

LEGAL/SAFETY COMMITTEE MEETING MINUTES

December 14, 2021

PRESENT: Legislators Chair Sauerbrey, Monell, Balliet, Standinger, Hollenbeck, Mullen, Sullivan, Roberts, and Weston, Legislative Clerk Haskell, County Attorney DeWind, Public Health Director McCafferty, County Planning Director Jardine, GIS Manager Ostrander (and County Attorney Secretary Freyvogel - minutes)

Meeting was convened by Legislator Monell at 10:45 A.M.

Minutes: On motion of Legislator Monell, seconded by Legislator Mullen and unanimously carried the minutes from November 9, 2021 were approved.

YTD Budget: Law and Safety are on track with their respective budgets for the fiscal year. The budget does not reflect recent purchases. Outside legal counsel is tracking on course and will not require a budget transfer.

New Business:

Masking: County Attorney DeWind discussed the latest statement by Governor Hochul regarding the newest mask mandates. What is referred to as being the Governor's mandate is actually under the direction of the Commissioner of Public Health. On December 10, 2021 the Commissioner of Health issued "Determinations on Indoor Masking Pursuant to 10 NYCRR 2.60". This requires full vaccination for entry or the use of face coverings in any indoor space that isn't a personal residence. County Attorney DeWind clarified that as a public health violation it would be the Health Department and not generally law enforcement which would be enforcing this directives in the same manner as any other public health law violation. Some counties have already publically stated they are overworked and unable to spare the public health manpower to enforce the newest policy. Legislator Weston asked if counties could opt out of the mandate. Chair Saurbrey stated seventeen (17) counties are not actively participating in enforcing the mask mandate and asked Public Health Director McCafferty for input. Public Health Director McCafferty stated there is no way to "control" the pandemic. Her department can give the public tools to keep themselves safe however it is up to the public to do what is best for them. Public Health Director McCafferty stated they learned of the directive with everyone else and would have preferred more input into how this would affect their already overtaxed staff. Legislators discussed if the COVID-19 Tip Line was reinstituted who would be investigating and enforcing those calls. Legislator Mullen stated he did not want law enforcement going to residences especially at the holidays and referenced his district borders Pennsylvania which does not have a mask mandate. Public Health Director McCafferty stated her department had only received one incident that required a violation when the tip line was in use however it was most often used in a retaliatory manner for personal disputes however New York State is "bright red" on the Center for Disease Control's COVID Data

Tracker which is why the mask mandate was put back in place. Legislator Monell asked the legislature what the masking policy for the County was going to be. Legislator Sullivan stated she would like to hear Public Health Director McCafferty's opinion on the mandate. Public Health Director McCafferty stated she feels her team has done a tremendous job in educating the public however there's RSV, the Flu and other illnesses and the fact that travelers enter and pass through New York State all the time making the spread of illness very hard to stop. County Attorney DeWind presented options and asked how the County would like to handle the mask mandate for our buildings as well as enforcement through the Health Department in general. Legislator Monell stated he is not in favor of enforcing masking and feels the Governor is going to extend the mandate past January 15, 2022. Legislator Sullivan asked if the County would allow Departments to decide if they would enforce the masking mandate. Chair Sauerbrey stated Departments would not be allowed to decide as it's a Legislative decision. Chair Sauerbrey stated she feels the County's masking policy should be that it is strongly recommended to which Public Health Director McCafferty concurred this was a good plan. Legislator Monell asked for a straw poll to which all legislators voted to strongly recommend face masks in public spaces however it would be left to the discretion of the public.

Resolutions: Resolution for Twin Tier Drug & Alcohol Contract for 2022 CDL was discussed. The pricing is the same as last year's contract. Twin Tiers is a local company and has been receptive to the needs of the county.

The Law Department's resolution to increase the Safety Officer hours to full time has been previously discussed. This will be an increase of nineteen thousand five hundred and seven dollars (\$19,507).

The last resolution pertains to the withdrawal of the auction bid and sale for the property at 6125 State Route 17C, Campville, NY to the Town of Owego. Town of Owego Attorney Graven has completed a private agreement with the bidder making him whole for his costs. Legislator Monell approved the resolution.

Vacancies: County Attorney DeWind discussed the current and upcoming vacancies on the Ethic Board and referenced the requirements for appointment new board members. County Attorney DeWind stated ideally the Ethics Board should be comprised of no more than 2 members of each political party however in this area that would be impossible. Chair Sauerbrey confirmed a resume was needed for nomination and suggested retiring Legislator Balliet and Industrial Development Agency Chair Jenny Ceccherelli.

Insurance: The County's Insurance Renewal Policy for 2022 was submitted. As expected Cyber insurance is an issue. In order for the County to qualify for cyber insurance a two (2) factor policy is required. The County may be able to extend a limited version of their current policy for one month or purchase a limited cyber policy through NYMIR. Both options have limited coverage leaving the county self-insured for much of

the risk. Legislator Sullivan asked what the County's options were. County Attorney DeWind explained the County would have to upgrade to a two (2) factor verification however he has been working with Chief Information Officer Loveland and they do not feel Information Technologies and Communication Services can have complete the upgrade in a timely fashion. It is anticipated that the best option will be to purchase limited cyber insurance through NYMIR with expectation of the two (2) factor verification in place for the 2023 renewal.

Foreclosure: The tax foreclosure auction for 2018 has largely been completed with the exception being the property located at 6125 State Route 17C in Campville, however this property should be finalized this week. The tax foreclosure properties for 2019 consist of thirty one (31) properties with seven (7) currently inhabited. County Attorney DeWind is unsure if court would allow for these seven (7) properties to be broken off from the inhabited properties. If not, this would make the County landlords and liable as such. With the release of new funds for the payment of taxes and the possibility of the eviction moratorium being pushed back County Attorney DeWind suggested possibly filing in March.

Claims: There are no new claims or litigation to report. The opioid trial is progressing and has gone to jury. Depending on the verdict this should give counties an indication of how the other cases may be proceeding or if they will likely settle.

Contracts: County Attorney DeWind has processed thirteen (13) new contracts since last month. Many of these contracts are yearly contracts from the Department of Social Services and Mental Health.

Redistricting: County Attorney DeWind presented on the decennial redistricting which is required to preserve the weight of each citizen's vote. In areas where there are too many voters per legislator those people's votes carry less weight than in less populated districts. This process is designed to correct those imbalances. County Attorney DeWind presented the two (2) viable solutions for Census redistricting and stated scenario one (1) is the current recommendation due to the reduced impact upon voter access to polling sites and asked County Planning Director Jardine and GIS Manager Ostrander to present the scenarios. County Planning Director Jardine stated if the scenario one (1) is approved they will be introducing the local law January 6, 2022 at the First Legislative Work Session, discussing it at the First Regular Legislative Meeting January 11, 2022 and adopting it into law at the Second Legislative Work Session January 20, 2022. County Planning Director Jardine stated the Census findings are usually released in early 2021 however this year they were not released until September 2021 and then had election referendums to institute. County Planning Director Jardine explained inmates are no longer allowed to be counted at penal institutions but instead must be counted at their residences and the change in population for redistricting went from ten percent (10%) to five percent (5%). County Planning Director Jardine stated they formed a committee this fall consisting of herself, County Attorney DeWind, GSI employees, and Election commissioners to ensure the

redistricting was bipartisan. County Attorney DeWind spoke about the recent growth in the Waverly area pushing them over the one hundred and five percent (105%) and the rules only allowing for Barton and Owego to be subdivided in order to rebalance the districts. Legislator Mullen asked if this meant moving people from one district to another. County Attorney DeWind stated census blocks can be moved around from one area to another to correct the number of voters per legislator and they worked to minimize disruption to where people vote. County Planning Director Jardine clarified redistricting and reapportioning are the same in response to a question asked by Legislator Weston. GSI Manager Ostrander explained the requirements of populations per Town per legislator is five thousand three hundred ninety three (5393). Currently, Tioga County has a population of forty eight thousand four hundred and fifty five (48,455) and has two super districts with two legislators per district. Scenario one does not affect legislators and will not require new polling places. Legislator Sullivan asked about Scenario two. GSI Manager Ostrander explained scenario two would take a block from Waverly and move it to Spencer requiring a new polling place. The map will be presented to Elections after today to start working on setting up election districts based on this map. Legislator Monell asked for a vote and scenario one was passed unanimously. Legislative Clerk Haskell asked to speak to the process of enhanced nine-one-one (911) service. The meeting would need to be advertised by the end of December with the local law written by January 6, 2022. Legislator Monell stressed it was County Attorney DeWind and County Planning Director Jardine responsibility to adhere to these time frames. Legislator Sullivan acknowledged County Planning Director Jardine and GSI Manager Ostrander's departments for the tremendous job they did and expressed her gratitude.

County Attorney DeWind has attended the following meetings: Family First, Youth Assessment Team (YAT), Executive Policy, Child Advocacy Center (CAC), Shared Services, DSS and Probation AO's after hour procedures, and DSS and law enforcement source disputes.

Safety: There are five (5) new workplace violence claims. One from Probation and four from Department of Social Services (DSS). Safety Officer Thorpe has conducted required DOT drug testing, held regular safety meetings with Public Works and distributed annual safety training, sexual harassment and Title VI materials.

The meeting was adjourned at 11:40am.