

Eight Regular Meeting
August 9, 2011

The Eighth Regular Meeting of 2011 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Roberts being absent.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. "We pray in memory and thought of the families that lost the Navy Seals this last week. We pray for the leadership of our government and every level of government, to pray for guidance and the ability to make good decisions on behalf of our constituents."

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

There were 21 people in attendance.

Legislator Monell read and presented the following recognition resolution to John Crosby.

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

RESOLUTION NO. 166-11 *RECOGNITION RESOLUTION*
RECOGNIZING
GAE CROSBY
POSTHUMOUSLY

WHEREAS: Gae Crosby passed away on May 6, 2011 while an active member of the Youth Board; and

WHEREAS: The Tioga County Legislature, along with the members of the Tioga County Youth Board, would like to posthumously recognize Mrs. Crosby for her many years of dedicated service to the residents of Tioga County; and

WHEREAS: Mrs. Crosby began her tenure as a member of the Tioga County Youth Board in 2002; and

WHEREAS: Mrs. Crosby's continual involvement in the community was evidenced by her faithful attendance at meetings of the Tioga County Youth Board and the Town Board of Zoning Appeals, her active involvement in the Special Olympics, and her starting of the Tioga County Historical Society fundraiser; and

WHEREAS: Mrs. Crosby is survived by her husband, John, three children, and eight grandchildren; 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 and recognize Gae Crosby posthumously for her years of dedicated service to the Tioga County Youth Board and 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 the family of Gae Crosby.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED UNANIMOUSLY.

Daniel Sloat, President of the Tioga County Youth Board, spoke. "It has been my privilege to have served along side Gae on the Tioga County Youth Bureau Board since 2002. I think part of the testimony to Gae's effectiveness on the Board is the amount of participation from our Board members. One of the things that I remember most about Gae was her ability to find opportunities and challenges, and being on the Youth Bureau one of our biggest challenges of recent has been funding. Gae instead of the rest of our Board saying oh my gosh and wringing our hands and concern that less money to give to our youth, Gae wanted us to meet, brainstorm, and come up with some different ideas on how we might be able to get more money from the community for the youth, and that embodies Gae's spirit. In closing, I would like to say that working with Gae brings to mind a quote from Alex Pike and he said "what we do for

ourselves alone dies with us, what we do for others and the world remains and is immortal". We are going to miss you Gae."

John Crosby, Gae's husband, spoke. "If you knew Gae, everything she did she did with joy and enthusiasm. She would be humbled and she would be pleased to be recognized for the work that she did for the youth because that is when she was the happiest. On her behalf, thank you."

Chair Weston noted the following Proclamation on Child Support Enforcement Month.

PROCLAMATION

WHEREAS: New York's children need the emotional and financial support of both parents, as well as the support of their extended families and the community, in order to grow into healthy, productive adults; and

WHEREAS: New York State is committed to promoting the health and well-being of all of its children by ensuring that parents pay child support on a regular and timely basis; and

WHEREAS: Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS: The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys still continue to play an active role in child support enforcement; and

WHEREAS: In 2010, New York State child support program served more than 1.1 million children and collected nearly \$1.77 billion dollars in child support; and

WHEREAS: In 2010, Tioga County collected over \$5.4 million dollars in child support; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2011 to be

Child Support Enforcement Month

in Tioga County and salute those parents who support their children and honor the child support enforcement professionals in our community and throughout New York State.

Chris Bonner had privilege of the floor. He spoke about his concerns regarding the debt of the country.

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		843.49
A1165	District Attorney		907.76
A1170	Public Defender		3,310.65
A1172	Assigned Counsel		15,899.53
A1185	Medical Examiners/Coroners		1,464.40
A1325	Treasurer		55.20
A1355	Assessments		279.55
A1410	County Clerk		392.80
A1411	Department of Motor Vehicles		106.56
A1420	Law		1,069.72
A1430	Personnel		328.50
A1450	Elections		6,604.45
A1460	Records Management		122.69
A1460.41	Records Management		4,976.25
A1490	Public Works Administration		34.13
A1620	Buildings		45,173.53
A1621	Buildings		18,849.06
A1680	Information Technology		10,905.91
A2490	Community College Tuition		71,704.43
A2960	Education Handicapped Children		240,531.37
A3020	Public Safety Comm E911 System		5,276.48
A3110	Sheriff		18,659.61
A3150	Jail		56,392.79
A3315	Special Traffic Programs		2,165.00
A3410	Fire	1,215.80	1,354.13
A3640	Emergency Mgmt Office		552.47
A3461	Emergency Mgmt Grant Program	71.87	
A3992	EMO C837990 Grant	811.50	
A4010	Public Health Nursing		56,495.25
A4011	Public Health Administration		7,067.52
A4012	Public Health Education		7,530.56

A4042	Rabies Control		1,164.06
A4044	Early Intervention	370.38	43,772.82
A4053	Preventive/Primary Health Svcs		354.80
A4054	Preventive Dental Services		299.55
A4064	Managed Care-Dental Services		15,085.76
A4070	Disease Control		2,288.58
A4090	Environmental Health		1,523.93
A4210	Alcohol and Drug Services		23,993.83
A4211	Council on Alcoholism		19,847.32
A4309	Mental Hygiene Co Admin	163.58	12,332.63
A4310	Mental Health Clinic		116,634.31
A4315	Mental Retardation		6,396.24
A4320	Crisis Intervention Services		8,416.67
A4321	Intensive Case Management		2,511.01
A4333	Psycho Social Club		11,354.97
A6010	Social Services Administration		104,549.96
A6141	Energy Crisis Assistance Program		17,729.07
A6422	Economic Development		301.82
A6510	Veterans' Service		1,746.00
A6610	Sealer Weights/Measures		248.63
A9060	Health Insurance		1,596.82
	SOLID WASTE FUND		97,106.23
	COUNTY ROAD FUND		41,506.57
	SPECIAL GRANT FUND		6,404.79
	CONSOLIDATED HEALTH FUND		34,276.81
	CAPITAL FUND		495,868.28
	LIABILITY INSURANCE FUND		400.00
	WORKERS' COMP		<u>58,306.00</u>
	GRAND TOTAL		\$ 1,707,694.38

Legislator Monell made a motion to approve the minutes of July 7, 12, & 21, 2011, seconded by Legislator Sullivan, and carried.

Chair Weston made the following appointments to a Relevy Committee:

County Attorney
Economic Development & Planning Director
County Treasurer
Chief Accountant
Legislators Hollenbeck
Sauerbrey
Sullivan
Weston

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

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 167-11 ADOPT LOCAL LAW NO. 5 OF 2011

WHEREAS: A public hearing was held on July 7, 2011, following due notice thereof to consider the adoption of Local Law Introductory No. E of the Year 2011 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 5 of 2011; therefore be it

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

County of Tioga

Local Law No. 5 of the Year 2011.

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

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

SECTION 1:

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

SECTION 2:

Imposition of sales tax.

On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2011, and ending November 30, 2013 there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2:

Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 2-a:

Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2013, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2013, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2013, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2013, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2013.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vender of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the premises, for which such energy sources or services are purchased, is used solely as a residence or identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

SECTION 3:

Section Three of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new subdivision (h) to read as follows:

(h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2011, and ending November 30, 2013, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2011, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2011, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2013. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2011, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 4:

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

SECTION 4:

Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2011, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone

answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he

fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2011, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 5:

Subdivision (1) of Section 11 of Local Law No. 1 of 1968, as amended, is hereby amended by adding a new paragraph (C) to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2011, and ending November 30, 2013, in respect to the use of property used by the purchaser in this County prior to December 1, 2011.

SECTION 6:

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2011, through November 30, 2013, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.

SECTION 7:

This enactment shall take effect on December 1, 2011.

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 Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 168-11

*AMEND RESOLUTION NO. 7-11
FIX DATES AND TIMES OF
TIOGA COUNTY LEGISLATIVE
MEETINGS*

WHEREAS: Resolution No. 7-11 set the 2011 Tioga County Legislative meetings at 1:30 P.M. on the Tuesday following committees, except for the months of March, June, September and December 2011; and

WHEREAS: The Tioga County Legislature would like to change the 1:30 P.M. Legislative meetings to 12:00 P.M.; therefore be it

RESOLVED: That Resolution No. 7-11 be amended to reflect that the Tioga County Legislature during the months of October and November 2011 shall meet in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York at 12:00 P.M. on the Tuesday following committees which are held during the first full work week of the month.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 169-11 *AUTHORIZE TO HOLD JOINT
AUCTION WITH BROOME COUNTY*

WHEREAS: Broome County has offered Tioga County the ability to rejoin them with a joint auction for surplus property; and

WHEREAS: Broome County has contracted Mel Manassee & Son Auctioneers for Saturday, September 24, 2011 @ 10:00 AM; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the auction for surplus properties to be held in conjunction with Broome County on Saturday, September 24, 2011 @ 10:00 AM; and be it further

RESOLVED: That Tioga County's auction for surplus properties will be held at the Broome County Highway Dept., 47 Thomas St., Chenango Bridge, NY 13745 and 0% Commission of the proceeds will be charged to the seller.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 170-11 *TRANSFER OF FUNDS
PUBLIC HEALTH*

WHEREAS: Resolution #41-11 appropriated funding that was awarded to the Tioga County Health Department (TCHD) from the American Recovery and Reinvestment Act Early Intervention (ARRA-EI) through the NYS Department of Health (NYSDOH); and

WHEREAS: NYSDOH and ARRA-EI have revised the previously approved plans which has resulted in budget modifications of the funding; and

WHEREAS: TCHD has received approval of the budget modification, resulting in the need to transfer funds into the proper account codes; and

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

RESOLVED: That funding be transferred as follows:

From:	A4044.40-640	Early Intervention: Supplies	\$ 4,400
To:	A4044.20-130	Early Intervention: Equipment	\$ 4,400

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO:	ED&P COMMITTEE JOB TRAINING COMMITTEE
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RESOLUTION NO. 171-11	<i>AMEND TIOGA EMPLOYMENT CENTER BUDGET</i>
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WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce New York for employment and training services, is funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center has been allocated additional funds: Dislocated Workers National Emergency Grant- OJT in the amount of \$13,189.12; therefore be it

RESOLVED: That the Tioga Employment Center budget be amended as follows:

From: Revenue A1510 Sheriff Fees \$10,000

To: A3110.40-444-Sheriff Fees \$10,000

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 173-11 *APPROVE SUPPLEMENTAL
AGREEMENT 3 FOR ADDITIONAL
INSPECTION SERVICES FOR
TAPPAN RD BRIDGE PROJECT
PIN: 9753.38 BIN: 3335280*

WHEREAS: Tappan Rd. Bridge in the Town of Newark Valley, NY is under construction: and

WHEREAS: The funding for this is being paid 80% Federal Aid, 15% NYS Marcheselli Aid, and 5% County funding; and

WHEREAS: Tioga County retained Delta Engineers, Endwell, NY to perform inspection services for the Tappan Rd. Bridge Project; and

WHEREAS: Additional effort is required to observe longer than anticipated pile driving operations; and

WHEREAS: The fabrication of the steel beams took longer that anticipated and NYSDOT requires full-time inspection at the factory: and

WHEREAS: A greater on-site presence, bookkeeping and monitoring is required to comply with the current Federal and State recommendations; therefore be it

RESOLVED: That the Tioga County Legislature approves the Supplemental Agreement #3 for Delta Engineers, Endwell, NY in the amount of \$39,787 for the additional engineering services to be paid out of Tappan Rd. Bridge Project Account H2007.14.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEES

RESOLUTION NO. 174-11 RECLASSIFY VACANT OFFICE MANAGER
SOCIAL SERVICES

WHEREAS: Karla Harding has retired effective February 11, 2011, creating an Office Manager vacancy; and

WHEREAS: The Department of Social Services has reviewed such vacancy and decided to decrease the level of responsibility of the position; and

WHEREAS: In order to appropriately represent these decreased responsibilities, the Department of Social Services is desirous of reclassifying the position of Office Manager, Union salary grade VI (\$26,372) to Typist, Union salary grade III (\$21,874); and

WHEREAS: The incumbent's salary at retirement was \$42,423, the actual budget savings will be \$20,549 with an additional \$14,501 savings in fringe costs; and

WHEREAS: The Personnel/Civil Service Department has reviewed the job duties and determined the appropriate title shall be Typist; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of Office Manager to Typist, and that the Department of Social Services be authorized to fill said position at Union salary grade III, \$21,874, effective August 10, 2011.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 175-11 *AUTHORIZATION TO WAIVE 90-DAY
HIRING DELY; BACKFILL FULL TIME
DEPUTY SHERIFF VACANCY
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a full-time Deputy Sheriff position due to the resignation of a Deputy Sheriff effective June 21, 2011; and

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

WHEREAS: The Sheriff is in need of backfilling this most recent Deputy Sheriff vacancy in order to maintain adequate staffing levels for the Road Patrol Division; therefore be it

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

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to fill the full-time Deputy Sheriff position from the appropriate civil service list at an annual salary of \$42,108 per year, effective September 10, 2011.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

Legislator McEwen moved to have the following late-filed resolution considered, seconded by Legislator Monell and carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 176-11 *ACCEPT AUCTION BIDS FOR COUNTY
OWNED PROPERTY ACQUIRED FOR
TAXES, AUTHORIZE EXECUTION OF DEEDS*

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Nichols, Owego, Richford, Spencer and Tioga were offered for sale at Public Auction conducted August 4, 2011 by the County Treasurer; and

WHEREAS: It is the intent of the Legislature to return the properties to the Tax Rolls as soon as possible; therefore be it

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Prior Owner-Tax Map #:</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Town of Barton:</u>		
166.11-1-59, Burlingame, Bessie	Steven T. Chaffee	\$42,000.00
166.11-1-63, Coston, John E.	Ellen Strange	\$23,000.00
124.00-2-7.20, Primera Financial Services, Inc.	Stewart A. Cole	\$15,000.00
<u>Town of Candor</u>		
40.00-1-26.12, Bumgardner, Irma C.	Joseph M. Sindoni	\$ 4,000.00
81.00-1-27, Crisafi, Anthony J. & Mary	Erik Thomas	\$ 2,000.00
84.00-1-53.11, Devine, Charles A.	Susquehanna Land Co.	\$20,000.00
<u>Town of Newark Valley</u>		
66.00-1-27, Bates, Willard M. & Rosemary L.	Joel D. Newton	\$25,500.00
<u>Town of Nichols</u>		
159.00-2-23, Isham, Gaylord	Norman J. Latini	\$ 2,200.00
149.13-1-46, Isham, Gaylord	Carol M. McCarthy	\$ 2,500.00
169.00-1-21.30, Primera Financial Services, Inc.	Michael D. Austin	\$39,000.00
<u>Town of Owego</u>		
128.12-1-21, Ellis Sr., Dana L.	James S. Walley	\$29,000.00
128.08-1-16, Smith, Christopher & Leslie	Brandon D. Jacobson	\$24,000.00
128.08-1-71, Vesho, Kristin	Joseph M. Sindoni	\$60,000.00
<u>Town of Richford</u>		
8.00-1-3.20, Damon, Kenneth & Julienne	Dacia M. Theleman	\$57,000.00
<u>Town of Spencer</u>		
92.00-1-8, Jamieson, George	Springtree Props., LLC	\$ 7,000.00
35.00-1-1.11, Uhrig, Steve	Alan C. Cook	\$ 3,500.00
<u>Town of Tioga</u>		
102.16-1-12, Avery, Thomas R. & Brenda	Dwight N. Perry	\$ 7,000.00
105.00-2-7, Stahl Scott	Brandon D. Jacobson	\$ 2,500.00

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, and Quinlan.

No –None.

Absent –Legislator Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:45 P.M.