

First Regular Meeting
January 14, 2025

The First Regular Meeting of 2025 was held on January 14, 2025 and was called to order by the Chair at 12:00 P.M. Legislators Bunce, Brown, Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, and Standinger were present.

Chair Sauerbrey asked Legislator Flesher to have a moment of prayer. "Dear God, thank you for bringing us here today and thank you for the responsibility of governing Tioga County and our citizens. Please continue to give us wisdom and strength in the decisions that we have to make in the future."

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

There were 26 people in attendance.

Chair Sauerbrey asked for a Moment of Silence for former District #3 Legislator James E. Woodruff, Jr.

Chair Sauerbrey spoke. "Today, we are remembering James Woodruff, Jr. or "Woody" as he was better known. Woody died on Christmas Day 2024 leaving a loving family and a life of service in his wake. Woody was well-liked and respected in the community. He was appointed to the Tioga County Legislature in 1991 following the death of Donald Burns, Sr. and served in the position until December 31, 1995.

"He served on the Board of Directors for the Cornell Cooperative Extension for 11 years and served as Vice-Chairman of the Southern Tier East Regional Planning Development Board and Economic Advisory Committee. Active in the community, he was a member of the Tioga State Bank Board of Advisors and was an active member of the Owego Kiwanis Club. He had a successful career in the Marine Corps starting as a Private and retiring as a Commissioned Officer of Captain. Woody was a man of faith and a member of the First Methodist Church in Clermont, Florida.

"Today, we make note and recognize a well-respected member and leader in our community. James Woodruff, Jr., thank you for your service."

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

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

Legislator Standinger read and presented the following resolution to Albert Knapp, Public Health Sanitarian, Public Health Department.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 9-25 *RECOGNITION OF ALBERT KNAPP'S
18 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY PUBLIC HEALTH*

WHEREAS: Albert Knapp began his career with Tioga County on March 20, 2006 as a Public Health Technician for the Septic Program, a newly established program at that time within Tioga County Public Health. In August 2007, Mr. Knapp was promoted to Public Health Sanitarian, the position he still holds; and

WHEREAS: Mr. Knapp has held many roles in Public Health, including being a certified lead risk assessor, inspector of food establishments, summer camps, and public meal sites. He has also been an investigator of animal bites and the related rabies prevention program while also being an inspector for the septic program and designer of septic systems; and

WHEREAS: Mr. Knapp was honored twice as Public Health Team Member of the Quarter by his co-workers, in 2017 and again, just recently, in 2024; and

WHEREAS: Mr. Knapp has been dedicated and loyal in the performance of his duties and responsibilities in Public Health. He has earned the respect of his colleagues and peers throughout Tioga County and New York State; and

WHEREAS: Albert Knapp will retire on January 3, 2025; 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 Albert Knapp for his 18 plus 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, Albert Knapp.

Legislator Standinger spoke. "Al, I just want to tell you that I have seen you around quite a bit and I am glad that you were out there taking care of the food establishments so none of us get sick. You are highly respected in your field, and it seems like you are too young to retire, but I wish you luck."

Albert Knapp spoke. "I just wanted to say that my 18+ years working with Tioga County has been very rich for me in both a personal and professional manner. There are so many things that can be learned in Public Health because it is so multi-dimensional. The programs that Legislator Standinger was speaking of certainly do exist but things that we do not see are the quality improvements, the demand that puts on staff, and the teamwork that is involved with Public Health.

"I do want to say and give a shout out to each one of my co-workers that it has been a pleasure working with you. I really enjoyed the time we had. It's one team that I could say that, outside of the military, when anything had to be done, no matter what was asked of us, there were no questions. Having that time of comradery and support just made the job a lot easier. I hope I spoke well of my co-workers. I am going to be leaving them but keep in your hearts and minds their efforts as well. It is a lot to endure at times through times such as the COVID pandemic and keeping up with our regular duties but at the same time supporting our community.

"The last thing I want to say about Tioga County is the County itself and the people that make up Tioga County; the Legislators, the community, and the support that Public Health can do and the outreach for our community members is something that I will always hold dear, and I will continue to do it. Running groceries with my father. He is 93 years old and still doing pretty good. Still mows his lawn, so maybe I will have to try and keep up with him. Just continuing to support people in need. I am a grandfather now and I am seeing the other side of that, and I am enjoying that part of my life.

"In closing, I want to say thank you very much to the Legislators for all their support that they have given us, to Legislator Standinger for all your support for Public Health, to Chair Sauerbrey for your direction and your team, and everyone in Public Health, I want to say thank you. I am going to miss everybody, but I will see you around. Thank you."

Public Health Director Vroman spoke. "I have had the privilege of working with Al for my entire time at Public Health or just over 13 years. From the very first day that I meant Al, he stood out as being kind, compassionate, and dedicated to his work consistently demonstrating an unwavering commitment to excellence. Also, his integrity and the well-being of Tioga County residents has spoken volumes. As the resolution indicated, Al wore many hats during his years at Public Health, but it is noteworthy to mention that he was initially hired to develop and implement our Septic Program, which he has worked in for many years. Preparing to leave us, he trained our new technician in this very program, who happens to be his son.

“Over the years, Al has held a prominent role in our Childhood Lead Poisoning Program in children’s camps completing thorough and meticulous investigations to ensure the safety of children. Al’s dedication to his work is evident in everything that he does. His willingness to help, his friendly demeanor, and his ability to remain calm and helpful even when he is swamped has earned him the respect and admiration of all who have had the privilege of working with him.

“I would be remiss if I did not mention that Al’s love for Jesus and his dedication to sharing the Gospel with others as well as his devotion to our Country as shown in his service in the Marine Corps and his love for his wife, Lori, are very prominent in his life.

“Al, your contributions to our team and the community have been invaluable. Your retirement will undoubtedly leave a significant void, but we are incredibly fortunate to have your son, Alex, continuing your legacy.

“Thank you, Al for your years of service, your dedication, and your unwavering commitment to the health and well-being of our community. You are already missed, but your impact will continue to be felt for years to come. Thank you.

“Thank you, Legislators, for recognizing Al’s retirement and years of service to our Department.”

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of December 10, 2024, seconded by Legislator Roberts and carried.

Chair Sauerbrey appointed the following Legislators and staff to the **Director of Veterans’ Service Agency Search Committee:**

- Chair Sauerbrey
- County Administrator Bailey
- Legislator Brown
- Legislator Standing
- Personnel Officer Parke
- Mental Hygiene Director of Administrative Services Korba

Chair Sauerbrey appointed the following Legislators and staff to the **Coroner’s Search Committee:**

- Chair Sauerbrey
- County Administrator Bailey
- Legislator Standing
- Legislator Flesher
- Personnel Officer Parke

Chair Sauerbrey announced the 2025 Legislative Standing Committees have been established and will take effect in February.

STANDING COMMITTEES OF THE COUNTY LEGISLATURE OF THE COUNTY OF TIOGA FOR 2025

	Chairman			
1. Administrative Services (County Clerk, Historian, Real Property, Veterans, Elections)	Brown	Standing	Monell	Ciotoli
2. Economic Development/ Planning/ Tourism/ Agriculture	Ciotoli	Flesher	Mullen	Brown
3. Finance/Legal & Safety	Monell	All Legislators		
4. Information Technology	Bunce	Ciotoli	Monell	Mullen
5. Legislative Worksessions/ Legislative Support	Sauerbrey	All Legislators		
6. Health & Human Services	Standing	Bunce	Monell	Mullen
7. Public Safety/ Probation & DWI	Flesher	Brown	Roberts	Standing
8. Public Works/ Capital Projects	Roberts	Standing	Bunce	Ciotoli
9. Personnel	Mullen	Flesher	Bunce	Roberts

Chair Sauerbrey stated all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

Legislator Ciotoli introduced Local Law Introductory No. A of 2025.

County of Tioga

Local Law No. X of the Year 2025.

A Local Law establishing the salary for the Office of County Treasurer for the term of office set forth by New York State legislation commencing on January 1, 2026.

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

SECTION 1: PURPOSE

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

Accordingly, it is the purpose and intent of this Local Law to establish the salary for Office of County Treasurer for the term of office set forth by New York State legislation commencing on January 1, 2026.

SECTION 2: ANNUAL SALARY

- A) The annual salary for the Office of County Treasurer for the term of office set forth by New York State legislation commencing January 1, 2026 is hereby established as follows:

1. County Treasurer	\$82,023
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SECTION 3: SEVERABILITY

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

SECTION 4: EFFECTIVE DATE

This Local law shall take effect January 1, 2026.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 10-25 *SCHEDULE PUBLIC HEARING*
LOCAL LAW INTRODUCTORY NO. A OF 2025

RESOLVED: That a Public Hearing shall be held on Thursday, January 23, 2025 at 10:00 A.M. in the Legislative Conference Room of the Ronald E. Dougherty County

Office Building, 56 Main Street, Owego, NY 13827 on Local Introductory No. A of 2025, a Local Law establishing the salary for the Office of County Treasurer for the term of office set forth by New York State legislation commencing January 1, 2026. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Mullen moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 11-25 *REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO EXCEED FOOD & BEVERAGE PURCHASE GUIDELINES*

WHEREAS: The Tioga County Veterans' Service Agency (TCVSA) conducts multiple community outreach events monthly and at these events provides food, beverages, and supplies to those in attendance as well as information on resources, benefits, and services available to veterans, military, and their families; and

WHEREAS: County Policy – Section III; Subsection H. Purchase of Food, Beverages, and Supplies limit expenses to \$150 per event; and

WHEREAS: The TCVSA will be holding the following events in January & February, with grant funds being used, that will exceed the \$150.00 per event limit, and requests to exceed the event limit must be made by resolution and require the approval of the County Legislature:

Onward Ops @ Ft. Drum (ETSSP Grant), 1/12 – 1/16 - \$750.00

Spaghetti Dinner (ARPA), 1/24 - \$500

Coffee Mess (MHO/DP22 Grant), 1/31 - \$350.00

Jewelry Class (MHO/DP22 Grant), 2/1 - \$200.00

Valentine Cookie Decorating (ARPA), 2/8 - \$250.00

Coffee Mess (ARPA), 2/21 - \$200.00

Flannel Fest (ARPA), 2/22 - \$650.00

Therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to exceed the per event limit using grant funding as identified, noting that TCVSA will not exceed the total amount mentioned for each event above.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 12-25 *AMEND RESO NO. 433-24;
AUTHORIZE ACCEPTANCE OF
2024 HOMELAND SECURITY GRANT (SHSP24)
AND APPROPRIATION OF FUNDS
OFFICE OF EMERGENCY SERVICES
SHERIFF'S OFFICE*

WHEREAS: Resolution No. 433-24, and Resolution No. 395-24 appropriated funds from the SHSP24 Homeland Security Grant into an erroneous account number; and

WHEREAS: Appropriation of funds and budget modification requires Legislative approval; therefore be it

RESOLVED: That Resolution No. 433-24 be amended to appropriate funds to the correct account as listed below:

FROM:	A3361.443050.SHS24 Fed-Aid-Civil Defense-DHSES	\$20,913
TO:	A3110.510030 Sheriff Overtime	\$ 4,000

TO: A3361.520130-SHS24 Equipment (not Car) \$16,913

And be it further

RESOLVED: That the remaining balance at year end be carried forward into the next budget year.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 13-25 AMEND RESO NO. 437-24;
AUTHORIZATION TO SIGN CONTRACT
SOCIAL SERVICES

WHEREAS: Tioga County contracts with Steuben County for a detention bed due to a shortage of available Non-Secure Detention Services to meet the demand throughout New York State; and

WHEREAS: The Department of Social Services was notified of a rate increase for the contract January 1, 2025 through December 31, 2025 at an amount not to exceed \$250,025; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Steuben County for one detention bed for a period of January 1, 2025 to December 31, 2025; and be it further

RESOLVED: That the Commissioner of Social Services is authorized to execute any such agreements, documents, or papers, approved as to form by the County Attorney, as may be necessary to implement the intent and purpose of this resolution.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 14-25 *RENEW BALLOT PRINTING AGREEMENT WITH
PHOENIX GRAPHICS FOR FIVE YEARS*

WHEREAS: The Tioga County Board of Elections has partnered with Phoenix Graphics, Inc. to print balloting materials for over ten years; and

WHEREAS: The current agreement with Phoenix Graphics expired December 31, 2024; and

WHEREAS: The cost of printing ballots occasionally exceeds \$10,000, thus requiring a resolution to approve a new agreement; and

WHEREAS: There are a limited number of vendors to provide this service in New York State, and quotes received from the vendors for ballot printing were equal in value; and

WHEREAS: Phoenix Graphics has provided exemplary customer service to the Board of Elections, already has the Board's templates, and is well familiar with the needs of the Board, thus the election commissioners wish to continue utilizing this company's services; therefore be it

RESOLVED: The Board of Elections is authorized to enter into a new ballot printing agreement with Phoenix Graphics from January 1, 2025, through December 31, 2029, where the per ballot cost to the County for 14" and 17" ballots shall be \$0.48 and the cost per 22" ballot shall be \$0.54.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 15-25 EXECUTE LEASE EXTENSION WITH
C&M REAL ESTATE HOLDINGS, LLC
FOR CHILD ADVOCACY CENTER

WHEREAS: The Department of Social Services has a lease with C&M Real Estate for office space at 6 McMaster St. Owego for the Child Center in Tioga County; and

WHEREAS: C&M Real Estate has offered a one-year lease term for this space at the current monthly rate of \$1,900; therefore be it

RESOLVED That the Chair of the Legislature is authorized and directed to sign said lease with C&M Real Estate for space at 6 McMaster St. Owego Suite #2 for one-year lease term commencing on February 1, 2025 at a monthly rate of \$1,900.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 16-25 RESOLUTION TO APPROVE A CONTRACT BETWEEN
THE TIOGA COUNTY PROBATION DEPARTMENT &
THE CHANGE COMPANIES, INC.

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Change Companies, Inc. for the provision of an evidence based interactive journaling curriculum for adults and juveniles called Atlas; and

WHEREAS: The contract with The Change Companies, Inc. and Tioga County Probation will have The Change Companies, Inc. provide 25 interactive journaling seats via the Atlas Digital Platform for a cost of \$4,125.00 annually with the approximate total of the three-year contract being \$12,375.00; and

WHEREAS: The Change Companies, Inc. submitted their yearly subscription Agreement to Tioga County Probation which consists of \$4,125.00 yearly for a three-year subscription for a contract period of 1/1/2025 to 12/31/2027 not to exceed \$12,375.00; therefore be it

RESOLVED: That the Probation Director is approved to contract with The Change Companies, Inc. at a cost not to exceed \$12,375.00 for the period of 1/1/2025 to 12/31/2027 upon review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 17-25 *APPROVE SOLE SOURCE CONTRACT AND
MAINTENANCE AGREEMENT WITH
BLACK CREEK INTEGRATED SYSTEMS FOR THE
SALLYPORT INMATE MANAGEMENT SYSTEM
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Legislature has approved contracts between the Tioga County Sheriff's Office and Black Creek Integrated Systems since 2007; and

WHEREAS: Black Creek Integrated Systems is a sole source provider of the software and hardware of the Inmate Management System; and

WHEREAS: Black Creek Integrated Systems has submitted their annual maintenance agreement, for the SallyPort Inmate Management System, in the amount of \$28,390 which will be paid from account A3150.540620; and

WHEREAS: The County Attorney has reviewed and approved said contract; therefore be it

RESOLVED: That the Tioga County Sheriff's Office is authorized to enter into contract with Black Creek Integrated Systems, as a sole source provider, for the annual maintenance of the SallyPort Inmate Management System, in the amount of \$28,390.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 18-25 *APPROVE SOLE SOURCE CONTRACT AND
MAINTENANCE AGREEMENT WITH
BLACK CREEK INTEGRATED SYSTEMS FOR THE
LEVEL 1 SERVICE PLAN FOR THE SHERIFF'S OFFICE*

WHEREAS: The Tioga County Legislature has approved contracts between the Tioga County Sheriff's Office and Black Creek Integrated Systems since 2007; and

WHEREAS: Black Creek Integrated Systems is a sole source provider of the software and hardware of the Jail Security System; and

WHEREAS: Black Creek Integrated Systems has submitted their annual maintenance agreement, for the Level 1 Service Plan, for technical support of the Jail Security System, in the amount of \$29,076.94, which will be paid from account A3150.540620; and

WHEREAS: The County Attorney has reviewed and approved said contract; therefore be it

RESOLVED: That the Tioga County Sheriff's Office is authorized to enter into contract with Black Creek Integrated Systems, as a sole source provider, for the annual maintenance of the Jail Security System in the amount of \$29,076.94.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 19-25 APPROVE AGREEMENT WITH
TRINITY SERVICES GROUP FOR
JAIL FOOD SUPPLY SERVICES
SHERIFF'S OFFICE

WHEREAS: Legislature approval is required for contracts exceeding \$10,000; and

WHEREAS: the Tioga County Sheriff's Office has been utilizing Trinity Services Group since 2018 and is requesting authorization to extend the agreement with Trinity Services Group for jail food supply services at the Tioga County Jail, at an estimated cost of \$208,898.00 annually, for the period December 15, 2024 through December 14, 2025; and

WHEREAS: Trinity Services Group is a single source provider and said agreement is necessary to provide food supplies to the jail division for the preparation of inmate meals; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to enter into agreement with Trinity Services Group at an estimated amount of \$208,898 for the period December 15, 2024 through December 14, 2025.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standing, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 20-25 AWARD DESIGN SERVICES TO
C&S ENGINEERS FOR
NEW VEHICLE WASH FACILITY - PUBLIC WORKS

WHEREAS: Tioga County has budgeted for a new vehicle wash facility at 70 Delphine Street; and

WHEREAS: The Commissioner of Public Works received a proposal for concept design services for this project from C&S Engineers, Syracuse, NY; and

WHEREAS: The proposal for this project came in at \$53,704; and

WHEREAS: Pending the County Legislature authorizes and approves the re-establishment of prior year 2024 ARPA capital appropriations in the 2025 capital budget; therefore be it

RESOLVED: That the Tioga County Legislature approve C&S Engineers proposal for this project not to exceed \$53,704 to be paid out of the following account:

H1620.520994.M7674 Building Construction - ARPA \$53,704

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 21-25 AWARD DESIGN SERVICES TO
C&S ENGINEERS FOR NEW VEHICLE
STORAGE FACILITY – PUBLIC WORKS

WHEREAS: Tioga County has budgeted for a new vehicle storage building at the Public Works facility; and

WHEREAS: The Commissioner of Public Works received a proposal for concept design services for this project from C&S Engineers, Syracuse, NY; and

WHEREAS: The proposal for this project came in at \$33,107; therefore be it

RESOLVED: That the Tioga County Legislature approve C&S Engineers proposal for this project not to exceed \$33,107 to be paid out of the following account:

H1620.520994.BG004 Building Construction (New Truck Facility) \$33,107

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 22-25 *AWARD DESIGN SERVICES TO
BARTON & LOGUIDICE FOR STRAITS CORNERS RD.
BRIDGE REHABILITATION
BIN 3335070*

WHEREAS: Tioga County was awarded funding from Bridge NY funds to rehabilitate a bridge, Straits Corners Road over Pipe Creek BIN 3335070, in the Town of Candor; and

WHEREAS: Resolution No. 359-24 appropriated these funds to account H5110.540004.H2403; and

WHEREAS: Resolution No. 426-24 authorizes the re-establishment of 2024 Capital Projects for completion in 2025; and

WHEREAS: The Commissioner of Public Works received a proposal for design services for this project from Barton & Loguidice, Liverpool, NY; and

WHEREAS: The proposal for this project came in at \$176,000; therefore be it

RESOLVED: That the Tioga County Legislature approve the proposal for Straits Corners Road over Pipe Creek from Barton & Loguidice not to exceed \$176,000 to be paid out of the Straits Corners Road over Pipe Creek account H5110.540004.H2403.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 23-25 *AMEND 2025 CAPITAL BUDGET AND AWARD
DESIGN SERVICES TO C&S ENGINEERS FOR
COURTHOUSE EXTERIOR IMPROVEMENTS*

WHEREAS: The rubber roof on the Courthouse is failing; and

WHEREAS: Temporary emergency repairs were done by Buildings and Grounds staff, however, a replacement is needed; and

WHEREAS: The Commissioner of Public Works received a proposal for design services for this project from C&S Engineers, Syracuse, NY; and

WHEREAS: The design proposal for this project came in at \$31,675; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H 390900	Unrestricted Fund Balance	\$31,675.00
To: H1620.521988	Courthouse Renovations	\$31,675.00

And it is further

RESOLVED: That the Tioga County Legislature approve C&S Engineers proposal for this project not to exceed \$31,675 to be paid out of the following account:

H1620.521988	Courthouse Renovations	\$31,675.00
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ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standing, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

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

RESOLUTION NO. 24-25 AMEND BUDGET AND APPROPRIATE FUNDS;
 PUBLIC HEALTH INFRASTRUCTURE GRANT
 PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) received five-year funding through 2027 specifically for strengthening our Public Health Infrastructure and Workforce; and

WHEREAS: The funding is intended to allow for the recruitment and retention of Public Health employees following the challenging impacts on Public Health workers during the Covid-19 pandemic; and

WHEREAS: The third year of the funding has been approved by the New York State Department of Health, and requires amending of budget and appropriation of funds; and

WHEREAS: Amending Budget and Appropriating Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From:

A4011 444010-SPHIW Public Health: Federal Aid-SPHIW	\$118,927
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To:

A4011 510050-SPHIW Public Health: All Other – SPHIW	\$108,850
A4011 583088-SPHIW Public Health: Social Security Fringe	\$ 8,327
A4011 540487-SPHIW Public Health: Program Expense-SPHIW	\$ 1,750

And be it further

RESOLVED: That available funds on 12/31/25 of the original \$118,927 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 25-25 *DPW EQUIPMENT STORAGE FACILITY
RESERVE ALLOCATION*

WHEREAS: Tioga County recognizes the importance of maintaining the infrastructure in the County and the importance of the equipment needed to facilitate the maintenance of that infrastructure; and

WHEREAS: Resolution No. 24-24 established a Capital Reserve Fund pursuant to General Municipal Law Section 6-c known as the “DPW Equipment Storage Facility” to accumulate moneys to finance the cost of the acquisition, reconstruction, and/or construction of an Equipment Maintenance & Storage Facility for the use of the Department of Public Works; and

WHEREAS: The Tioga County Legislature has budgeted \$500,000 in H1620 520994 BG004-Building Construction: New Truck Facility as part of the 2025 Capital Budget to fund a reserve for a DPW Equipment Storage Facility and wishes that any unspent funds in this account at the end 2025 and any further budgeted funds in future years be placed in H 387811-DPW Equipment Storage Facility Reserve; therefore be it

RESOLVED: That annually the Tioga County Legislature authorizes the Treasurer to transfer unspent budgeted funds in H1620 520994 BG004-Building Construction: New Truck Facility to H 387811-DPW Equipment Storage Facility Reserve to a maximum of \$2,000,000.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Mullen moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE
IT COMMITTEE

RESOLUTION NO. 26-25 *AUTHORIZATION TO PURCHASE REPLACEMENT
LAPTOPS FOR ELECTRONIC POLL BOOKS AND
TRANSFER FUNDS*

WHEREAS: The Tioga County Board of Elections currently utilizes 68 electronic poll books from Robis Elections, Inc; and

WHEREAS: The HP laptops currently in use with the electronic poll book units have reached end of life and should be replaced in order to support future Microsoft updates; and

WHEREAS: The cost to replace all the laptops is quoted by Robis at \$44,132.00, excluding shipping costs, and this shall be considered a sole source purchase due to the required custom software configuration; and

WHEREAS: Nearly 100% of the quoted amount can be reimbursed by the NYS Electronic Poll Book Grant program, previously authorized and appropriated via Tioga County Resolution No. 344-24; therefore be it

RESOLVED: That the Tioga County Board of Elections is authorized to purchase replacement laptops for electronic poll books from Robis Elections, Inc. for the amount of \$44,132.00 plus shipping costs following the carryover of FY2024 unspent monies into FY2025 per Reso No. 344-24; and be it further

RESOLVED: That \$44,028.26 of the above amount shall be paid from the Electronic Poll Book Grant fund H1450-520490-EPOLL, and funds exceeding this amount, which will be \$103.74 plus any shipping charges, shall be initially and additionally transferred as needed from A1450-520130 to H1450-520490 to cover the balance; and be it further

RESOLVED: That the Tioga County Legislature authorize a transfer as follows:

FROM:	A1450 520130 EQUIPMENT (NOT CAR)	\$103.74
TO:	H1450 520490 CAPITAL ELECTION EXPENSE	\$103.74

And be it further

RESOLVED: That the following Interfund transfer be completed and appropriated:

FROM:	A9950 593000 TRANSFERS TO CAPITAL FUND	\$103.74
TO:	H1340 450310 INTERFUND TRANSFERS	\$103.74

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE
	FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 27-25	<i>TRANSFER OF FUNDS</i>
	<i>WORKERS' COMPENSATION</i>

WHEREAS: Resolution No. 306-24 authorized the Chair of the Legislature to purchase workers' compensation specific excess Insurance from Smith Brothers for the period of January 1, 2025 through December 31, 2025; and

WHEREAS: The 2025 renewal rate and terms for this policy were not finalized by Smith Brothers until late December 2024; and

WHEREAS: The 2025 amount budgeted for this policy was \$180,000 but the actual cost for the options selected came in at \$208,795; and

WHEREAS: Legislative approval is required for budget modifications and transfer of funds; and

WHEREAS: Funds are available in one of the Expense accounts; therefore be it

RESOLVED: That the following sum be transferred:

From: S1720.540101	Compensation Awards	\$28,795.00
To: S1722.540270	Insurance – Liability	\$28,795.00

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 28-25 RE-ESTABLISH PRIOR YEAR 2024
CAPITAL EQUIPMENT FUNDS AND
AMEND 2025 BUDGET
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene ordered 2 vehicles utilizing 2024 budgeted monies. Due to production delays, the vehicles have not been received prior to the end of calendar year 2024; and

WHEREAS: Capital Equipment needs to be applied to the budget year in which the product is received; and

WHEREAS: 2024 Capital Equipment funds and related revenues need to be re-established and the 2025 budget increased accordingly; therefore be it

RESOLVED: That Capital Equipment Car/Truck account H4310 520060 MOBIL be re-established with 2024 monies in the amount of \$60,148.20 and the 2025 budget be increased accordingly.

CI8042 540140 M7674 CONTRACTING SERVICES \$161,000.00
 2025 Securitas Security Company Contract

Capital Appropriations

H1620 521230 M7674 RADIO & EQUIPMENT \$591,236.50
 Radio Tower Communications Upgrades

H1620 520994 M7674 BUILDING CONSTRUCTION \$453,048.16
 Truck Wash Facility

H1680 520620 M7674 SOFTWARE EXPENSE \$40,000.00
 IT – Multi-Factor Authorization Upgrades

H1620 520911 M7674 RENOVATIONS 56 MAIN \$250,033.83
 56 Main Facility Upgrades

H1620 520926 M7674 COURT ANNEX RENOVATIONS \$206,600.00
 Court Annex Renovations

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 30-25 UNFUND SECRETARY TO COUNTY ATTORNEY AND
 CREATE AND FILL (1) FULL-TIME PARALEGAL
 COUNTY ATTORNEY'S OFFICE

WHEREAS: Legislative approval is required to abolish and create any position within a Tioga County department or office; and

WHEREAS: One (1) full-time Secretary to County Attorney position is occupied by Christine Freyvogel; and

WHEREAS: Upon review of the department needs, the County Attorney in conjunction with the Personnel Officer has determined that he can better address the workload by unfunding one (1) full-time Secretary to County Attorney position and creating one (1) full-time Management/Confidential (M/C) Paralegal position; therefore be it

RESOLVED: That one (1) full-time Secretary to County Attorney be unfunded effective January 13, 2025; and be it further

RESOLVED: That one (1) full-time M/C position of Paralegal (M/C \$56,487 – \$66,487) be created effective January 13, 2025, in accordance with payroll requirements; and be it further

RESOLVED: That the County Attorney is authorized to provisionally appoint Christine Freyvogel to the full-time Paralegal position at an annual salary of \$56,487, effective January 13, 2025, pending successful completion of civil service examinations requirements.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 31-25 *AUTHORIZE SALARY REALLOCATION
WITHIN CSEA SALARY SCHEDULE FOR
PUBLIC HEALTH TECHNICIAN
PUBLIC HEALTH*

WHEREAS: Legislative approval is required for a title's salary reallocation; and

WHEREAS: On November 4, 2024, the Personnel Department received a position description questionnaire from Public Health in regard to the Public Health Technician (CSEA SGVII, \$40,212-\$41,212); and

WHEREAS: A desk audit occurred and involved the review of work tasks performed by the position as well as the current salary allocation; and

WHEREAS: The Personnel Officer has made a determination that due to the specific college degree requirements of the minimum qualifications set by the New York Sanitary Code; the extent of work responsibilities inclusive of intensive case management and ongoing public health education; and the responsibility of enforcing statutes and regulations, there is justification to request a salary reallocation of said title within the CSEA Salary Schedule; therefore be it

RESOLVED: That the title of Public Health Technician shall be reallocated from CSEA Salary Grade VII to CSEA Salary Grade IX (\$44,907-\$45,907) retroactive to January 13, 2025; and be it further

RESOLVED: That the 2025 annual salary of current incumbent in said title shall increase by \$4,695, effective retroactive to January 13, 2025.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 32-25 *AUTHORIZE POSITION RECLASSIFICATION*
TREASURER'S OFFICE

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and
 WHEREAS: On October 30, 2024, the Personnel Department received a Position Description Questionnaire from Amy Potter, Payroll Supervisor, Tioga County Treasurer's Office; and

WHEREAS: This resulted in the review of work currently performed by Amy Potter as Payroll Supervisor, CSEA Salary Grade X; and

WHEREAS: Due to the type of sensitive and confidential information related to the payroll process performed by Amy Potter, and since this position does not function as a supervisor, the Personnel Officer has determined that justification exists to retitle and amend the position in the Treasurer's Office of Payroll Supervisor, a CSEA position, to Payroll Coordinator, a Management/Confidential position; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of the position Payroll Supervisor to Payroll Coordinator; and that Amy Potter be appointed probationally to Payroll Coordinator, as she has successfully completed a comparable civil service examination, at an annual Management/Confidential salary of \$59,500, effective January 13, 2025.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 33-25 *AUTHORIZE APPOINTMENT OF
 CLINICAL PROGRAM DIRECTOR
 MENTAL HYGIENE*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: The position of Clinical Program Director became vacant as of January 4, 2025 within the Mental Hygiene Department; and

WHEREAS: The Director of Community Services has identified an internal desirable candidate; and

WHEREAS: The salary range for said position has been identified as \$73,748 to \$83,748; and

WHEREAS: The Director of Community Services and the Personnel Officer have determined that the qualified candidate possesses 13+ years' experience, which is sufficient experience and skills to justify an entry salary at the top of the salary range; therefore be it

RESOLVED: That Danielle Fabregas is provisionally appointed to the title of Clinical Program Director, pending successful completion of civil service examination requirements, at an annual Management/Confidential salary of \$80,000, an increase of \$7,807.00 from her current position as Supervising Social Worker, effective January 27, 2025.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 34-25 APPOINT PARALEGAL
LAW DEPARTMENT

WHEREAS: Legislative approval is required for any appointments made to a Management/Confidential position; and

WHEREAS: Due to the announced resignation of the current Paralegal as of December 4, 2024, there is a vacancy in the DSS Law Division; and

WHEREAS: The 1st Assistant County Attorney has recruited for a replacement and after interviewing a satisfactory candidate has been identified; therefore be it

RESOLVED: That the County Attorney is hereby authorized to provisionally appoint Alissa Benjamin to the title of Paralegal effective February 10, 2025, pending successful completion of the civil service requirements at an annual Management/Confidential salary of \$56,487.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 35-25 *AUTHORIZE ANNUAL STIPEND
(CORONERS'S OFFICE)*

WHEREAS: The Coroner's office has determined that in 2025, they are no longer in support of having an individual Coroner be appointed as the Administrative Coroner by the County Legislature; and

WHEREAS: In lieu of not having an Administrative Coroner, the Coroner's office has requested that an individual outside of the (4) four elected Coroner's take on specified administrative duties and tasks on behalf of the Coroner's office and requested that those duties and tasks be administered by a Tioga County employee; and

WHEREAS: The Coroner's office has requested that the Tioga County employee take on the duties and tasks of:

- ACCOUNTS PAYABLE – Entering Requisitions, Managing Purchase Orders (Maintenance & Liquidation), Invoice Processing, Check Distribution & Management as necessary in the County Financial Management Software.
- ACCOUNTS RECEIVABLE – Entering General Bills as necessary in the County Financial Management Software.
- BUDGET OVERSIGHT – Entering Budget Transfers in the County Financial Management Software, Working with the County Administrator and the (4) Elected Coroners to Prepare the Annual Budget, Preparation of Budget Reports as necessary for Legislative Committee Meetings.
- LEGISLATIVE ASSISTANCE – Drafting Resolutions on behalf of the Coroner's Office as necessary, including but not limited to Budget Amendments and Contract Agreements.
- PAYROLL ADMINISTRATION – Acting as Timekeeper for the Department, Tracking and Submitting On-Call Sheets, Tracking and Entering Invoices for Mileage in the County Financial Management Software; and

WHEREAS: The designation of administrative tasks does not absolve the Coroner's office from their Elected duties and/or departmental expectations as set by the County Legislature, including presence at Legislative Committee Meetings, Presentation of Proposed Resolutions, and Presentation of the Proposed Annual Budget for the Department; and

WHEREAS: Legislative Clerk Cathy Haskell has had a pivotal role in completing a majority of these tasks on behalf of the Coroner's office since 2023; and

WHEREAS: The Coroner's office has requested that Mrs. Haskell be offered the administrative duties along with an annual stipend amount as agreed to by the County Legislature; and

WHEREAS: The County Legislature is agreeable with Mrs. Haskell taking on this additional responsibility; and

WHEREAS: The County Legislature is agreeable with the arrangement on an annual basis until December 31, 2025; therefore be it

RESOLVED: That effective January 1st, 2025, Cathy Haskell will assume the additional administrative duties on through December 31, 2025, to be reviewed annually; and be it further

RESOLVED: That in recognition of the additional responsibility, Mrs. Haskell will be granted an additional \$7,500.00 stipend annually, paid out of account A1185 510050 All Other in the Medical Examiner and Coroner's Budget, and to be prorated for the remainder of 2025; and be it further

RESOLVED: That should it be determined by the County Legislature, Mrs. Haskell, or the Coroner's office for any reason that the designation is not working as expected, the designation, responsibilities and stipend shall terminate immediately.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 36-25 *AUTHORIZE OUT-OF-TITLE PAY
VETERANS' SERVICE AGENCY*

WHEREAS: Article 4 Section E of the current collective bargaining agreement allows for out-of-title pay if an employee performs the duties of a higher pay grade for more than 20 calendar days; and

WHEREAS: Due to the resignation of the Director of Veterans' Service Agency effective close of business on January 15, 2025, there is a need for someone to provide coverage, and fill those responsibilities for our veteran's community; and

WHEREAS: Legislative approval is required to authorize the payment of out-of-title salary at the acceptable higher pay grade; therefore be it

RESOLVED: That Grace Ayala-Middaugh shall assume the duties of the Director of Veterans' Services effective January 16, 2025, and until such time as a new Director of Veterans' Service Agency is appointed; and be it further

RESOLVED: That the Tioga County Legislature authorizes out-of-title pay for Grace Ayala-Middaugh at an annual increase of \$2,362 retroactive to January 16, 2025, pursuant to the CSEA Collective Bargaining Agreement.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 37-25 *RESOLUTION TO DECLARE WORKDAY STATUS
FOR ELECTED AND APPOINTED OFFICIALS*

WHEREAS: Resolution Nos. 206-09, 127-16, 230-17, 30-18, 59-18, 308-19, 160-19, 229-22, 410-24, and 465-24 established a standard work day for elected and appointed officials for New York State and Local Employees' Retirement System reporting purposes; therefore be it

RESOLVED: That the County of Tioga, Location Code 10049, hereby establishes the following as the standard workday for the title below, for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System as follows:

Appointed Officials

Five-day work week, seven-hour day:

Payroll Coordinator

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: LEGAL/FINANCE COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 38-25 AMEND EMPLOYEE HANDBOOK: SECTION III.
FINANCIAL RULES; SUBSECTION C. FIXED ASSETS

WHEREAS: Tioga County's Employee Handbook Section III. Financial Rules; Subsection c. Fixed Assets needs to be amended in its entirety to reflect the updated policy standards including GASB 96 Uniformity, Departmental Responsibilities, Year End Processes, Non-Capital Asset Thresholds, and Policy Language as recommended by the Treasurer's Office, the County Administrator, the County Clerk, and as set forth by the Tioga County Legislature; therefore be it

RESOLVED: That the Tioga County Fixed Asset Policy be amended in its entirety and replaced as follows:

SECTION III. – FINANCIAL RULES
c. Fixed Assets

FIXED ASSET PROGRAM
POLICY AND PROCEDURES

The intent of this document is to state the purpose and policy for the implementation of a Fixed Asset Program, to define the various elements of the policy, to describe the roles of various departments key to the implementation and maintenance of the program, and to define procedures and delegate responsibilities to all County departments necessary to ensure a continuing credible database. This policy was originally in effect September 15, 2020, and will be amended and replaced in its entirety on January 14th, 2025.

I. POLICY STATEMENT

It shall be the policy of the County Legislature that a record of fixed assets owned by the County shall be established and maintained. The valuation of fixed assets shall be based on an historic cost and shall meet generally accepted accounting principles.

Department Directors and Elected Officials shall be responsible to charge the acquisition cost to the proper account, to maintain accurate and current records

of existing assets, to record the disposition of assets leaving their area of responsibility, and to cooperate with the annual audit and inventory.

II. PURPOSE OF THE FIXED ASSET PROGRAM

There are four basic premises to the Fixed Asset Policy for Tioga County.

The first premise is an acknowledgment that Tioga County, as a business entity, should manage its financial affairs in a manner consistent with established business practices whenever practical, including compliance with Generally Accepted Accounting Principles (GAAP). Basic to this concept is the duty to publicly recognize and value assets owned by the County. It is the intent of the management of Tioga County to demonstrate accountability and stewardship of tax dollars used to fund capital transactions by maintaining records of Fixed Assets.

The second premise is recognition that governmental accounting (NCGA Statement No. 1) requires fixed assets to be recorded at their historical cost. The additional stipulations of GASB Statement 34 require the county to track and depreciate capital assets.

The third premise is a desire to establish internal controls for the purchase, tracking, and disposition of all owned material and equipment. However, the desire for internal controls must necessarily be tempered in recognition that the cost of implementing controls should not exceed the value of implementation. To that end, Department Directors and Elected Officials are responsible for items of lesser value.

The fourth premise is to account for all fixed assets if there is a disaster that results in the loss or damage of county assets. The fixed asset records have to be maintained for insurance purposes. Tioga County procures and maintains insurance consistent with prudent practices to protect the County's fixed assets.

Pursuant to the adoption of this Policy, in accordance with the statements above, the capitalization threshold for capital assets as defined in Section III of this Policy is hereby established at \$5,000, infrastructure values as defined in Section III will be tracked for projects with a cost of \$25,000 or greater, and a process to depreciate capital items will be established.

III. ACCOUNTING BASIS AND OPERATIONAL PRINCIPLES

Tioga County has adopted a Fixed Asset Program in accordance with the principles established by the Governmental Accounting Standards Board (GASB) Statement Nos. 1, 34, 87 and 96.

OFFICE OF RECORD

The Treasurer's Office shall be the official office of record for all capital asset purchases, improvements, additions, and disposals. The Treasurer's Office will have the sole responsibility of establishing and determining useful life and depreciation.

The County Clerk's Office shall be the official office of record for all non-capital asset purchases, improvements, additions, and disposals.

DEFINITIONS AND CLASSIFICATION GUIDELINES

This section will establish guidelines to be used by purchasing when classifying and valuing purchased items. Asset acquisition must be classified within one of the following categories:

CAPITAL ASSET – A Capital Asset as defined by this Policy is a fully functioning unit, which has an acquisition cost of \$5,000, or greater, and a useful life of at least 2 years. All capital assets shall be recorded in a manner consistent with the provisions of GASB Statement 34, by classification, and further in conformance with requirements set forth in "Governmental Accounting, Auditing and Financial Reporting" (GAAFR) guide issued by the Government Finance Officers Association. In accordance with Generally Accepted Accounting Principles, all costs associated with bringing a capital asset to working condition will be recorded as a cost of the capital asset. This may include any costs related to design including engineering, architecture, and site preparation, freight, and other labor or consulting fees associated with the preparation of a capital asset for public use.

NON-CAPITAL ASSET - An asset, which has an acquisition cost of less than \$5,000, and a useful life of at least one year.

- Only items costing one thousand dollars (\$1,000.00) or more will be inventoried with the exception of computer equipment and other miscellaneous items so designated.
- All computer equipment purchased through IT will be inventoried regardless of cost.

INTANGIBLE ASSET-LEASE – A lease is defined as a contract that conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction. Capital leases with an associated individual asset value of \$25,000 or more shall be recorded in a manner consistent with the provisions of GASB Statement 87. Subscription Based Internet Technology Arrangements with an associated individual asset value of \$500,000 or more shall be recorded in a manner consistent with the provisions of GASB Statement 96.

GASB Statement 87 and 96 state that future lease payments should be discounted using the interest rate the lessor charges the lessee, which may be the interest rate implicit in the lease. If the interest rate cannot be readily determined by the lessee or lessor, the estimated incremental borrowing rate should be used.

For statewide financial reporting purposes, state entities within the primary government should first use the explicit rate that is stated in their leasing contract. In the absence of a stated interest rate, entities should attempt to calculate the implicit interest rate (an internal rate of return). If an implicit rate cannot be determined, the incremental borrowing rate should be used to discount future lease payments. Borrowing rate can be requested through Tioga County's primary lending authority.

CONSUMABLES (SUPPLIES OR DISPOSABLES) - Are items which, regardless of cost, are neither Capital Assets nor inventory items; they have a useful life of less than one year. These items will not be recorded as a Capital Asset, nor will they be inventoried and will not receive a Property Record Tag.

INFRASTRUCTURE - Are assets that are defined as Capital Assets that are immovable and of value only to the governmental unit and include such things as sidewalks, roads, and utility lines. Accordingly, and in conformance with GASB Statement 34, Tioga County will include these values for items with an acquisition or appraised value of \$25,000 or greater in the Capital Asset System.

CLASSIFICATION GUIDELINES:

ORDINARY REPAIRS - Repairs made to keep an asset in good working condition, regardless of cost, are ordinary repairs and shall not be recorded in the Capital Asset System. Ordinary repairs for a building include such things as repainting and repairing a roof. Ordinary repairs for equipment and vehicles include replacing small parts or other maintenance items.

EXTRAORDINARY REPAIRS/IMPROVEMENTS - Major repairs made not just to keep an asset in good working condition, but also to extend its useful life beyond that originally estimated, are extraordinary repairs and shall be recorded in the Capital Asset System. A replaced roof would be an example of an extraordinary repair. Improvements involve modifying an existing asset to make it more efficient or productive, usually by replacing part of the asset with an improved or superior part and shall be recorded in the Capital Asset System.

ADDITIONS TO EXISTING CAPITAL ASSETS - Which have an acquisition cost of at least \$5,000, shall be assigned to and increase the value of the Property Record of the existing item and shall be considered a Capital Asset Addition. The Useful Life of Extraordinary Repairs and Improvements will be determined by the number of years the useful life is extended. Additions to Existing Capital Assets will be capitalized according to the Useful Life guidelines below.

SOFTWARE - Will be subject to the threshold above with the exception of software upgrades and maintenance costs. Upgrades, renewals and maintenance will not be recorded in the Capital Asset System. (NOTE: An exception may exist if a significant upgrade is acquired which will be determined at that time.) Software purchases greater than \$5,000 that result in a new license will be recorded in the Capital Asset System and will be assigned a property tag, which must be maintained in a log in the department wherein it resides.

HARDWARE - Components that are stand-alone units and will not be installed internally to an existing computer, will be subject to the existing threshold of \$5,000 when determining whether it is a capital asset.

USEFUL LIFE – All Capital Assets except land will be assigned a useful life appropriate to that asset. Land has an unlimited useful life and will not be subject to the provisions of this paragraph. The cost of an asset will be capitalized using the **straight-line half year** method over the useful life of the asset. Useful life is obtained using the Capital Assets Policy and Procedure Manual provided by the New York State Office of General Services.

IV. FIXED ASSET PROCEDURES

Attached to this policy is a section entitled Fixed Asset Procedures, which details the procedures that must be followed by departments when purchasing, transferring, or disposing of a Fixed Asset or an asset carrying a Property Record Tag. This section is hereby incorporated into this policy statement but may be amended from time to time as necessary. Amendments shall be incorporated into

a new Fixed Asset Procedure Manual and shall occur either at the discretion of the Treasurer's Office or the County Clerk's Office.

V. DEPARTMENTS' RESPONSIBILITIES

A. DEPARTMENT DIRECTORS

It shall be the responsibility of every department head and elected office holder to control and record the acquisition and disposition of infrastructure, capital and non-capital assets (as defined in Section III) within their department. These numbers, values, and locations are recorded in the Capital Asset Module of the County Financial Management Accounting System (**FMAS**) Software and will be updated by the Treasurer's Office and the County Clerk's Office with each new acquisition, disposal or transfer.

PROCUREMENT

1. The responsibility of record keeping begins with the decision to purchase an item. The item must be included in the approved Capital Budget for that year and procurement of the item must comply with the County's Purchasing Policy.
2. The Department must complete the requisition (if appropriate) and purchase order in the County FMAS. The Capital Asset box should read (Y) when entering in the line items for capital assets. Individual lines need to be entered for multiple items if more than one item per line was entered. It is the responsibility of the Department to enter recordable items properly into the Requisition and Purchase Order fields.
 - a. Note- Certain accounts are flagged and reviewed for asset recording purposes.
3. Invoices received for all assets purchased will be processed through Accounts Payable. The Department will attach any necessary information needed for the maintenance of the Capital Asset database to Finance. The Treasurer's Office will be the official "office of record" for capital asset purchases. County Clerk's Office will be the official "office of record" for non-capital asset purchases.

PROPERTY TRANSFER AND DISPOSITION

Each responsible department will record property transfers.

1. The Department Head or designee shall be responsible for the care and safekeeping of all assets recorded in the County FMAS which were

purchased by their department. When departments are finished actively utilizing an asset, it will be turned over to the Department of Public Works (DPW) or County Clerk's Office.

2. Items must be tracked as long as the County maintains custody, regardless of whether they are fully depreciated. Departments shall track status, moved or disposed, in the County FMAS.
3. At the time of inventory, all recorded items must be located. Notice of disposition must be provided to the Treasurer's Office and County Clerk's Office if any item recorded is not located. Items located but not valued or recorded must at that time be entered into the system.
4. All assets not in active use will be turned over to either the DPW or County Clerk's Office.
5. At any time when a recorded item is sold or otherwise disposed of, the Treasurer's Office and County Clerk's Office will receive a written notification (Tioga County Equipment Inventory Disposition Document) of property disposition from the department disposing the item. Finance will record the final disposition of the capital asset and remove its value from the system.
6. On or around January 1 of each year, the Clerk's Office will submit a complete list of all **capital and non-capital assets** to all departments. Each department will then be required to review the list and return an updated list to the Clerk's Office with any discrepancies that may exist.

B. TREASURER'S OFFICE

The Treasurer's Office will be the office of record and is responsible to verify that all Capital Asset items are properly classified and are charged to the correct account. In addition, they must conduct overall program reviews from time to time to guarantee consistency and integrity. They will review the following information:

- The classification and useful life of the item(s) is reasonable and proper.
- The object account is proper.

A report will be made available by the Treasurer's Office for the Legislature that details the results of the annual inventory and any pertinent findings. The Treasurer's Office may visit any department and conduct an audit of the inventory.

C. DEPARTMENT OF INFORMATION TECHNOLOGY

The Information Technology Department (IT) will be responsible to approve all requests for data processing related asset purchases including all hardware and software. Annual appropriations for all computer related assets may reside within the IT budget or within respective departments as will be determined annually.

Computer hardware and software that qualify as assets regardless of cost will be recorded in the Capital Asset System in accordance with this policy. The IT Department is primarily responsible to advise departments and to approve requested purchases when purchased through the IT Department. Record of all such items will be maintained by the IT Department after delivery/installation.

The IT Department will work with the Treasurer's Office and County Clerk's Office for acquiring and disposing of fixed assets.

D. DEPARTMENT OF PUBLIC WORKS

The Department of Public Works (DPW) will be responsible to approve all requests for building and furniture related asset purchases. Annual appropriations for all DPW related fixed assets may reside within the DPW budget or within respective departments as will be determined annually.

Building and furniture items that qualify as fixed assets will be recorded in the Capital Asset System in accordance with this policy. DPW is primarily responsible to advise departments and to approve requested purchases when funded from the DPW budget. Record of all such items will be maintained by the DPW after delivery/installation.

In addition to maintaining the inventory for their items, DPW has responsibility to provide a location to store temporarily items transferred to await sale at public auction or other final disposition. When held, DPW shall be responsible for administering the sale of County's fixed assets. All dispositions of fixed assets shall be reported to the Treasurer's Office and the County Clerk's Office for processing in accordance with Item above.

E. COUNTY CLERK'S OFFICE

The County Clerk's shall be the official office of record for all non-capital asset purchases, improvements, additions, and disposals.

Upon receipt of an asset valued over \$500.00 or computer or computer-related equipment and other miscellaneous items so designated, the County Clerk's Office will issue a numbered inventory tag that will be attached to the new asset.

F. EXCEPTIONS

On occasion, the County receives gifts of value at no cost. Department Heads are responsible to indicate this to the Clerk's Office who must then contact the appropriate department of custody to create an asset record and tag. At that time, the department of custody must make a value determination using the best available data from vendor or trade publications and enter this information into the County FMAS accordingly.

FIXED ASSET PROCEDURES

I. Purpose

The purpose of this manual is to set forth the regulations and procedures governing the control and reporting of capital and controlled assets. Procedures that must be followed by departments when purchasing, transferring, or disposing of a Capital Asset or an asset carrying a Property Record Tag.

II. Definitions

Capital Assets

Refers to real or tangible personal property having:

- A value greater than or equal to the capitalization threshold (\$5,000.00) for the particular classification of the capital asset; and
- Having an estimated useful life of greater than two years from the time of acquisition.

Non-Capital Asset

Equipment or other physical assets with an acquisition cost of \$500 or more but less than \$5,000 per unit and with a useful life greater than one year.

Controlled Assets

Refers to those items with a historical cost of less than \$1,000, but which are particularly at risk or vulnerable to loss or theft.

III. Tagging and Identifying Inventoriable Assets

All tags for maintaining the Fixed Asset Inventory shall be supplied by County Clerk's Office. Tags are necessary to provide positive identification of an asset; it also provides a quick and accurate method of identifying assets during the annual physical inventory.

All furniture and equipment must be tagged, including, but not limited to:

- Furniture
- Computers and Laptops
- Audio Visual Equipment
- Other equipment above \$500 such as kitchen, health and fitness, or office machines
- Controlled assets that are sensitive, portable, or prone to theft

All equipment shall be tagged upon receipt. The department must complete and return (via email) a Tioga County Equipment Inventory Document form before receiving an inventory tag. Questionable items can be discussed with IT and the Treasurer's Office.

IV. Acquisition, Transfer and Disposal

Acquisition-All equipment, hardware and software should be purchased under a capital 52XXXX line.

- Purchase Requests- The capital asset drop down should be selected Y (yes) for Capital Assets (\$5,000 or more) and N (no) for non-capital assets.
- Payment- the payment of the invoice. The attachment must include the acquisition form.
- The County Clerk's Office or the Treasurer's Office will create the asset from the information provided on the acquisition form.

Transfer- Asset transfers shall be recorded promptly. A permanent transfer is one that has no current plans of return. The department transferring the equipment can request changes to the County FMAS via email to the County Clerk's Office or the Treasurer's Office. The email should include an updated Tioga County Equipment Inventory Document form with the transfer information.

Disposal- To maintain accurate asset records, asset disposals shall be recorded promptly. These records shall reflect whether the items have been abandoned, traded in, sold, stolen, or destroyed. When property is beyond repair or is no longer

needed, the equipment item must be returned to the Department of Public Works for appropriate disposal. IT equipment will be disposed of by IT.

- Disposals are entered into the County FMAS by the Treasurer's Office (Capital Assets) or County Clerk's Office (Non-Capital Assets).
- Tioga County Equipment Inventory Document form (disposal section) is to be filled out and emailed to the Treasurer's Office, County Clerk's Office and IT (for computer equipment only).

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 39-25 AMEND EMPLOYEE HANDBOOK:
SECTION IV. PERSONNEL RULES;
SUBSECTION j., MANAGEMENT/CONFIDENTIAL
BENEFITS; PARAGRAPH II. A. LEAVE ACCRUALS,
VACATION

WHEREAS: County Policy (Employee Handbook Section IV. Personnel Rules; Subsection j. Management /Confidential Benefits: Paragraph II. A. Leave Accruals, Vacation) states the full-time employment requirement for Paid Time Off (PTO) for Management/Confidential staff; and

WHEREAS: Tioga County Public Health (TCPH) has Non-Union and Non-Management/Confidential part-time Dentist positions that do not accrue any PTO per the full-time requirement; and

WHEREAS: TCPH seeks to provide PTO to their incumbent part-time Dentist that has been with TCPH since the inception of the Dental Van in 2003; and

WHEREAS: TCPH desires this to ensure viability of the continuation of the Dental program for Tioga County residents and school children; and

WHEREAS: Tioga County has been designated as a Dental Health Professional Shortage Area by the Federal Health Resources and Services Administration (HRSA); and

WHEREAS: In addition to the shortage designation, in Tioga County there is currently a shortage of Dentists that will accept or provide services to patients with either Medicaid or no insurance, leaving the TCPH Dental Van as the only option for many in our communities; and

WHEREAS: TCPH's Dental Van is currently backlogged with scheduling Dentist appointments for needed restorative care identified during the Dental Hygienists screenings and imaging; and

WHEREAS: TCPH's Dental Van requires a collaborative agreement with a Dentist to allow services to be provided and billed for under their license; and

WHEREAS: Although not required or mandated, the incumbent part-time Dentist has willingly and graciously signed a collaborative agreement each year since 2003 for the operation of the Dental Van to continue; and

WHEREAS: TCPH has made numerous attempts to find additional part-time Dentists over the years, yet many factors have prevented these being filled, largely limited interest to work on a mobile unit, lack of a "good match" and an unwillingness to sign a collaborative agreement with TCPH; and

WHEREAS: TCPH is in dire need of additional Dentist hours to meet the demand of the mandated Dentist appointments following screenings, cleanings and imaging; and

WHEREAS: The incumbent part-time Dentist has expressed a willingness to commit to working additional hours to meet the needs of the Dental Van and also to commit to the continuation of signing a collaborative agreement with TCPH for the duration of his employment; and

WHEREAS: TCPH requests that a revision to County Policy be made to allow PTO for Non-Union and Non-Management/Confidential part-time Dentists that have provided services on the TCPH Dental Van for over 20 years and commit to signing a collaborative agreement with TCPH; and

WHEREAS: The Legislature has directed TCPH, the County Personnel Officer and the County Administrator to work together to develop the proposed resolution and policy changes; and

WHEREAS: The incumbent part-time Dentist, Dr. Eric Sarnicola, would qualify for PTO under the proposed change in County Policy due to his provision of services on the Dental Van for over 20 years, thirteen of which have been as an employee, his commitment to working the additional hours and executing a collaborative agreement with TCPH; therefore be it

RESOLVED: That County Policy, specifically Employee Handbook Section IV. Personnel Rules; Subsection j. Management /Confidential Benefits: Paragraph II. A. Leave Accruals, Vacation, be amended effective January 13, 2025 with the addition of the following bullet:

- Exception: Part-time Dentists who have provided services for Tioga County for over 20 years that work 35 hours a pay period and commit to signing and continuing a collaborative agreement for billing and other services provided under their license are eligible for pro-rated vacation days of 50 percent of the amount that a full-time eligible employee would receive.

And be it further

RESOLVED: That the remainder of the Employee Handbook is unchanged; and be it further

RESOLVED: That the incumbent part-time Dentist, Dr. Eric Sarnicola, who meets the eligibility requirements of the proposed County Policy change, will have seven and one-half days of vacation (prorated amount from the 15 days for full-time) effective January 13, 2025.

Legislator Standinger spoke. "The Dental Program requires certain things in order to operate and this is to retain the dentist who has been with that program for a number of years. It really does not increase the cost, and it is allowing them to function, which is a good thing. There are a lot of dental problems in the County that need to be rectified."

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE
PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 40-25 AMEND EMPLOYEE HANDBOOK:
ADD NEW POLICY TO NEW SECTION XIV.
ENTITLED ACCESS TO PUBLIC RECORDS

WHEREAS: Tioga County follows New York's Freedom of Information Law (FOIL) which is the state version of the federal Freedom of Information Act, commonly referred to as FOIA; and

WHEREAS: New York State has amended FOIL to require that agencies subject to the law must develop a policy regarding providing notification to public employees in the event that the employee's disciplinary records are requested; and

WHEREAS: Tioga County does not have its own Access to Public Records policy; and

WHEREAS: The County Attorney's Office and the Tioga County Sheriff's Office have written and proposed a new policy entitled Access to Public Records; therefore be it

RESOLVED: That the Tioga County Legislature authorizes adoption and implementation of the Access to Public Records Policy for Tioga County; and be it further

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to new Section XIV. entitled Access to Public Records.

XIV. Access to Public Records (NEW)

Access to Public Records

- I. Introduction
- II. Definitions
- III. Designation of Records Officer
- IV. Records Access Officer

- V. Hours and Locations for Public Access to Records
- VI. Requests for Public Access to Records
- VII. Subject Matter List
- VIII. Denial of Access to Records
- IX. Fees
- X. Public Notice
- XI. Notice to Employees Regarding Disclosure of Disciplinary Records
- XII. Severability

I. Introduction

The Freedom of Information Law (FOIL) provides a right of access to "records" of "Agencies." The law defines "agency" to include all units of state and local government, including state agencies, public corporations and authorities, as well as any other governmental entities performing a governmental function for the state or for one or more units of local government in the state.

II. Definitions

FOIL - The Freedom of Information Law (FOIL) gives the public the right to access, with certain exceptions, documents and information about the functions, procedures, policies, decisions and operations of government department and agencies.

Record - Any information kept, held, filed, produced, or reproduced by, with, or for an official County agency, board, or committee, and/or for the County Legislature, in any physical form whatsoever. Under the law, all records are accessible, except records or portions of records that fall within one of defined categories of deniable records as stated in §87(2) of the Public Officer's Law. Access refers to existing records, and therefore no record need be created in response to a request.

Records Access Officer - The County designee to receive FOIL requests, determine how to respond, and ensure timely responses.

Appeals Officer - The County designee to receive, determine action, and respond to appeals for denial of access to records.

Subject Matter List - A reasonably detailed, current list, organized by subject matter, of all records in County possession, and whether or not records are available to the public.

III. Designation of Records Access Officer

Tioga County has two designated Records Access Officers. The County Attorney is responsible for ensuring compliance with the regulations herein and can designate a new Records Access Officer when it is necessary.

IV. Records Access Officers

Kevin Humes <i>(All Except Sheriff's Records)</i> FOIL Officer County Office Building 56 Main Street, Owego, NY 13827 607.687.8253 foil@tiogacountyny.gov	- AND -	Lt. Adam Bessey <i>(Sheriff's Records)</i> FOIL Officer Tioga County Sheriff's Office 103 Corporate Drive, Owego, NY 13827 607.687.1010
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The Records Access Officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a Records Access Officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so. The Records Access Officer shall ensure that County Personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
 - (a) Make records available for inspection; or
 - (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (5) Upon request for copies of records:
 - (a) Make a copy available upon payment.
 - (b) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
 - (a) Tioga County is not the custodian for such records; or
 - (b) The records of which Tioga County is a custodian cannot be found after diligent search.

V. Hours and Locations for Public Access to Records

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are 9:00 a.m. to 5:00 p.m., Monday through Friday. The Sheriff's Office Hours are 8:00 a.m. to 4:00 p.m., Monday through Friday. Record Access Officers are located at the County Office Building at 56 Main Street Owego, NY, and at the Tioga County Sheriff's Office at 103 Corporate Drive, Owego, NY 13827.

VI. Requests for Public Access to Records

1. A written request is required for both offices.
2. If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form either on paper or other information storage medium.
3. A response shall be given within five business days of receipt of a request by:
 - a. Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - b. Granting or denying access to records in whole or in part;
 - c. Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request, when the request will be granted in whole or in part; or
 - d. If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

4. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

VII. Subject Matter List

1. The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
2. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
3. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

VIII. Denial of Access to Records

In the event that your FOIL request is denied, you have the right to appeal. Appeals are handled by the Tioga County Legislature and must be in writing. A review of the denial will be conducted by the Legislature at their next meeting, which is open to the public.

To submit an appeal, write to:
Tioga County Legislature
Attn: Legislative Chairperson
56 Main Street
Owego, NY 13827

Questions about the appeals process may be directed to the Office of the County Attorney at 607.687.8253.

Any person denied access to records may appeal within thirty days of a denial. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

- the date and location of requests for records;
- a description, to the extent possible, of the records that were denied; and
- the name and return address of the person denied access.

A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal.

IX. Fees

1. There shall be no fee charged for:
 - a. Inspections of records;
 - b. Searches for records; or
 - c. Any certification pursuant to this part.
2. Fees for copies may be charged, provided that:
 - a. The fee for copying records shall not exceed \$0.25 per copy for photocopies not exceeding nine inches by 14 inches and \$5 for a provided CD\DVD.
 - b. For Processing of Body worn camera footage, the Sheriff's Office will charge an hourly rate equal to the lowest rate of an employee qualified to process said footage. Fees will be charged beginning at hour three.

X. Public Notice

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen, or copies shall be posted in a conspicuous location wherever records are kept and published on our website.

XI. Notice to Employees Regarding Disclosure of Disciplinary Records

Purpose

Pursuant to Article 6 of the Freedom of Information Law (FOIL), Chapter 302 of the Laws of 2024, all government agencies must develop a policy to notify public employees if their disciplinary records are being released in response to a FOIL request. This policy shall ensure the proper notification requirements, contents of the notification, delivery of the notification and define the records to be released.

Notification Requirement

Tioga County will provide notice to current employees if their employment records are subject to a FOIL request. Notification shall occur when the request for their disciplinary record is received.

Content of the Notification

The notification will include a statement informing the employee that their employment records have been released. While there is no requirement to provide a copy of the FOIL request or the released records, the County will provide any records released to the employee. As well as a description of the records requested, the identity of the requester if known and the expected date of disclosure, if applicable.

Delivery of Notification

The notice should be delivered in writing, either via regular mail or an employee's County email address or, where there is no active County email address, to the last known contact information on file. Such notification efforts shall be the responsibility of the County Records Access Officers.

Disciplinary Records

Tioga County will use the definition of "disciplinary records" under Public Officers Law (POL) §86(6) for law enforcement, applying it to non-law enforcement employees.

XII. Severability

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

ROLL CALL VOTE

Yes – Legislators Flesher, Sauerbrey, Monell, Mullen, Roberts, Standinger, Brown, Bunce, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:27 p.m.