

Agenda



TIOGA COUNTY LEGISLATURE

7/11/2017

12: 00 PM

EDWARD D. HUBBARD AUDITORIUM
 RONALD E. DOUGHERTY COUNTY OFFICE BUILDING
 56 Main Street
 Owego NY 13827

Meeting called by: Chair Martha Sauerbrey

Type of meeting: 7th Regular

Attendees:
 Legislator Hollenbeck
 Legislator Huttleston
 Legislator Monell
 Legislator Mullen
 Legislator Roberts
 Chair/Legislator Sauerbrey
 Legislator Standing
 Legislator Sullivan
 Legislator Weston

Agenda topics

<p>Invocation Pledge of Allegiance Employee of the 2nd Quarter 2017 Recognition Resolution (1) Proclamations Privilege of the Floor Approval of Minutes Petitions, Communications & Notices</p>	<p>Legislator Standing Legislator Standing Adam Ace, Public Health Recognition of Laura Ellis, Mental Hygiene June 13 & 22, 2017</p>	
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Appointments/Reappointments		
Reports Standing/Special Committees		

RESOLUTIONS:	<ol style="list-style-type: none"> 1. Contingency Funding – Housing Inmates in other County Jails 2. Contingency Funding for Jail Inmate Medical 3. Appropriation of Funds and Budget Modification Mental Hygiene 4. Transfer of Funds and Budget Modification Public Works 5. Re-Establish Prior Year Capital Project Interoperable Grant 6. Adopt Local Law No. 2 of 2017-Local Law Amending LL 6 of 2015 with regards to sales tax 7. LOCAL LAW TO BE INTRODUCED – A Local Law of the Tioga County Legislature of the County of Tioga, repealing the wireless communications surcharge authorized by Article Six of the County Law of the State of New York; and imposing the wireless communications surcharges pursuant to the authority of Tax Law § 186-g 8. Schedule Public Hearing Local Law Introductory No. C of 2017-Wireless communications surcharges 9. Resolution of the Legislature of Tioga County amending Resolution 231-15 recodifying and reimposing general sales and compensating use taxes imposed at the rate of three percent and also imposing an additional one percent rate of such taxes for a period of two years, pursuant to the authority of Section 1210 of Article 29 of the Tax Law of the State of New York to extend the effective dates of such taxes for two years through November 30, 2019 10. Appoint an Early Intervention Official for Tioga County Public Health Department 11. Erroneous Assessment Town of Barton 12. Erroneous Assessment Town of Barton 13. Erroneous Assessment Town of Barton 14. Authorize Sale of County Owned Properties acquired for delinquent taxes 15. Approve Change Order for Day Hollow Paving Project 16. Award Contract for Cleaning Services for County Buildings 17. Authorize Chair of Legislature to Sign Application for Grant Funds Department of Social Services 18. Authorize the Submission of Homeland Security Grant Application (SHSP 17 and SLETPP 17) Emergency Management Sheriff's Office 19. Authorize the Submission of 2017-2018 Hazardous Materials
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	<p>Emergency Preparedness Grant Application (HMEP) Emergency Management</p> <p>20. Tioga County Support for the Village of Waverly NYS Parks EFP CFA Grant for Waverly Glen Park Phase 1 Implementation</p> <p>21. Authorize Application for New York State Community Development Block Grant Public Health Department</p> <p>22. Authorize Salary Reallocation Public Health Department</p> <p>23. Abolish/Create Positions Department of Social Services</p> <p>24. Standard Work Day and Reporting Resolution</p> <p>25. Create and Fill Temporary Part-Time Assistant Fire Coordinator Position Bureau of Fire</p>
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REFERRED TO

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -17

RECOGNITION OF
LAURA ELLIS 25 YEARS OF
DEDICATED SERVICE TO THE TIOGA COUNTY
DEPARTMENT OF MENTAL HYGIENE

WHEREAS: Laura Ellis was appointed to the position of Account Clerk Typist on March 8, 1993 for the Department of Social Services and transferred and promoted to Senior Account Clerk Typist in March 1996 to the Mental Hygiene Department, again promoted in 1999 to Administrative Assistant, in 2001, Senior Account Clerk that has been amended to Account Associate II on January 25, 2017 with Tioga County Department of Mental Hygiene; the position she still holds; and

WHEREAS: Laura Ellis has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 22 years to the Mental Hygiene Department. She has earned the respect of her director, colleagues and peers throughout Tioga County; and

WHEREAS: Mrs. Ellis retires on July 31, 2017; 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 Laura Ellis for her 25 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Laura Ellis.

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -17

CONTINGENCY FUNDING –
HOUSING INMATES IN OTHER
COUNTY JAILS

WHEREAS: The NYS Attorney General's Operation "Un-Wise" investigation resulted in the incarceration of more than twenty-three drug suspects in the Tioga County Jail; and

WHEREAS: The inmate population at the jail has exceeded the allowable available bed space set by the NYS Commission of Correction; and

WHEREAS: The NYS Commission of Correction has approved a substitute jail order providing for the housing of Tioga County inmates at other county jails until which time they can be housed at the Tioga County Jail; and

WHEREAS: The Sheriff has no funds to pay for housing Tioga County Inmates in other county jails, now therefore be it,

RESOLVED: That contingency funding is appropriated to pay for the housing of Tioga County Inmates at other County Jails as follows:

From: Contingency A1990 540715 (Transfer)	\$175,000
To: Jail Account A3150 540140 (Contracting Services)	\$175,000

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -17

CONTINGENCY FUNDING FOR
JAIL INMATE MEDICAL

WHEREAS: The Sheriff is experiencing higher Medical Expenses than expected in the Jail; and

WHEREAS: Contingency funding is necessary to pay for inmate medical expenses offsite, now therefore be it,

RESOLVED: That the following contingency funds be appropriated as follows:

From: Contingency Account A1990 540715 (Transfer)	\$15,000
To: Jail Account A3150 540370 (Medical Expense)	\$15,000

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -17 APPROPRIATION OF FUNDS AND BUDGET
MODIFICATION MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated additional pass through state aid funding for the purpose of Ongoing Integrated Supported Employment; and

WHEREAS: TCMH has contracted with Rehabilitative Support Services to provide these services to Tioga County residents; and

WHEREAS: TCMH will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: Appropriation of funds and Budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4310-434900 State Aid-Mental Health	\$ 2,541.00
To: A4311-540595 Services Rendered(Other)	\$ 2,541.00

REFERRED TO:

PUBLIC WORKS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

TRANSFER OF FUNDS AND BUDGET
MODIFICATION PUBLIC WORKS

WHEREAS: Tioga County Public Works has a need to purchase a trash pump and associated equipment in the amount of \$2,500; and

WHEREAS: Transfer of funds and budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: D5110 540262 County Road Culverts	\$2,500.00
To: D5110 520130 County Road Equipment (Not Cars)	\$2,500.00

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -17 RE-ESTABLISH PRIOR YEAR
CAPITAL PROJECT
INTEROPERABLE GRANT

WHEREAS: Prior year Capital Projects and Capital Equipment Requests need to be re-established for the remaining unspent balance as of year-end 2016 for purchase or completion in 2017; and

WHEREAS: A portion of Interoperable Grant Funds were not re-established or budgeted in the two prior fiscal years and \$374,380.43 of unspent funds are available; and

WHEREAS: The funds for the Interoperable Grant need to be expended by 8/1/2017 and are 100% reimbursable; therefore be it

RESOLVED: That the following accounts and amounts be re-established:

Interoperable Grant	Amt to Establish
A3415 540140 Contracted Services	\$ 21,902.32
A3415 520230 Radio & Equipment	\$ 352,478.11
A3415 433063 State Aid Interoperable Grant	\$ 374,380.43

And be it further

RESOLVED: That any applicable corresponding revenue sources or reserve account funds per prior Resolution shall also be re-established in the 2017 modified budget.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

ADOPT LOCAL LAW NO. 2 OF 2017

WHEREAS: A public hearing was held on July 6, 2017, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2017 A Local Law amending Local Law 6 of the year 2015 which authorized a 2015 resolution recodifying and reimposing sales and compensating use taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to the authority of Section 1210 of Article 29 of the Tax Law of the State of New York, so as to provide that said 2015 resolution may thereafter be amended from time to time including for the purpose of extending said taxes by amending the 2015 resolution's ending date; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 2 of 2017; therefore be it

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

County of Tioga

Local Law No. 2 of the Year 2017.

A Local Law amending Local Law 6 of the year 2015 which authorized a 2015 resolution recodifying and reimposing sales and compensating use taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to the authority of Section 1210 of Article 29 of the Tax Law of the State of New York, so as to provide that said 2015 resolution may thereafter be amended from time to time including for the purpose of extending said taxes by amending the 2015 resolution's ending date.

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

SECTION 1: That Section 2 of Local Law No. 6 of the year 2015 be amended as follows:

SECTION 2: Notwithstanding the repeal of such Local Law No. 1 of 1968 by this Local Law, all provisions of such Local Law No. 1 of 1968, in respect to the imposition, exemption, assessment, payment,

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

SECTION 2: This enactment shall take effect upon filing with the Secretary of State.

And be it further

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

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

LOCAL LAW TO BE INTRODUCED

County of Tioga

Local Law No. of the Year 2017.

A Local Law of the Tioga County Legislature of the County of Tioga, repealing the wireless communications surcharge authorized by Article Six of the County Law of the State of New York; and imposing the wireless communications surcharges pursuant to the authority of Tax Law §186-g.

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

SECTION 1: A Local Law imposing a Wireless Communication Surcharge in Tioga County hereinafter known as Local Law No. 6 of the year 2003, is hereby REPEALED.

SECTION 2: Imposition of wireless communications surcharges. (a) Pursuant to the authority of Tax Law §186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Tioga on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County of Tioga, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County of Tioga, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billing of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this Local Law, providing that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3: Administration of surcharges. The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of

Tax Law §186-g, and in a like manner as the taxes imposed by Articles Twenty-Eight and Twenty-Nine of the Tax Law.

SECTION 4: Applicability of State law to surcharges imposed by this Local Law. All the provisions of Tax Law §186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

SECTION 5: Net collections received by Tioga County from the surcharges imposed by this Local Law shall be expended only upon authorization of the Tioga County Legislature of the County of Tioga and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving Tioga County, as provided in paragraph (9) of Tax Law §186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. Tioga County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6: Effective date. This Local Law shall take effect December 1, 2017.

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. C OF 2017

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2017 A Local Law of the Tioga County Legislature of the County of Tioga repealing the wireless communications surcharge authorized by Article Six of the County Law of the State of New York; and imposing the wireless communications surcharges pursuant to the authority of the Tax Law §186-g in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, August 10, 2017 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

RESOLUTION OF THE LEGISLATURE OF TIOGA COUNTY AMENDING RESOLUTION 231-15 RECODIFYING AND REIMPOSING GENERAL SALES AND COMPENSATING USE TAXES IMPOSED AT THE RATE OF THREE PERCENT AND ALSO IMPOSING AN ADDITIONAL ONE PERCENT RATE OF SUCH TAXES FOR A PERIOD OF THREE YEARS, PURSUANT TO THE AUTHORITY OF SECTION 1210 OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK TO EXTEND THE EFFECTIVE DATES OF SUCH TAXES FOR THREE YEARS THROUGH NOVEMBER 30, 2020

BE IT ENACTED by the Legislature of Tioga County, as follows:

SECTION 1: Amendment of Resolution 231-15 for the purpose of extending the term for general sales and compensating use taxes. By Resolution 231-15 and commencing December 1, 2015, the Tioga County Legislature imposed in this county and decreed there shall be paid all of the sales and compensating use taxes described in Article Twenty-nine of the New York Tax Law as authorized by subdivision (a) of section twelve hundred ten of the Tax Law, at the rate of three percent. In addition to those taxes imposed at the rate of three percent, Resolution 231-15 imposed in this county and decreed there shall be paid such sales and compensating use taxes at the additional rate of one percent. These taxes are hereby extended and continued for an additional period of three years through November 30, 2020 and Resolution 231-15 is hereby amended to reflect the new ending date of November 30, 2020 and continues to be in effect in all other respects as repeated herein.

SECTION 2: Local options - Application of special provisions. As imposed by Resolution 231-15 as hereby extended, notwithstanding any contrary provision of this enactment or other law:

(a) Motor fuel and diesel motor fuel described in subdivision (m) of section eleven hundred eleven of the Tax Law shall not be taxed at a rate of cents per gallon.

(b) The clothing and footwear exemption described in paragraph thirty of subdivision (a) of section eleven hundred fifteen of the Tax Law shall apply to the taxes imposed by this enactment.

(c) The residential solar energy systems equipment, installation service, and electricity exemptions described in subdivision (ee) of section eleven hundred fifteen of the Tax Law shall not apply to the taxes imposed by this enactment.

(d) The commercial solar energy systems equipment, installation service, and electricity exemptions described in subdivision (ii) of section eleven hundred fifteen of the Tax Law shall not apply to the taxes imposed by this enactment.

(e) The empire zone refund and credit described in clause six of subdivision (a) of section eleven hundred nineteen of the Tax Law shall not apply to the taxes imposed by this enactment.

(f) The qualified empire zone enterprise refund and credit described in subdivision (d) of section eleven hundred nineteen of the Tax Law shall not apply to the taxes imposed by this enactment.

(g) Residential energy sources and services described in paragraph three of subdivision (a) of section twelve hundred ten of the Tax Law shall be subject to the taxes imposed by this enactment at the rate of three percent, but exempt from the additional taxes imposed at the rate of one percent.

SECTION 3: Taxes in addition to others. As imposed by Resolution 231-15 as hereby extended, the taxes imposed by this enactment are in addition to any and all other taxes authorized or imposed under any other provision of law.

SECTION 4: Administration of taxes. As imposed by Resolution 231-15 as hereby extended, the taxes imposed by this enactment shall be administered and collected by the State Commissioner of Taxation and Finance as provided in Articles Twenty-eight and Twenty-nine of the Tax Law.

SECTION 5: Applicability of state law to taxes imposed by this enactment. As imposed by Resolution 231-15 as hereby extended, the provisions of Articles Twenty-eight and Twenty-nine of the Tax Law and any provision of the Tax Law or other law that applies to Article Twenty-eight or Twenty-nine, relating or applicable to the taxes imposed by this enactment, including the applicable definitions, transitional provisions, limitations, special provisions, exemptions, exclusions, refunds, credits, and administrative provisions, so far as those provisions can be made applicable to the taxes imposed by this enactment, shall apply to the taxes imposed by this enactment with the same force and effect as if those provisions had been incorporated in full into this enactment and had expressly referred to the taxes imposed by this enactment, except to the extent that any of those provisions is either inconsistent with or not relevant to the taxes imposed by this enactment.

SECTION 6: Allocation and distribution of net collections. As imposed by Resolution 231-15 as hereby extended, pursuant to section 1262 of the Tax Law:

(a) The county shall set aside for county purposes two-thirds of the net collections from the taxes imposed by this enactment at the rate of three percent.

(b) The county shall set aside for educational purposes none of the net collections from the taxes imposed by this enactment.

(c)(1) The county shall allocate quarterly to the towns in the county one-third of the net collections from the taxes imposed by this enactment at the rate of three percent. Such net collections shall be allocated to the towns in proportion to their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the New York General Municipal Law completed and

published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the county.

(2) The amount so allocated to the towns shall be applied first to reduce county taxes levied upon real property in the towns. Any balance remaining shall then be applied to reduce general town taxes levied upon real property in the towns.

(3) Any town, by local law, ordinance or resolution, however, may provide that all or any specified part of the amounts which would be so applied to reduce the county taxes and general town taxes levied upon real property in such town shall be paid directly to such town to be used for any town purpose.

(4) If any village, by local law, ordinance or resolution shall so provide, the amounts which would be so applied to reduce the county and general town taxes levied upon real property in such village shall be paid directly to such village in lieu of such tax reduction. Where any village has elected to be paid directly as provided in this subdivision, the amount to be paid to such village shall be determined by the ratio that the full valuation of real property in the village or portion thereof within the town in which such village is located bears to the full valuation of real property in the entire town.

(5) If a village wholly or partially within a town has so elected to be paid directly, but the town in which such village is located has not so elected, the amount allocated to the town in which such village is wholly or partially situated shall be applied to reduce county taxes and general town taxes in the area of the town outside such village. If the amount allocated to a town exceeds the amount of the county taxes and general town taxes levied upon real property in the town, the excess shall be apportioned between the town and each village, if any, wholly or partially situated therein, in the ratios that the full valuation of real property in each such village or portion thereof within the town, and the full valuation of real property in the portion of the town outside of such village or villages, respectively, bear to the aggregate full valuation of the entire town. The share of each such village shall be paid directly to such village. The share of the town shall be applied, first, to reduce taxes levied for part-town activities, and any balance remaining shall be paid directly to the town, to be used only for part-town activities.

(6) If a town and all the villages therein shall have elected to be paid directly as provided in this subdivision, the share of such town shall be applied to reduce taxes levied for part-town activities, and any balance remaining or portion thereof, in the discretion of the town board, may be applied to reduce general town taxes, county taxes levied in the area of the town outside of such villages or may be used for part-town activities, or any combination thereof.

(7) If a town containing more than one village shall have elected to be paid directly and one or more but not all of the villages shall have also elected to be paid directly, the share of the town shall be applied to reduce general town taxes levied in the area of the town outside of the village or villages that have so elected, and any balance remaining or portion thereof, in the discretion of the town board, may be applied to reduce county taxes levied in the area of the town outside of such village or villages.

(8) The amount to be applied in reduction of county taxes and general town taxes in each town shall be determined on the basis of the respective

populations of the several towns in the county, determined in accordance with the latest federal census or special population census taken pursuant to section twenty of the General Municipal Law, completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the county.

(9) Any local law, ordinance or resolution enacted by a town or village pursuant to this subdivision shall only be effective for the calendar year or years subsequent to its enactment and, further, shall only be effective if it is mailed by registered or certified mail to the chief fiscal officer of the county before the first day of September preceding the calendar year for which the election is made by such local law, ordinance or resolution. Such local law, ordinance or resolution shall remain in effect for subsequent calendar years until rescinded by local law, ordinance or resolution, but the enactment shall rescind the election only if it is mailed, in the same manner already provided for in this subdivision, to the chief fiscal officer of the county before the first day of September preceding the calendar year for which the rescission is to apply.

(10) The foregoing provisions notwithstanding, where the county imposes a sales and use tax to be effective on a date after the adoption of its budget but within the fiscal year for which such budget has been adopted, and the estimated revenues from such tax include an amount not set aside for county purposes or educational purposes, and such amount has not been included in budget revenues for such fiscal year for allocation in reduction of taxes on real property as provided in this subdivision, a local law, ordinance or resolution enacted by a town or village pursuant to this subdivision shall be effective as of the effective date of such tax if mailed by registered or certified mail to the chief fiscal officer of the county within thirty days after the enactment by the county of the local law, ordinance or resolution imposing such tax.

(d) The county shall set aside for county purposes one hundred percent of the net collections from the taxes imposed by this enactment at the additional rate of one percent.

(e) As used in this enactment the following terms shall mean or include:

(1) Net Collections. The moneys collected from the taxes imposed by this enactment, after deducting therefrom expenses of administration and collection and amounts refunded or to be refunded as described in Tax Law section twelve hundred sixty-one (b).

(2) General town taxes. Taxes levied for any town purpose, including highways, upon the entire area of a town.

(3) Full valuation of real property. The assessed valuation of real property divided by the equalization rate as determined in accordance with Article Eight of the New York Real Property Tax Law.

(4) Part-town activities. Activities of town government, including highway programs, which are chargeable to the area of the town outside of villages, exclusive of special district purposes, unless such special district is a fire protection district coterminous with the area of a town outside of villages.

SECTION 7: Deposit and use of revenues. As imposed by Resolution 231-15 as hereby extended, except as otherwise provided by this enactment or other law, net collections received by the county from the taxes imposed by this

enactment shall be paid into the treasury of the county and shall be credited to and deposited in the general fund thereof and, unless restricted by local law, ordinance, or resolution to a specified purpose or purposes, shall be available for any county purpose of the county. Notwithstanding the foregoing, the county shall deposit one-half of the net collections from the additional one percent rate of sales and compensating use taxes imposed by this enactment in a capital reserves fund, and the county shall make disbursements from such capital reserves fund solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the county. Expenditures from the proceeds of any such taxes shall not be considered as part of the cost of government within the meaning of any limitation on expenditures contained in any general, special, or local law applicable to this county.

SECTION 8: Severability. If any provision of this enactment or the application thereof, for any reason, shall be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this enactment, but shall be confined in its operation to the provision thereof directly involved in the controversy in which such judgment shall have been rendered and the application of that provision to other persons or circumstances shall not be affected by that judgment.

SECTION 9: Effective date. This enactment shall take effect December 1, 2017.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -17 APPOINT AN EARLY INTERVENTION OFFICIAL
FOR TIOGA COUNTY
PUBLIC HEALTH DEPARTMENT

WHEREAS: Section 2541 of the Public Health Law defines the position of an Early Intervention Official (EIO); and

WHEREAS: Section 2540 of the Public Health Law describes the duties of the EIO; and

WHEREAS: Tioga County Public Health has identified Heather Morgan, Community Health Program Supervisor, to be appointed EIO, therefore be it

RESOLVED: That Heather Morgan be appointed as the Early Intervention Official for Tioga County effective July 13, 2017.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -17

ERRONEOUS ASSESSMENT
TOWN OF BARTON

WHEREAS: An application for Corrected Tax Roll for the year 2015 indicates that parcel #735 in the Town of Barton assessed to Wolcott, William E & Betty M on the 2015 tax roll of the Town of Barton is erroneous in that the veteran disability exemption was not applied; be it therefore

RESOLVED: That a refund be issued to Wolcott, William E & Betty M by the Tioga County Treasurer's office as follows:

	Original Bill # 1596	Corrected Bill # 1596
County	1528.42	1446.49
Recycle	70.75	66.96
Town Wide	320.52	303.34
Barton Fire	146.40	146.40
Total	2066.09	1963.19

And be it further

RESOLVED: That the erroneous town tax of \$ 17.18 be charged back to the Town of Barton; and be it further

RESOLVED: That the erroneous solid waste tax of \$ 3.79 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$ 81.93 be charged to the proper account in the records of the County Treasurer.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -17

ERRONEOUS ASSESSMENT
TOWN OF BARTON

WHEREAS: An application for Corrected Tax Roll for the year 2016 indicates that parcel #735 in the Town of Barton assessed to Wolcott, William E & Betty M on the 2016 tax roll of the Town of Barton is erroneous in that the veteran disability exemption was not applied; be it therefore

RESOLVED: That a refund be issued to Wolcott, William E & Betty M by the Tioga County Treasurer's office as follows:

	Original Bill #1596	Corrected Bill # 1596
County	1547.12	1464.57
Recycle	71.47	67.65
Town Wide	331.78	314.08
Barton Fire	154.54	154.54
Total	2104.91	2000.84

And be it further

RESOLVED: That the erroneous town tax of \$17.70 be charged back to the Town of Barton; and be it further

RESOLVED: That the erroneous solid waste tax of \$3.82 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$82.55 be charged to the proper account in the records of the County Treasurer.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -17

ERRONEOUS ASSESSMENT
TOWN OF BARTON

WHEREAS: An application for Corrected Tax Roll for the year 2017 indicates that parcel #735 in the Town of Barton assessed to Wolcott, William E & Betty M on the 2017 tax roll of the Town of Barton is erroneous in that the veteran disability exemption was not applied; be it therefore

RESOLVED: That a refund be issued to Wolcott, William E & Betty M by the Tioga County Treasurer's office as follows:

	Original Bill #1594	Corrected Bill #1594
County	1597.25	1512.03
Recycle	73.78	69.85
Town Wide	340.41	322.25
Barton Fire	157.64	157.64
Total	2169.08	2061.77

And be it further

RESOLVED: That the erroneous town tax of \$18.16 be charged back to the Town of Barton; and be it further

RESOLVED: That the erroneous solid waste tax of \$ 3.93 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$ 85.22 be charged to the proper account in the records of the County Treasurer.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO.-17 AUTHORIZE SALE OF COUNTY OWNED PROPERTIES ACQUIRED FOR DELINQUENT TAXES

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 10, 2017 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

166.15-4-51; Michael Spencer
112.00-2-15.13; Thomas N. Peters & Mary K. Peters
134.00-1-20.30; Patricia A. Janhonen & John Sampson
135.00-2-6.20; Richard Fontanez
113.00-1-6.20; Judy A. Foote

Town of Berkshire

23.19-1-10; William & Bonnie Vandenburg
42.00-2-10.112; Lynn Terwilliger & Jesse Playle
23.00-3-4.131; Broome Oil & Gas
43.00-2-22.7; Anatoly Atamansky
43.00-2-22.8; Anatoly Atamansky
43.00-2-22.9; Anatoly Atamansky
43.00-2-22.11; Anatoly Atamansky

Town of Candor:

62.00-1-17.1111; Harold R. Vrabel
61.00-1-3.112, Jeffrey Rockwell & Chris Rockwell
61.09-1-5, William McAvoy & Kathleen McAvoy
63.00-1-8.22, Thomas J. Zurzuski Sr

Town of Newark Valley:

42.00-1-37.12; Harold R. Vrabel
64.00-1-22; Ward Wakeman
64.00-1-43; William Foust & Robert Blakeslee

64.19-2-25; Joseph Hutchinson & Dennis Hutchinson
64.19-3-13; Daniel G. Peabody & Roxonne Romano AKA Roxonne Peabody
86.00-1-1; Alta Patterson & Stuart Patterson
86.00-1-2; Alta Patterson & Stuart Patterson
64.00-1-28; Antonia Panepinto

Town of Nichols:

159.00-2-28; Leroy Frisbie
159.00-2-29; Leroy Frisbie

Town of Owego:

118.17-1-1.2; Dwight R. Harris
117.20-2-6; Jacquelyn M. Dimock
128.08-2-19; Phillip M. Petrusky
128.08-2-17; Robert W. Laman II
142.14-1-39; Razvan G. Mitrea
141.00-1-28; Leonard Elliott & Alicia Elliott
120.00-2-9; June A Packer
164.00-2-4.11; Robert W. Laman II
153.07-1-60; Christie L. Caton
175.00-2-46; Stanley Brown & Ella Brown
98.00-1-44; Harold H. Gaylord & Claudia A. Gaylord
164.00-2-22.1; Richard H. Tyler & Lori J. Tyler

Town of Richford:

11.14-1-11; Sarah Lafitte
10.00-1-6; Curtis L. Locke

Town of Tioga

136.00-1-28.30; Richard Fontanez
158.00-2-3.112; Caleb S. Root & Kerry Root

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. -17

APPROVE CHANGE ORDER FOR DAY
HOLLOW PAVING PROJECT

WHEREAS: The construction of Day Hollow Pavement Rehabilitation project was awarded to Barrett Paving, Inc. on Resolution 149-17; and

WHEREAS: A change order was submitted due to additional work that was unforeseen; therefore be it

RESOLVED: That the Tioga County Legislature authorize additional funds to be appropriated for this change order not to exceed \$55,000 to be paid out of the Day Hollow Pavement Rehabilitation Account H5110.540001.H1701.

REFERRED TO:

PUBLIC WORKS
FINANCE

RESOLUTION NO. -17

AWARD CONTRACT FOR
CLEANING SERVICES FOR
COUNTY BUILDINGS

WHEREAS: The Commissioner of Public Works received sealed bids for cleaning services for the County Buildings on Thursday, June 28, 2017 at 11:00 AM and the bids were as follows:

GDI Services

Johnson City, NY

COB, B&G & DPW	HHS & PSB	Clerk's, CH, CHA	ALL BUILDINGS
\$65,376.00	*\$126,048.00	*\$75,672.00	\$267,096.00

GLOBAL INDUSTRIAL SERVICES

Apalachin, NY

COB, B&G & DPW	HHS & PSB	Clerk's, CH, CHA	ALL BUILDINGS
*\$59,471.56	\$137,325.24	\$81,097.58	\$277,894.38

And

WHEREAS: After the Commissioner of Public Works reviewed the bids, he recommends awarding the bid by building grouping; therefore be it

RESOLVED: That the Tioga County Legislature award the bid to Global Industrial Services, Apalachin, NY in the amount of \$59,471.56 for the B&G Bldg, COB, & DPW to be paid out of A1620 540140 for a term of two years commencing upon adoption of this resolution with price adjustment by the increase in prevailing wages at end of first year; and be it further

RESOLVED: That the Tioga County Legislature award the cleaning bid for the HHS building, PSB building, Clerk's, Court House, Court Annex & Court Evidence building to GDI Services in the amount of \$201,720.00 to be paid out of HHS Buildings Account A1621 540140 and all other buildings out of Buildings & Grounds Contracting Services account A1620 540140 for a term of two years commencing upon adoption of this resolution with price adjustment by the increase in prevailing wages at end of first year.

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -17

AUTHORIZE CHAIR OF LEGISLATURE
TO SIGN APPLICATION FOR GRANT
FUNDS

DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Tioga County is submitting a request for grant funds to the NYSDOT, pursuant to Section 5311, Title 49 United States Code, for projects to provide public mass transportation service for western Tioga County through an agreement with C-Tran and Mobility Management Services for Tioga, Broome, Chenango, Delaware and Otsego Counties through an agreement with Rural Health Network of South Central New York for the 2017-2019 fiscal years and has committed the local share; and

WHEREAS: Tioga County and the State of New York have entered a continuing agreement which authorizes the undertaking of the project(s) and reimbursement of the Federal and applicable State Shares; and

WHEREAS: Tioga County is contracting with a third-party subcontractor for the project(s) described above; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of Tioga County to sign the application and progress and complete the above-named project(s); and be it further

RESOLVED: That the Chair of the Legislature is authorized to sign any contracts or agreements between Tioga County and any third-party subcontractor necessary to complete the public transportation project(s), subject to the approval of the County Attorney.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SUBMISSION OF
HOMELAND SECURITY GRANT
APPLICATION
(SHSP 17 and SLETPP 17)
EMERGENCY MANAGEMENT
SHERIFF'S OFFICE

WHEREAS: The Office of Homeland Security has issued a grant of \$69,980 to Tioga County. The grant will be used for the development of the Continuity of Operations Plan. Once the grant is awarded, 75% (\$52,485) will be appropriated to Emergency Management (SHSP17); and 25% of the monies (\$17,495) will be appropriated to the Sheriff's Office (SLETPP17) for radios for the SWAT team; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application. However, due to the short notification period, the Tioga County Emergency Management Office had to submit an application for this funding by June 16, 2017; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be given authorization to apply for this grant, after the fact, to be in compliant with county policy.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SUBMISSION OF
2017-2018 HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS
GRANT APPLICATION (HMEP)
EMERGENCY MANAGEMENT

WHEREAS: The Office of Homeland Security has issued a grant of \$6,206 to Tioga County. The grant will be used to update the County's Hazardous Materials Response Plan. Once the grant is awarded, 20% (\$1,034) will be County funded monies; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application. However, due to the short notification period, the Tioga County Emergency Management Office had to submit an application for this funding by June 21, 2017; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be given authorization to apply for this grant, after the fact, to be in compliant with county policy.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. -17

TIOGA COUNTY SUPPORT FOR THE
VILLAGE OF WAVERLY NYS PARKS EFP
CFA GRANT FOR WAVERLY GLEN
PARK PHASE 1 IMPLEMENTATION

WHEREAS: The Tioga County Legislature adopted the Tioga County 2020 Strategic Plan, per resolution 140-16; and

WHEREAS: The Tioga County 2020 Strategic Plan lists as an Overall Priority Goal to “Maintain and strengthen Tioga County’s position as a tourism destination”, and an Objective under that to “Increase visitors” length of stay and spending by assisting with projects that develop and enhance new and existing tourism assets...as well as increasing recreational, cultural, and entertainment opportunities”; and

WHEREAS: The Waverly Glen Park improvement project is a project that implements the goal and objective listed above, particularly the planned trails connection to Two Rivers State Park which could aid in attracting more visitors to Tioga County, and therefore could increase sales tax in the local Waverly area and County; therefore be it

RESOLVED: That the Tioga County Legislature hereby fully supports the Village of Waverly’s NYS Park EPF CFA grant application for Phase 1 improvements to Waverly Glen Park.

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE

RESOLUTION NO. -17 AUTHORIZE APPLICATION FOR NEW
YORK STATE COMMUNITY
DEVELOPMENT BLOCK GRANT
PUBLIC HEALTH DEPARTMENT

WHEREAS: Tioga County Public Health has identified current mobile dental trailer as aging and in need of replacement; and

WHEREAS: Tioga County children and adults utilize and benefit from the current mobile dental services program with an increase of access to preventive and restorative dental care; and

WHEREAS: Replacement mobile dental vehicle will be designed for better mobility therefore allowing for even greater accessibility for Tioga County residents; and

WHEREAS: Proposed replacement mobile dental vehicle at the estimated cost of \$475,000 will be funded through other various grant opportunities including Appalachian Regional Commission (\$150,000) and Floyd Hooker Foundation (\$25,000), as well as this block grant; and

WHEREAS: This grant source requires no local match and allows a maximum request of \$300,000 in funding per application; and

WHEREAS: Per Resolution 144-17 a Public Hearing was held June 22, 2017 and no comments were received; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes submission and administration of said grant to New York State Office of Community Renewal in the amount not to exceed \$300,000.

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO.-17 AUTHORIZE SALARY REALLOCATION
PUBLIC HEALTH DEPARTMENT

WHEREAS: Legislative approval is required for the reallocation of positions within salary grades; and

WHEREAS: The Personnel Department received a request from the Public Health Director to add duties to the Community Health Program Supervisor classification (CSEA SG XIII), which included the designation as an Early Intervention Official who will have full oversight of the Early Intervention program to ensure compliance with New York State laws and regulations; and

WHEREAS: The Personnel Officer has determined that the level of said additional responsibilities justifies consideration for salary reallocation; therefore be it

RESOLVED: That the Tioga County Legislature authorizes salary reallocation of the Community Health Program Supervisor from CSEA SG XIII to CSEA SG XV; and be it further:

RESOLVED: That the current incumbent, Heather Morgan, shall receive an increase of \$6,582 added to her current annual salary effective July 12, 2017.

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -17 ABOLISH/CREATE POSITIONS
DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS: New York State has been slowly taking over administration of the SNAP/Medicaid programs, resulting in a reduced need for staff on the local level; and

WHEREAS: The Department of Social Services currently has two (2) vacant Office Specialist positions (SG III \$24,507-\$25,207) in the Medicaid unit that there is no longer a need to backfill; and

WHEREAS: There is an increased need for a Community Services Worker position (SG IV \$25,946-\$26,646) in the Children's Services Division due to increased activity in that division, especially Foster Care; and

WHEREAS: The Commissioner of Social Services has determined that having an additional Community Services Worker will better serve the needs of the department than the two Office Specialist positions; therefore be it:

RESOLVED: That two (2) vacant Office Specialist positions be abolished effective July 12, 2017; and be it further

RESOLVED: That one (1) position of Community Services Worker (SG IV) is hereby created effective July 12, 2017; and be it further

RESOLVED: That the Community Services Worker position shall be filled according to County Policy regarding new hires; and be it further

RESOLVED: That the full-time headcount for the Department of Social Services shall be reduced by one (1).

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. -17 STANDARD WORK DAY AND
REPORTING RESOLUTION

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

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

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participate s in Employer's Time Keeping System (Y/N)	Days/Mont h (based on Record of Activities)
Elected Officials					
District Attorney	Kirk Martin	7	1/1/14- 12/31/17	N	33.62
County Treasurer	James McFadden	7	1/1/14- 12/31/17	N	23.31
Appointed Officials					
2 nd Assistant District Attorney	Cheryl Mancini	7	1/1/14- 12/31/17	N	21.49
2 nd Assistant Public Defender	Mark J. Loughran	6	3/1/12- 12/31/15	N	13.82

I, Maureen L. Dougherty, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 11th day of July, 2017 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this 11th day of July, 2017.

Tioga County Legislative Clerk

Affidavit of Posting: I, Maureen L. Dougherty, being duly sworn, depose and say that the posting of the resolution began on July 11, 2017 and continued for at least 30 days. That the resolution was available to the public on the

- Employer's website at www.tiogacountyny.com
- Official sign board at Tioga County Legislative Office.
- Main Entrance Clerk's Office at _____

REFERRED TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -17

CREATE AND FILL TEMPORARY
PART-TIME ASSISTANT FIRE
COORDINATOR POSITION
(BUREAU OF FIRE)

WHEREAS: Assistant Fire Coordinator, Robert Byrnes has resigned as Assistant Fire Coordinator, on July 4, 2017; and

WHEREAS: The incumbent had previously overseen EMS services throughout Tioga County, which included the EMS training facility and courses as well as attend local, regional and state meetings; and

WHEREAS: Bureau of Fire will begin the hiring process for a new Assistant Fire Coordinator; however, the County Fire Coordinator has requested a temporary position be created in order to continue EMS training services and to provide training for the new hire; therefore be it

RESOLVED: That one temporary, part-time position of Assistant Fire Coordinator is hereby created effective July 12, 2017 until December 31, 2017 to work no more than a total of 34 hours per pay period at an hourly rate of \$25/hour.