

*Fifth Regular Meeting*  
May 14, 2013

The Fifth Regular Meeting of 2013 was held on May 14, 2013 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Hollenbeck to have a moment of prayer. "God Bless the victims and their families for the horrific crimes committed against them in Cleveland, Ohio."

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

There were 29 people in attendance.

Chad Post of the Employee Recognition Committee spoke. "First, I would like to thank the Legislature for their continued support of Employee Recognition and in particular the efforts of the Employee Recognition Committee. In addition to myself, the current members of the committee are Sandy Hoose, Kris Madison, Doc Korbar, Teresa Saraceno, Roy Schreiner, Barb McCormick, and Teresa Ryder.

"At this time I would like to request the following honorees who are in attendance to please come forward and line up to my right: Cindy Hanbury, Gary Howard, Diane Rockwell, Steven DuVarney, Tina Lounsbury, Kevin McRory, Bryan Rockwell, Doreen Stoughton, and Michael McDonald. Each of these individuals will also be honored at the annual luncheon next week where their biographies will be read followed by comments from their Department Heads or individuals that have worked with them throughout the years. They will also be presented with the gifts that each selected from Van Horn Jewelers in recognition for their years of service. At this time I would like to ask Legislator Raymond Case to come to the podium and read the Proclamation. Thank you."

Legislator Case spoke. "We understand with long-time employees comes stability for departments, heightened skills, and something which is very important, which is legacy. People are there who can remember back when things happened and why they happened, and I can assure you on behalf of the Legislature and all of the rest of us we are very thankful to all of you for your years of service."

Legislator Case read the Proclamation on Employee Recognition and Appreciation Week.

#### PROCLAMATION

WHEREAS: The mission and services of Tioga County depend heavily on the tireless contributions of its dedicated employees; and

WHEREAS: The Tioga County Legislature wishes to recognize the efforts of all Tioga County employees; and

WHEREAS: The Employee Recognition Committee was created to provide a mechanism to show our appreciation for the Employees of Tioga County; and

WHEREAS: Those employees who have served for more than 25 years have shown a steadfast commitment to serving the well-being of the residents of Tioga County, and should be recognized by those whom they have served; and

WHEREAS: The Tioga County Legislature would like to especially recognize the following employees who have attained 25, 30 or 35 years since last year's ceremonies:

<u>Name</u>	<u>Department</u>	<u>Years</u>
Cindy Hanbury	Probation	35
Gary Howard	Sheriff's Office	35
Diane Rockwell	Sheriff's Office	30
Tina Lounsbury	DSS	25
Kevin McRory	Mental Hygiene	25
Steven DuVarney	Sheriff's Office	25
Doreen Stoughton	County Clerk's Office	25
Bryan Rockwell	Public Works	25
Michael McDonald	Emergency Preparedness	25

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE, does hereby proclaim and designate the week of May 13-17, 2013 as

#### EMPLOYEE RECOGNITION AND APPRECIATION WEEK

in the County of Tioga, New York, and call upon our citizens to join in recognizing these dedicated employees.

Chair Weston noted the following three Proclamations on Elder Abuse, Foster Care, and Mental Health Awareness.

### **ELDER ABUSE PREVENTION Month Proclamation**

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WHEREAS: People who are elderly or have disabilities have contributed to the general welfare of Tioga County by helping to preserve customs, convictions, and traditions of many people from diverse backgrounds; and

WHEREAS: These residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS: The health and well-being of disabled and elderly people in our county should be one of our highest priorities and of concern to all Americans; and

WHEREAS: People who are elderly or have disabilities are among the most important resources of our county, and it is fitting that we recognize the need to protect their health, safety, and rights; and

WHEREAS: Abuse of the elderly and people with disabilities in domestic and institutional settings is a wide-spread problem, affecting hundreds of thousands of people across the country; and

WHEREAS: Elder abuse is underreported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS: Elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, in poor neighborhoods and in suburbia; and

WHEREAS: Many of the cases investigated by Adult Protective Services in New York involve self-neglect and it is our duty as citizens to reach out to people in need; now therefore

THE TIOGA COUNTY LEGISLATURE hereby Proclaims the month of May 2013, to be

### **Elder Abuse Prevention Month**

in Tioga County, and urge all citizens to work together to help reduce abuse and neglect of people who are elderly or have disabilities.

## FOSTER CARE RECOGNITION MONTH PROCLAMATION

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WHEREAS: The Tioga County foster family serves as a source of love, identity, self-esteem and support for children in Tioga County; and

WHEREAS: There are 34 children in foster care in Tioga County, 22 of these children are in foster homes; and

WHEREAS: We have 20 certified foster homes in Tioga County; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children in foster care, and the enduring and valuable contribution of foster parents; and

WHEREAS: It is appropriate to recognize all those who volunteer their talents and energies on behalf of children in foster care, the foster parents who serve these children and the professional staff dedicated to ensuring these children have a stable and safe foster family environment; now therefore

THE TIOGA COUNTY LEGISLATURE hereby Proclaims May 2013, as

### FOSTER CARE RECOGNITION MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to recognize foster parents in Tioga County.

### 2013 PROCLAMATION

#### *Mental Health Awareness Month & Children's Mental Health Week*

WHEREAS: The citizens of Tioga County value the overall health and well-being of all the residents of Tioga County they are proud to support the observance of Mental Health Awareness Month and Children's Mental Health Week; and

WHEREAS: Mental Health is essential to everyone's overall health and well-being; and

WHEREAS: Mental illness is the leading illness-related cause of disability, a major cause of death through suicide, a factor in school failure, a contributor of poor overall health, incarceration, and homelessness; and

WHEREAS: Mental illness in adults and serious emotional and mental health disorders in children and youth are real and treatable; and

WHEREAS: There is evidence that early intervention, family-centered care for children, and person centered treatment for adults can result in reduction and management of symptoms such that individuals with mental illness can live full, productive and meaningful lives in their communities; and

WHEREAS: Children and youth with mental health challenges, along with their families, deserve access to services and supports that are family driven, youth guided and culturally appropriate; and

WHEREAS: There is an expectation of hope, healing and recovery for the citizens of Tioga County who experience symptoms of mental illness; and

WHEREAS: Tioga County has made a commitment to a community-based system of care that promotes values of acceptance, dignity and social inclusion for individuals of all ages; therefore be it

THE TIOGA COUNTY LEGISLATURE does hereby ask all residents of our county to join in declaring May 2013 as *Mental Health Awareness Month* and May 5 – 11, 2013 as *Children's Mental Health Week* in Tioga County.

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

REFERRED TO

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 104-13

*RECOGNITION OF  
ELAINE CICHOWSKI-DOUPE'S 13 YEARS OF  
DEDICATED SERVICE TO THE TIOGA COUNTY  
HEALTH DEPARTMENT*

WHEREAS: Elaine Cichowski-Doupe, RN, was appointed to the position of Director of Patient Services on January 24, 2000, in the Tioga County Health Department; the position she still holds; and

WHEREAS: Ms. Cichowski-Doupe acted as the Deputy Public Health Director in the Director's absence. She has always been supportive of her staff and the patients that were under the services of the Health Department and has worked tirelessly and without complaint; and

WHEREAS: Elaine Cichowski-Doupe, RN, has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past years to the County and to the Public Health Department. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Cichowski-Doupe retired on April 25, 2013; 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 Elaine Cichowski-Doupe, RN, for her total of over 13 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 outstanding employee, Elaine Cichowski-Doupe, RN.

#### ROLL CALL VOTE

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

No – None.

Absent – None.

#### RESOLUTION ADOPTED UNANIMOUSLY.

Johannes Peeters, Director of Public Health, spoke. “For 13 years Elaine has been a dedicated employee and I know when we were in crisis in 2002 it was part of her big efforts to get us out of that crisis to a point where the home care has been a good source. Elaine will be missed. She was a great person and I could not have asked for a better Deputy.”

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		43.26
A1170	Public Defender		2,198.67
A1172	Assigned Counsel		21,434.87
A1185	Medical Examiners/Coroners		1,975.87
A1325	Treasurer		612.08

A1355	Assessments		2,095.00
A1362	Tax Advertising and Expenses		1,228.00
A1410	County Clerk		110.83
A1420	Law		3,050.00
A1430	Personnel		1,877.38
A1460	Records Management		1,280.29
A1620	Buildings		40,046.02
A1621	Buildings		14,653.95
A1680	Information Technology		7,577.50
A2490	Community College Tuition		830,632.26
A2960	Education Handicapped Children		162,104.40
A3020	Public Safety Comm E911 System		4,687.61
A3110	Sheriff	595.77	16,902.61
A3140	Probation		179.92
A3146	Sex Offender Program		9,240.00
A3150	Jail		51,738.57
A3315	Special Traffic Programs		4,100.00
A3410	Fire		5,956.89
A3640	Emergency Mgmt Office		443.45
A3641	LEMPG Grant	2,772.00	
A3957	Hazard Mitigation Plan		2,500.00
A4010	Public Health Nursing		32,379.45
A4011	Public Health Administration		11,982.20
A4012	Public Health Education	3,006.00	76.18
A4042	Rabies Control		3,065.14
A4044	Early Intervention		42,567.86
A4053	Preventive/Primary Health Svcs		477.97
A4054	Preventive Dental Services		1,509.26
A4064	Managed Care-Dental Services		9,356.70
A4070	Disease Control		5,098.80
A4090	Environmental Health		1,334.21
A4210	Alcohol and Drug Services		1,443.76
A4309	Mental Hygiene Co Admin		7,392.76
A4310	Mental Health Clinic		14,162.73
A4320	Crisis Intervention Services		1,902.82
A4321	Intensive Case Management		1,863.55
A5630	Bus Operations		67,929.98
A6010	Social Services Administration		50,911.93
A6141	Energy Crisis Assistance Programs		29,616.17
A6422	Economic Development		509.14
A6510	Veterans' Service		60.00
A6610	Sealer Weights & Measures		96.07

A8020	Planning	36.12
A8760	NYS DOS LTRS Grant	28,878.94
A9060	Health Insurance	2,478.97
SOLID WASTE FUND		93,117.00
SPECIAL GRANT FUND		3,406.22
COUNTY ROAD FUND		43,257.76
CAPITAL FUND		243,461.97
CONSOLIDATED HEALTH FUND		306,232.59
SELF-INSURANCE FUND		<u>1,300.00</u>
GRANT TOTAL		\$ 2,198,949.45

Legislator Monell made a motion to approve the minutes of April 9, 2013, seconded by Legislator Hollenbeck, and carried.

Chair Weston made the following appointments to Real Property Director Search Committee effective May 14, 2013:

Legislator Standinger  
 Legislator Case  
 Legislator Monell  
 Legislator Sullivan  
 Chair Weston  
 Real Property Director Elizabeth Hawken

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

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 105-13

*RESOLUTION DECLARING "MAYDAY FOR MANDATE RELIEF" AND URGING THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE FURTHER FISCAL STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS AND BUILD UPON RECENT EFFORTS TO REFORM COSTLY UNFUNDED MANDATES*



WHEREAS: Counties are mandated to administer and finance dozens of state and federal programs; and

WHEREAS: Many counties in New York State face significant fiscal challenges made worse by the recent recession and slow economic recovery; and

WHEREAS: These county fiscal challenges are also directly tied to state-imposed mandates and in recent years reduced state reimbursements; and

WHEREAS: The New York State Association of Counties has identified nine state mandates that consume 90 percent of all county property taxes levied across the state (outside of New York City), representing over \$4 billion in county property taxes levied. These mandates include: Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS: These mandated and fixed employee costs can consume more than 80 percent of a county's total budget, leaving fewer local dollars that can be devoted to local programs and services; and

WHEREAS: These state mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services; now therefore be it

RESOLVED: That Tioga County hereby declares the month of May to be "Mayday for Mandate Relief" to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Tioga County; and be it further

RESOLVED: That Tioga County strongly encourages the Governor and State Legislature to continue working to enact meaningful mandate relief; and be it further

RESOLVED: That Tioga County calls on State Lawmakers to enact legislation preventing future unfunded mandates without corresponding state aid to pay for them; and be it further

RESOLVED: That NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 106-13 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: It is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

## RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;

2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said Municipal Waste Reduction and/or Recycling Project and will be reimbursed by the State for the State share of such costs;
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALBANY, NEW YORK 12233-7260, together with ONE complete application;
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 107-13      *FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for household hazardous waste programs; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized'
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs;
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application;
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 108-13 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs;

4. That MUNICIPALITY OR MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project;
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 109-13

*OPPOSE CLEAN WATER ACT DRAFT  
GUIDANCE PROPOSED BY THE  
ENVIRONMENTAL PROTECTION  
AGENCY*

WHEREAS: Tioga County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act(CWA); and

WHEREAS: The CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated manmade ponds and other structures not currently subject to the CWA: and

WHEREAS: The Environmental Protection Agency (EPA) and the United States Corps of Engineers (CORPS) has developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS: The draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Tioga County with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS: The financial impact of the draft guidance to Tioga County will be significant with roadside ditch projects and ongoing maintenance alone costing Tioga County citizens additional money due to the need for governmental staff and private citizen preparation of permit applications and jurisdictional determinations by the Corps or CWA permitting; and

WHEREAS: Tioga County believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rule making process to allow public and stakeholder comments on this critically important and complex issue; therefore be it

RESOLVED: That Tioga County urges EPA and the Corps to withdraw the draft CWA guidance immediately, work collaboratively with states and local governments in ensuring the protection of our water resources; and be it further

RESOLVED: That Tioga County supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it further

RESOLVED; That a copy of the Resolution be sent to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. House Representative Tom Reed, EPA Administrator Lisa Jackson, New York Governor Andrew Cuomo, New York State Senator Tom Libous, New York Assemblyman Chris Friend, and EPA Region 2 Administrator Judith Enck.

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 110-13

*APPROVE DESIGN FEE  
SUPPLEMENT #1 FOR  
FLOOD MITIGATION OF  
TIOGA COUNTY MUNICIPAL  
BUILDINGS – MCFARLAND JOHNSON*

WHEREAS: On October 9, 2012 the Tioga County Legislature awarded Professional Engineering Services for flood mitigation for various County buildings per Resolution 235-12; and

WHEREAS: After several meetings with FEMA, some changes for design are required and construction administrative services can be identified; and

WHEREAS: These fees will be included in the mitigation with FEMA; therefore be it

RESOLVED: That the Tioga County Legislature approves Supplement #1 for revised design and construction administrative services to McFarland Johnson not to exceed \$40,600 and to be paid out of Tropical Storm Lee Disaster account H1624.20.



## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRING TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 111-13

*SUPPORT OF SENSIBLE GUN CONTROL  
& ADDRESSING NEW YORK STATE-  
LEVEL & FEDERAL-LEVEL ACTIONS;  
SHERIFF'S OFFICE*

WHEREAS: Tioga County Legislators were horrified, as were all Americans, by the slaughter of 20 children and six adults at Newtown, Connecticut, on December 14, 2012; and

WHEREAS: The New York State Governor, Assembly, and Senate, catalyzed by that appalling event, acted expeditiously under a "Message of Necessity" in the new State legislative session and with bipartisan support to pass and sign the New York State SAFE Act on January 15, 2013; and

WHEREAS: Tioga County Legislators, as elected officials sworn to uphold both the New York State Constitution and the United States Constitution, acknowledge the historic and continuing importance of the Bill of Rights, as well as, recognize United States Supreme Court rulings that the Second Amendment allows prohibitions on the possession of firearms by felons and the mentally ill, penalties for carrying firearms in schools and government buildings, or laws regulating the sales of guns; and

WHEREAS: Provisions in the New York State SAFE Act could be revisited without undoing the law itself; and

WHEREAS: The SAFE Act includes unfunded State mandates requiring additional registration procedures that must be administered by the Sheriff's Department and County Clerk, as well as, increased responsibilities for county Mental Health Departments, and the cost of which have not been addressed; and

WHEREAS: The new law is the first in the nation to require instant background checks on all purchases of ammunition at the time of sale; it also includes a statewide standard requiring recertification of pistol permits every five years, and closes a private-sale loophole to ensure that all gun purchases are subject to a background check; and

WHEREAS: It is appropriate for states to enact laws promoting the safety of their residents, and none of the provisions in the SAFE Act will prevent any law-abiding citizen from owning a gun or many guns; and

WHEREAS: There is no national database of guns and in fact, Federal law bars the Bureau of Alcohol, Tobacco, Firearms, and Explosives from keeping track of guns and only allows the government to try to track the history of a gun, including buyer and seller, after the gun has been used in a crime; and

WHEREAS: We recognize the value of having a uniform Federal approach to the problems of gun violence to establish consistency throughout the nation and to reduce the opportunity of importation of illegal weapons across state lines; now therefore be it

RESOLVED: That the Tioga County Legislature supports the intent and enactment of the New York State SAFE Act, and demands the State Legislature and Governor to provide funding for the increased costs of state agency and local record keeping and enforcement, and to continue to re-examine the details addressed by the New York SAFE Act in an open and public process, affording residents of the State the opportunity to be heard on the legislation, and then to confirm, modify, and/or correct the statute in a careful and deliberate manner; and be it further

RESOLVED: That the Tioga County Legislature urges the United States Congress and President to remove the existing restriction on the creation of a Federal gun database and undertake timely consideration of the many relevant suggestions by the Brady Center to Prevent Gun Violence; and be it further

RESOLVED: That copies of this resolution be sent to Governor Andrew M. Cuomo; temporary Presidents of the Senate, Jeffrey D. Klein and Dean G. Skelos; Speaker Sheldon Silver and the County’s Representatives in the New York State Senate and Assembly.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 112-13 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period October 1, 2012 to March 31, 2013 be and it hereby is accepted; further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Town of Barton	\$ 36,326.84
Village of Waverly	9,217.93
Town of Berkshire	5,446.87
Town of Candor	19,678.04
Village of Candor	902.73
Town of Newark Valley	19,088.98
Village of Newark Valley	2,243.15
Town of Nichols	8,603.03
Village of Nichols	646.90
Town of Owego	132,781.65

Village of Owego	9,568.73
Town of Richford	6,355.79
Town of Spencer	11,781.34
Village of Spencer	1,420.32
Town of Tioga	<u>22,304.23</u>
	\$286,366.53

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 113-13 *APPROVE FUNDING*  
*2013 YOUTH BUREAU PROGRAM FUNDING*

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Board has reviewed 2013 applications for funding which are consistent with guidelines previously presented to the Legislative Committee; now therefore be it

RESOLVED: That the following programs recommended by the Tioga County Youth Board for program year 2013 be approved by the Tioga County Legislature in the amounts indicated:

Youth Development and Delinquency Prevention Programs

Cooperative Extension Family Resource Center	\$ 9,218
Tioga County Council on Alcohol & Substance Abuse	\$ 3,654
Spencer Van Etten Building Foundations	\$ 1,247

Special Delinquency Prevention Programs

Big Brothers Big Sisters	\$ 5,000
Cooperative Extension Parenting Education	<u>\$ 4,243</u>
TOTAL	\$23,362

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 114-13 *FUND TRANSFER TO PURCHASE  
SHERIFF IMPACT SOFTWARE*

WHEREAS: The Sheriff has demonstrated a need to procure a modernized and interoperable CAD/RMS software program for managing operations; and

WHEREAS: A company doing business as IMPACT, has been selected as a vendor to provide this software; and

WHEREAS: The Acting Director of Information Technology and Communication Services has approved said purchase; and

WHEREAS: Funding is available through the E911 Capital Account and the Contingency Account; now therefore be it,

RESOLVED: That the following funds be transferred and appropriated as follows:

From:	H1620.20.990 E911 Back Up Center	53,940.58
To:	H3020.21 E911 Capital Software	53,940.58
From:	A1990.40-715 Contingency Account	22,000.00
To:	A9950.93-715 Transfer to Capital	22,000.00
From:	H5031.30 Interfund Transfers	22,000.00
To:	H3020.21 E911 Capital Software	22,000.00

#### ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 115-13 *INSURANCE FUND TRANSFER-REPLACE  
SHERIFF'S PATROL CAR*

WHEREAS: A Sheriff's patrol car was involved in a motor vehicle accident and the damage was estimated to be beyond repair; and

WHEREAS: The county's insurance carrier has agreed to fund the replacement of the vehicle; and

WHEREAS: A new 2013 Dodge Charger Police Pursuit Vehicle has been ordered through State Contract; now therefore be it

RESOLVED: That the following funds be transferred and appropriated as follows:

From:	H2680 Insurance Recoveries	\$22,564.52
To:	H3110.21.60 Sheriff Capital Car	\$22,564.52

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

Legislator Monell recused himself and departed the Auditorium while Resolutions No. 116-13 and 117-13 were being discussed and voted on.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 116-13                      *AUTHORIZE CONTRACT  
PURCHASE OF SERVICES,  
TECHNICAL SUPPORT AND  
MAINTENANCE FOR HELP DESK  
AND TRANSFER OF FUNDS  
INFORMATION TECHNOLOGY*

WHEREAS: The Tioga County Information and Technology Communication Services has a need to purchase services, provide technical support and maintenance for the help desk that serves Tioga County staff; and

WHEREAS: ICS Solutions Group has the capability of providing Tioga County with services, technical support and maintenance for Tioga County's Help Desk; and

WHEREAS: ICS Solutions Group will offer these services at an initial cost of \$5,500.00 for setup fees and training fees; \$450.00 a month license fee for the remainder of 2013 starting on June 1<sup>st</sup> for a total of \$3,150.00; and

WHEREAS: There is a critical need to have such services in place immediately; and

WHEREAS: The Tioga County Information Technology and Communication Services Department budget does not have the funds to purchase and maintain said services, technical support, and maintenance; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be authorized to contract with ICS Solutions Group for services, technical support, and maintenance of Tioga County's Help Desk; and be it further

RESOLVED: That said contract is subject to County Attorney approval; and be it further

RESOLVED: That the following sums be transferred:

From:	Information Technology A1680.10-10	\$8,650.00
To:	Information Technology A1680.40-140	\$8,650.00

ROLL CALL VOTE

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

No – None.

Absent – None.

Recused – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 117-13                      *AUTHORIZE CONTRACTS AND  
TRANSFER OF FUNDS  
INFORMATION TECHNOLOGY*

WHEREAS: The Tioga County Information and Technology Communication Services Department has a need to acquire professional services for several projects that are ongoing; and



WHEREAS: The Tioga County Information and Technology Communication Services Department needs to purchase a server for the Department of Public Works to fix ongoing issues at that department causing a significant amount of down time in that Department; and

WHEREAS: The Tioga County Information and Technology Communication Services Department has funds in their Personnel Services Account that could be utilized for services and purchase of equipment, but such needs to be transferred into other accounts; and

WHEREAS: Pyramid Business Systems, ICS, Sirius Computer Solutions, and Finger Lakes Technology Group, have agreed to provide needed services for ongoing projects in the Tioga County Information and Technology Communication Services Department; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be authorized to contract with Pyramid Business Systems, ICS, Sirius Computer Solutions, and Finger Lakes Technology Group to provide services for ongoing projects; and be it further

RESOLVED: That the Acting Director of Information and Technology Communication Services be authorized to purchase said server for the Departments of Public Works; and be it further

RESOLVED: That said contracts are subject to County Attorney approval; and be it further

RESOLVED: That the following sums be transferred as follows:

From:	Information Technology A1680.10-10	\$106,350.00
To:	Information Technology A1680.20-90	\$ 6,350.00
	Information Technology A1680.40-140	\$100,000.00

## ROLL CALL VOTE

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

No – None.

Absent – None.

Recused – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES

RESOLUTION NO. 118-13                      *AUTHORIZE CONTRACT WITH ACCUMEDIC  
COMPUTER SYSTEMS, INC. FOR  
MENTAL HYGIENE ELECTRONIC HEALTH  
RECORDS SYSTEM AND  
TRANSFER OF FUNDS*

WHEREAS: Mental Hygiene solicited Requests for Proposals (RFPs) for an Electronic Health Records System (EHRs); and

WHEREAS: The selection committee has recommended Accumedic Computer Systems, Inc. as the Vendor for the EHRs; and

WHEREAS: Required products and services include software at an approximate cost of \$136,000 directly from Accumedic; professional services from Accumedic at an approximate cost of \$37,000, hardware at an approximate cost of \$30,000 from an authorized County vendor or vendors; and professional services at an approximate cost of \$7,000 from an authorized County vendor or vendors; for a total project cost not to exceed \$210,000 and

WHEREAS: The Health and Human Services Committee has reviewed the recommendation and agrees with the selection committee's recommendation of Accumedic Computer Systems, Inc. as Vendor for the EHRs; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign a contract with Accumedic Computer Systems, Inc. to provide the services outlined in the proposal and contract for total fees as set forth in said proposal and contract; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign contracts with authorized County vendors to provide the additional hardware and professional services required to complete additional tasks for the project; and be it further

RESOLVED: That the following sums be transferred:

From: Contingency Account A1990-40-715	\$210,000
To: Transfer to Capital Account A9950.93-715	\$210,000

From: Interfund Transfer Account H5031	\$210,000
To: Mental Hygiene Co Admin Account H4310.21	\$210,000

#### ROLL CALL VOTE

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

No – None.

Absent – None.

#### RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 119-13                      *ESTABLISHMENT OF COMPUTER  
HARDWARE RESERVE FUND*

WHEREAS: Tioga County recognizes the importance of computer technology in maintaining government efficiency; and

WHEREAS: Tioga County wishes to establish a Reserve Fund pursuant to General Municipal Law Section 6(c) to finance the purchase of computer hardware for County computer systems; now therefore be it

RESOLVED: That pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Computer Hardware Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is the acquisition of computer hardware; and be it further

RESOLVED: That the Tioga County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Tioga County Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Tioga County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Tioga County Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Legislature a detailed report of the operation and condition of the Reserve Fund; and be it further

RESOLVED: That except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this Legislature and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law.

#### ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL  
RESOLUTION NO. 120-13 ESTABLISHMENT OF COMPUTER  
SOFTWARE RESERVE FUND

WHEREAS: Tioga County recognizes the importance of computer technology in maintaining government efficiency; and

WHEREAS: Tioga County wishes to establish a Reserve Fund pursuant to General Municipal Law Section 6(c) to finance the purchase of computer software for County computer systems; now therefore be it

RESOLVED: That pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Computer Software Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is the acquisition of computer software; and be it further

RESOLVED: That the Tioga County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Tioga County Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Tioga County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Tioga County Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Legislature a detailed report of the operation and condition of the Reserve Fund; and be it further

RESOLVED: That except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Legislature and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 121-13

*APPOINT FIRE AND EMS INTELLIGENCE  
LIAISON OFFICERS FOR THE COUNTY  
BUREAU OF FIRE*

WHEREAS: The New York State Office of Fire Prevention and Control, the New York State Intelligence Center (NYSEC) and the New York State Office of Counter Terrorism have initiated the Intelligence Liaison Program where one Fire and one EMS Intelligence Liaison Officer (ILO) will be identified in each County to act as liaisons with the State's intelligence community; and

WHEREAS: The ILO's will receive information and intelligence from the NYSEC for appropriate dissemination to the emergency services community of Tioga County, receiving training on the signs of terrorism and the importance of suspicious activity reporting, and they will train other Fire and EMS responders in the community on these concepts; and

WHEREAS: The Tioga County Fire Coordinator has recommended that Owego Deputy Fire Chief Robert P. Williams be appointed to the Tioga County Fire Service ILO and that Deputy Fire Coordinator Connie Fedorowicz be appointed Tioga County EMS ILO; therefore be it

RESOLVED: That the Legislature appoints Owego Deputy Fire Chief Robert P. Williams Fire Service ILO and Assistant County Fire Coordinator Connie Fedorowicz as EMS ILO. These positions will be served without remuneration and any training for these assignments will be paid for by the New York State Division of Homeland Security and Emergency Services.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 122-13 *NOTIFICATION OF GRANT APPLICATION*

WHEREAS: The Federal Help Americans Vote Act (HAVA) of 2006 provided funds to compensate counties for expenses relating to transitioning from Lever to Electronic Voting systems; and

WHEREAS: New York State has held these funds in reserve until all counties had fully transitioned to Electronic Voting systems and just recently all counties complied; and

WHEREAS: The County Boards of Elections must apply for reimbursement and part of the application process is notifying the County Legislature that grants are being applied for; therefore be it

RESOLVED: That the Tioga County Legislature accepts the GOVERNING BODY GRANT APPLICATION NOTIFICATION from the Tioga County Board of Elections in the amount up to \$20,408.51; and be it further

RESOLVED: That the grant money when received by the Treasurer shall be disbursed as follows:

From:	Federal Aid-Other A4089	\$20,408.51
To:	Elections Account A1450.40.490	\$20,408.51

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 123-13                      *AUTHORIZE THE SUBMISSION OF EMPG  
GRANT APPLICATION  
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security and Emergency Services will be issuing a grant to the Tioga County Office of Emergency Management in the amount of \$23,676. The grant will be used for planning and training; and

WHEREAS: The Tioga County Emergency Management Office has received funds through the Local Emergency Planning Grant (LEMPG) for several years. The LEMPG is being replaced by the Emergency Management Planning Grant (EMPG); and

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

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



## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. B of 2013.

County of Tioga

Local Law No. of the Year 2013.

A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year.

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

SECTION 1: Title:

This Local Law shall be known as “Tioga County Responsible Budgeting Law of 2013”.

SECTION 2: Declaration of Intent:

The intention of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2014 Tioga County Budget.

The regulations regarding the tax cap calculation continue to evolve, making it difficult to be certain that the 2014 budget falls under the calculated tax levy limit established by the General Municipal Law.

Many municipalities have adopted budgets that at the time of adoption were under the tax levy limit based on good faith budget calculations. Months later the Office of the State Comptroller interpreted the law in a different way and deemed these municipalities as having exceeded the limit. Those municipalities now face negative fiscal impacts; they must move funds from their cash account and hold in reserve, they must reduce the following year’s tax levy limit by the alleged excess amount, and they must participate in time-consuming audits with the OSC.

While the Tioga County Legislature intends to comply with the tax cap, it recognizes the need to authorize an override, as an insurance policy, in order to avoid these negative fiscal impacts that would result due to lack of clarity in the tax cap regulations from the OSC.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby authorizes an override to the tax levy limit for Tioga County for 2014 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2014 that requires a tax levy that is greater than the tax levy limit calculated for 2014 pursuant to Section 3-c of the General Municipal Law.

SECTION 4: Severability:

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which remaining portions shall remain in full force and effect.

SECTION 5: Effective Date:

This Local Law shall take effect upon the date on which a certified copy of this Local Law is filed in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

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

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 124-13

*SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. B OF 2013*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2013 A Local Law authorizing an override of the Tax Levy limit for Tioga County for 2014 and authorizing the adoption by Tioga County of a budget for 2014 that requires a tax levy that is greater than the tax levy limit for the 2014 fiscal year in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, June 6, 2013 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 125-13

*SUPPORTING NEW YORK STATE  
SENATE BILL S.02111 WHICH GIVES  
STATE INCOME TAX CREDIT TO  
VOLUNTEER FIREFIGHTERS AND  
MEMBERS OF VOLUNTEER AMBULANCE  
CORPS IN GOOD STANDING UP  
TO \$1,200*

RESOLVED: That the Tioga County Legislature hereby supports New York State Senate Bill S.02111, AN ACT to amend the Tax Law, in relation to providing for a credit against personal income tax for volunteer firefighters and members of volunteer ambulance corps, and asks that the New York State Assembly adopt similar legislation; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Thomas Libous and New York State Assembly members Christopher Friend and Thomas Reed, NYSAC, Tioga County Towns and Villages, and all others deemed necessary and proper.

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO:                               PERSONNEL COMMITTEE  
                                                      FINANCE COMMITTEE

RESOLUTION NO. 126-13               *AUTHORIZE CONTRACT WITH  
                                                      NATIONWIDE RETIREMENT SOLUTIONS FOR  
                                                      DEFERRED COMPENSATION PROGRAM*

WHEREAS: The County of Tioga duly advertised and received proposals from a variety of deferred compensation program administrators; and

WHEREAS: The Deferred Compensation Committee has reviewed all proposals and made a recommendation of one administrator; now therefore be it

RESOLVED: That the Tioga County Legislature approves the deferred compensation program and trustee services offered by Nationwide Retirement Solutions and authorizes the Legislative Chair to execute the necessary documents, subject to review by the County Attorney, to implement the services of Nationwide Retirement Solutions as our deferred compensation administrator, for the period commencing March 8, 2013 and continuing through March 8, 2018.

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 127-13 *AUTHORIZE CONTRACT WITH EBS-RMSCO, INC –  
MEDICARE PART D DRUG SUBSIDY*

WHEREAS: Medicare-eligible beneficiaries may purchase prescription drug coverage through a Medicare Part D Plan; and

WHEREAS: An employer who provides prescription drug coverage to Medicare eligible employees, retirees, and/or their spouses must disclose to them whether or not the benefit provided is “at least as good” as the Medicare coverage, referred to as creditable coverage notice; and

WHEREAS: Plan sponsors who offer postretirement drug coverage to their qualified covered retirees may be eligible to receive a 28% tax-free subsidy of allowable drug costs for those retirees who do not elect to receive prescription benefits under a Medicare Part D Plan; and

WHEREAS: It is necessary to complete an actuarial attestation to determine that the participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide drug coverage which meets the actuarial equivalence test in order to determine if the retiree prescription coverage is “at least as good” as the Medicare coverage and to determine if the TCCMHIP participants are eligible to apply for the subsidy for the 2014 Plan Year, January 1, 2014 through December 31, 2014; and

WHEREAS: Creditable coverage notices must be provided to all Part D eligible participants no later than October 15, 2013 and the deadline to file for the 2014 Plan Year subsidy is October 1, 2013; and

WHEREAS: EBS-RMSCO, Inc. has performed this actuarial attestation each year since 2005 and is available to perform the actuarial attestation and necessary testing again in 2013 for the 2014 Plan Year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, to provide the necessary actuarial services for creditable coverage and the 28% tax-free subsidy related to Medicare Part D for the 2014 Plan Year at a cost of \$4,100 to be paid for out of the TCCMHIP Fund.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 128-13      *ADOPT LOCAL LAW NO. 1 OF 2013*

WHEREAS: A public hearing was held on May 9, 2013, following due notice thereof to consider the adoption of Local Law Introductory No. A of the Year 2013 A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2014 and continuing through and including December 31, 2017; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 1 of 2013; therefore be it

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

County of Tioga

Local Law No. of the Year 2013.

A Local Law establishing the salary for the Office of County Treasurer for the four year term of office commencing January 1, 2014 and continuing through and including December 31, 2017.

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

#### SECTION 1: PURPOSE

As set forth at Local Law No. 3 of 2003, the annual salary for the elected public office of County Treasurer shall not be increased during a term of office.

Accordingly, it is the purpose and intent of this Local Law to establish the salary for Office of County Treasurer for the four-year term of office commencing January 1, 2014 and continuing through and including December 31, 2017.

#### SECTION 2: ANNUAL SALARY

- A) The annual salary for the Office of County Treasurer for the term of office beginning January 1, 2014 and continuing through and including December 31, 2017 is hereby established as follows:

- |                     |             |
|---------------------|-------------|
| 1. County Treasurer | \$63,000.00 |
|---------------------|-------------|

#### SECTION 3: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 4: EFFECTIVE DATE

This Local law shall take effect January 1, 2014.

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 Hollenbeck, Huttleston, Monell, Weston, Roberts, Sauerbrey, Standing, and Case.

No – Legislator Sullivan.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

HHS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 129-13

*AUTHORIZE CONTRACT  
SUPERIOR GROUP  
TIOGA EMPLOYMENT CENTER*

WHEREAS: Broome & Tioga Counties, in partnership through the Broome/Tioga Workforce Development Board, provides for the delivery of employment and training services under the Workforce Investment Act of 1998; and

WHEREAS: The Tioga Employment Center continues to have a need for a Resource Room Aide to assist individuals in the Employment Center's Resource Room with operation of computers and various computer programs, to instruct clients on how to use NYS Dept of Labor job site, and to assist clients in accessing employment opportunities; and

WHEREAS: Superior Group is able to provide such services for the Tioga Employment Center, from July 1, 2013 to June 30, 2014, and said contract is to be funded entirely by the Workforce Investment Act; and



WHEREAS: The funds necessary for said contract were included in the WIA PY 2013 Budget under the WIA Grant; and

WHEREAS: The Supervisor of the Tioga Employment Center is authorized to enter into such contract as indicated; and

WHEREAS: Said contract would provide for compensation at the bill rate of \$9.60 per hour at a maximum of 27 hours per week from 7/1/13-12/31/13; and at the bill rate of \$10.24 per hour from 1/1/14 to 6/30/14 to adjust for changes in the NYS minimum wage rate; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Supervisor of Tioga Employment Center to enter into a contract, upon approval by the County Attorney, with Superior Group at the bill rate of \$9.60 per hour for six months, and bill rate of \$10.24 per hour for six months at a maximum of 27 hours per week, effective July 1, 2013 through June 30, 2014.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 130-13      *STANDARD WORK DAY AND  
REPORTING RESOLUTION*

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)
Acting District Attorney	Irene Graven	7	1/1/13-12/31/13	N	20
1 <sup>st</sup> Assistant District Attorney	Adam Schumacher	7	1/1/13-12/31/13	N	8.74
2 <sup>nd</sup> Assistant District Attorney	Cheryl Mancini	7	1/1/13-12/31/13	N	12
3 <sup>rd</sup> Assistant District Attorney	Timothy Thayne	7	1/1/13-12/31/13	N	8.94
Secretary to District Attorney	Stephanie Carrigg	7	12/27/12-12/31/13	Y	N/A

#### ROLL CALL VOTE

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

No – None.

Absent – None.

#### RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES  
PERSONNEL COMMITTEE

RESOLUTION NO. 131-13 *AUTHORIZE SALARY FOR BACKFILL  
(PUBLIC HEALTH)*

WHEREAS: Legislative approval is required for salaries offered for Non-Union positions; and

WHEREAS: The position of Director of Patient Services become vacant effective April 25, 2013, as a result of the retirement of the previous incumbent; and

WHEREAS: The Public Health Director would like to promote an internal candidate, and the Personnel Department has found an employee to meet the qualifications of the position; and

WHEREAS: The internal candidate has over 8 years of nursing experience with Tioga County; therefore be it

RESOLVED: That the Public Health Director is hereby authorized to provisionally appoint Sandra Hoose as Director of Patient Services effective May 15, 2013 at an annual salary of \$63,235.00, pending the outcome of the civil service examination for said title.

ROLL CALL VOTE

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

No – None.

Absent – None.

Abstained – Legislator Standinger.

RESOLUTION ADOPTED.

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

REFERRING TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 132-13 RECLASSIFY VACANT POSITION  
SHERIFF'S OFFICE

WHEREAS: Legislative approval is required for all position reclassifications; and

WHEREAS: One full-time E911 Dispatcher/Trainee position (CSEA Salary Grade VI) became vacant on February 12, 2013 due to the resignation of the incumbent; and

WHEREAS: Due to new legislative mandates, the Sheriff has identified a need to expand account clerical staff within his records division by one full-time position; and

WHEREAS: The Sheriff would prefer to accomplish this staffing need by reclassifying the vacant E911 Dispatcher/Trainee position to an Account Clerk-Typist (CSEA Salary Grade IV); and

WHEREAS: The E911 Dispatcher/Trainee vacancy will have existed for 90 days as of the date of this resolution; therefore be it

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant, full-time E911 Dispatcher/Trainee position (Salary Grade 6) to a full-time Account Clerk-Typist (Salary Grade 4) effective May 15, 2013; and be it further

RESOLVED: That the Sheriff is authorized to fill the full-time Account Clerk-Typist position effective May 15, 2013 from the appropriate eligible list.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 133-13      *AMEND RESOLUTION 100-13  
REQUEST WAIVER OF 90-DAY HOLD;  
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Resolution 100-13 granted a waiver from the 90-day hiring delay to fill a vacant Social Welfare Examiner position with the reinstatement of Teresa Sedlacek from a Preferred Eligible list; and

WHEREAS: Ms. Sedlacek has since declined reinstatement due to accepting employment elsewhere; now therefore be it

RESOLVED: That Resolution 100-13 be hereby amended to state that the Commissioner of Social Services is granted a waiver from the 90-day hiring delay and is authorized to fill the Social Welfare Examiner position from the current eligible list for said title at an annual salary of \$27,572 (2013 CSEA Salary Grade VI), effective on or after April 10, 2013.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRING TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 134-13 RECLASSIFY VACANT POSITION; AUTHORIZE  
WAIVER OF 90-DAY HIRING DELAY  
MENTAL HYGIENE

WHEREAS: Legislative approval is required for all position reclassifications; and waivers of 90-day hiring delay; and

WHEREAS: One Senior Community Mental Health Nurse position (CSEA Salary Grade XVII) became vacant on April 25, 2013 due to the resignation of the incumbent; and

WHEREAS: Regulations have changed and no longer require a Community Health Nurse, so the health assessments previously performed by the Senior Community Mental Health Nurse will now be reassigned to the Nurse Practitioner; and

WHEREAS: The Director of Community Services has reviewed the services provided by the Mental Hygiene Department and has determined that there is a need to increase the number of Certified Alcohol and Drug Counselors in order to better serve clients; and

WHEREAS: The Director of Community Services would prefer to accomplish this staffing need by reclassifying the vacant Senior Community Mental Health Nurse position (CSEA Salary Grade XVII) to a Certified Alcohol and Drug Counselor (CSEA Salary Grade XI); and

WHEREAS: Due to program needs there is an immediate need to fill the vacancy as a Certified Alcohol and Drug Counselor; therefore be it

RESOLVED: That the Legislature hereby authorizes the reclassification of one vacant, full-time Senior Community Mental Health Nurse position (CSEA Salary Grade XVII) to a full-time Certified Alcohol and Drug Counselor (CSEA Salary Grade XI); and be it further

RESOLVED: That the Director of Community Services is authorized a waiver from the 90-day delay in filling the full-time Certified Alcohol and Drug Counselor position effective May 15, 2013 on a provisional basis, pending the outcome of the civil service examination.

#### ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 135-13 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE  
BACKFILL OF ONE VACANT FULL-TIME,  
SUPERVISING COMMUNITY HEALTH NURSE  
POSITION  
PUBLIC HEALTH*

WHEREAS: The Public Health Department experienced a vacancy in the title of Supervising Community Health Nurse on April 17, 2013 due to a resignation; and

WHEREAS: An additional Supervising Community Health Nurse position will become vacant on May 15, 2013, due to an internal, provisional promotion; and

WHEREAS: This leaves no Supervisory Community Health Nurses in the CHHA; and

WHEREAS: The Public Health Director must ensure that nursing services are carried out both effectively and efficiently; therefore be it

RESOLVED: That the Public Health Director is hereby granted a waiver from the 90-day hiring delay and is authorized to fill one (1) full-time, Supervising Community Health Nurse vacancy at an annual salary of \$52,014 (CSEA Salary Grade XVII) effective May 15, 2013; and be it further

RESOLVED: That the full-time, Supervising Community Health Nurse position will be identified as contingent permanent due to the prior incumbent's provisional promotion to a higher level position; and be it further

RESOLVED: That the continuation of said positions will be contingent upon future decisions concerning the Tioga County Certified Home Health Agency (CHHA).

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

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

REFERRED TO:                               PERSONNEL COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 136-13                 *CREATE AND FILL ONE (1), FULL TIME SEASONAL  
CLERK POSITION  
TREASURER'S OFFICE*

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: There is a need for temporary assistance within the Treasurer's Office this summer due to planned vacations and an extended medical leave of absence; and

WHEREAS: This position will provide coverage in the front office, assisting customers at the window, and performing other basic tasks; and

WHEREAS: Resolution 196-09 established the hourly rate of pay for seasonal Clerks at minimum wage plus one dollar; and

WHEREAS: The Treasurer appropriately budgeted for this seasonal position; therefore be it

RESOLVED: That the County Treasurer is hereby authorized to create and fill one (1) seasonal Clerk position at the rate of \$8.25 per hour (minimum wage, plus \$1) effective May 15, 2013 through August 23, 2013.



ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:22 P.M.