

Eighth Regular Meeting
August 11, 2009

The Eighth Regular Meeting of 2009 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 Sullivan to have a moment of prayer. “Dear Lord, continue to watch over us as we strive to serve the people of Tioga County. We ask that you guide us and grant us the blessings of wisdom, courage, and understanding so that our actions meet the needs of those we serve.”

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

There were 38 people in attendance.

REFERRED TO:

PUBLIC SAFETY

RESOLUTION NO. 222-09

***RESOLUTION RECOGNIZING
 PENNY S. EDDY’S 32 YEARS
 OF DEDICATED SERVICE TO
 TIOGA COUNTY***

Adoption moved unanimously,
 seconded unanimously.

WHEREAS: Penny S. Eddy was appointed to the position of Clerk-Typist with the Department of Social Services on 12/12/77; promoted to Social Welfare Examiner on 9/10/79; promoted to Quality Control Inspector on 7/16/90; promoted to Sr. Quality Control Inspector on 1/1/97; and transferred to the Sheriff’s Office at her current title of Payroll Clerk-Typist on 12/21/00; and

WHEREAS: Penny Eddy has been dedicated and loyal in the performance of her duties and responsibilities during the past 32 years, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Penny Eddy will retire from the Tioga County Sheriff’s Office on August 31, 2009; 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 Penny Eddy for her 32 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, Penny Eddy.

CARRIED

Sheriff Howard spoke. "I am just going to say a few words. Penny is like a mother to most of the troops up there. They all come to Penny for what they need and she takes care of them. She is going to be really missed. She does a lot for the Undersheriff and I on a daily basis, nightly basis, on a weekend basis. We do have a replacement which Penny sat in last week and did 14 interviews, and I want to introduce Jessica Hobart. She is going to be our new Penny. Out of the 14 applicants that we interviewed she was the only one that passed Penny's mustard.

"I want to thank Penny personally. I know everyone in the Sheriff's Office wants to thank her personally. She has done so much for us for the nine years that she has been with us and I know she worked across the street. I just want to say you are losing a great great employee, a very dedicated employee. She is really going to be missed in our department."

Penny Eddy spoke. "I just want to say thank you very much and I have enjoyed all 32 years. I enjoyed Social Services and I have liked the Sheriff's Department, and I think if one thing you learn is you learn how blessed you really are because of all the services we provide and I have enjoyed it."

Legislator Huttleston presented a 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 2008, New York State collected over \$1.7 billion dollars in child support; and

WHEREAS: In 2008, Tioga County collected over \$5.5 million dollars in child support; which represents an 8.3% increase over 2007 collections and ranked third in New York State for increased collections; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2009 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.

Commissioner Shawn Yetter spoke. “Good afternoon. We took advantage of this being Child Support Collection Month and invited to be with us today two gentlemen from the New York State Office of Temporary and Disability Assistance to commend and recognize our staff on some very significant accomplishments that they made during the past year, and so at this time I would like to invite to the podium Scott Cade who is the Deputy Commissioner and Director of State Child Support for OTDA and Charles Ackley who is the Chief of Program Operations.”

Scott Cade spoke. “Thank you Commissioner, thank you Mr. Chairman, and thank you to all the Board members for having us here today. From time-to-time it is my great pleasure not only to get out of Albany, but to be able to visit the many great parts of the State and as Child Support Month was just declared here in Tioga County I want to say on behalf of Governor Paterson and the Office of Temporary and Disability Assistance, I will also share with you a copy of our State Proclamation for August being Child Support Awareness Month.

“I am here because as Commissioner Yetter said Tioga County last year stood out amongst the Counties across New York State in its efforts collecting child support. Last year we collected a record 1.7+ billion dollars in child support in New York State and that was not only a record, but the rate of increase from the prior year was significant, and Tioga County I am proud to say had the third highest rate of increase in child support collections last year at a rate of 8.3%. A significant amount of support for the 3100 families served by the Child Support Program here in Tioga. Because of that I am glad to be here today and I am glad to have the opportunity to both honor those accomplishments and very publicly congratulate the fine staff here in Tioga for their efforts.

“I really wanted to do two things. The first thing I would like to do and I will be leaving this here if I could very briefly just read you a certificate of recognition. It is a certificate of recognition presented to Tioga County Child Support Collection Unit for helping achieve record child support collections in 2008 and for your standing as one of the highest performing districts in all of New York State. Congratulations and thank you for your continued support and dedication to the children and families of Tioga County.

“The second thing I would like the pleasure to do because this is a significant accomplishment is ask all the Child Support staff from Tioga to come up here. We have prepared individual certificates for each of them, so I beg your indulgence for a couple more minutes. I think their recognition is due. I will read them by name and present them with their certificates so everybody in this room knows who is responsible for the great efforts that have occurred here in Tioga.

“Mr. Chairman, thank you for these few moments today. Congratulations to you all on behalf of the State of New York and the State Child Support Program. Keep up the good work and look forward to being back sometime in the future. Thank you very much.”

Legislator Huttleston spoke. “I really appreciate it. I appreciate your coming here and making this award, and I also appreciate our staff and how much easier they make it for us Legislators. Thank you again.”

Legislator Huttleston presented the following Proclamation on National Alcohol and Substance Abuse Recovery Month to Sue Hewitt of Alcohol & Drug Services.

2009 PROCLAMATION
National Alcohol and Substance Abuse Recovery Month

WHEREAS: Prevention, treatment and recovery efforts improve the community’s welfare and provide renewed outlook on life for those who, along with their family and friends, struggle with substance use disorders; and

WHEREAS: In 2007, 23.2 million people aged 12 or older in the United States needed treatment for a substance use disorder, and 5.4 million adults also suffered from a concurrent mental illness; and

WHEREAS: Substance abuse negatively affects children, families and loved-ones and takes a great toll on our society economically and in terms of safety; and

WHEREAS: Studies have indicated that 8.9 percent of people who made an effort to get treatment , but did not receive it, were concerned that receiving treatment might cause neighbors and community members to have negative opinions of them; and

WHEREAS: Fear and stigma continue to be barriers to seeking help for an addiction; and

WHEREAS: Tioga County Council on Addiction and Substance Abuse provides prevention, education, advocacy, early intervention and referral services for individuals, friends or family members who are living with an addiction; and

WHEREAS: Tioga County Department of Mental Hygiene remains eager and prepared to provide treatment for Tioga County Citizens who choose to work toward recovery for a substance use disorder; and

WHEREAS: Such education and raising awareness is essential in overcoming misconceptions and achieving long-term recovery; and

WHEREAS: To help achieve this goal, the US Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, the New York State Office of Alcoholism and Substance Abuse Services, and the Tioga County Department of Mental Hygiene invite all Tioga County residents to participate in the 20th anniversary of National Alcohol and Drug Addiction Recovery Month; therefore be it

RESOLVED: That the Tioga County Legislature hereby asks all residents of our county to join in declaring September 2009 as

National Alcohol and Substance Abuse Recovery Month

in the County of Tioga, NY.

Sue Hewitt from Alcohol & Drug Services spoke. “I was asked to come today and just say thank you very much on behalf of the entire staff of Alcohol & Drug Services for preparing this Proclamation. Substance abuse is an issue that affects all people across all socioeconomic backgrounds and many many many families here in Tioga County. We have an excellent staff that continues to assist when possible and I think it is important to help raise awareness that it is about recovery. There is no cure, but people can certainly improve their lives and our staff is right there all the time assisting when possible. Again I would like to just say thank you.”

Legislator Huttleston spoke. "Again thank you and your staff. I appreciate it. It does make our job easier."

Joe Albrecht had privilege of the floor. "I would like to congratulate the interior decorating. This place looks considerably different than it did the last time I was here. Just points of interest, I would like the Legislature to consider supporting an individuals privilege of providing security for themselves, their family, and their property including, but not limited to, the home, the auto, and businesses, and I came across something that the State of Oklahoma passed. I do not want to be as optimistic as I am, but things are going to become I think considerably less pleasant socially within the next couple of years and an individual has the privilege of providing security for self, family, etc. and it may require something a little closer to home before it has standing in the judicial system. Give it some thought.

"I would like to identify Medicaid and Medicare costs to the County in terms of tax revenues used to support each and I will educate myself more on the processes, but this just kind of came up recently because there is talk of a 500 billion dollar Medicare savings and I do not know how that will be accomplished or where or the ultimate effect, so I leave that out there.

"There a couple of items or processes or organizations that you may wish to become familiar with. One is the US Preventive Services Task Force. The other is the Alliance for Health Reform. The first one, the Preventive Services Task Force, may be the source of the discussions of rationing healthcare. Again it is to enlighten anyone who is interested. On the interesting reading list there is something called the "2009 Guide to Federal Benefits for civilian employees" and it is kind of an interesting piece of information. It is on the Internet. In the introduction iii there is a list of plans and companies that provide services and their rank. On page 7 it indicates that the cost of the individual and family health insurance is covered by the Federal Government to the rate of 72% or 75%. On page 20 it indicates long term care insurance may not be approved. Then there is a series of plans or HMO plans or point of service plans by States and if you take for example Arizona, the insurance of the individual ranges from \$95 to \$137. Average it, it comes out to be \$116 a month times four because if the individual is paying one-fourth and the Government is paying three-fourths, it turns out to be \$464 a month. Twelve months gives you \$5,568 times the 40 million uninsured is \$222,720,000,000. Now I do not understand in the news media how all these numbers come together, the 1.7 trillion cost by people, the 2.7 trillion, whatever, but anyway this booklet does provide a significant quantity of information that may alleviate basic ignorance on your part if you chose to do so.

“The last item on the agenda is the possibility of supporting legislation to add square dancing to the list of hazardous activities and I will close with that. 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		1,263.19
A1165	District Attorney		2,447.41
A1170	Public Defender		3,454.63
A1172	Assigned Counsel		35,979.14
A1185	Medical Examiners/Coroners	235.00	4,236.00
A1325	Treasurer		36,659.18
A1355	Assessments		4,519.04
A1410	County Clerk		1,270.50
A1411	Department of Motor Vehicles		6,014.98
A1420	Law		2,739.58
A1430	Personnel		1,453.24
A1450	Elections		6,914.93
A1460	Records Management		753.77
A1460.41	Records Management		1,164.23
A1490	Public Works Administration		52.89
A1620	Buildings	161.97	85,426.30
A1680	Information Technology		9,115.80
A2960	Education of Handicapped Children		145,224.42
A3020	Public Safety Communication E911		15,896.30
A3110	Sheriff	85.00	23,214.61
A3110.41	Sheriff-Court Attendants		2,262.31
A3140	Probation		79.17
A3142	Alternatives to Incarceration		2,543.75
A3146	Sex Offender Program		8,766.67
A3150	Jail		54,030.23
A3315	Special Traffic Programs		1,563.98
A3410	Fire		2,379.45
A3640	Emergency Mgmt Office		463.39
A3653	EMO Grant Education	914.96	
A4010	Public Health Nursing	292.75	70,230.85
A4011	Public Health Administration		12,050.53
A4012	Public Health Education		5,809.71
A4042	Rabies Control		1,869.89
A4044	Early Intervention	372.00	81,074.42
A4053	Preventive/Primary Health Services		1,387.04
A4054	Preventive Dental Services		3,802.77
A4064	Managed Care-Dental Services		21,126.56

A4070	Disease Control	6,431.91
A4090	Environmental Health	8,261.73
A4210	Alcohol and Drug Services	4,764.09
A4211	Council on Alcoholism	19,847.32
A4309	Mental Hygiene Co Admin	9,994.73
A4310	Mental Health Clinic	34,186.49
A4315	Mental Retardation	31,448.00
A4320	Crisis Intervention Services	31,186.46
A4321	Intensive Case Management	3,915.63
A6010	Social Services Administration	163,455.44
A6141	Energy Crisis Assistance Program	27,758.99
A6422	Economic Development	543.11
A6610	Sealer of Weights & Measures	173.98
A7310	Youth Programs	167.00
A7310.41	Youth Programs, Refundable	7,026.00
A8020	Planning	91.87
A9060	Health Insurance	1,618.22
SOLID WASTE FUND		89,111.48
COUNTY ROAD FUND		42,459.13
SPECIAL GRANT FUND		26,514.89
CONSOLIDATED HEALTH FUND		1,220,460.34
CAPITAL FUND		1,439,181.99
LIABILITY INSURANCE FUND		986.65
WORKERS' COMP		<u>2,500.00</u>
GRAND TOTAL		\$3,831,387.99

Legislator Monell made a motion to approve the minutes of July 9, 14, and 23, 2009, seconded by Legislator Oberbeck, and carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 223-09 ADOPT LOCAL LAW NO. 5 OF 2009

Adoption moved by Legislator McEwen,
seconded by Legislator Sauerbrey.

WHEREAS: A public hearing was held on July 9, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. E of the Year 2009 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 be Local Law No. 5 of 2009; therefore be it

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

County of Tioga

Local Law No. 5 of the Year 2009.

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, 2009, and ending November 30, 2011 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, 2011, 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, 2011, 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, 2011, 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, 2011, 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, 2011.

(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, 2009, and ending November 30, 2011, 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, 2009, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2009, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2009. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2009, 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, 2009, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, 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, 2009, and ending November 30, 2011, in respect to the use of property used by the purchaser in this County prior to December 1, 2009.

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, 2009, through November 30, 2011, 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, 2009.

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:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 224-09 *ADOPT LOCAL LAW NO. 6 OF 2009*

Adoption moved by Legislator McEwen,
seconded by Legislator Sullivan.

WHEREAS: A public hearing was held on July 9, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. F of the Year 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007; 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. 6 of 2009; therefore be it

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

County of Tioga

Local Law No. 6 of the year 2009

A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007.

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

SECTION 1: TITLE

This Local Law shall be known as Amendment No. 8 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.

SECTION 2: TERMINATION

Local Law No. 4 of 1989, as amended by Local Law No. 2 of 1993, as amended by Local Law No. 3 of 1994, as amended by Local Law No. 9 of 1995, as amended by Local Law No. 6 of 2001, as amended by Local Law No. 3 of 2006, as amended by Local Law No. 4 of 2006, and as amended by Local Law No. 5 of 2007, is hereby amended to read as follows:

Section 10 is amended to read:

SECTION 10: EFFECTIVE DATE This Local Law originally effective January 1, 1990 shall remain in effect until November 30, 2011.

SECTION 3: SEVERABILITY

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

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect on December 1, 2009.

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:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 225-09 *ADOPT LOCAL LAW NO. 7 OF 2009*

Adoption moved by Legislator McEwen,
seconded by Legislator Sullivan.

WHEREAS: A public hearing was held on July 9, 2009, following due notice thereof to consider the adoption of Local Law Introductory No. G of the Year 2009 A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the Hotel/Motel Tax from 3% to 4%; 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. 7 of 2009; therefore be it

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

County of Tioga

Local Law No. 7 of the Year 2009.

A Local Law amending Local Law No. 4 of 1989 A Local Law providing for the Collection of a Hotel/Motel Tax in Tioga County, as amended by Local Law No. 3 of 1994, increasing the Hotel/Motel Tax from 3% to 4%.

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

SECTION 1: TITLE

This Local Law shall be known as Amendment No. 9 of Local Law No. 4 of 1989, providing for the collection of a hotel/motel tax in Tioga County.

SECTION 2: AMENDMENTS

Local Law No. 4 of 1989, as amended by Local Law No. 3 of 1994, is hereby amended to read as follows:

Section 4(A) of Local Law 4 of 1989, as amended by Local Law No. 3 of 1994, is hereby amended to increase the tax rate from three percent (3%) of the per diem rental rate for each room occupied to four percent (4%).

SECTION 3: SEVERABILITY

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

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect on December 1, 2009.

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:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 226-09

***APPROVE EMERGENCY MANAGEMENT
PARTNERING WITH STEUBEN COUNTY AND
ITHACA FIRE DEPARTMENT FOR
REGIONAL EXERCISES -
EMERGENCY MANAGEMENT OFFICE***

Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.

WHEREAS: The New State Department of Homeland Security is emphasizing the need to have regional exercises and is funding grants to meet this need, and

WHEREAS: Steuben County Emergency Service has submitted for said grant and has asked Tioga County Emergency Management Office to be a partner in this endeavor, and

WHEREAS: Ithaca Fire Department has submitted for said grant and has asked that the Tioga County HAZMAT Team be a partner, and

WHEREAS: By partnering with these agencies, Tioga County is not responsible for administering said grants, but will reap the benefits of these grants, therefore be it

RESOLVED: That the Legislature approve of Tioga County partnering with both agencies in this initiative.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO: PUBLIC SAFETY COMMITTEE

**RESOLUTION NO. 227-09 *HAZARDOUS MATERIALS EMERGENCY
PREPAREDNESS GRANT -
EMERGENCY MANAGEMENT OFFICE***

**Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.**

WHEREAS: For the last sixteen years, the Tioga County Emergency Management Office has participated in the U.S. Department of Transportation Hazardous Materials Emergency Preparedness (HMEP) Grant administered by the New York State Emergency Management Office, and

WHEREAS: This grant is up for renewal as of August 21, 2009, and the County will be awarded \$2,930.00 for HAZMAT training and planning if they apply for said grant. The only requirement is that the County hold an annual meeting, which is mandated by SARA Title 3, therefore be it

RESOLVED: That the Tioga County Emergency Management Office be allowed to apply for said grant.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED**REFERRED TO:****PUBLIC WORKS
FINANCE****RESOLUTION NO. 228-09*****AWARD BID FOR
INSTALLATION OF STANDBY
GENERATOR AT HHS***

Adoption moved by Legislator Huttleston,
seconded by Legislator Sauerbrey.

WHEREAS: The Tioga County Department of Public Works has purchased a standby generator for the Health & Human Resource Building; and

WHEREAS: The Department of Public Works received sealed bids for the installation on 7/01/09; and

WHEREAS: The bid results were as follows:

Blanding Electric, Vestal, NY		\$59,000
Nelcorp- Endwell, NY	Electrical Plumbing	\$47,749 <u>\$20,982</u>
	Total	\$68,731

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the lowest bidder; Blanding Electric, not to exceed \$59,000 to be paid out of the standby generator account H1620.20 use code 923.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 229-09 TRANSFER FUNDS FOR
INSTALLATION OF STANDBY
GENERATOR AT HHS

Adoption moved by Legislator Huttleston,
seconded by Legislator Monell.

WHEREAS: The Tioga County Department of Public Works has purchased a standby generator for the Health & Human Resource Building; and

WHEREAS: The account for the standby generator H1620.20 use code 923 does not have enough funds for the installation; and

WHEREAS: The Department of Public Works has other project accounts that have a surplus; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the following transfers of funds:

From:	H1620.21 use code 901 (mowing tractor)	\$ 1,473.55
	H2006.03 (Halsey Valley Rd. Bridge)	<u>\$60,000.00</u>
	Total Transfer	\$61,473.55

TO: H1620.20 use code 923 (Standby Generator) \$61,473.55

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 230-09 AUTHORIZE TRANSFER OF FUNDS
TO COMPLETE DMV RENOVATIONS
AT 56 MAIN ST

Adoption moved by Legislator Huttleston,
seconded by Legislator Sullivan.

WHEREAS: The Tioga County Legislature has authorized the Commissioner of Public Works to do major renovations at 56 Main St. to move the Dept. of Motor Vehicles out of the Owego Fairgrounds Plaza; and

WHEREAS: The decision to do the renovations was after the first of the year; and

WHEREAS: The costs has been paid out of Building & Grounds – Building Repairs Account A1620.40 use code 93 at approximately \$30,000 to date with the project only half complete; and

WHEREAS: Due to the timing of this decision the funding was not budgeted; therefore be it

RESOLVED: That the sum of \$30,000 is hereby appropriated as follows:

FROM: Contingency Account A1990.40-715 \$30,000

TO: Building & Grounds – Building Repairs
A1620.40 use code 93 \$30,000

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

**PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE**

RESOLUTION NO. 231-09

***FUND SHERIFF'S GRANT –NYS WM
2008 SLETPP GRANT***

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator McEwen.

WHEREAS: The Sheriff's Office has been awarded a NYS Homeland Security Grant (Project # LE08-1020-EOO) in the amount of \$26,000, and

WHEREAS: This funding now needs to be appropriated, therefore be it

RESOLVED: That the NYS Homeland Security Grant (Project # LE08-1020-EOO) be appropriated as follows:

From: State Aid-Sheriff LE08-1020-EOO A3397.00 \$26,000

To: Sheriff LE08-1020-EOO Grant-Personnel A3118.10.30 \$ 6,500
Sheriff LE08-1020-EOO Grant-Equipment A3118.20.130 \$19,500

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 232-09 *TRANSFER OF FUNDS*
PUBLIC HEALTH

Adoption moved by Legislator Huttleston,
Seconded by Legislator Sullivan.

WHEREAS: The costs of the mandated Handicapped Education Program (3-5) have increased; and

WHEREAS: Additional funding is needed to meet the costs of the Handicapped Education program for the balance of 2009; and

WHEREAS: The Legislature directed Public Health to reduce the budgeted funds in the 2009 County budget to reduce potential taxation in case it was not needed; with the understanding that if needed, the funding would come from County contingency funds in 2009; and

WHEREAS: Some of the funding to meet the immediate needs of the Handicapped Education Program (3-5) are available from within the Early Intervention budget; and

WHEREAS: The balance of the funding needs in 2009 will be addressed in future months once fall enrollment statistics are available for both the Handicapped Education Program and Early Intervention program, and cost estimates can then be determined for the appropriations needed from County contingency funds; and

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

RESOLVED: That funds be transferred as follows:

From: A4044.40-140 Early Intervention- Contracting Services \$ 125,000

To: A2960.40-590 Handicapped Education- Contractual Services \$ 125,000

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 233-09

***AUTHORIZE TO HOLD JOINT
AUCTION WITH BROOME COUNTY***

**Adoption moved by Legislator Huttleston,
seconded by Legislator Sauerbrey.**

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 26, 2009 @ 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 26, 2009 @ 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 at a fee of 9% of the proceeds.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 234-09

***ECONOMIC RECOVERY PROJECTS
MUNICIPAL/SPONSOR RESOLUTION
SOUTHSIDE DRIVE BRIDGE PROJECT
(STIMULUS PROJECT)***

**Adoption moved by Legislator Huttleston,
seconded by Legislator McEwen.**

WHEREAS: The Southside Drive Bridge (BIN: 3335530) over Pumpelly Creek in the Village of Owego, Tioga County, PIN 9753.44, Economic Recovery Project (hereinafter “the Project”) in Tioga County, (hereinafter “the Municipality/Sponsor) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of Federal funds and non-Federal funds; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the above Project; and be it further

RESOLVED: That the Tioga County Legislature agrees to advance the Project through the Tioga County’s resources and agrees that the Tioga County Legislature hereby authorizes the County of Tioga to pay in the first instance the full Federal and non-Federal costs of any and all phases or portions thereof and it further appropriates from Southside Bridge Account H2008.08 the funds necessary to complete the Project including all phases or portions thereof; and be it further

RESOLVED: That the Tioga County Legislature makes a 100% commitment of the Federal and non-Federal share (if any) of the costs of the Construction and Construction supervision and Inspection phase of work for the Projects or portions thereof, with Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Agreement; and be it further

RESOLVED: That the sum of \$1,805,000 is hereby appropriated from Southside Drive Bridge Account H2008.08 and made available to cover the cost of participation in the above phase of the Project; and hereby appropriates from Southside Bridge Account H2008.08 the funds necessary to complete the Project including all phases or portions thereof; and be it further

RESOLVED: That upon completion of construction of the Project, or fully usable portion thereof, the County of Tioga agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and be it further

RESOLVED: That in the event the full Federal and non-Federal share of the Projects exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately; and be it further

RESOLVED: That the Chair of the Legislature of the County of Tioga is hereby authorized to execute all necessary Agreements or Certifications on behalf of the County of Tioga, (subject to the Municipal/Sponsor Attorney's approval as to form the content), with the New York State Department of Transportation in connection with the advancement or approval of the Project indentified in the State/Local Agreement; and providing for the administration of the Project and the County of Tioga's first instance funding of the Local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED: That a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED: That this Resolution shall take effect immediately.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 235-09

***APPOINT MEMBER TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION***

**Adoption moved by Legislator Sauerbrey,
seconded by Legislator Sullivan.**

WHEREAS: The Tioga County Local Development Corporation (TCLDC) is reorganizing its Board membership to better represent the Tourism business; and

WHEREAS: The Tioga County Local Development Corporation (TCLDC) Board of Directors is reaching out to the Tourism Advisory Council to fill the TCLDC Board seats; and

WHEREAS: Current Board member, Laura Costello, has graciously offered her seat to a current Tourism Advisory Council member; and

WHEREAS: Beth Johnson is a current Tioga Advisory Council member and is willing and able to serve on the Tioga County Local Development Corporation Board of Directors; therefore be it

RESOLVED: That the Tioga County Legislature appoint Beth Johnson to serve the remainder of Laura Costello’s unexpired term on the Tioga County Local Development Corporation from 8/11/09 – 3/31/12; and be it further

RESOLVED: That the Tioga County Legislature appreciates and acknowledges the service of Laura Costello.

CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 236-09 U. S. CENSUS 2010 SUPPORT

Adoption moved by Legislator Sauerbrey,
seconded by Legislator McEwen.

WHEREAS: The next Decennial Census, as required by the United States Constitution, will take place in April 2010 and Tioga County’s political representation to the United States House of Representatives, state government and local governments is determined by each Decennial Census; and

WHEREAS: Tioga County recognizes all residents responsibility to respond to the U. S. Census and the importance of counting of each resident in the 2010 Census and;

WHEREAS: Tioga County will work in partnership with the U. S. Census Bureau, 16 local partners plus all the municipalities within Tioga County to form a Complete Count Committee; and

WHEREAS: The purpose of the Tioga County Complete Count Committee is to make all Tioga County residents aware of the importance of the completing the census form in and mailing the form back to the U. S. Census Bureau on April 1, 2010 and targeting awareness efforts to hard-to-reach populations indigenous to Tioga County; therefore be it

RESOLVED: That the Tioga County Legislature hereby proclaims support to the U. S. 2010 Census and related promotional activities of the Tioga County Complete Count Committee.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 237-09 *REVISE POLICY 53 (WORKPLACE
VIOLENCE PREVENTION/SEXUAL
HARASSMENT/THREAT REPORTING
POLICY)*

Adoption moved by Legislator Sauerbrey,
seconded by Legislator Sullivan.

WHEREAS: New York State adopted the final code rule for workplace violence prevention programs; and

WHEREAS: County policy 53 requires numerous changes to become compliant with the new code rule; and

WHEREAS: These changes include the revision of one reporting form and the addition of a sexual harassment complaint form; therefore be it

RESOLVED: That the Tioga County Legislature replaces policy 53 in whole with the attached policy.

POLICY 53

**TIOGA COUNTY
WORK PLACE VIOLENCE PREVENTION / SEXUAL HARASSMENT
POLICY**

- I. Policy Statement**
- II. Policy Objective**
- III. Scope**
- IV. Definitions**
- V. Risk Factors**
- VI. Methods for Hazard Prevention and Control**
- VII. Reporting of incidents**
- VIII. Responsibilities**
- IX. Education**
- X. Confidentiality**
- XI. Retaliation**
- XII. Administrative Procedures – Sexual Harassment**
- XIII. Administrative Procedures – Workplace Violence**
- XIV. Sexual Harassment Complaint Form**
- XV. Workplace Violence Incident Report**

I. Policy Statement

Tioga County has a long-standing commitment to promoting a safe and secure work environment for all its employees. All County employees and elected County Officials are expected to maintain a work environment free from violence, threats of harassment, intimidation or coercion including sexual harassment. While these behaviors are not prevalent in Tioga County’s workplaces, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred. This policy also addresses the fact that the County strongly disapproves of sexual harassment of its employees in any form, and states that all employees, including elected officials at all levels of the County must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work and will be held responsible for insuring that the workplace is free from sexual harassment.

Specifically, the County prohibits the following:

- Unwelcome sexual advances;
- Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship;

- Other verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development;
- Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job;
- Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment;

II. Policy Objective

Tioga County prohibits workplace violence and harassment. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence or harassment will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from County property and employees may be subject to disciplinary action up to and including termination, consistent with County policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Tioga County Department of Social Services, Public Health, and Probation Department personnel are to continue to use their field safety policies as guidance for day to day operations. The County, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on County property unless necessary to transact County-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

III. Scope

All County employees, elected County Officials, vendors, contractors, consultants, and others, who do business with the County, whether in a County facility or where official County business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the County, such as former employees and visitors. When employees have complaints about other employees, they should contact their immediate supervisor. If the complaint involves their immediate supervisor they should contact their department head.

IV. Definitions

1. Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, or the County's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- **Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).**
 - **Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).**
 - **Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individuals or property.**
 - **Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials shall be covered under County Policy number forty-nine.**
- 2. Sexual Harassment is any behavior that includes but is not limited to, commentary about an individual’s body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.**

V. Risk Factors

1. The following risk factors, locations and applicability in Tioga County are listed below:

- **Working in public settings: applies to all County locations and personnel.**
- **Working late night or early morning hours: applies to personnel at the County Office building, Court Annex/County Clerk’s building, Health and Human Services building, Highway Department, Buildings & Grounds, Solid Waste, and Mental Hygiene in Waverly.**
- **Exchanging money with the public: applies to personnel at the County Office building, Public Safety building, Court Annex/County Clerk’s building, Health and Human Services building, Solid Waste, and Mental Health in Waverly.**
- **Working alone or in small numbers: applies to personnel at the Solid Waste facility and the County Office building. It also applies to personnel who do field work for the County from DSS, the Sheriff’s Department, Public Works, Law Office, Health and Human Services and Probation.**
- **Uncontrolled access to the workplace: applies to personnel at the County Office building, County Clerk’s building, Highway Department, and Buildings & Grounds.**
- **Areas of previous security problems include the County Office building and Health and Human Services building.**

VI. Methods for Hazard Prevention and Control

1. It is the policy of the County to make high risk areas more visible, install additional lighting where needed, post signs where necessary, train employees on conflict resolution and maintain a response system through the Sheriff's Department.

2. The hierarchy of controls to be used is:

- **Engineering Controls.**
- **Administrative Controls.**
- **Personal Protective Equipment.**

3. It is also the County's policy to use input from a variety of sources including, but not limited to: employee security surveys, self assessments, Sheriff's Department recommendations and lessons learned from other entities to effect changes that make the County's work areas and personnel as safe as possible.

VII. Reporting of incidents**1. General Reporting Responsibilities – Workplace Violence**

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any County employee or elected official. Workplace violence should promptly be reported using the workplace violence incident report in paragraph XV. Additionally, County employees and elected officials are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in Section IV. It is important that all employees and elected officials take this responsibility seriously to effectively maintain a safe working environment.

2. Imminent or Actual Violence

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately.

3. Commitment of a Crime

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.

4. Sexual Harassment

Employees who have complaints of sexual harassment by anyone at work, including any supervisors, co-employees, or visitors, are urged to report such conduct so that the County may investigate and resolve the problem. Employees may bring such matters to the direct attention of their supervisor, department head, Personnel Director or directly to the County Attorney.

5. False Reports

Employees and elected officials who make false and malicious complaints of workplace violence or sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to law enforcement authorities as appropriate.

6. Privacy Concern Case

Incidents involving the following injuries or illnesses shall be treated as privacy concern cases:

- An injury or illness to an intimate body part or the reproductive system;
- An injury or illness resulting from a sexual assault;
- Mental illness;
- HIV infection;
- Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and
- Other injuries or illnesses, if the employee independently and voluntarily requests his or her name not to be entered into the report.

If reports of these incidents are to be shared with any other party than the Commissioner of Labor of the State of New York, then the name of the employee who was the victim of the workplace violence shall be removed and "PRIVACY CONCERN CASE" shall be entered in the space normally used for the employee's name.

VIII. Responsibilities

1. Elected Officials and Department Heads

Elected Officials and Department Heads shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all administrators and supervisors are aware of their responsibilities under this policy through internal communications and training.

2. Supervisors

Each employee designated with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings. Supervisors are required to call 911 immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

3. Employees

Employees must report workplace violence, as defined above, to their supervisor. Employees who are advised that a workplace violence incident has occurred or has been observed must report this to their supervisor immediately. Recurring or persistent workplace violence that an employee

reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's supervisor should be brought to the attention of the department head.

Employees who have obtained Orders of Protection are expected to notify their supervisor and provide a list of locations which are designated as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor. Confidentiality will be maintained to the fullest extent possible.

Upon hiring, and annually thereafter, employees will have copies of this policy made available to them. Additionally, the policy will be posted throughout County buildings and be placed on the County's intranet, as appropriate.

4. County Safety Officer

The County Safety Officer is responsible to insure that new employees or transferred employees have a copy of the Workplace Violence Policy and Procedures made available to them and also insuring County employees receive appropriate training. The County Safety Officer will also be responsible for annually disseminating any changes made to this policy to County personnel, as well as ensuring the policy is posted appropriately throughout county buildings and other work sites.

5. Workplace Violence Advisory Team

The County shall establish a Workplace Violence Advisory Team. This Team, will assist the County in responding to workplace violence; annually reviewing reported incidents of workplace violence; assessing the potential problem of workplace violence at its sites; assessing the County's readiness for dealing with workplace violence and evaluating incidents to prevent future occurrences. This Team will also develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to further assist in recognizing and preventing workplace violence at County buildings and work sites. This Team shall include representatives from County departments, as deemed appropriate by the County Legislature and will meet at least annually.

IX. Education

The County is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. The County Safety Officer, department heads and elected officials are responsible to assist in identifying available training opportunities, as well as other resources and tools, (such as reference materials detailing workplace violence warning signs) that can be incorporated into County prevention materials for dissemination to County Employees.

X. Confidentiality

The County shall maintain the confidentiality of investigations of workplace violence and sexual harassment to the fullest extent possible. The County will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of County employees would be served by such action.

XI. Retaliation

Retaliation against anyone acting in good faith who has made a complaint of workplace violence or sexual harassment, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action may be subject to discipline up to and including termination.

XII. Administrative Procedures – Sexual Harassment

- A. Referral – Every supervisor, department head or officer who receives a complaint of sexual harassment shall refer the matter as soon as practical to the County Attorney for investigation. If the complaint is against the County Attorney, the referral should be made to the Personnel Officer. The referral should be made using the sexual harassment complaint form in paragraph XIV. The above information should be delivered personally rather than by interoffice mail, facsimile or email.**
- B. Investigation – Upon receipt of the complaint, the County Attorney or, as applicable, the Personnel Officer shall investigate the complaint or refer the matter to an outside law firm to investigate the harassment claim.**

XIII. Administrative Procedures – Workplace Violence

1. Review of incident

The administrator to whom the employee reports the incident will review the incident with that employee and with any other appropriate staff.

2. Completion of the incident report

That administrator will begin to complete the incident report during the interview(s).

3. Notification of Other Administrators

The supervisor will notify all other administrators (as appropriate) immediately thereafter.

{NOTE: The situation may dictate that the other administrators be notified even before all the details are known so that they can secure the workplace and warn others, as appropriate.}

4. Safeguarding the Workplace

- a. The administrator to whom the employee reported the incident will take steps to safeguard the workplace. Arrangements will be made in consultation with the Department Head if he/she is immediately available**

and may include notification of employees and law enforcement officials, if there is good reason to warrant such action.

b. The administrator should consult with the Sheriff, the County Attorney and other county officials as the situation dictates.

c. The administrator will make a reasonable effort to notify staff working in the field, if the threat is likely to impact them.

5. Timeliness of Reporting

It is the policy of Tioga County to react timely and reasonably to work-related threats against employees and/or their property. Because there are limits to Tioga County's ability to provide effective safeguards, primary responsibility for protecting against harm must remain with the threatened employee through the exercise of vigilance, common sense and his/her rights to police protection as a citizen. Nothing in this procedure limits the threatened employee from exercising his/her legal rights to make additional arrangements for protections which do not impede his/her ability to perform his/her work duties as agreed to with the Department Head.

6. Legal Action

Only the Department Head (or in his/her absence, the Acting/Deputy Department Head), shall initiate legal action on behalf of the County beyond notification of and coordination with law enforcement officials.

7. Distribution of Threat Summary

a. If the employee's own administrator was absent when the report was made, the substitute administrator will provide a copy of the incident report to the administrator as soon as possible, regardless of the expected duration of the incident. The employee's administrator will be responsible for taking any necessary action from that point.

b. As soon as the incident report is reasonably complete, (usually within one workday), the administrator to whom the incident was first reported will give it to the Department Head's secretary to be kept on file. As the investigation proceeds, the administrator in charge of the case at any given point in time will update that official file as significant events occur.

Updates might include:

- 1) Reports that the threatening individual stalked the employee at home;
- 2) Documentation of additional threats;
- 3). Further actions taken by the department or law enforcement; etc.

c. The official file will be kept current by any administrator who takes the investigation over from a substitute administrator.

8. After-hours Threats

If a work-related threat is received after work hours, the employee should immediately make arrangements to protect themselves (i.e., call a police agency and follow their instructions). The employee should then immediately notify their administrator or a substitute administrator, regardless of the time of day. The Tioga County Sheriff's Department should be given and will maintain a list of administrator's home phone numbers.

XIV. Sexual Harassment Complaint Form

Complainant's Name _____

Job Title _____

Workplace Location _____

Time period covered by complaint _____

Individual(s) who committed harassment (LIST BELOW):

NAME	JOB TITLE	DEPARTMENT

Describe the dates and the nature of the harassment committed by each identified individual (if additional space is needed, attach a written statement):

Identify all employees or others with knowledge of or who may be witnesses to the harassment:

Is there any physical evidence, including written statements, emails or telephone records, which evidences your complaint? If so please describe:

Have you missed any work as a result of the harassment? If yes, identify the occasions:

Have you incurred any unreimbursed medical expenses as the result of the harassment?

Have you previously complained about this or related acts of sexual harassment to a supervisor or official? If so, please identify the individual/s to whom you complained, the date and nature of the complaint and the resolution of your complaint:

ACKNOWLEDGEMENTS

I hereby attest that the information provided herein is true and correct.

BY: _____
DATE: _____

In order to investigate your complaint, it may be necessary to interview you, the alleged harasser(s), and any witness with knowledge of the allegations or defenses. The County will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action up to and including termination.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence the County deems relevant.

BY: _____
DATE: _____

This form is to be delivered IN PERSON to the County Attorney’s Office and is not to be e-mailed, mailed or sent via the inter-office mail system.

XV. Workplace Violence Incident Report

Today's Date _____

Date of Incident _____

Time of Incident _____

Case Number _____

Employee Name _____

Title _____

Workplace Location _____

(DSS ONLY: Attach a WMS or CSMS inquiry screen, if available)

Incident Description (Including what happened immediately prior to the incident and how the incident ended):

Names and job titles of involved employees:

Names or identifiers of individuals involved (non-employee):

Extent of injuries:

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 238-09 *AUTHORIZE CONTRACT FOR
LEGAL SERVICES
DEPARTMENT OF SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,
seconded by Legislator Monell.

WHEREAS: The Department of Social Services provides a list of qualified attorneys to its non-ADC (Aid to Dependent Children) clients who have requested Child Support Services (CSS) through the Tioga County Support Collections Unit; and

WHEREAS: Frederick M. Cerio, Esq. has indicated willingness to provide legal services to its non-ADC clients and wishes to be listed by DSS as a qualified attorney who will provide such legal services; and

WHEREAS: Procedures outlined in County Policy 46 have been completed, including the IRS 20 factor test and it has been determined that Frederick M. Cerio, Esq. qualifies as Independent Contractor; therefore be it

RESOLVED: That the Department of Social Services is authorized to contract with Frederick M. Cerio, Esq. for legal services for non-ADC clients who have requested Child Support Services through the Tioga County Support Collections Unit effective as of August 12, 2009.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE**

**RESOLUTION NO. 239-09 *AUTHORIZE HIRING WAIVER;
SUPERVISING COMMUNITY HEALTH
NURSE
PUBLIC HEALTH***

**Adoption moved by Legislator Huttleston,
seconded by Legislator Monell.**

WHEREAS: Regina Fay, Supervising Community Health Nurse, has informed the Public Health Department that she will resign effective September 11, 2009; and

WHEREAS: Tioga County Health is required by law to ensure that all personnel delivering care in patient homes are adequately supervised; and

WHEREAS: Tioga County Health Department has only two Supervising Community Health Nurse positions; and

WHEREAS: The remaining Supervising Community Health Nurse will be supervising both the Long Term Home Health Care program and the certified Home Health Care Agency, including the field staff of both; and

WHEREAS: The field staff mandated by New York State law to be supervised provide an average of 1422 visits per month, all of which require supervision; and

WHEREAS: A 60-day delay in filling the Supervising Community Health Nurse position will put the CHHA and the LTHHC in jeopardy of losing certification and funding should the requirements of the state and federal government related to the program not be met; and

WHEREAS: The loss of funding would cause significant hardship and delays in services to the population serviced; therefore be it

RESOLVED: That the Public Health Director is hereby granted a waiver from the 60-day Hiring Delay for Ms. Fay’s position and is authorized to fill it as of September 14, 2009.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

Legislator McEwen made a motion to bring forth the following late-filed resolution, seconded by Legislator Oberbeck and carried.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 240 -09 *ACCEPT AUCTION BIDS FOR COUNTY OWNED PROPERTY ACQUIRED FOR TAXES, AUTHORIZE EXECUTION OF DEEDS*

Adoption moved by Legislator McEwen,
seconded by Legislator Monell.

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Owego, Richford, Spencer and Tioga were offered for sale at Public Auction conducted August 6, 2009 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>Town of Barton:</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Prior Owner-Tax Map #</u>		
101.00-1-21.23, Melella, Michael	Michael Buiniskis	\$11,500.00
101.00-1-22.12, Melella, Michael	Dale A. Porter	\$38,000.00
166.19-4-13, Schultz, Lewis & Patricia	Lori A. Searfoss	\$ 400.00
167.15-1-12, Stewart, Frederick	Precision Modular Installers , LLC	\$ 24,000.00
157.00-2-16, Thornton, Gerard P. & Harold Shoemaker	Eric Slate	\$ 300.00
112.00-1-7, Whalen, Lewis F.	George & Phoebe Rice	\$ 8,000.00
 <u>Town of Candor</u>		
<u>Prior Owner-Tax Map #</u>		
61.09-3-72, Ahart, David M.	Kenneth & David Jacobson	\$16,000.00
61.09-3-71, Ahart, David M.	sold as one piece	
81.00-1-2, Elcock, Luther Jr.	Christopher Pelto & Cris Pasto	\$16,500.00
61.09-3-69, Krauss, Henry & Terri R.	Whitney R. Michard	\$ 15.00
27.03-1-65, Parrott, Lisa M. Shutter	Craig B. Kranz	\$21,000.00
84.00-1-27.12, Stuart, John E. & Michelle M.	Edward Kenhart	\$ 1,000.00
2.00-1-51, Veasey, David & Stephanie Nichols-Veasey	Frederick K. Liske	\$ 9,500.00

Town of Newark Valley

Prior Owner; Tax Map #

54.00-1-31, Dingman, Carol & John Leah & Paul Evenson \$19,500.00

Town of Owego

Prior Owner; Tax Map #

118.17-2-37, CTS Properties, Inc.	Kenneth & David Jacobson	\$21,000.00
128.11-2-20, EE Root & Sons, Inc.	Nathan Kennedy & Ern Hwei	\$ 3,000.00
117.20-2-47, Elower, Clarence E.	Zamir Shaikh	\$ 4,550.00
175.00-2-51, Groats, John C. & Bertha	Francine V. Notte	\$ 26,000.00
175.00-2-53, Groats, John C. & Bertha	Kraig R. Moss	\$ 6,000.00
118.18-1-1.5, Hambalek, Jeffrey & Nancy	Philip E. Austin	\$ 9,500.00
118.18-1-1.6, Hambalek, Jeffrey & Nancy	All Hambalek Properties	
118.18-1-1.8, Hambalek, Jeffrey & Nancy	sold as one piece	
118.18-1-1.9, Hambalek, Jeffrey & Nancy		
118.18-1-1.11, Hambalek, Jeffrey & Nancy		
118.18-1-1.12, Hambalek, Jeffrey & Nancy		
118.18-1-1.7, Hambalek, Jeffrey & Nancy		
118.18-1-2.1, Hambalek, Jeffrey & Nancy		
118.18-1-2.4, Hambalek, Jeffrey & Nancy		
118.18-1-2.5, Hambalek, Jeffrey & Nancy		
118.18-1-2.6, Hambalek, Jeffrey & Nancy		
118.18-1-2.7, Hambalek, Jeffrey & Nancy		
118.18-1-2.8, Hambalek, Jeffrey & Nancy		
118.17-3-11, Hambalek, Jeffrey & Nancy		

143.18-1-12, Lewis, Melody Floyd H. Drake \$ 57,000.00

Town of Richford

2.00-2-7, Alviene, Thomas R. & Kristina M.	Susquehanna Land Corp.	\$10,000.00
12.00-1-15.112, Washburn, James	Kathleen F. James	\$17,000.00

Town of Spencer

Prior Owner; Tax Map #

70.00-2-21, Elcock, Luther	sold to Christopher Pelto & Cris Pasto as one piece with Candor Elcock property	
80.00-1-28, Kocienda, Daniel	Gregory Shipman	\$3,300.00

Town of Tioga

Prior Owner; Tax Map #

128.06-1-11, Garrison, Katherine E.	Roger Martin	\$ 3,000.00
127.00-2-17.30, Lockwood, Gerard Jr.	Philip E. Austin	\$23,000.00
138.00-2-6, Malone, Virginia A	Roberta E. Valsekeck	\$23,000.00

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

The meeting was adjourned at 2:00 P.M.