to say hello and ask how you are doing, that is what I will miss the most about Fran. Gary will miss all the work that you pump out every day, but he will figure that out.

“Fran is one of the most youthful acting and looking retirees that we have had in a long time, which is a good thing because when she looks around at her coworkers in Accounting and Systems, and sees that their average age is about 14, she still manages to fit right in, but with that generational gap comes a great responsibility of role modeling and teaching, which as an organization could not have asked for a better person to take on that role. That group of young talented and energetic individuals that you are leaving behind have learned from you how to come to work every day, how to work hard all day, and how to respect those around you in the process. That is a legacy that you can be very proud of. Fran, on behalf of the Department and the County, and all the people that we serve, thank you for your 22 years of dedicated service to Tioga County.”

Fran spoke. “Thank you very much, I appreciate it.”

Legislator Standinger read and presented the following recognition resolution to Stacey Winters.

Legislator Standinger spoke. “I actually had dealings with Stacey Winters in my previous occupation with the State Police. She was always very pleasant to deal with. I had to send her a lot of arrest reports when she did her presentence stuff and what not. I know what it is like to work in that field for a lot of years and before I read this, I just want to tell you I appreciate the service you provided in Probation.”

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 160-15	<i>RESOLUTION RECOGNIZING STACEY L. WINTERS' 25 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY</i>

WHEREAS: Stacey L. Winters began her employment with Tioga County on July 2, 1990, as a Caseworker at Tioga County Department of Social Services in the following units: Child Protective Services, Adult Protective, and Preventive Services. On December 19, 1994, Stacey accepted the position of Probation Officer with the Tioga County Probation Department. She was promoted to

Senior Probation Officer on January 5, 1998 which is the position she will retire from; and

WHEREAS: Stacey L. Winters has been dedicated and loyal in the performance of her duties and responsibilities during the past 25 years; and

WHEREAS: Stacey L. Winters will retire on September 2, 2015; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Stacey L. Winters for her 25 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this employee, Stacey L. Winters.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED UNANIMOUSLY.

Brian Cain, Probation Supervisor, spoke. “Our Director is in California. I have been asked by Joy Bennett, the Director of Probation to say a few words about Stacey. Now I will premise by saying that Stacey prepared something for me to read, which I refused to read. I am going to read what I wrote.

“Although Joy did not specify, I assume she wants me to say a few nice words, that should make my remarks short. Just kidding. I have worked with Stacey Winters at Probation for more than 15 years. I can say there is not a more caring compassionate person that works in our building. Stacey certainly does not fit the stereotypical description of what someone would expect a Probation Officer to be despite the stressful and often confrontational atmosphere she works in at Probation, you are more likely to see Stacey smiling and waving hello to someone rather than complaining about them. If walking by her office, you would probably hear a pleasant conversation, not knowing she is most likely redirecting a probationer's misguided energies.

“During her service to Tioga County, Stacey has helped countless people better themselves and in turn better our community. She cares about her

coworkers like they are family and is always willing to lend a hand or a supportive word. I am a better person and we are a better Department because Stacey has been a part of our family. We wish her the best and God's speed in her future endeavors. Thank you."

There was no privilege of the floor.

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		231.12
A1165	District Attorney		6,179.50
A1170	Public Defender		1,949.67
A1172	Assigned Counsel		9,845.20
A1173	ILS Grant		519.30
A1185	Medical Examiners/Coroners		8,289.06
A1325	Treasurer		260.00
A1355	Assessments		4,164.54
A1364	Expense of County Owned Property		173.56
A1410	County Clerk		232.65
A1411	Department of Motor Vehicles		158.39
A1420	Law		3,150.00
A1430	Personnel		1,553.05
A1450	Elections		568.97
A1490	Public Works Administration	286.32	
A1620	Buildings	52.97	55,943.01
A1621	Buildings		19,566.79
A1680	Information Technology		6,405.89
A2490	Community College Tuition		10,989.31
A2960	Education of Handicapped Children		137,251.59
A3020	Public Safety Comm E911 System		4,415.86
A3110	Sheriff		9,673.17
A3146	Sex Offender Program		10,320.00
A3150	Jail		49,927.59
A3315	Special Traffic Programs		62.25
A3359	SHSP2013	35,968.00	
A3410	Fire		4,043.56
A3640	Emergency Mgmt Office		270.56
A4011	Public Health Administration		3,856.79
A4012	Public Health Education		20.00
A4042	Rabies Control		1,406.65
A4044	Early Intervention		392.40
A4050	Healthy Neighborhood Program		440.78
A4064	Managed Care-Dental Services		1,181.24
A4070	Disease Control		1,489.99

A4090	Environmental Health	518.96
A4210	Alcohol and Drug Services	14,019.81
A4211	Council on Alcoholism	11,235.48
A4309	Mental Hygiene Co Administration	5,757.56
A4310	Mental Health Clinic	126,589.10
A4311	Rehabilitation Support Services	1,854.00
A4320	Crisis Intervention Services	14,996.67
A4321	Intensive Case Management	8,525.36
A4333	Psycho Social Club	25,000.00
A4390	Criminal Psychiatric Expenditures	19,008.82
A6010	Social Services Administration	53,080.39
A6422	Economic Development	11.66
A6520	Veterans' Service	646.24
A8020	Planning	2,242.50
A9060	Health Insurance	6,711.14
SOLID WASTE FUND		198,660.34
SPECIAL GRANT FUND		10,784.91
COUNTY ROAD FUND		106,816.66
CAPITAL FUND		474,120.97
SELF-INSURANCE FUND		<u>1,300.00</u>

GRAND TOTAL \$ 1,473,120.30

Legislator Standinger made a motion to approve the minutes of June 9, 2015, seconded by Legislator Hollenbeck, 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 Case moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 161-15 *APPOINT MEMBER TO THE TIOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (TCIDA)*

WHEREAS: Pursuant to §856(2) of the General Municipal Law the members of the Tioga County Industrial Development Agency (TCIDA) serve at the pleasure of the Legislature without a term until they either resign or are replaced by the Legislature; and

WHEREAS: Esther Woods has resigned from the Tioga County Industrial Development Agency Board of Directors effective February 27th, 2015; and

WHEREAS: The Tioga County Industrial Development Agency (TCIDA) Board of Directors desires to fill this vacant position; and

WHEREAS: Jan E. Nolis has expressed a desire to serve on the Tioga County Industrial Development Agency (TCIDA); therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Esther Woods for her loyal service to the residents of Tioga County; and be it further

RESOLVED: That the Tioga County Legislature hereby appoints Jan E. Nolis to replace Esther Wood's position on the Tioga County Industrial Development Agency Board of Directors effective July 15th, 2015.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 162-15 *RESOLUTION APPOINTING
NEW MEMBER TO COMMUNITY
SERVICES BOARD*

WHEREAS: Brian Eldridge has agreed to become a new member; and

WHEREAS: The Community Services Board has recommended Brian's appointment; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That Brian Eldridge be appointed a new member to the Community Services Board, for term starting August 1, 2015 and ending July 31, 2019.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 163-15

*ABOLISH THE TIOGA COUNTY FIRE
ADVISORY BOARD*

WHEREAS: County Law §225-a does not require a New York State County to have a Fire Advisory Board; and

WHEREAS: The County Fire Advisory Board, at the regularly scheduled June meeting, voted unanimously to disband the Tioga County Fire Advisory Board; therefore be it

RESOLVED: That the Tioga County Legislature dissolves the Tioga County Fire Advisory Board.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 164-15 APPROVE ADDITIONAL FUNDING FOR SUMMER YOUTH EMPLOYMENT PROGRAMS 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	\$82,727
To: A6010.40.140 Contractual	\$73,608
A6010.40.487 Program Expense	\$ 9,119

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 165-15 TRANSFER OF FUNDS LEASING OF A CANON C5250 PRINTER FOR 2015 REAL PROPERTY DEPARTMENT

WHEREAS: The Real property needs to replace the 9040 High speed printer with a lease of a Canon imageRunner Advance C5250; and

WHEREAS: The Real Property Department does high volume printing which will monopolize shared printers within 56 Main; and

WHEREAS: The cost of the lease will be \$383.53 per month; and

WHEREAS: The 40 accounts are lacking \$383.53 per month for 7/1/2015 through 12/31/2015; therefore be it

RESOLVED: That the following sums be transferred:

From: Contingency Account A1990.40.715	\$2,301.18
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To: Assessments Account A1355.40.320	\$2,301.18
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ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE FINANCE COMMITTEE
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RESOLUTION NO. 166–15	<i>TRANSFER OF FUNDS PUBLIC HEALTH</i>
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WHEREAS: Tioga County Public Health has a Mobile Dental Services program, commonly referred to as the “Dental Van”; and

WHEREAS: Adjustments in the program have been implemented during 2015 to provide needed services; and

WHEREAS: The revision will require a transfer of funds within the Mobile Dental Services budget into the appropriate budget line items; and

WHEREAS: Transfer of funds requires Legislative approval, therefore be it

RESOLVED: That funds be transferred as follows:

From:	A 4064.40-140	Dental Services: Contractual Services	\$ 25,000
To:	A 4064.10-20	Dental Services: Salary/Part-time	\$ 25,000

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS
	FINANCE

RESOLUTION NO. 167-15	<i>TRANSFER FUNDS</i>
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WHEREAS: The Department of Public Works purchased two box culverts out of the 2014 budget; and

WHEREAS: The Department of Public Works submitted a request for \$100,000 for Culvert Replacement in the 2015 budget; and

WHEREAS: The funding was omitted without the department being aware of it; and

WHEREAS: The budget is short of funds for installation costs; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the following transfer:

FROM: A1990.40-715	Contingency Account	\$25,000
TO: A9950.93-715	Transfer to Capital Fund	\$25,000

FROM: H5031.30	Inter-fund Transfer	\$25,000
TO: H2013.04	Culvert Replacement	\$25,000

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 168-15 *APPROPRIATION OF FUNDS*
SOCIAL SERVICES

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Children and Family Services for Non-Residential Domestic Violence Services; and

WHEREAS: A New Hope Center is the approved Non-Residential Domestic Violence Program in Tioga County; and

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

RESOLVED: That funding be appropriated as follows:

From: A4610.00 Federal Aid: Administration	\$ 24,999
To: A6010.40.140 Contracting Services	\$ 24,999

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 169-15

APPROVE AND ENDORSE TIOGA COUNTY IDA'S APPLICATION FOR THE WATER INFRASTRUCTURE DEVELOPMENT FOR THE E-SITE WITH FUNDING FROM THE 2015 NY STATE EMPIRE STATE DEVELOPMENT FUNDS.

WHEREAS: Tioga County IDA desires to apply for up to \$249,600 in financial assistance through the 2015 Consolidated Funding Applications under the 2015 Empire State Development Grant Funds; and

WHEREAS: The application proposes funding to assist the water development of the E-Site in order to make the property a shovel-ready site; and

WHEREAS: The reason for seeking funds is to develop the site into a disaster-resistant development including; office development, satellite medical clinic, pharmacy, commercial development with retail, education and tourism center, and an assisted senior living center. This proposed funding source would help supply the site with an above ground water tank, and 8" and 12" water mains; and

WHEREAS: The intent of the Tioga County IDA grant application is to advance this site, and help make it shovel-ready for development; and

WHEREAS: The grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipalities governing and impacted by the project; therefore be it

RESOLVED: That the Tioga County Legislature approves and endorses the 2015 Empire State Development Grant application for assistance prepared and to be submitted by the Tioga County IDA.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 170-15

APPROVE AND ENDORSE TIOGA COUNTY IDA'S APPLICATION FOR THE WASTEWATER SYSTEM UPGRADE AT THE HUNT CREEK ROAD- LOUNSBERRY SOUTH (LS) SITE WITH FUNDING FROM THE 2015 NY STATE EMPIRE STATE DEVELOPMENT FUNDS

WHEREAS: Tioga County IDA desires to apply for financial assistance through the 2015 Consolidated Funding Applications under the 2015 Empire State Development Grant Funds; and

WHEREAS: The application purpose is for funding to assist the wastewater system upgrade of the IDA owned Lounsberry South site in order to make the property a shovel-ready site; and

WHEREAS: The reason for seeking funds is to develop the site for build out for a new manufacturer. This proposed funding source would help upgrade the wastewater system to accommodate this high water and wastewater user; and

WHEREAS: The grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipalities governing and impacted by the project; therefore be it

RESOLVED: That the Tioga County Legislature approves and endorses the 2015 Empire State Development Grant application for assistance prepared and to be submitted by the Tioga County IDA.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 171-15- *RESOLUTION TO APPROVE A CONTRACT BETWEEN THE TIOGA COUNTY PROBATION DEPT. AND SENTINEL OFFENDER SERVICES, LLC*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and G4S Justice Services, Inc. for the provision of Electronic Monitoring devices beginning in 2011. In 2012, G4S Justice Services was acquired by Sentinel Offender Services. Sentinel honored all existing contracts between G4S and their customers. The use of Electronic Monitoring devices in Tioga County previously, was only via a Criminal Court order and was used as an alternative to incarceration; and

WHEREAS: The Probation Department has enlarged the use of Electronic Monitoring devices to include use with juveniles via a Family Court Order; and

WHEREAS: The NYS Office of Children and Family Services (OCFS) has directed every county to create Alternative to Detention programming and Tioga Probation has announced that Electronic Monitoring will now be offered to Tioga County Family Court as an Alternative to Detention and is part of Tioga's STSJP funding request to NYS OCFS; and

WHEREAS: Tioga County Probation has researched other companies as directed by the Legislature, who provide EM services and has not found a company that will add the County to the company's insurance; and

WHEREAS: The Tioga County Attorney has approved a contract with Sentinel Offender Services LLC that will charge the County: \$6.95 per day for Daily RF monitoring, \$2.00 per day for shelf cost for unused RF devices, \$5.45 per day for GPS Monitoring and \$1.25 per day for unused GPS devices; and

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services in the amount of \$15,364 in account number A3140.40.140 in the 2015 budget; therefore be it

RESOLVED: That the Tioga County Legislative Chair is approved to contract with Sentinel Offender Services, LLC to provide Electronic Monitoring hardware and internet accessible software for adults and juveniles to the Probation Department as part of the County's Alternative to Incarceration and Alternative to Detention programming.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 172-15-

*RESOLUTION TO APPROVE
PROBATION AS LEAD AGENCY FOR
APPLICATION FOR FUNDING VIA
STSJP*

WHEREAS: The NYS Office of Children and Family Services (OCFS) has directed every County to create Alternative to Detention programming and the Tioga County Legislature previously approved the Department of Social Services as the Lead Agency for the County to apply for STSJP funding; and

WHEREAS: The Department of Social Services is withdrawing from being the Lead Agency position and the Probation Department is accepting that role in order

to apply for the funding for Alternative to Detention programing for the County; and

WHEREAS: The funding is based on an approved OCFS contract and is set at a 62% state reimbursement/38% county share for monies expended by the County for Alternative to Detention programing, and the County agrees to accept this reimbursement funding format; therefore be it

RESOLVED: That the Tioga County Legislative Chair is approved to contract with the Office of Child and Family Services for STSJP funding for the Probation Department's Alternative to Detention programming for Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 173-15

*AWARD CONSTRUCTION
GLEN RD. BRIDGE
BIN: 3335320*

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

WHEREAS: Funding is available for the construction of the Glen Rd. Bridge; and

WHEREAS: The Commissioner of Public Works received sealed bids on June 17, 2015 and bids were as follows:

Bothar Construction	Binghamton, NY	\$442,822.15
Dycon Construction	Pine City, NY	\$455,399.00
Economy Paving	Cortland, NY	\$487,787.78
Procon Construction	Vestal, NY	\$477,000.00

And

WHEREAS: LaBella Associates, Rochester, NY have completed the review of the bids and finds the low bidder Bothar Construction, Binghamton, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorizes awarding the bid to Bothar Construction, Binghamton, NY not to exceed \$442,822.15 to be paid out of Glen Rd. Bridge account H2014.09.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 174-15 *APPROVE CHANGE ORDER
FOR TIOGA COUNTY BRIDGE
PREVENTIVE MAINTENANCE
PROJECT PIN 9753.83*

WHEREAS: McFarland Johnson submitted a change order for the Tioga County Bridge Preventive Maintenance Project; and

WHEREAS: The Project is funded as follows:

Federal: 80%
State: 15%
Local: 5%

And

WHEREAS: The additional funding is available in the Tioga County Preventive Maintenance Project Account D5110.40 use code 50; and

WHEREAS: The change order was for Penn. Ave. Bridge BIN 3335470; and

WHEREAS: The design change was done just after letting for the removing of the overlay, install membrane and asphalt overlay; and

WHEREAS: The change order amount is \$13,431.00; therefore be it

RESOLVED: That the Tioga County Legislature authorize additional funds be appropriated for this change order not to exceed \$13,431.00 to be paid out of the Tioga County Preventive Maintenance account D5110.40 use code 50.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 175-15 *AUTHORIZE THE SUBMISSION OF CRITICAL
INFRASTRUCTURE GRANT PROGRAM
APPLICATION (CIGP)
EMERGENCY MANAGEMENT*

WHEREAS: The Department of Homeland Security has issued a grant of \$50,000 to the Tioga County Office of Emergency Management. The grant will be used for dark fiber for internet communications throughout the county; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant applications are submitted; and

WHEREAS: The Critical Infrastructure Grant application needs to be submitted by August 18th; therefore be it

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

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 176-15 *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 Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York on August 6, 2015 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

157.00-2-18, Max Coleman
157.07-1-20, Loco Holdings, LLC
166.15-7-33, Janice L. Vallilee

Town of Berkshire

22.00-2-19, Stanley Lukaszewicz
22.00-1-5.8, Alberto Padron-Cid
22.00-1-5.5, Alberto Padron-Cid
31.07-2-15, Nancy L. Klock
24.00-1-33, John Gehm

Town of Candor:

50.00-1-39.10, Sarah Knapp

29.00-1-4, Edward Monroe

Town of Newark Valley:

61.15-3-32, County of Tioga

64.19-1-20.12, Tyler Donahue

64.19-1-27, Donald Brooks

64.00-1-44.20, Clarence Grimley

64.19-1- 3, Agnes Hammond

65.00-1-41, Thomas Abbey

Town of Nichols:

172.00-1-25.15, Salvatore Vitellaro

172.00-1-25.14, Salvatore Vitellaro

Town of Owego:

118.19-1-1.5, Leo Cueto

118.19-1-1.6, Leo Cueto

153.06-2-14, John Prosinski

120.00-1-5, June Packer

128.08-3-9, Walters and Smith Home Repair

129.05-3-16, Thomas Shumway

128.08-1-1.125, County of Tioga

128.08-3-87, County of Tioga

128.08-1-43, County of Tioga

117.19-2-4, County of Tioga

128.08-1-46, Elizabeth E Barnum

118.17-1-43.1, Kathleen D. Johnson-Luttman

129.05-3-25, English Brothers Apartments LLC

117.19-1-35, Alfred H. Sibley

143.13-2-50.1, Maynard Smith

97.00-1-17.213, Jason M. Spohn

152.08-1-23, Sean Taylor

142.14-1-27.21, County of Tioga

152.08-1-22, Sean Taylor

Town of Richford:

12.00-1-16.20, Dasetta Gray

16.00-1-15, Dasetta Gray

12.00-1-26.20, Christopher Wilkinson

12.00-1-27, Justine Wolf

Town of Spencer

46.14-1-12, John P. Morello

46.14-1-13, John P. Morello

69.00-2-12.2, Robert Pungert

Town of Tioga

158.12-2-20, Laurence Gallow

94.20-1-5, Loren Loveless

158.12-2-44, Stanley Lukaszewicz

159.00-3-29, Stanley Lukaszewicz

126.00-2-30, Clara Wheeland

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 177-15

*AUTHORIZE SALE OF SALLY A. SYKES
PROPERTY LOCATED IN THE TOWN OF
SPENCER TO HARRY R. & BARBARA
PENNYPACKER*

WHEREAS: Property located in the Town of Spencer, assessed to Sally A. Sykes, identified as Tax Map number 35.00-1-18, owes 2013, 2014 and 2015 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Harry R. & Barbara Pennypacker who has made an offer to purchase the property for \$2,800.00, "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 \$2,800.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property assessed to Sally A. Sykes,

located in the, Town of Spencer, identified on the Town of Spencer Tax Map as number 35.00-1-18, to Harry R. & Barbara Pennypacker.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 178–15 ADOPT LOCAL LAW NO. 3 OF 2015

WHEREAS: A public hearing was held on July 9, 2015, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2015 A Local Law amending Local Law No. 1 of 2014 providing for the collection of a hotel and motel tax in Tioga County; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 3 of 2015; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 3 of the Year 2015.

A Local Law amending Local Law No. 1 of 2014 providing for the collection of a hotel and motel tax in Tioga County.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1:

Local Law No. 1 of 2014 “Hotel/Motel Tax Law” is hereby amended to provide as follows:

SECTION 1: TITLE

This local Law shall be known as the "Hotel/Motel Tax Law"

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

MOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

OCCUPANCY - The use or possession, or the right to the use or possession of any room in a hotel or motel.

OCCUPANT - A person who, for a charge or any consideration uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

OPERATOR - Any person operating a hotel or motel in Tioga County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT - A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

PERSON - An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT - The charge and/or consideration received for occupancy valued in money, whether received money, or otherwise.

RETURN - Any return filed or required to be filed as herein provided.

ROOM - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for rent or otherwise let out for the lodging of guests.

TREASURER – Tioga County Treasurer

SECTION 4: TAX

A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

SECTION 5: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6: REGISTRATION

Within three (3) days after commencing business or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

SECTION 7: ADMINISTRATION AND COLLECTION

(A) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Tioga County, by such means

and in such manner as other taxes which are now collected and administered by such officers or as otherwise may be provided by such local law.

(B) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.

(C) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and such operator or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax by the operator or by the person entitled to be paid the rent or charge.

(D) The Treasurer may, whenever deemed necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Treasurer, the tax herein imposed.

(E) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

(F) Where an occupant claims exemption from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or

association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section five of this local law.

SECTION 8: RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

SECTION 9: RETURNS

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(B) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(C) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

SECTION 10: PAYMENT OF TAX

(A) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting or purporting to act under the provisions of this local law.

(B) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(C) In the event the Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer to such operator to that effect specifying the amount of the bond required.

(D) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5) days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

(E) In lieu of such bond, securities approved by the Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice of the depositor apply them to any tax and interest and penalties due, and for that purpose the securities may be sold by the Treasurer at public or private sale without notice to the depositor thereof.

SECTION 11: DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days

after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(A) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

SECTION 12: JUDICIAL REVIEW

(A) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved

by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

2. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 13: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Treasurer on the date due in the amount of ten (10%) per cent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 14: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 15: RESERVES

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil

Practice Law and Rules to review a determination adverse to such occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

SECTION 16: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 17: REMEDIES EXCLUSIVE

The remedies provided by sections eleven (11) and twelve (12) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law

SECTION 18: PROCEEDINGS TO RECOVER TAX

(A) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Tioga County in any court of the State of New York or of any other state or of the United States.

(B) Notwithstanding any other provision of this section, if the Treasurer, in its discretion, believes that any such operator, occupant or other person is

about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(C) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Tioga County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property judgments of a court of record and for services in executing the warrant the Sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

(D) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether

or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

(E) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

SECTION 19: GENERAL POWERS OF THE TREASURER

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(B) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed.

(C) To request information from the tax commissioner of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commissioner or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding

(D) To delegate said functions hereunder to any employee or employees of the Treasurer

(E) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents

(F) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer

(G) To assess, determine, revise and readjust the taxes imposed under this local law

SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

(A) The Treasurer, or the Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(B) The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(C) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(D) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(E) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided.

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

SECTION 21: REFERENCE TO TAX

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

SECTION 22: RETURNS TO BE SECRET

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a

tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

(B) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one year, or both, in the discretion of the court.

SECTION 23: EFFECTIVE DATE

This local law shall become effective December 1, 2014 and shall remain in effect until November 30, 2017.

SECTION 24: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

SECTION 2: EFFECTIVE DATE

This local law shall become effective upon filing with the Secretary of State.

SECTION 3: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 179-15 ADOPT LOCAL LAW NO. 4 OF 2015

WHEREAS: A public hearing was held on July 9, 2015, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2015 A local law authorizing the use of Best Value Award methodology, in the competitive bidding process, for purchase contracts (including contracts for service work (article 9), but excluding any purchase contracts necessary for the completion of a public works contract pursuant to (article 8) of the Labor Law) may be awarded on the basis of low bid or best value, as authorized by section 103 of the General Municipal Law and as defined in Section one hundred sixty-three of the State Finance Law.

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 4 of 2015; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 4 of the Year 2015.

A local law authorizing the use of Best Value Award methodology, in the competitive bidding process, for purchase contracts (including contracts for service work (article 9), but excluding any purchase contracts necessary for the completion of a public works contract pursuant to (article 8) of the Labor Law) may be awarded on the basis of low bid or best value, as authorized by section 103 of the General Municipal Law and as defined in Section one hundred sixty-three of the State Finance Law.

Be It Enacted by the Legislature of the County of Tioga as follows:

Section 1. Name of local law

This law shall be known as the "Tioga County Best Value Competitive Bidding Law."

Section 2. Findings and Intent

The State Legislature and Governor amended General Municipal Law §103 (A08692/S6117) on January 27, 2012 to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of "best value", provided that any Political Subdivision with a population of less than one million first pass a local law authorizing the use of the best value award process.

(From Assembly Bill Memo A08692) — Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The "best value" standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while ensuring fairness to all competitors.

The federal government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities' needs, including such important goals as

the participation of small, minority and women owned businesses and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services.

Section 3. Definitions

"Best value" means the basis for awarding contracts for services to the offerer, which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis may also identify a quantitative factor for offerers that are small business or certified minority-or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the Executive Law to be used in evaluation of offers for awarding contracts for services.

Section 4. Requirements

A. Where the basis for award is best value, the Department Head or his/her designee shall document in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

B. The Department Head or his/her designee shall select a formal sealed competitive bidding procurement process in accordance with General Municipal Law and the Tioga County Procurement Policy and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for award is best value, documentation in the procurement record shall where practicable include quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.

C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate the solicitation shall identify the relative importance and/or weight of cost and overall technical criterion to be considered in determining best value.

D. Procedures will be developed to govern the award of contracts on the basis of best value. These procedures shall be included in the Tioga County Procurement Policy and reviewed annually by the Tioga County Legislature in conjunction with its annual review and approval of the procurement policy.

Section 5. Severability

If any clause, sentence, paragraph subdivision, section or part of this law or the application thereof to any person, individual corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date

This local law shall take effect immediately upon adoption of the Tioga County Legislature and filing with the New York State Secretary of State.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. E of 2015.

County of Tioga

Local Law No. of the Year 2015.

A Local Law repealing Local Law No. 1 of 1968, enacted May 27, 1968, as amended, which imposed sales and compensating use taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to the authority of Section 1210 of Article 29 of the Tax Law of the State of New York, such taxes being repealed to be recodified and reimposed by a resolution that shall be adopted on the same date that this repealer Local Law is adopted and such resolution shall take effect on the same date that this repealer Local Law takes effect.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: Local Law No. 1 of 1968, enacted May 27, 1968, which imposed sales and compensating use taxes, as amended, is hereby REPEALED.

SECTION 2: Notwithstanding the repeal of such Local Law No. 1 of 1968 by this Local Law, all provisions of such Local Law No. 1 of 1968, in respect to the imposition, exemption, assessment, payment, payment over, determination, collection, and credit or refund of taxes imposed thereunder, the filing of forms and returns, the preservation of records for the purposes of such taxes, the secrecy of returns, the disposition of revenues, and the civil and criminal penalties applicable to the violation of the provisions of such Local Law, shall continue in full force and effect with respect to all such taxes accrued up to December 1, 2015; all actions and proceedings, civil or criminal, commenced or authorized to be commenced under or by virtue of any provision of such Local Law No. 1 so repealed, and pending or able to be commenced immediately prior to the taking effect of such repeal, may be commenced, prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed; and the provisions of the resolution effective December 1, 2015, recodifying and reimposing the taxes imposed by such Local Law No. 1, shall be construed as a continuation of the provisions of Local Law No. 1, modified or amended according to the language employed, and not as an enactment of new taxes, other than the additional one percent rate of such taxes imposed for the period commencing December 1, 2015, and ending November 30, 2017.

SECTION 3: This enactment shall take effect December 1, 2015.

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

REFERRED TO: LEGAL/ FINANCECOMMITTEE

RESOLUTION NO. 180-15

*SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY NO. E OF 2015
A LOCAL LAW REPEALING LOCAL LAW NO. 1 OF
1968, ENACTED MAY 27, 1968, AS AMENDED,
WHICH IMPOSED SALES AND COMPENSATING USE
TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND ON CERTAIN SERVICES,
AND ON OCCUPANCY OF HOTEL ROOMS AND
AMUSEMENT CHARGES, PURSUANT TO THE
AUTHORITY OF SECTION 1210 OF ARTICLE 29 OF
THE TAX LAW OF THE STATE OF NEW YORK, SUCH
TAXES BEING REPEALED TO BE RECODIFIED AND
REIMPOSED BY A RESOLUTION THAT SHALL BE
ADOPTED ON THE SAME DATE THAT THIS REPEALER
LOCAL LAW IS ADOPTED AND SUCH RESOLUTION
SHALL TAKE EFFECT ON THE SAME DATE THAT THIS
REPEALER LOCAL LAW TAKES EFFECT.*

RESOLVED: That a public hearing shall be held on Thursday, August 6, 2015 at 1:00 P.M. in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 to consider the adoption of Local Law Introductory No. E of 2015, A Local Law repealing Local Law No. 1 of 1968, enacted May 27, 1968, as amended, which imposed sales and compensating use taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to the authority of Section 1210 of Article 29 of the Tax Law of the State of New York, such taxes being repealed to be recodified and reimposed by a resolution that shall be adopted on the same date that this repealer Local Law is adopted and such resolution shall take effect on the same date that this repealer Local Law takes effect. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. F of 2015.

County of Tioga

Local Law No. of the Year 2015.

A Local Law of the County of Tioga, New York, allowing for common, safe items to be excluded from the dangerous fireworks definition as permitted by New York State Penal Law Section 405(b).

Be It Enacted by the Tioga County Legislature as follows:

SECTION 1: Legislative Intent and Enactment

- A. Whereas on November 21, 2014 Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.788/A1041).
- B. Whereas this State Law amended the State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment.
- C. Whereas the Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
- D. In keeping with Chapter 477 of the Laws of 2014 and Penal Code Section 405, this Legislature further finds and determines that "sparkler devices" are neither "fireworks" nor "dangerous fireworks" as defined in Section 270 of the New York State Penal Law, and may be sold and enjoyed, only in the manner described below, within Tioga County.
- E. This Legislature finds that allowing our residents the use of safe "sparkler devices" will benefit them and our local businesses.
- F. The National Fire Protection Association adopted a recommended safety code (NFPA 1124) for the manufacture, transportation, storage and retail sales of fireworks.
- G. Whereas this Local Law and State Chapter 477 of the Laws of 2014 are compliant with the safety standards established in NFPA 1124, 2006 edition.
- H. This Legislature further finds that the sale and use of "sparkler devices" is permitted with the following restrictions:
 1. Sales will only be permitted on or between June 1st through July 5th and December 26th and January 2nd of each calendar year.

2. All distributors, manufacturers and retailers must be licensed through the New York Department of State.
3. Only those 18 years of age or older may purchase said products.

SECTION 2: Definitions:

"Sparkling Devices" are defined as follows:

"Sparkling Devices" which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

- 1) Cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape, but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.
- 2) Cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.
- 3) Wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.
- 4) Novelties, which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

- A) Party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grams) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.
- B) Snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

SECTION 3: Separability

If any part of or provision of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in this operation to the part of or provision of, or application directly involved in the controversy in which such the remainder of this law, or the application thereof to other persons or circumstances.

SECTION 4: Effective Date

This law shall take effect immediately upon filing with the Secretary of State.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 181-15 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY NO. F OF 2015
A LOCAL LAW OF THE COUNTY OF TIOGA,
NEW YORK, ALLOWING FOR COMMON,
SAFE ITEMS TO BE EXCLUDED FROM THE
DANGEROUS FIREWORKS DEFINITION AS
PERMITTED BY NEW YORK STATE PENAL LAW
SECTION 405(b)*

RESOLVED: That a public hearing shall be held on Thursday, August 6, 2015 at 1:05 P.M. in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 to consider the adoption of Local Law Introductory No. F of 2015, A Local Law of the County of Tioga, New York, allowing for common, safe items to be excluded from the dangerous fireworks definition as permitted by New York State Penal Law Section 405(b). All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	LEGISLATIVE WORKSESSION PERSONNEL COMMITTEE
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RESOLUTION NO. 182-15	<i>STANDARD WORK DAY AND REPORTING RESOLUTION</i>
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WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

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

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Appointed Officials					
Deputy County Clerk	Lila Hall	7	5/22/15 – 12/31/15	Y	N/A
Secretary to Public Defender	Stacy Reynolds	7	3/24/15 – 12/31/15	Y	N/A
Election Commissioner	Bernadette Toombs	7	1/1/15 – 12/31/17	Y	N/A
Election Commissioner	John Langan	7	1/1/15 – 12/31/17	Y	N/A
Deputy Election Commissioner	Sandra Saddlemire	7	1/1/15 – 12/31/17	Y	N/A
Deputy Election Commissioner	Vera Layman	7	1/1/15 – 12/31/17	Y	N/A
Commissioner of Public Works	Gary Hammond	7	5/13/15 – 5/12/16	Y	N/A
Deputy Commissioner of Public Works	Richard Perkins	7	6/29/15 – 5/12/16	Y	N/A
Secretary to Commissioner of Public Works	Jennifer Bennett	7	5/13/15 – 5/12/16	Y	N/A

I, Maureen L. Dougherty, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 14th day of July, 2015 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this 14th day of July, 2015.

Tioga County Legislative Clerk

Affidavit of Posting: I, Maureen L. Dougherty, being duly sworn, depose and say that the posting of the resolution began on July 14, 2015 and continued for at least 30 days. That the resolution was available to the public on the

Employer's website at www.tiogacountyny.com

- Official sign board at Tioga County Legislative Office.
- Main Entrance Clerk's Office at _____

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 183-15 *AUTHORIZE EXCEPTION TO COUNTY
POLICY 20; NON-UNION VACATION*

WHEREAS: County Policy 20; Non-Union Vacation dictates the rules regarding vacation accruals and carry-over for Non-Union staff; and

WHEREAS: The Policy allows carry-over of 20 days of vacation from one anniversary to the next; and

WHEREAS: The Policy allows for more than 20 days to be carried over under special circumstances, with a requirement that the time in excess of 20 days be used within 6 months of the anniversary; and

WHEREAS: The FMAS Project has required a handful of employees to spend a considerable amount of time in FMAS planning meetings and therefore unable to take vacation as they otherwise would have; and

WHEREAS: Consequently, these employees are in jeopardy of losing vacation days; therefore be it

RESOLVED: That the County Legislature hereby authorizes an exception to County Policy 20 due to the FMAS Project and offers an opportunity for Non-Union employees, heavily involved in the FMAS Project, to cash-in an amount of

vacation they have which exceeds 20 days prior to their 2015 and 2016 anniversaries; and be it further

RESOLVED: That these employees must advise their Department Head in writing if they choose to cash-in vacation time, and how much, at least 2 weeks prior to their anniversary date; and be it further

RESOLVED: That should the budgets of any of the employee's departments have insufficient 2015 funds to cover the vacation pay-out, a resolution will need to be presented by that department to transfer funds from the Contingency Account.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 184-15

*SALARY ADJUSTMENT FOR PUBLIC
DEFENDER
(PUBLIC DEFENDER)*

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

WHEREAS: During the June 18, 2015, legislative work session the Public Defender presented documentation demonstrating an increase in his case assignments over the past several months; and

WHEREAS: The County has received grant funding from Indigent Legal Services which is available and may be used towards an adjustment to the Public Defender's 2015 annual salary given his increased workload; therefore be it

RESOLVED: That George Awad's 2015 annual, non-union, salary shall increase from \$64,992 to \$72,427 effective July 15, 2015.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 185-15 *AUTHORIZE INTERIM APPOINTMENT AND SALARY INCREASE (PUBLIC HEALTH)*

WHEREAS: The Public Health Director position became vacant as of close of business July 6, 2015; and

WHEREAS: The State Health Department requires that an interim Director be named while recruitment for a replacement is underway; and

WHEREAS: The County Legislature would like to appoint the Deputy Director to the role of interim Director effective July 15, 2015 and offer additional compensation in recognition of the additional responsibility; therefore be it

RESOLVED: That Rebecca Kaufman is hereby appointed interim Public Health Director effective July 15, 2015 with an annual salary adjustment of \$5,000; and be it further

RESOLVED: That upon permanent appointment of a Public Health Director, Ms. Kaufman's salary shall be returned to \$54,060 as Deputy Director, if not appointed Director.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:24 P.M.