

Tenth Regular Meeting
October 11, 2011

The Tenth Regular Meeting of 2011 was held on October 11, 2011 and was called to order by the Chair at 12:02 P.M. Eight Legislative members were present, Legislator McEwen being absent.

Chair Weston had a moment of prayer. “I would like to have a moment of silence for all our friends and relatives for the pain and suffering they have had to endure during this last flooding event.”

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

Chair Weston read the following recognition resolution to the residents, volunteers, and employees of Tioga County for their efforts due to Tropical Storm Lee.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 195-11 *RECOGNITION RESOLUTION TO THE
RESIDENTS, VOLUNTEERS, AND EMPLOYEES
OF TIOGA COUNTY FOR THEIR EFFORTS DUE
TO TROPICAL STORM LEE*

WHEREAS: Tioga County has suffered severe damages during the recent Tropical Storm Lee water disaster resulting in major flooding and causing unprecedented damage to many areas of Tioga County; and

WHEREAS: Many County residents, volunteers, and employees worked tirelessly around the clock to ensure the protection of County property and the well-being of the residents of Tioga County; and

WHEREAS: The Tioga County Legislature would like to publicly recognize all such residents, volunteers, and employees who spent numerous hours working during this time of natural disaster to maintain Tioga County functions and provide services to those residents in need; therefore be it

RESOLVED: That the Tioga County Legislature does publicly recognize, commend, and thank all Tioga County residents, volunteers, and employees for their efforts during the Tropical Storm Lee of September 2011.

ROLL CALL VOTE

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

No – None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED UNANIMOUSLY.

Denis McCann presented Employee of the 3rd Quarter 2011.

"I am here on behalf of the Employee Recognition Committee as the Chairperson for this year. We would like to first thank the Legislature for continuing to support the efforts of the Employee Recognition Committee.

"The Tioga County Employee Recognition Committee has selected as the Employee of the 3rd Quarter of 2011 the following: All Tioga County employees involved with the recovery efforts of the flooding disaster here in Tioga County. Untold numbers of employees were instrumental in their efforts towards public safety, evacuations, working at shelters and clinics, demolition and removal of damaged property, and helping those in need with food, shelter, and transportation.

"The recognized efforts of Tioga County employees include those made, one during the line of duty and their employment, two is volunteers through the community organizations and churches, and three is volunteers assisting neighbors, local businesses, and others in the community.

"Efforts by Tioga County employees started before the flooding arrived and have and will continue. Numerous employees assisted in the work-related recovery efforts while their own homes and properties were damaged. The Tioga County Employee Recognition Committee wishes to recognize all of these employees that have, currently are, and/or will be involved with the recovery efforts of our communities and the County as a whole. Thank you very much."

Chair Weston indicated we have three Proclamations and Legislator Huttleston will present the first two.

Legislator Huttleston presented the following Proclamation on Food Day to Rebecca Lewis of the Tioga County Health Department.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: The health and well-being of our citizens is of primary concern for the County of Tioga, New York; and

WHEREAS: Reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens' overall health; and

WHEREAS: Supporting sustainable family farms and local agriculture benefits the local economy; and

WHEREAS: Obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer so that the food we produce and consume is safe and fair for all; and

WHEREAS: Expanding access to food and ending hunger is of critical importance to aid those who live in food deserts; and

WHEREAS: Curbing junk-food marketing aimed at children is vitally important in order to combat rising obesity rates and raise a generation of healthy children; and

WHEREAS: Protecting the environment and farm animals is necessary to sustain future generations, therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim Monday, October 24, 2011 as:

FOOD DAY

and encourages businesses, government agencies, national organizations, community-based organization and service groups to spread the food day message throughout their communities.

Rebecca Lewis spoke. "The Tioga County Food Day Committee would like to thank the Legislature for proclaiming October 24th food day. We do have an event. This is the first national food day that has ever been. The mission is to inspire the community to eat healthy affordable real food. Our event will be held at the Community Center on October 24th at 11:30. We are inviting the whole community to come and we will have a local low cost healthy meal."

Legislator Huttleston presented the following Proclamation on Breast Cancer Awareness Month to Susan Komen from the Cure Twin Tiers Region.

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: A woman receives a diagnosis of breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers; and

WHEREAS: About 39,520 women and 450 men are expected to die from breast cancer in 2011; and

WHEREAS: Through research and advocacy, significant advances have been made in the fight against breast cancer, including an increase in five-year relative survival rates for localized breast cancer from 74 percent to 98 percent; and

WHEREAS: The 2.5 million breast cancer survivors living in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected; and

WHEREAS: Screening rates are declining and a recent study reveals that among the 1.5 million women studied over the age of 40 with health insurance, less than fifty percent received the recommended annual screening; and

WHEREAS: Various organizations are spreading breast cancer awareness to both women and men through outreach, education, and screening programs, and have empowered women with the life-saving message of early detection and the importance of having annual mammograms; and the County of Tioga would like to support and encourage these ongoing efforts on behalf of our citizens, and

WHEREAS: Throughout the month of October, women are encouraged to make a renewed commitment to following recommended screening guidelines and to make a mammogram appointment; and

WHEREAS: Throughout the month of October, organizations and health practitioners in Tioga County are encouraged to use this opportunity to promote awareness about breast cancer and proper breast health, and to encourage annual mammograms; and

WHEREAS: Public officials and citizens of Tioga County are urged to observe this month with appropriate activities and programs that encourage annual mammograms; and

WHEREAS: The County of Tioga recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of October 2011 as

BREAST CANCER AWARENESS MONTH

and urges all residents to take steps to get life-saving mammograms and educate themselves, their families, and the community about breast cancer.

Susan Komen spoke. "Thanks to the Legislature for helping bring this important issue to the forefront. I represent the Susan G. Komen for the Cure, the Twin Tiers Affiliate. We are an organization that serves nine counties, one of which is Tioga in New York. We serve six counties in New York and three in Pennsylvania.

"Our primary goal is to raise funds and we do it through our race for the Cure and the funds that we raise are given in grants to providers of breast health services within these nine counties, and although we have no grantees in Tioga County, the adjoining counties where most of these women would be receiving their care, gaining their services, would be Broome and Bradford, and in the last four years we have granted out \$120,000 to those two counties. We really do make a difference in the lives of these women that are struggling and getting early diagnosis, and again thank you very much."

Chair Weston noted the following Proclamation on School Board Recognition Week.

PROCLAMATION

WHEREAS: Public Education provides the cornerstone of the American Educational System; and

WHEREAS: This effort depends heavily on the contributions of the dedicated and unpaid members of School Boards; and

WHEREAS: The Governor of the State of New York has proclaimed October 31-November 4, 2011 as School Board Recognition Week; and

WHEREAS: The Tioga County Legislature recognizes the efforts of all members of Boards of Education; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate October 31-November 4, 2011 as

SCHOOL BOARD RECOGNITION WEEK

in the County of Tioga, New York, and commend this observance to our citizens.

Leon Carey, Supervisor of the Town of Barton, spoke. "What I am here for is the Transfer Station and the western part of the Town of Barton including Waverly, Tioga, Nichols, even Spencer. I understand that there is not going to be anything done to the Transfer Station until next year, unacceptable. I feel you have got the tax money for the solid waste and the Transfer Station, it should be opened sooner than later. Number one, it should be cleaned up right now. The scales, how are you going to sell something if you have \$100,000 worth of scales and they are sitting in mud? Get it cleaned up. If you want to go to private enterprise to run it, I do not have a problem with it, but I expect within the next two or three weeks that if you have to put in private hands to get the job done, do it. Do it on an emergency basis, that can be done, but it is not acceptable to the taxpayers in the Town of Barton, Waverly, or anybody else on the western part of this County, there has got to be something done. Thank you."

Chris Bonner spoke. "There is no need to tell you that we have a problem here in Tioga County. We got too much water. Wish I could have shipped some of it out to Texas, but I do not have that power. This is all unnecessary. As I walked up the street here, about up to the bridge here this summer, I see people sitting out there in beach chairs, I see little children in the streams, that is Catatunk up there. I see stone and debris this high. I believe Lopke would like to get his hands on some of that stuff and I do not know why he can't. You tell me you got a problem with the DEC. Well I got a few statements here and I will show you.

"The Town of Middlefield, that is up in Otsego County. They are saying we are not going to frack in any of the lands in our County, in our Town. They are taking the DEC to Court. Why isn't Tioga County taking these people to Court? It is only an Agency. Their Agency can be abolished. You got Dryden here. Dryden says no fracking. Dryden might have a little problem because they took money off these oil companies.

Middlefield did not. When you take money ladies and gentlemen off anybody, I do not care who it is, you made a contract. I do not care if you go to your store, your supermarket and buy a newspaper. You pick up that newspaper you made a contract and you have to pay for it. You cannot walk out the store without paying for it. You take the money from these agencies, they got you. It is about time we took the DEC to Court.

“You got a woman here that says here Tioga County, Director of Planning on environmental conservation. I will give you her name, it is Elaine Jardine. She says the DEC owns the water. You cannot dredge it. I never heard of such a thing. If I put a boat in the ocean, do I own the water? Of course not. Ridiculous, they are giving us a story here. What are we going to do? We are going to wait for the next flood where these people throw out their furniture, their sheetrock, I see everything, I mean it is a shame. I saw riots in New York City a number of years ago and this is worse. They were rioting, they were robbing, and I am surprised here that there was not more looting. I appreciate the people for not looting because that is usually the time when they start to loot. I say it is up to you to stop this and you can stop it. You might have to go to Court to stop it. It is only an Agency. You say you cannot do this, well I say you can and you can stop it.”

Raymond Richards spoke. “I live in the Town of Barton and I want this Legislature to understand how extremely concerned that I am about the lack of action on the Barton Transfer Station. We worked long and hard to get that Station in there. It eliminated a lot of problems that we had in the County, not just in the Town of Barton, and I feel that if we do not get that thing back in operation we are going to experience illegal dumping like we have not in a long time. I live in a rural area and at one time it was a serious problem. Also, it is very much of an inconvenience for the small contractors because they have no place to take their material locally and I think that we are missing something here. I think that priorities are mixed up a little bit and I do think that this is something that needs attention now, not a year from now, not after January 1st. As I understand it, no mitigation has been happening down there at the Station. Nobody went in to clean it up. I understand there was an offer to fix the road and it was refused and that attitude really really concerns me.

“I think that there is going to be a lot more pressure if we do not take some move, the Legislature, take some move to get this thing back on the road again. I think that in my mind it looks like the Legislature has used this flooding as an excuse to close the Transfer Station and I will not

accept that, and I am sure there is a lot of other people that will not accept that. It is a service, it is a very viable service to the residents of the County. We will be contacting you Mr. Weston. I would like to see some numbers, I would like to see some estimates of damage down there, I would like to see some numbers on why the County wants to close it. If it is not breaking even, maybe there should be a study made to make a more efficient operation down there. I certainly know there is a lot of room for a change at that Transfer Station. If you have any questions Mr. Weston I am in the phonebook."

Bob Bell spoke. "The 1972 June Agnes flood was devastating. Some people died, livestock perished, and private property was lost. After that flood the New York State DEC seized control and was going to regulate the creeks and streams in this County. Army Corps of Engineers has control over the river. Since 1972 we have set six, I repeat six, high water marks along the Susquehanna River.

"The January flood of 1996 I personally experienced severe damage to agricultural farmland I owned at the time along the Susquehanna River in the Town of Nichols. I lost several acres of land and I spent \$27,000 out of my own pocket to try and repair that damage. After that event I started to attend Chesapeake Bay meetings, Upper Susquehanna Coalition meetings, DEC meetings, expressing the amount of gravel that is built in the river in this County and would they please dredge it out, and the answer I always received was a stern no. No one will touch the river.

"Now we Tiogans elect you Legislators to represent us and I think it is time all of us got a backbone and demanded some changes in the policies of this State and the Federal Government. Friday of the flood last month Governor Cuomo flew over Barton in a helicopter surveying the flood damage. I took my hat off and I waved to him. Next summer when it is dry I would like to see you nine Legislators get Governor Cuomo on the ground here in Tioga County and tell him we want two things done and we will not take no for an answer. Number one, physically show him the tens of thousands of tons of gravel lying in the river in this County due to 40 years of inept incompetent regulation at the New York State DEC. The Governor is a powerful man, I am sure he can get permission from the Army Corps of Engineers to dredge the gravel from the river.

“Number two, tell the Governor the DEC will no longer regulate the streams and creeks in this County. That job will be taken over by local government. Soil and Water in conjunction with the Town of Barton, the Town of Tioga, the Town of Nichols, and the Town of Owego will maintain these streams on a yearly basis to make sure that gravel does not get in the river. We live in a Government of we the people. I think it is time we find out if those words apply to the gravel problem in Tioga County and I mentioned that Mr. Carey just whispered in my ear they already have illegal dumping going on in the Town of Barton because the Transfer Station is not open. Thank you.”

Mary Gorman, Trustee with the Village of Waverly spoke. “Our Villages Offices and myself personally have been contacted many many times over the last several days about the continued availability of the Transfer Station. Besides the small contractors, many residents of the Village personally, myself included, personally take their trash out there because of the availability and the convenience. The cost is very reasonable. I think if the Transfer Station is discontinued, as others have said, there will be a tremendous amount of illegal dumping in the County and in the Village itself, which I represent. I also think it is going to lead to illegal trash burning, which can emit noxious gases into the air, offend neighbors, things like that. The other concern I have is that there are employees of the Transfer Station who if the Transfer Station is not reopened will lose their job and I myself and have heard many many other people say these people work at the dump. I have never come across more pleasant, more accommodating people in my life and it would be a darn shame if they were to lose their jobs.

“Trucking companies dump there and I realize that it is a convenience more than anything else, however I think the lack of this convenience will lead to greater and longer lasting problems as far as the community is concerned down the road. I also agree with others that perhaps the County Legislature has been looking for an opportunity to close the Transfer Station for some time and this is perhaps a heaven sent opportunity and I would really rather not see that happen. I believe there will be a huge cry from the community if it is closed and I drove past it on my way here, and I have to say it does not look any different now than it did the day after the flood except that it is a little dryer. Thank you very much for your time.”

Rod Scott with Patterson Structural Moving and Shoring, LLC spoke. "I am visiting from New Orleans at the request of my boss with Patterson Structural Moving and Shoring. We are the nation's largest structural elevation and relocation company currently with large operations in the Gulf Coast. He asked me to come up here after his visit through. Basically he tracked Irene and then Tropical Storm Lee and then went back to New Orleans and said pack your bags, you are going to spend eight weeks up in the Northeast. The goal is to educate communities and structure owners about hazard mitigation options. For 40 years we have pretty much exclusively as a nation bought out properties and demolished them. With the legacy of loss property taxes, decimation of neighborhoods, loss of school children and families in the flooded areas, and our technology now in our industry has gotten to where we can literally lift this building out of the flood plain and reuse it. We reduce solid waste streams by recycling buildings and reusing them, and keep the revenues in place for the communities.

"Also, when we come to town with these elevation grants, all hiring is by local subcontractors in town who come from the local community. We have estimated several tens of millions of dollars of potential elevations in this area. We think that would be a great benefit economically to the area as opposed to tearing down houses and losing what you have got, which is irreplaceable because you are such incredibly rich historic resources with historic buildings, an area that is unlike anything I have pretty much seen other than New Orleans where I am living right now. I am very glad to be here. I am doing a home stay with Mr. Millar. I hope to address the Village Counsel as well and I will be here for a couple of weeks and then on up the track of the disaster. Tonight there will be a presentation here in this room. I invite you to that to learn more about mitigation and alternatives to demolition as well as the financial incentives available for historic structures, which is not normally on the education curve after a disaster for people. Thank you very much for having me."

Barb Crannell, Trustee of the Town Board of Nichols, spoke. "I would also like to ask the Legislature to consider reopening the Barton Transfer Station. I think it is a vital part of keeping our communities vital and clean. There is an awful lot of dumping that still needs to be done as a result of the flood as well as normal everyday life. If we do not have any place to go to put it, it is going to end up in places where we really do not want it. I would like to see, even if we have to raise the cost to the public, a little bit of a cost raise there would much benefit us everywhere else, so I would

like to ask you to consider keeping the Barton Transfer Station open. Thank you.”

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		318.58
A1165	District Attorney		273.51
A1170	Public Defender		2,363.35
A1172	Assigned Counsel		23,299.61
A1185	Medical Examiners/Coroners		5,019.56
A1325	Treasurer		84.79
A1355	Assessments		255.02
A1410	County Clerk		31.34
A1420	Law		213.40
A1450	Elections	671.52	2,715.47
A1490	Public Works Administration		311.55
A1620	Buildings		27,810.46
A1621	Buildings		9,802.05
A1680	Information Technology		9,051.00
A2960	Education of Handicapped Children		48,839.42
A3020	Public Safety Comm E911 System	247.00	5,413.02
A3110	Sheriff	209.35	18,424.98
A3140	Probation		130.00
A3146	Sex Offender Program		8,766.67
A3150	Jail		55,553.70
A3315	Special Traffic Programs		1,255.00
A3410	Fire		4,348.58
A3640	Emergency Mgmt Office		533.24
A4010	Public Health Nursing		31,369.27
A4011	Public Health Administration		2,724.23
A4012	Public Health Education	402.77	204.00
A4042	Rabies		1,852.35
A4044	Early Intervention		37,262.11
A4053	Preventive/Primary Health Services		478.42
A4054	Preventive Dental Services		2,526.95
A4064	Managed Care-Dental Services		13,230.30
A4070	Disease Control		16,461.66
A4090	Environmental Health		1,445.34
A4210	Alcohol and Drug Services		1,598.40
A4309	Mental Hygiene Co Admin		7,823.05
A4310	Mental Health Clinic		7,411.59

A4320	Crisis Intervention Services	416.67
A4321	Intensive Case Management	1,568.37
A6010	Social Services Administration	142,682.86
A6422	Economic Development	255.33
A6510	Veterans' Service	175.00
A6610	Sealer Weights/Measures	234.34
A7310.41	Youth Programs, Refundable	8,779.57
SOLID WASTE FUND		80,781.80
COUNTY ROAD FUND		46,099.50
CONSOLIDATED HEALTH FUND		72,799.25
CAPITAL FUND		685,844.53
LIABILITY INSURANCE FUND		377.00
WORKERS' COMP		<u>50.00</u>
GRAND TOTAL		\$ 1,390,796.83

Legislator Roberts made a motion to approve the minutes of September 22 & 29, 2011, seconded by Legislator Sullivan, and carried.

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

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 196-11 *TRANSFER OF FUNDS*
 APPROPRIATION OF FUNDS
 PUBLIC HEALTH

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

WHEREAS: There have been two incidents of positively tested rabid dogs in Tioga County in the past year which resulted in numerous post-exposure treatments to residents; and

WHEREAS: The costs of the mandated Rabies post-exposure medical services have exceeded the budgeted amount; and

WHEREAS: Additional funding is needed to meet the costs of the mandated medical services that were provided; and

WHEREAS: The additional costs of the program will result in additional state aid reimbursement, decreasing the amount needed from County contingency funds; and

WHEREAS: Appropriation of funds requires Legislative approval, and

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

RESOLVED: That funds be appropriated and transferred as follows:

From:		
A3442.00	State Aid: Rabies Program	\$ 10,800
A1990.40-715	County Contingency Account	\$ 19,200
To:		
A4042.40-590	Rabies Control: Services Rendered	\$ 30,000

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
JOB TRAINING COMMITTEE

RESOLUTION NO. 197-11 AMEND TIOGA EMPLOYMENT
CENTER BUDGET

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 receives funding each July and has been allocated Program Year 11 funding of \$242,993.18; and

WHEREAS: The funding is allocated in the following amounts:

- \$ 68,683.96 for Adult services;
- \$ 91,023.38 for Dislocated Worker services;
- \$ 31,662.13 for Youth services;
- \$ 51,623.81 for Administration; and

WHEREAS: Broome County will retain an additional allocation totaling \$63,328.80 for administration of 2 contracts on behalf of the Tioga Employment Center for youth services and staff support services; therefore be it

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

From: CD4791 – Federal Aid-Federal Employment Program	\$242,993.18
To: CD6293.10-10 – Federal Employment Program 1	\$ 144,100
CD6293.10-20 - Federal Employment Program 1	\$ 8,000
CD6293.20-90 - Computer	\$ 1,000
CD6293.30-100- Data Processing	\$ 1,000
CD6293.30-300- Legal	\$ 175
CD6293.30-551- MLR	\$ 14,500
CD6293.40-10 - Advertising	\$ 500
CD6293.40-130- Contracts	\$ 30,910
CD6293.40-190- Education Reimbursements	\$30,408.18
CD6293.40- 390- Mileage	\$ 700
CD6293.40-420- Office Supplies	\$ 4,000
CD6293.40-480- Postage	\$ 1,000
CD6293.40-487- Program Expense	\$ 1,000
CD6293.40-660- Telephone	\$ 1,500
CD6293.40-690- Client Tools	\$ 2,700
CD6293.40-733- Training/All Other	\$ 1,500

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 198–11 *APPROPRIATE FUNDS TROPICAL
STORM LEE WATER DAMAGE TO
COUNTY FACILITIES*

WHEREAS: The County has suffered severe damages during the recent Tropical Storm Lee water disaster, and

WHEREAS: The need exists to replace items lost and cover expenses related to cleanup, and

WHEREAS: There will be claims made to FEMA, SEMO and our insurance for reimbursement of related expenses, and

WHEREAS: There needs to be a system in place for the tracking and documentation of these expenses, and

WHEREAS: Resolution 180-11 had created a Tropical Storm Lee Disaster capital account for capital expenditures; and

WHEREAS: An account needs to be set up for expenditures; and

WHEREAS: Reimbursements of expenditures will take several months, therefore be it

RESOLVED: That the sum of \$500,000 be appropriated for transfer as follows:

General Fund

From:

A1990.40-715 Contingency Account \$500,000

To:

A9950.93 Transfer to Capital All Other \$500,000

And

Capital Fund

From:

H5031.30 Interfund Revenue All Other \$500,000

To:

H1625.20 Tropical Storm Lee Disaster-Expenditures \$500,000

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 199-11 *AUTHORIZE PURCHASE OF FLOOD INSURANCE FOR COUNTY BUILDINGS AND TRANSFER OF FUNDS*

WHEREAS: Many County buildings suffered damage or required substantial cleanup as a result of Tropical Storm Lee, and

WHEREAS: It appears necessary and prudent to purchase flood insurance through the National Flood Insurance Program (NFIP) for all county buildings that are in flood zones; and

WHEREAS: Funds will need to be transferred to pay for such flood insurance; therefore be it

RESOLVED: That the Tioga County Legislature approves the purchase of flood insurance for County Buildings in the flood zone through NFIP (Travelers Insurance) at a cost not to exceed \$44,901; and be it further

RESOLVED: That the following sums be transferred for payment of such flood insurance:

From:	A1990.40-715-Contingency Account	\$36,477
To:	A9901.91-715-Interfund Transfer	\$36,477
And		
From:	CI2222.00 - Assessment	\$36,477
To	CI1910.40.270 -Unallocated Insurance	\$36,477

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 200-11 TRANSFER FUNDS FROM THE RECYCLING REVENUE TO TIRE RECYCLING ACCOUNT

WHEREAS: Upstate Shredding donated \$10,000 for the clean up of tires in Tioga County for the year, 2011; and

WHEREAS: The said check was deposited into the Recycling revenue Account B1222; and

WHEREAS: The Solid Waste Manager requires the \$10,000 to be transferred to Solid Waste Account B8160.42 use code 680 in order to pay for the tire disposal costs; therefore be it

RESOLVED: That the sum of \$10,000 be transferred from Recycling Revenue Account B1222 into Solid Waste Account B8160.42 use code 680.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 201-11

*AUTHORIZE EMERGENCY CONTRACTS
WITH PEAK ENVIRONMENTAL LLC*

WHEREAS: The County has suffered severe damages during the recent Tropical Lee Storm water disaster, and

WHEREAS: The need existed, on an emergency basis, to contract for the evaluation, cleanup, and/or demolition of County buildings in order to prevent the spread of mold, thereby protecting the health of our citizens and employees, and to protect the buildings, therefore be it

RESOLVED: That retroactive to September 8, 2011, the Chair of the Tioga County Legislature is authorized and directed to execute contracts with Peak Environmental LLC for the evaluation, cleanup and/or demolition of the County Buildings located at 56 Main Street, 16-20 Court Street, Temple and Fox Street, 17 Parker Lane and the Courthouse all in the Village of Owego, the Barton Transfer Station, and the County Highway Buildings in Catatonk.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 202-11

*AUTHORIZE EMERGENCY SHARED
SERVICES AGREEMENT WITH
CHEMUNG COUNTY*

WHEREAS: The County has suffered severe damages during the recent Tropical Lee Storm water disaster, and

WHEREAS: The need existed, on an emergency basis, to enter into a shared services agreement with Chemung County to assist in the repair and recovery of the Tioga County infrastructure, and to assist in debris removal, therefore be it

RESOLVED: That retroactive to September 8, 2011, the Chair of the Tioga County Legislature is authorized and directed to execute a Shared Services Agreement with Chemung County to provide assistance to Tioga County as set forth in that agreement.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 203-11

APROVE 2012 STOP DWI PLAN

WHEREAS: The New York State Governor's Traffic Safety Committee (GTSC) requires Counties to submit an annual STOP DWI Plan for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2012 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2012 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$46,050
Prosecution Related	\$14,300
Probation	\$16,200
Rehabilitation	\$13,300
PI&E	\$19,000
Administration	<u>\$ 6,000</u>
	\$114,850

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 204-11 *EXTEND TRANSPORTATION CONTRACT
BETWEEN TIOGA COUNTY AND
TIOGA TRANSPORT, INC.*

WHEREAS: The existing contract between Tioga County and Tioga Transport, Inc. for the provision of Public Transportation and Non-Emergency Medicaid Transportation is in effect through December 31, 2011; and

WHEREAS: The aforementioned contract between Tioga County and Tioga Transport, Inc. allows for a first one-year extension of the contract that may be exercised by Tioga County; now therefore be it

RESOLVED: That Tioga County authorizes a one-year extension of the existing contract with Tioga Transport, Inc. from January 1, 2012 through and including December 31, 2012.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 205-11 *URGING MULTI-YEAR STATE
TAKEOVER OF LOCAL SHARE OF
MEDICAID*

WHEREAS: County officials across the state are presently introducing their 2012 budgets; and

WHEREAS: These budget decisions are being made under the constraints of the State's new property tax cap; and

WHEREAS: When State lawmakers enacted a property tax cap, they pledged to provide mandate relief that would enable and empower local leaders to implement that tax cap locally; and

WHEREAS: That mandate relief has not materialized; and

WHEREAS: By far, at a local statewide cost of \$7.3 billion, Medicaid is the number one mandate facing counties; and

WHEREAS: State Legislation (S.5889-B) will require state policymakers to take full fiscal responsibility for New York's largest in the nation Medicaid program, by implementing an eight (8) year gradual State takeover of county Medicaid costs; and

WHEREAS: Removing county taxpayers from the financing of Medicaid is the single most important thing the State Legislature can do to lower property taxes for New Yorkers; and

WHEREAS: The State takeover of county Medicaid costs will lead to lower property taxes and enhance New York's economic competitiveness and improve economic opportunities for all New Yorkers; and

WHEREAS: State lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings and other spending controls, including, applying MRT (Medicaid Redesign Team) reform savings to mandate relief and pursuing a federal Medicaid waiver to leverage state cost containment initiatives that can be applied to property tax relief and applying future revenues to lowering property taxes and by allowing federal health care reforms to cover New Yorkers; now therefore be it

RESOLVED: That the Tioga County Legislature calls on State lawmakers to keep their promise, and sign on to legislation (S5889-B) designed to provide mandate relief for counties, in the form of an eight-year State takeover of county Medicaid costs.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 206-11 *ERRONEOUS ASSESSMENT*
TOWN OF CANDOR

WHEREAS: A Supreme Court Order has reduced the assessment for 2009/2010, 2010/2011, and future ongoing for property no. 1211 assessed to Owego LLC/Daniel Scherrer in the 2010 and 2011 tax rolls of the Town of Candor;

WHEREAS: The assessment for property no. 1211 has been reduced from \$16,100 to \$8,700 for 2010, and from \$16,100 to \$9,925 for 2011 and on by the Court; and

WHEREAS: The reduced assessments apply to both school and town and county, and the school taxes for 2009/10 and 2010/11 were not paid and were releived to the 2010 and 2011 town and county bills; the tax bills for property no. 1211 for 2010 and 2011 have been paid; be it therefore

RESOLVED: That a refund of \$6,911.30 (\$3,827.43 for 2009/2010, and \$3,083.87 for 2010/2011), be issued by the Tioga County Treasurer to Hinman, Howard & Kattell, LLP, as attorneys for Daniel Scherrer; and be it further

RESOLVED: That the erroneous town tax of \$1,012.34 be charged back to the Town of Candor, and the erroneous fire tax of \$297.00 be charged back to the Candor Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$65.66 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous school tax and interest of \$3,706.18 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county tax of \$1,570.69 and school penalties of \$259.43 be charged to the proper accounts in the records of the County Treasurer

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 207-11

*APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: Jason Rieg, Town of Owego representative on the Tioga County Planning Board has resigned; and

WHEREAS: The Town of Owego Town Board has found John Current willing and able to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature appoint John Current to the Tioga County Planning Board, to replace and fulfill Jason Reig's unexpired term of 1/1/10 – 12/31/12.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 208-11 *AMEND POLICY 39
ASSIGNMENT & USE OF
COUNTY VEHICLES*

WHEREAS: Policy 39 has been being discussed through the Loss Control Committee for recommended changes; and

WHEREAS: Those changes have been finalized by the Loss Control Committee and Policy 39 needs to be amended; therefore

RESOLVED: That Policy 39 be hereby amended as follows:

Section numbering has been changed due to new sections being added.

Add new Section IV

IV. APPROVED DRIVER LIST

- A. Each Department Head shall develop and maintain a current "Approved Driver List" of employees, contractors or any other individual authorized by him/her to operate a County vehicle and/or personal vehicle used for County business. Such list shall be provided to the County Safety Officer, and updated as changes in personnel require. Individuals not on the list shall NOT be authorized to operate a County vehicle and/or personal vehicle on County business.

- B. The County Safety Officer shall monitor the driver's license status of each person on the Approved Driver List through the New York State Department of Motor Vehicle License Event Notification System (LENS). In the event the driving privilege of an individual on the list is suspended or revoked, the Safety Officer shall immediately notify the Department Head, and that individual shall be removed immediately from the Approved Driver List.
- C. If an individual on the Approved Driver List has his/her privilege to operate a vehicle suspended or revoked, such individual shall notify his/her Department Head immediately, and in NO EVENT shall said individual operate a County vehicle or personal vehicle on County business until privileges are restored and verified through the LENS system.

Section VI Restrictions on Use of Vehicles has added section "B"

- B. In no event shall permission be granted pursuant to NYS Vehicle and Traffic Law 1198(8) for anyone to operate a County owned or leased vehicle without an ignition interlock device when such person is under order to install and maintain such device in any motor vehicle he/she owns or operates in accordance with NYS Vehicle and Traffic Law Article 31.

Section VIII Maintenance has added section "H"

- H. In no event will permission be granted to install an ignition interlock device in any motor vehicle owned or leased by Tioga County.

Add new Section IX Accident Reporting

IX. ACCIDENT REPORTING

- A. All vehicle accidents are to be reported, whether they occur on public or private property. If there are injuries, call 911 immediately. If no injuries, call the police immediately and obtain the name of the investigating officer.
- B. If able to do so at the scene, obtain the name(s) and contact information for any other vehicle operator involved in the accident. Provide the other party with your name, address and telephone number, and insurance information.
- C. The Department Head shall be notified immediately, and an Incident Claim, which can be obtained on the Tioga County Intranet under County Attorney Forms, must be filed with the Tioga County Attorney's Office as soon as possible, but no later than the close of the next business day.

And be it further

RESOLVED: That the Remainder of Policy 39 Assignment & Use of County Vehicles shall remain in full force and effect.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 209-11 *CONTRACT WITH EBS-RMSCO, INC. TO
ADMINISTER FLEXIBLE SPENDING PROGRAM*

WHEREAS: Tioga County currently uses the services of EBS-RMSCO, Inc. to administer Tioga County's Flexible-Spending program for employees; and

WHEREAS: EBS-RMSCO, Inc. has submitted a new contract to continue administering said program and conduct all required compliance testing services; and

WHEREAS: The flex card administration will cost \$4.45 per participant per month, but offers participants a more convenient way to pay for their flexible spending account health care and dependent care expenses, thereby having a positive impact on enrollment; and

WHEREAS: The Flexible-Spending program is a negotiated benefit for all Tioga County unionized employees; and

WHEREAS: Both the employees and the County can save tax dollars on money channeled through this program for out of pocket medical expenses and/or dependent care expenses; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2012 through December 31, 2012; and be it further

RESOLVED: That Tioga County will continue with the flex card for the period of January 1, 2012 through December 31, 2012; and be it further

RESOLVED: That the maximum annual pledge for the medical flexible spending portion will remain at \$4,000 for the period of January 1, 2012 through December 31, 2012.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO:	INFORMATION TECHNOLOGY COMMITTEE PERSONNEL COMMITTEE
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RESOLUTION NO. 210-11	<i>CREATE AND FILL TEMPORARY, FULL-TIME RECORDS MANAGEMENT OFFICER INFORMATION TECHNOLOGY</i>
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WHEREAS: Extensive damage has occurred to County property as the result of the September 8th flood; and

WHEREAS: There is a need to inspect, catalog, and dispose of a large amount of records salvaged from the County's storage areas which were flooded; and

WHEREAS: Additional staff is needed on a temporary basis to assist with this project; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of a full-time Records Management Officer position effective October 3, 2011 at an hourly rate of \$14.79, which will be filled on a temporary basis for a period not to exceed 30 days; and be it further

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

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. 211-11 RECLASSIFY VACANT HEAD SOCIAL
WELFARE EXAMINER
SOCIAL SERVICES

WHEREAS: Jill Hellenthal retired effective June 10, 2011, creating a Head Social Welfare Examiner vacancy; and

WHEREAS: The position has been vacant the required 90 days as of September 10, 2011; 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 Head Social Welfare Examiner, salary grade XI (\$36,407) to Principal Social Welfare Examiner, salary grade X (\$34,918); and

WHEREAS: The incumbent's salary at retirement was \$52,287, the actual budget savings will be \$17,369 with an additional \$12,257 savings in fringe costs; and

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

RESOLVED: That the Tioga County Legislature authorizes the reclassification of Head Social Welfare Examiner to Principal Social Welfare Examiner, and that the Department of Social Services be authorized to fill said position at CSEA salary grade X, \$34,918, effective October 12, 2011.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 212-11 *CREATE & FILL TEMPORARY POSITION
EMERGENCY PREPAREDNESS OFFICE*

WHEREAS: President Obama declared Tioga County a national disaster site, as a result of the September 7, 2011 flood; and

WHEREAS: There will be a great deal of paperwork and reporting required of the Emergency Preparedness Office, in order to secure FEMA funding for Tioga County's flood recovery efforts; and

WHEREAS: The Director of Emergency Preparedness needs additional staff to assist with the aforementioned paperwork and reporting; therefore be it

RESOLVED: That one part-time temporary position of Deputy Director of Emergency Preparedness shall be created for the period of October 12, 2011-December 31, 2011; and be it further

RESOLVED: That the position shall be part-time and pay a salary of \$500.00 per month; and be it further

RESOLVED: That the Director of Emergency Preparedness shall be authorized to fill said position effective October 12, 2011.

ROLL CALL VOTE

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

No –Legislator Quinlan.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

Legislator Roberts made a motion to have the following late-filed resolutions considered, seconded by Legislator Monell and carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 213-11 *TERMINATION OF RESOLUTION NO. 189-11
EMERGENCY CONTRACTS AUTHORIZATION*

WHEREAS: On September 22, 2011, the Tioga County Legislature adopted Resolution No. 189-11, authorizing the Chair of the Legislature, pursuant to General Municipal Law section 103(4) to execute contracts on an emergency basis to address the issues endangering public safety that arose as a result of the flooding caused by Tropical Storm Lee; and

WHEREAS: It now appears to be in the best interests of the public to terminate such authorization; therefore it is hereby

RESOLVED: That Resolution No. 189-11 is hereby terminated, and henceforth all County procurement policies are reinstated.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 214-11 TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: Funds were budgeted for the West Creek Road project H2009.01 and this project has come in under budget; and

WHEREAS: Funds were budgeted for the Coddington Rd. Project and is over budget; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the transfer of \$79,000 from H2009.01 West Creek Rd. Project to H2011.02 Coddington Rd. Project.

ROLL CALL VOTE

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

No –None.

Absent – Legislator McEwen.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:46 P.M.