

# Agenda



## TIOGA COUNTY LEGISLATURE

12/13/2022

12:00 PM

EDWARD D. HUBBARD AUDITORIUM

Ronald E. Dougherty County Office Building

56 Main Street

Owego NY 13827

Meeting called by: Chair Martha Sauerbrey

Type of meeting: 12<sup>th</sup> Regular

Attendees:  
 Legislator Brown  
 Legislator Ciotoli  
 Legislator Monell  
 Legislator Mullen  
 Legislator Roberts  
 Legislator Sauerbrey  
 Legislator Standinger  
 Legislator Weston

### Agenda topics

Moment of Silence

Ed Hollenbeck, District #7 Legislator

Invocation

Legislator Ciotoli

Pledge of Allegiance

Legislator Ciotoli

Institute for Advancement Graduation

Recognition Resolution (1)

Joseph Picco, DDS – Tioga Co. Board of Health

Proclamation (1)

Stress Management and Seasonal Affective Disorder Month

<p>Privilege of the Floor          Approval of Minutes          Petitions, Communications &amp; Notices          Appointments/Reappointments          Reports Standing Committees</p>	<p>November 15 and 22, 2022</p>	
<p>RESOLUTIONS:</p>	<ol style="list-style-type: none"> <li>1. Fix Time of Organizational Meeting</li> <li>2. Re-Appoint Member to Tioga County Board of Health</li> <li>3. Adopt Local Law No. 4 of 2022 – A Local Law Providing for the Repeal of Local Law No. 5 of 2006 and the Enactment of a Replacement Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code</li> <li>4. Adopt County Budget for 2023, Appropriations and Salary Schedule</li> <li>5. Town Tax Levy</li> <li>6. County Tax Levy</li> <li>7. Resolution to Renew Consultant Contract for Hazard Mitigation Plan Coordinator for 2023</li> <li>8. Authorize Contract with the Burke Group for Compensation and Classification Study Services</li> <li>9. Inter-Municipal Agreement with Broome County for Disposal of Hazardous Waste</li> <li>10. Resolution to Approve a Contract between the Tioga Co. Probation Dept. &amp; The Family and Children's Counseling Services to Provide Adult &amp; Juvenile Sexual Offender Assessment and Treatment Services in the Journey Project</li> <li>11. Authorize Contract with Trinity to Administer Prevention and Jail Services</li> <li>12. Authorize Contract with Catholic Charities to Administer Ongoing Integrated Supported Employment Services</li> <li>13. Authorize Contract with AspireHopeNY to Administer Parent Support Services</li> <li>14. Authorize Contract with Rehabilitation Support Services, Inc. to Administer PsychoSocial Club, Health Home Non-Medicaid Care Management, Health Home Service Dollars &amp; Administration, Supported Housing Rental Assistance &amp; Community Services, Warm Line and Drop-In Center</li> <li>15. Authorize Contract with Helio Health for Contracting for Mental Hygiene Employees</li> </ol>	

16. Authorize Contract with Glove House - Social Services
17. Authorize Contract with Literacy Volunteers of Broome Tioga, Inc. - Social Services
18. Authorize Contract with A New Hope Center – Social Services
19. Authorize Contract with Liberty Resources – Social Services
20. Authorize Agreement with All Mode Communications, Inc. for Mitel Telecommunications System
21. Authorize Board of Elections Budget Transfer
22. Authorize Transfer of Funds for Purchase of Laptop for the Solid Waste Department
23. Amend Resolution No. 190-22 Budget Modification to Tioga County Veterans' Service Agency 2022 Budget
24. Amend Resolution No. 269-22 Authorize Purchase of Specific Excess and Employer's Liability Insurance for Workers' Compensation Program
25. Modify 2022 Budget Amend Resolution 30-22 Project Lifesaver – Sheriff's Office
26. Amend Capital Budget and Transfer Funds for Patrol Truck – Public Works
27. Amend Capital Budget and Transfer Funds for B&G Garage – Public Works
28. Amend Budget and Transfer Funds for Road Machinery Repairs – Public Works
29. Amend 2022 Budget Contingency Transfer Request – Medical Examiners & Coroners
30. Year End Transfers
31. Authorize Treasurer to Encumber Funds
32. Authorize the Re-Establishment of Prior Year 2022 Grant Funds and Capital Projects for 2023
33. Establish Retiree Health Insurance Contributions
34. Authorize Salary Above CSEA Base for Caseworker (Andrea Gleason)
35. Authorize Salary Increase – District Attorney's Office
36. Authorize Appointment of Full-Time Deputy Director Position – Office of Emergency Services
37. 2023 Staff Changes – Public Works
38. 2023 Staff Changes – Legislative Office

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|  | <ul style="list-style-type: none"><li>39. Authorize the Re-Appointment of Shawn L. Yetter as Commissioner of Social Services</li><li>40. Amend Employee Handbook: Add New Policy to Section IV. Personnel Rules, Subsection U. Entitled Rights of Nursing Employees to Express Breast Milk</li><li>41. Amend Employee Handbook: Section VII. Purchasing and Payment Policy, Subsections III. Purchasing Cards, IV. Purchasing, and XI. Methods of Procurement Not Covered by Bidding</li></ul> |
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REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 RECOGNITION OF JOSEPH PICCO'S  
11 YEARS OF DEDICATED SERVICE TO  
TIOGA COUNTY BOARD OF HEALTH

WHEREAS: Joseph Picco, DDS, was appointed as a member of the Tioga County Board of Health on February 15, 2011; and

WHEREAS: Joseph served graciously on the Board for 11 years, the last 7 of which as Board of Health President; and

WHEREAS: Joseph Picco, DDS, has been dedicated and loyal in the performance of his duties and responsibilities to the Board of Health and Public Health; and

WHEREAS: As a lifelong Waverly resident, Joseph has diligently represented the citizenry of the Waverly area; and

WHEREAS: Joseph Picco, DDS, stepped down from the Tioga County Board of Health to allow another member to continue on in his place on November 17, 2022; 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 Joseph Picco, DDS, for his 11 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 volunteer, Joseph Picco, DDS.

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: Tioga County Public Health recognizes the impact of stress on health and wellness; and

WHEREAS: Stress is experienced by everyone at some point in their life; and

WHEREAS: Stress is the physical and/or mental response to external cause, such as a traumatic event or life change; and

WHEREAS: Seasonal affective disorder is a type of depression that causes changes in mood and behavior when the seasons change, particularly during fall and winter; and

WHEREAS: Tioga County residents reported increased stress, depression, and feelings of isolation due to the COVID-19 pandemic (according to the 2022 Community Health Assessment survey); and

WHEREAS: Unresolved stress can have harmful impacts on the body including heart disease, weight loss or gain, sleep disturbances, and decreased productivity to name a few; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of December as

**STRESS MANAGEMENT AND SEASONAL AFFECTIVE DISORDER MONTH**

and urges all residents to manage their stress by making time for hobbies and interests, spending time with loved ones (including pets!), accepting things that are out of our control, and speaking with a mental health professional if needed.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. -22

FIX TIME OF  
ORGANIZATIONAL MEETING

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 a.m., Tuesday, January 3, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 RE-APPOINT MEMBER TO THE  
TIOGA COUNTY BOARD OF HEALTH

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: Joseph Picco, DDS, resigned from the Board of Health 11/17/2022; and

WHEREAS: The appointed term for Joseph Picco, DDS, on the Board of Health expires 12/31/2023; and

WHEREAS: Thomas Nyth, DVM, whose term is due to expire 12/31/2022, has agreed to fill the unexpired term of Joseph Picco, DDS; therefore be it

RESOLVED: That Thomas Nyth, DVM be re-appointed to the Board of Health to fill the unexpired term of Joseph Picco, DDS, for a term of 1/1/2023-12/31/2023.



REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -22 ADOPT LOCAL LAW NO. 4 OF 2022

WHEREAS: A public hearing was held on December 8, 2022, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2022; A Local Law providing for the Repeal of Local Law No. 5 of 2006 and the enactment of a replacement Law providing for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code; and

WHEREAS: It is in the best interest of the residents of Tioga County to adopt such Local Law which will be Local Law No. 4 of 2022; therefore be it

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

County of Tioga

Local Law No. 4 of 2022

A Local Law providing the Repeal of Local Law No. 5 of 2006 and the enactment of a replacement Law providing for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

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

**SECTION 1. PURPOSE AND INTENT**

This local law provides for the repeal of Tioga County Local Law No. 5 of 2006 entitled "Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code" and for its replacement with a revised and updated version providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in Tioga County. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

## SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the County stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the County certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the County, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Planning & Zoning Administrator, Code Enforcement Officer(s) and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“County” shall mean Tioga County.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

### **SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS**

(a) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all

other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Tioga County Legislature;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the County Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Tioga County Legislature. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Tioga County Legislature to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Tioga County Legislature to act under the supervision and direction of the Planning & Zoning Administrator and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Tioga County Legislature.

#### **SECTION 4. BUILDING PERMITS**

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the County.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(4) installation of partitions or movable cases less than 5' 9" in height;

(5) painting, wallpapering, tiling, carpeting, or other similar finish work;

(6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the location, nature, extent, and scope of the proposed work;

(2) the tax map number and the street address of any affected building or structure;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted



construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire within 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed

to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

## **SECTION 5. CONSTRUCTION INSPECTIONS.**

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) work site prior to the issuance of a Building Permit;

(2) footing and foundation;

(3) preparation for concrete slab;

(4) framing;

(5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;

(6) fire resistant construction;

(7) fire resistant penetrations;

(8) solid fuel burning heating appliances, chimneys, flues, or gas vents;

(9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;

(10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and

(11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

#### **SECTION 6. STOP WORK ORDERS.**

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work,  
or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

## **SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE**

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections;
- (2) flood hazard certifications;
- (3) a written statement of the results of tests performed to show compliance with the Energy Code; and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a

period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

#### **SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.**

The chief of any fire department providing firefighting services for a property within the County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

#### **SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER**

Unsafe buildings, structures, and equipment and conditions of imminent danger in the County shall be identified in writing by any appropriate party including but not limited to local fire departments, building departments, tenants and the general public. Upon receipt of written notice those buildings, structures or conditions which are owned or controlled by the County shall be subject to inspection by the Code Enforcement Officer to determine the nature of the hazard and the appropriate action to be taken. Upon finding such an unsafe structure or condition of imminent danger, the Code Enforcement Officer may take any immediate action required, which may include posting, condemning or restricting access to the structure or equipment and provide the County with a written inspection report for further action to stabilize, remediate, secure or repair which process may involve the direction of the Tioga County Legislature with the advice of its Professional Engineer. Those which are not owned by

the County shall be referred to the proper agency of jurisdiction or local Code Enforcement entity for action.

**SECTION 10. OPERATING PERMITS.**

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;



- (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
  - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
  - (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
  - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
  - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
  - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
  - (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS;
- (4) buildings containing one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;
- (6) facilities that store, handle or use hazardous production materials;

(7) parking garages as defined in subdivision (a) of section 13 of this local law;

(8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Tioga County Legislature; and

(9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Tioga County Legislature.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law.

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and

quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the County sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures;
- (2) 60 days for alternative activities at a sugarhouse;
- (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
- (4) 1 year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

## **SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) at least once every 12 months for buildings which contain an assembly area;

(2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and

(3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

## **SECTION 12. COMPLAINTS**

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

### **SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.**

(a) Definitions. For the purposes of this section:

(1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(i) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New

York and who has at least three years of experience performing structural evaluations;

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the County, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018 shall undergo an initial condition assessment as follows:

(i) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) If originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to June 1, 2023.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the County becomes aware of any new or increased deterioration which, in the judgment of the County, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or



increased deterioration) to undergo an additional condition assessment no later than the date determined by the County to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the County within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report;

(9) and the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The County shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the County shall, by Order to Remedy or such other means of enforcement as the County may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the County to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The County shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the County with a written statement attesting to the fact that he or she has been so engaged, the County shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The County shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the County:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the County by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

**SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.**

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within the County as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(i) the accompanying Flood Insurance Rate Map (FIRM);

(ii) Flood Boundary and Floodway Map (FBFM); and

(iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

**SECTION 15. RECORD KEEPING.**

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be public records open for public inspection accompanied by a FOIL request during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

**SECTION 16. PROGRAM REVIEW AND REPORTING**

(a) The Code Enforcement Officer shall annually submit to the Tioga County Legislature a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 15 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the County, on a form prescribed by the Secretary of State, a report of the activities of the County relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials the County is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

**SECTION 17: VIOLATIONS**

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

"The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_ [specify date], which is thirty (30) days after the date of this Order to Remedy."

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to

continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days in jail, or both, and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties

provided by this paragraph shall be recoverable in an action instituted in the name of the County.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the County, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the County, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Tioga County Legislature.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

## **SECTION 18: FEES**

A fee schedule may be established by resolution of the Tioga County Legislature. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance

with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

**SECTION 19. INTERMUNICIPAL AGREEMENTS**

The Tioga County Legislature may, by resolution, authorize the Chair of the Legislature to enter into an agreement, in the name of the County, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

**SECTION 20. PARTIAL INVALIDITY**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

**SECTION 21. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.



REFERRED TO: LEGISLATIVE WORKSESSION  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -22 ADOPT COUNTY BUDGET FOR 2023,  
APPROPRIATIONS AND SALARY SCHEDULE

RESOLVED: That the tentative budget for Tioga County for the year 2023 submitted by the Budget Officer on November 15, 2022 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2023; and be it further

RESOLVED: That the several amounts specified in such budget as to the total for the several objects as set forth in Schedule 1 therein be appropriated for such objects, effective January 1, 2023; and be it further

RESOLVED: That the full-time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2023.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. -22 TOWN TAX LEVY

WHEREAS: There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2023; and therefore be it

RESOLVED: That there shall be, and there is, assessed against and levied upon and collected from the taxable property situate in the following Towns outside the incorporated Villages or partially located therein, the amounts indicated for Town purposes as specified in the Budgets of the respective Towns as follows:

<u>Part Town</u>	<u>General Outside</u>	<u>Highway Outside</u>
Barton	-	-
Candor	5,995.00	226,780.00
Newark Valley	-	-
Nichols	-	258,000.00
Owego	-	2,291,000.00
Spencer	14,535.00	424,003.00

And be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

Town of Barton	
Halsey Valley Fire Protection	20,982.69
Lockwood Fire Protection	46,321.78
Waverly Joint Fire Protection	304,012.00
Town of Berkshire	
Berkshire Fire District	200,402.00
Town of Candor	
Candor Fire District	466,603.88
Town of Newark Valley	
Newark Valley Fire District	334,565.40

Town of Nichols			
	Nichols Joint Fire Protection		493,335.45
Town of Owego			
	Apalachin Fire District		1,095,236.00
	Owego Fire District		2,217,729.26
	Newark Valley Fire District		48,345.10
Town of Richford			
	Richford Fire District		111,325.00
Town of Spencer			
	Spencer Fire Protection District		80,000.00
Town of Tioga			
	Tioga Fire District		302,266.00

And be it further

RESOLVED: That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within certain sewer, water and lighting Districts in the Town of Owego and the amounts specified in their annual budgets as follows:

Water District No. 4/Ext. 13	11,458.00
Water District No. 4/Ext. 15	-
Water District No. 4/Ext. 17	-
Water District No. 4/Ext. 20	16,488.00
Sewer District No. 2/Ext. 14	11,402.00
Sewer District No. 2/Ext. 15	12,120.00
Lighting District No. 1	5,000.00
Lighting District No. 2	8,000.00
Lighting District No. 3	8,000.00
Lighting District No. 4A	650.00
Lighting District No. 4B	2,200.00
Lighting District No. 5	6,000.00
Lighting District No. 6	10,000.00
Lighting District No. 7	1,800.00
Lighting District No. 8	1,200.00
Lighting District No. 9	750.00
Lighting District No. 10	850.00

And be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$383,718.15; and be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$5,454.74; and be it further

RESOLVED: That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	258,060.00	624,000.00
Berkshire	100,226.00	347,573.00
Candor	1,065,047.00	737,380.00
Newark Valley	367,303.00	418,000.00
Nichols	-	-
Owego	1,090,000.00	-
Richford	258,234.00	466,610.00
Spencer	349,376.00	273,085.00
Tioga	279,122.00	643,849.00

And be it further

RESOLVED: That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. -22 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. -22 dated December , 2022 adopted a Budget for the fiscal year 2023 and by Resolution No. -22 dated December , 2022 has made appropriations for the conduct of the County Government during said fiscal year and has by Resolution No. -22 dated December , 2022 levied the taxes required for the support of the Government of the several Towns; therefore be it

RESOLVED: That pursuant to Section 360 of the County Law and Section 900 of the Real Property Tax Law, this Legislature hereby levied the following for County purposes upon the taxable real property in the County upon valuation as heretofore equalized by it.

Upon all the taxable property liable for the support of County Government, the sum of \$ 25,992,346 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	533,687.54
For School Tax Returned	3,168,955.86
For Deficits from prior years' taxes	.51
For Reimbursement of Erroneous taxes, etc.	2,385.93

All of the forgoing being subject to	
Credit for excess collection the prior year of	93.18

Further

RESOLVED: That the County Treasurer's Office be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. -22 on the rolls of the several Towns against each parcel of property set forth in said rolls, and that the Chair and the Clerk of the County Legislature be directed and empowered to execute under the seal of this Legislature the several Tax warrants for the collection of said taxes, and to cause the several tax rolls with said warrants annexed to be delivered to the Collectors of the several Town Tax Districts of the County on or before December 31, 2022; and be it further

RESOLVED: That the County tax rates for each of the Towns are as follows:

Barton	Out	11.405082
	In	11.405082
Berkshire	Out	9.203646
Candor	Out	9.788108
	In	9.788108
Newark Valley	Out	13.952950
	In	13.952950
Nichols	Out	34.270319
	In	34.270319
Owego	Out	13.457227
	In	13.457227
Richford	Out	7.158019
Spencer	Out	8.319306
	In	8.319306
Tioga	Out	152.027697

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -22 RESOLUTION TO RENEW CONSULTANT  
CONTRACT FOR HAZARD MITIGATION PLAN  
COORDINATOR FOR 2023

WHEREAS: Per Resolution 193-12 and Resolution 218-13, the Tioga County Legislature contracted with the Tioga County Soil & Water Conservation District to perform the Hazard Mitigation Plan Coordinator services based on a mutually agreeable work plan with specific tasks; and

WHEREAS: The Tioga County Planning Department continues to lack existing capacity to perform these FEMA-required services; and

WHEREAS: The Tioga County Planning Department has sufficient funds in the 2023 budget to cover these expenses, in the amount of \$20,000 from Planning Appropriation account A8020 540140; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the renewal of said contract with Tioga County Soil & Water Conservation District, to perform Hazard Mitigation Coordinator services from January 1 - December 31, 2023, not to exceed \$20,000 from Planning Appropriation account A8020 540140 and authorizes the Tioga County Legislative Chair to sign all related contract paperwork, contingent upon review and approval of the County Attorney.

REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH THE  
BURKE GROUP FOR COMPENSATION AND  
CLASSIFICATION STUDY SERVICES

WHEREAS: Tioga County entered into a Phase I agreement with the Burke Group to update its compensation and job classifications for all Management/Confidential positions; and

WHEREAS: Tioga County would now like to enter into a Phase II agreement with the Burke Group to update its compensation and job classifications for the collective bargaining positions; and

WHEREAS: The sub-committee recommends the Burke Group proposal for a cost not to exceed \$10,000.00; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Burke Group for Phase II, subject to review by the County Attorney, to conduct a compensation and job classification study for the collective bargaining positions; and be it further

RESOLVED: That the cost of this contract will be paid out of A1430.540140.



REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -22 INTER-MUNICIPAL AGREEMENT WITH  
BROOME COUNTY FOR DISPOSAL OF  
HAZARDOUS WASTE

WHEREAS: Tioga County has had a contract and inter-municipal agreement for the disposal of hazardous waste with Broome County for the last twenty-two years; and

WHEREAS: Broome County and Tioga County developed a proposal plus an inter-municipal agreement allowing Tioga County to utilize Broome County's Hazardous Waste Facility for 2 years, 1/1/2023 – 12/31/2024; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to renew the contract and inter-municipal agreement for the disposal of hazardous waste with Broome County for 2 years, 1/1/2023 – 12/31/2024, upon approval by the County Attorney.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -22

RESOLUTION TO APPROVE A CONTRACT BETWEEN THE TIOGA CO. PROBATION DEPT. & THE FAMILY AND CHILDREN'S COUNSELING SERVICES TO PROVIDE ADULT & JUVENILE SEXUAL OFFENDER ASSESSMENT AND TREATMENT SERVICES IN THE JOURNEY PROJECT

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult and juvenile sex offender treatment in 2019; and

WHEREAS: The Family and Children's Society contract with Tioga County Probation provides for a total of 21 sexual offender slots as follows: 15 adult assessment and treatment slots; 10 adult safety monitor education slots; 6 juvenile offender assessment and treatment slots and 10 parent safety monitor education slots for a cost of \$123,840 annually; therefore be it

RESOLVED: That the Probation Director is approved to contract in 2023 with The Family and Children's Society to provide adult sexual offender assessment and treatment, juvenile sexual offender assessment and treatment and educational sessions for adult supervisors and parent supervisors in the amount of \$123,840 annually.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH TRINITY TO  
ADMINISTER PREVENTION AND JAIL SERVICES

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Council on Alcohol and Substance Abuses of Livingston County, d.b.a. Trinity for the purpose of Alcohol and Substance Abuse Prevention in Tioga County and in the Tioga County Jail; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents and Tioga County Jail inmates; and

WHEREAS: Trinity has been performing these services in the past and TCMH is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into renewal contracts with Trinity, for \$259,499 plus any additional state aid received, for the continuation of Alcohol and Substance Abuse Prevention in the community as well as the Tioga County Jail for the period January 1, 2023 through December 31, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH  
CATHOLIC CHARITIES TO ADMINISTER  
ONGOING INTEGRATED SUPPORTED  
EMPLOYMENT SERVICES

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Catholic Charities of Rochester, d.b.a. Catholic Charities Tompkins/Tioga for the purpose of Ongoing Integrated Employment Services in Tioga County; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: Catholic Charities has been performing these services in the past and TCMH is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with Catholic Charities, for \$16,905 plus any additional state aid received, for the continuation of Ongoing Integrated Employment Services for the period January 1, 2023 through December 31, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH ASPIREHOPENY  
TO ADMINISTER PARENT SUPPORT SERVICES

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of AspireHopeNY, Inc. for the purpose of administering Parent Support Services in Tioga County; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: AspireHopeNY has been performing these services in the past and TCMH is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with AspireHopeNY, for \$62,327 plus any additional state aid received, for the continuation of Parent Support Services in Tioga County for the period January 1, 2023 through December 31, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH REHABILITATION SUPPORT SERVICES, INC. TO ADMINISTER PSYCHOSOCIAL CLUB, HEALTH HOME NON-MEDICAID CARE MANAGEMENT, HEALTH HOME SERVICE DOLLARS & ADMINISTRATION, SUPPORTED HOUSING RENTAL ASSISTANCE & COMMUNITY SERVICES, WARM LINE AND DROP-IN CENTER

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Rehabilitation Support Services, Inc. (RSS) for the purpose of administering the following programs: PsychoSocial Club, Health Home Non-Medicaid Care Management, Health Home Service Dollars & Administration, Supported Housing Rental Assistance & Community Services, Warm Line and Drop-In Center; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: RSS has been performing these services in the past and TCMH is seeking a contract renewal: therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with RSS, for \$254,080 plus any additional state aid received, for the continuation of PsychoSocial Club, Health Home Non-Medicaid Care Management, Health Home Service Dollars & Administration, Supported Housing Rental Assistance & Community Services, Warm Line and Drop-In Center in Tioga County for the period January 1, 2023 through December 31, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH HELIO HEALTH  
FOR CONTRACTING FOR MENTAL HYGIENE  
EMPLOYEES

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Helio Health for the purpose of contracting Mental Hygiene Employees; and

WHEREAS: Helio Health has been performing these services in the past and TCMH is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with Helio Health, for \$664,312, for the continuation of contracting for Mental Hygiene Employees for the period January 1, 2023 through December 31, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH GLOVE HOUSE  
SOCIAL SERVICES

WHEREAS: The Department of Social Services contracts with Glove House to provide Preventive Services to eligible families in the Waverly School District; and

WHEREAS: The Department of Social Services wishes to renew the contract for January 1, 2023 through December 31, 2023 in the amount of \$77,696; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Glove House for the provision of Preventive Services for the period January 1, 2023 through December 31, 2023.



REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH LITERACY  
VOLUNTEERS OF BROOME TIOGA, INC.  
SOCIAL SERVICES

WHEREAS: The Department of Social Services contracts with Literacy Volunteers of Broome Tioga, Inc, for an on-site Adult Learning Lab for residents of Tioga County; and

WHEREAS: The Department of Social Services wishes to renew the contract for January 1, 2023 through December 31, 2023 in the amount of \$53,885; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Literacy Volunteers of Broome Tioga, Inc, for an on-site Adult Learning Lab for the period January 1, 2023 through December 31, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH  
A NEW HOPE CENTER  
SOCIAL SERVICES

WHEREAS: The Department of Social Services contracts with A New Hope Center to provide mandated Domestic Violence Services to residents of Tioga County; and

WHEREAS: The Department of Social Services wishes to renew the contract for January 1, 2023 through December 31, 2023 in the amount of \$42,000; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with A New Hope Center for the provision of mandated Domestic Violence Services for the period January 1, 2023 through December 31, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -22 AUTHORIZE CONTRACT WITH  
LIBERTY RESOURCES  
SOCIAL SERVICES

WHEREAS: The Department of Social Services contracts with Liberty Resources for the Co-location and Collaboration of Behavioral Health and Child Protective Services; and

WHEREAS: The Department of Social Services wishes to renew the contract for January 1, 2023 through December 31, 2023; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Liberty Resources for the Co-location and Collaboration of Behavioral Health and Child Protective Services in the amount of \$68,138 for the period January 1, 2023 through December 31, 2023.

REFERRED TO: ITCS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -22 AUTHORIZE AGREEMENT WITH ALL MODE  
COMMUNICATIONS INC. FOR MITEL  
TELECOMMUNICATIONS SYSTEM

WHEREAS: The Tioga County Information Technology and Communications Services department has a current support Agreement with All Mode Communications Inc. for the County's MITEL telecommunications system; and

WHEREAS: Tioga County Information Technology and Communications Services department is currently in year three of this three-year Agreement with All Mode Communications, Inc.; and

WHEREAS: Budgetary quotes obtained from All Mode show that compared with annual installments, paying the up-front cost of \$57,319.20 for three years, would save the County a total of \$3,016.80; and

WHEREAS: The Chief Information Officer would like to continue support services for the County Telecommunications systems with an updated three (3) year support Agreement for the period of January 1, 2023 through December 31, 2025; and

WHEREAS: Funding will be provided for using Information Technology and Communication Services A1680 540661 (Telephone Maintenance); therefore be it

RESOLVED: That the Chair of the County Legislature is authorized to execute an agreement between Tioga County and All Mode Communications, Inc. upon review by the County Attorney; and be it further

RESOLVED: That \$19,106.40 for the above contract is paid from the budget line A1680 540661 yearly for three years.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -22 AUTHORIZE BOARD OF ELECTIONS  
BUDGET TRANSFER

WHEREAS: The Tioga County Board of Elections was required to administer unexpected primary and special elections in August 2022; and

WHEREAS: These additional elections were not included in the Board of Elections original 2022 operating budget; and

WHEREAS: Due to the expense of the additional elections, the Board of Elections will require additional funding on the Election Inspector budget line to complete payments to all the election inspectors who worked for the 2022 General Election; and

WHEREAS: Sufficient funds are not available to transfer from other Board of Elections operating expense lines (54), but excess funds are available in Board of Elections salary (51) and equipment (52) expense lines; and

WHEREAS: Legislative approval is required to transfer funds between salary, capital, and operating expense lines; therefore be it

RESOLVED: That the Board of Elections is authorized to execute budget transfers as follows:

FROM:	A1450 520090	Computer	\$2,000.00
FROM:	A1450 520130	Equipment (Not Car)	\$2,134.44
FROM:	A1450 510020	Part Time/Temporary	\$3,265.56
TO:	A1450 540143	Election Inspectors	\$7,400.00
FROM:	A1450 520130	Equipment (Not Car)	\$1,878.75
TO:	A1450 540143EV	Election Inspectors – proj. EV	\$1,878.75

REFERRED TO: ED&P COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -22 AUTHORIZE TRANSFER OF FUNDS FOR  
PURCHASE OF LAPTOP FOR THE  
SOLID WASTE DEPARTMENT

WHEREAS: The Tioga County Solid Waste Sustainability Manager has found it necessary to replace the office laptop; and

WHEREAS: The County's Purchasing and Payment Policy, Section V. states any request to purchase a device requiring network or phone connectivity must receive approval from the Director of Information Technology; and

WHEREAS: The Chief Information Officer has recommended and approved the purchase of a laptop; and

WHEREAS: The Solid Waste Budget does not have an established computer equipment expense line for the purchase of this laptop; and

WHEREAS: Amending the Solid Waste Budget with the addition of the computer expense line, A8160 520090, and the transfer of funds requires Legislative approval; therefore be it

RESOLVED: That the Solid Waste Sustainability Manager be authorized to purchase the laptop and the following funds be transferred for this purchase:

From:	A8160 - 542140 Contracting Service	\$850
To:	A8160 - 520090 Computer	\$850

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -22 AMEND RESOLUTION NO. 190-22  
BUDGET MODIFICATION TO TIOGA COUNTY  
VETERANS' SERVICE AGENCY  
2022 BUDGET

WHEREAS: The Tioga County Veteran Services' Agency (TCVSA) performed a budget modification in June 2022 to reflect an increase in State Aid funding and a change in personnel; and

WHEREAS: The original modification and appropriation in Resolution No. 190-22 was miscalculated and also failed to include any state retirement fringe benefits increases which has led to an expense shortfall in full-time payroll, part-time payroll and state retirement fringe for 2022; and

WHEREAS: TCVSA has already allocated this funding in its 2022 budget; yet this will require a 2022 budget modification and appropriation with a transfer of funds within TCSVA to cover the expense shortfalls caused by the miscalculation of funds needed to pay the increased expenses through end of 2022 Fiscal Year; and

WHEREAS: Budget Modification and Appropriation of Funds requires Legislative Approval; therefore be it

RESOLVED: That 2022 budget modification/transfer be approved as follows:

From: A6510 540487 DP22	Dwyer Program Expenses	\$ 5,106.00
To: A6510 510010 DP22	Full Time – Dwyer	\$ 5,106.00

And be it further

RESOLVED: That a 2022 budget appropriation be approved as follows:

From: A6510 437100	State Aid – Veterans	\$11,591.00
To: A6510 581088	State Retirement Fringe	\$ 5,970.00
To: A6510 510010	Full Time Payroll	\$ 4,731.00
To: A6510 510020	Part Time Payroll	\$ 890.00

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -22 AMEND RESOLUTION NO. 269-22  
AUTHORIZE PURCHASE OF SPECIFIC EXCESS  
AND EMPLOYER'S LIABILITY INSURANCE FOR  
WORKERS' COMPENSATION PROGRAM

WHEREAS: Resolution 269-22 authorizes the purchase of specific excess insurance and employer's liability insurance for the period of January 1, 2023 through December 31, 2023; and

WHEREAS: Midwest Employers Casualty Company, the company which provides the specific excess policy, is offering a two-year policy term option; and

WHEREAS: This two-year policy term option will lock in the premium rate for a two-year period along with the specific retention levels; and

WHEREAS: The premium would continue to be payable in annual installments; therefore be it

RESOLVED: That Resolution 269-22 be amended to authorize the Tioga County Legislature to accept the two-year policy option and purchase specific excess insurance through Midwest Employers Casualty Company, upon approval by the County Attorney, for the period of January 1, 2023 through December 31, 2024 to be paid for out of the 2023 and 2024 Tioga County Self-Insurance budget.



REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -22 MODIFY 2022 BUDGET  
AMEND RESOLUTION 30-22  
PROJECT LIFESAVER  
SHERIFF'S OFFICE

WHEREAS: The Tioga County Sheriff's Office has received donations for the recently implemented Project Lifesaver Program; and

WHEREAS: Resolution 30-22 requested authorization to set up an expenditure and revenue account for said donations that will be used to purchase supplies related to this program; and

WHEREAS: Legislative approval is needed to modify the budget; therefore be it

RESOLVED: That donations receipted to revenue account A3110.427050.PLS01 Gifts & Donations be transferred to the expenditure account A3110.540640.PLS01 Supplies (not office) on an ongoing basis; and be it further

RESOLVED: That the year-end balances be carried forward to the next year.

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -22 AMEND CAPITAL BUDGET AND  
TRANSFER FUNDS FOR PATROL TRUCK  
PUBLIC WORKS

WHEREAS: The Commissioner of Public Works has budgeted for the purchase of a patrol truck in 2022 for \$100,000.00; and

WHEREAS: A plow is needed for the new patrol truck; and

WHEREAS: The Commissioner of Public Works received proposals for the purchase of the plow; and

WHEREAS: Legislative approval is needed to amend 2022 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H5130.520939	Excavator	\$10,000.00
To: H5130.520915	Patrol Truck	\$10,000.00

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -22 AMEND CAPITAL BUDGET AND  
TRANSFER FUNDS FOR B&G GARAGE  
PUBLIC WORKS

WHEREAS: The Commissioner of Public Works has budgeted to insulate and heat the Buildings & Grounds garage in 2022 for \$50,000.00; and

WHEREAS: The Commissioner of Public Works received proposals for this work to be done; and

WHEREAS: Proposals for the spray foam insulation and fire retardant paint needed for the new heating system came in higher than anticipated; and

WHEREAS: The cost to pave the Public Safety Building Parking Lot came in under budget; and

WHEREAS: Legislative approval is needed to amend 2022 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H1620.521914	Parking Lot	\$85,000.00
To: H1620.520926	HVAC Control System	\$85,000.00

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -22 AMEND BUDGET AND TRANSFER FUNDS FOR  
ROAD MACHINERY REPAIRS – PUBLIC WORKS

WHEREAS: The Commissioner of Public Works has budgeted for road machinery repairs in 2022 for \$175,000.00; and

WHEREAS: Expenses for road machinery repairs will be over budget in 2022; and

WHEREAS: The County Road Fund (D fund) and the Road and Machinery fund (DM fund) are funded by the General Fund (A Fund); and

WHEREAS: Legislative approval is needed to transfer funds and an interfund transfer will be needed from the Maintenance Roads and Bridges Fund to Road Machinery Fund; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the 2022 Operating Budget:

From: D5110.540262	Metal Pipes/Culverts	\$25,000.00
To: DM5130.540560	Repairs	\$25,000.00

And be it further

RESOLVED: That the interfund revenue budgets for County Road Fund and the Road and Machinery fund be adjusted as follows:

From: D5110-450310	Interfund Transfers	\$25,000.00
To: DM5130-450310	Interfund Transfers	\$25,000.00

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -22 AMEND 2022 BUDGET  
CONTINGENCY TRANSFER REQUEST  
MEDICAL EXAMINERS & CORONERS

WHEREAS: The Tioga County Coroner has reported a higher-than-expected number of deaths and autopsy cases for 2022, and the A1185 Medical Examiners and Coroners accounts will not have sufficient funds for the remainder of 2022 to cover the anticipated costs; and

WHEREAS: Funds will need to be transferred from the Tioga County Contingency account in order to accommodate the increasing number of cases as reported by the Tioga County Coroner; and

WHEREAS: Amending of the 2022 Budget and the appropriation of Contingent accounts require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer from the Contingency account as follows:

FROM:	A1990 540715 Contingency Transfer	\$10,000.00
TO:	A1185 540370 Medical Expense	\$10,000.00

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -22 YEAR END TRANSFERS

RESOLVED: That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That the County Treasurer is hereby authorized and directed to effect this resolution.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -22 AUTHORIZE TREASURER TO  
ENCUMBER FUNDS

RESOLVED: That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

RESOLVED: That said funds be encumbered before December 21, 2022 to allow proper coding of bills for payment through the Accounts Payable check run of March 2, 2023.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -22 AUTHORIZE THE RE-ESTABLISHMENT OF  
PRIOR YEAR 2022 GRANT FUNDS AND  
CAPITAL PROJECTS FOR 2023

WHEREAS: Grant Funds and Capital Project expenditures and revenue allocations have been approved via resolution; and

WHEREAS: Prior Year Grant Funds need to be re-established for the remaining unspent balance as of year-end 2022 for purchase or completion in 2023; and

WHEREAS: Prior year Capital Projects need to be re-established for the remaining unspent balance as of year-end 2022 for purchase or completion in 2023; therefore be it

RESOLVED: That the remaining unencumbered balances of active and approved Grants and Capital Projects be re-established.



REFERRED TO:

PERSONNEL COMMITTEE

RESOLUTION NO. -22

ESTABLISH RETIREE HEALTH INSURANCE  
CONTRIBUTIONS

WHEREAS: Retirees who qualified to pay 0% of individual health insurance in accordance with Section IV.B.1.c. of the Employee Handbook Policy "Orientation/ Exit Interviews / Recruitment/ Retirement" (formerly Policy # 3) are currently not contributing toward their retiree coverage; and

WHEREAS: Due to continually rising health insurance costs, property tax cap, and other factors it is no longer feasible to offer these retirees free health insurance; therefore be it

RESOLVED: That any retiree as of the date of this resolution who qualified for free individual coverage in accordance with Section IV.B.1.c. shall contribute 3.25% of the monthly individual premium or \$20/month per individual policy, whichever is greater, effective January 1, 2023.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. - 22 AUTHORIZE SALARY ABOVE CSEA BASE FOR  
CASEWORKER (ANDREA GLEASON)

WHEREAS: Legislative approval is required to hire above the established CSEA salary base; and

WHEREAS: The Commissioner of Social Services has identified a candidate to fill a Caseworker (CSEA SG XI, \$46,132-47,132) vacancy who has four years of prior relevant work experience; therefore be it

RESOLVED: That Andrea Gleason is hereby appointed to the title of Caseworker at \$47,132/year (increment stage 2) effective December 19, 2022; and be it further

RESOLVED: That Ms. Gleason will be eligible for an increment upon completion of her seventh year of service.

REFERRED TO: FINANCE/LEGAL COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -22 AUTHORIZE SALARY INCREASE  
DISTRICT ATTORNEY'S OFFICE

WHEREAS: Legislative approval is required for salary increases within Tioga County; and

WHEREAS: A review of the salaries for Assistant District Attorneys has revealed that an increase is warranted based on factors including job duties, level of responsibility, the increase in workload due to bail and discovery reforms, salary discrepancies with neighboring counties and state agencies, and attempts by outside agencies to recruit the current Assistant District Attorneys; and

WHEREAS: Cheryl Mancini's, First Assistant District Attorney, annual salary for 2023 was scheduled to be \$94,869.28; and

WHEREAS: Torrance Schmitz's, Second Assistant District Attorney, annual salary for 2023 was scheduled to be \$85,177.95; and

WHEREAS: Lillian Reardon's, Third Assistant District Attorney, annual salary for 2023 was scheduled to be \$79,717.83; and

WHEREAS: Adjustments are appropriate to those salaries in light of the above findings; therefore be it

RESOLVED: That Cheryl Mancini's, First Assistant District Attorney, annual salary for 2023 shall be \$110,000; and be it further

RESOLVED: That Torrance Schmitz's, Second Assistant District Attorney, annual salary for 2023 shall be \$95,000; and be it further

RESOLVED: That Lillian Reardon's, Third Assistant District Attorney, annual salary for 2023 shall be \$85,000.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -22 AUTHORIZE APPOINTMENT OF  
FULL-TIME DEPUTY DIRECTOR POSITION  
OFFICE OF EMERGENCY SERVICES

WHEREAS: The Tioga County Legislature authorized the creation of one, full-time Deputy Director of Emergency Services position by way of Resolution No. 369-22; and

WHEREAS: The Emergency Services Director has identified a qualified candidate who has been found to meet the minimum qualifications of the full-time Deputy Director of Emergency Services title; therefore be it

RESOLVED: That the Director of Emergency Services is hereby approved to appoint Corrinne Cornelius to the FT Deputy Director of Emergency Services position at an annual Management/Confidential salary of \$60,000.00 effective January 3, 2023.

REFERRED TO: PUBLIC WORKS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -22 2023 STAFF CHANGES  
PUBLIC WORKS

WHEREAS: The Public Works Department requested a staffing change as part of the 2023 Budget Process; and

WHEREAS: This request was approved by the Tioga County Legislature; therefore be it

RESOLVED: That the following staffing change be effective January 1, 2023:

<u>Name</u>	<u>Current Title/ Salary</u>	<u>New Title/ Salary</u>	<u>Budget Impact</u>
		Heavy Equipment Mechanic I (FT) (\$20.29/hour)	\$42,203

and be it further:

RESOLVED: That the Tioga County Legislature authorizes the creation of one, full-time Heavy Equipment Mechanic I position (CSEA salary grade 3 at an hourly rate of \$20.29) effective January 1, 2023.

REFERRED TO: LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. -22 2023 STAFF CHANGES  
LEGISLATIVE OFFICE

WHEREAS: The Legislative Office requested a staffing change as part of the 2023 Budget process; and

WHEREAS: This request was approved by the County Legislature; therefore be it

RESOLVED: That the following staffing changes be effective January 1, 2023:

<u>Name</u>	<u>Current Title/ Salary</u>	<u>New Title/ Salary</u>	<u>Budget Impact</u>
Susan Haskett	Information Security Officer (Part-Time)	Abolish	-\$2,746

and be it further:

RESOLVED: That the Legislative Office authorized 2023 part-time headcount is reduced from 10 to 9.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -22 AUTHORIZE THE RE-APPOINTMENT OF  
SHAWN L. YETTER AS COMMISSIONER  
OF SOCIAL SERVICES

WHEREAS: Commissioner Shawn L. Yetter's current appointment, effective January 21, 2018, will expire on January 20, 2023; and

WHEREAS: Pursuant to the Social Services Law of the State of New York, Article Three, Section 116, Paragraph 1 which states: "Any inconsistent provision of the law, notwithstanding, the position of the chief executive officer of the county or city social services department, whether referred to as commissioner or by other title, shall be in the non-competitive class of civil service, except any which is or may hereafter be in the competitive class. Appointments to such positions in the non-competitive class shall be for terms of five years and shall be made by the appropriate county or city body or officer."; and

WHEREAS: The Legislature is well pleased with Commissioner Shawn L. Yetter's performance, experience and qualifications and desires to re-appoint him as the Tioga County Commissioner of Social Services; now therefore be it

RESOLVED: That Shawn L. Yetter be and hereby is re-appointed as Tioga County Commissioner of Social Services for a fifth five-year term effective January 21, 2023, through January 20, 2028.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. --22 AMEND EMPLOYEE HANDBOOK:  
ADD NEW POLICY TO SECTION IV.  
PERSONNEL RULES, SUBSECTION U. ENTITLED  
RIGHTS OF NURSING EMPLOYEES TO EXPRESS  
BREAST MILK

WHEREAS: Section 206-c of the New York State Labor Law requires employers to provide reasonable unpaid break time to express breast milk; and

WHEREAS: Tioga County does not have its own breast milk expression policy addressing notice, reasonable unpaid break time, reasonable efforts and privacy, close proximity and non-discrimination; and

WHEREAS: The County Attorney has written and proposed a new policy entitled Rights of Nursing Employees to Express Breast Milk; therefore be it

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to Section IV. Personnel Rules, subsection u, entitled Rights of Nursing Employees to Express Breast Milk.

**u. Rights of Nursing Employees to Express Breast Milk**

**Tioga County Right of Nursing Employees to Express Breast Milk**

- I. Policy
- II. Reasonable Unpaid Break Time
- III. Reasonable Effort and Privacy
- IV. Close Proximity
- V. Non-Discrimination

**I. Policy**

Tioga County shall provide written notification of the provisions of Labor Law §206-c to employees who are returning to work, following the birth of a child, and their right to take unpaid leave for the purpose of expressing breastmilk. This notice will be provided to employees generally through the Employee Handbook and will be included in new employee orientations.

Employees are required to provide advance notice to their supervisors, preferably before the employee's return to work, for the scheduling of leave time and to establish a location to express breast milk.

Tioga County provides a supportive environment where employees may



express breast milk during work hours. Employees who choose to express breast milk in the workplace will not be discriminated against in any way.

## **II. Reasonable Unpaid Break Time**

Employees who choose to express breast milk when they return to work will receive:

- Reasonable unpaid break time and their normal breaks and mealtimes to breastfeed or express breast milk during work hours. Employees can use breaks and mealtimes to express breast milk for up to three years following childbirth. Each break should be no less than 20 minutes. For time beyond their usual break times, employees may use personal leave or may make up the time as agreed upon with their supervisor. (New York State Labor Law §206-c and Section 7 of the Fair Labor Standard Act).
- Unpaid break time at least once every three hours if requested by the employee.
- Unpaid break time that may run concurrent with regularly scheduled paid break or meal periods.
- The option to work before or after their scheduled hours to make up time used during unpaid break(s) times for the expression of breast milk as long as the requested time is within Tioga County's normal work hours.

Employees may be required to postpone scheduled unpaid break time up to thirty minutes if they cannot be spared from duties until appropriate coverage arrives.

## **III. Reasonable Effort and Privacy**

Tioga County will make a reasonable effort to provide a room or other location (not a toilet stall or restroom) close to the employee's work area where they can privately breastfeed or express breastmilk. This location or room will be sanitary, private and contain at minimum a chair, a small table or other flat surface, be well-lit at all times, have a lock or a sign for when the location is in use to ensure privacy, an electrical outlet, a refrigerator for storing expressed breast milk or a refrigerator in close proximity, and be located near a sink with running water so that employees can wash their hands and rinse out breast pump parts.

Employees may also breastfeed or express breast milk in their own

private offices or in other comfortable locations agreed upon with their supervisor.

#### **IV. Close Proximity**

Any room or location provided for the expression of breast milk will be in close proximity to the work area of the employee(s) using it for the expression of breast milk. The room or location will be in walking distance and will not appreciably lengthen break time.

#### **V. Non-Discrimination**

Tioga County will not discriminate in any way against an employee who chooses to express breast milk in the workplace. Encouraging or allowing a hostile work environment could constitute discrimination within the meaning of this policy.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -22 AMEND EMPLOYEE HANDBOOK:  
SECTION VII: PURCHASING AND PAYMENT  
POLICY SUBSECTIONS III. PURCHASING  
CARDS, IV. PURCHASING, AND XI. METHODS  
OF PROCUREMENT NOT COVERED BY  
BIDDING

WHEREAS: The Purchasing and Payment Policy has three subsections that need to be amended; therefore be it

RESOLVED: That Subsection III. Purchasing Cards will be amended in its entirety to read as follows:

**III. PURCHASE CARDS**

Purchase Cards are used in Tioga County as a means of providing an efficient and convenient method of purchasing and paying for small-dollar goods and services of \$3,000 or less. The program grants the authority for these purchases to those staff members in Tioga County who have been authorized to utilize a purchase card. With this granting of authority, a cardholder also assumes complete accountability for the proper use of the card, as detailed in this policy.

**Program Administration**

The Deputy County Treasurer has been designated as the purchase card “Program Administrator”.

The Program Administrator will provide for the issue of Purchase Cards to Department Heads and appropriate designees based on the demonstration of need. The Program Administrator is responsible for all card maintenance for both the M&T site and Munis and must be notified of any updates or changes that are needed, such as a cardholder’s change of name or a change in velocity control limits. Department Heads request these changes in writing to the Program Administrator.

**Purchase Card Velocity Controls**

The purpose of velocity controls is to limit transactions in terms of amount and frequency, therefore controlling spending and reducing fraud.

Individual cards will have a monthly limit of \$3,000, with a limit of \$3,000 per purchase/transaction. Departmental cards will have a varying monthly limit depending on the need and size of the department, ranging from \$5,000 up to \$50,000, with a limit of \$3,000 per purchase/transaction.

All cards are limited to no more than five purchases/transactions per day and ten purchases/transactions per month.

Departmental requests may be made to the Deputy County Treasurer/Program Administrator for a one-time or ongoing increase in the departmental velocity controls to cover necessary expenses. Requests need to be made in writing, and must explain why the increase is required, suggested new limits, and duration of change. These requests will be granted in concurrence with the County Auditor.

### **Purchase Card Approved Uses**

Purchase Cards may only be used for the purchase of those supplies and services that are directly related to the support and execution of the responsibilities of the using department. Improper use of a Purchase Card will result in a revocation of card privileges and possible disciplinary action. Proper Tioga County Purchasing Policies and Procedures should be followed at all times.

### **Purchase Card Prohibited Uses**

The following transactions are specifically identified as those that **should not** be made with a purchase card:

- Cash Advances
- Personal Gifts
- Items for Personal Use
- Alcoholic Beverages

Exceptions to this list may be only made by the Deputy County Treasurer/Program Administrator in advance of charge. Inappropriate use of Purchase Cards will be reviewed by the Deputy County Treasurer/Program Administrator and cards will be restricted and/or canceled if inappropriate use is identified.

### **Individual Responsibilities**

- A. The Department Head, working with the Program Administrator, determines how many employees in the department should be issued Purchase Cards. This number should be kept to a reasonable number of employees. Requests should be made in writing to the Program Administrator. Department Heads must notify the Program Administrator immediately if they wish to revoke a card or if a cardholder terminates employment with Tioga County.
- B. The Program Administrator will distribute the cards to the employees after they are received. The employee must review the Purchase Card policies before receiving the card. The employee must sign the card immediately and complete the Purchase Card Employee

- Agreement (Exhibit C Purchase Card Employee Agreement located on the County Intranet "Employee Handbook-EH Forms")
- C. If a card is lost, stolen, or misplaced, the cardholder is responsible for immediately notifying VISA® at any hour of any day, and as early as possible on the next business day, the Program Administrator.
  - D. The VISA® contact number is 1-800-847-2911. The Program Administrator number is 607-687-8669.
  - E. Individual cardholders are charged with using their cards properly. Department Heads are responsible for monitoring proper card usage and reviewing.
  - F. The Program Administrator is responsible for maintaining a file of individuals authorized to make purchase card transactions. The Program Administrator is also the focal point for overall program administration and problem resolution.
  - G. The County Auditor audits and approves the Purchase Card transaction for compliance.

### **Application Procedure**

- A. To request a Purchase Card for an employee, a Department Head will submit the request in writing to the Program Administrator.
- B. The Program Administrator then approves and processes the Purchase Card request.
- C. When cardholders pickup their card, they must sign and return the provided agreement letter (Exhibit C Purchase Card Employee Agreement located on the County Intranet "Employee Handbook-EH Forms") The agreement letter confirms receipt of the card, and pledge to follow the Purchase Card Policy and accept responsibility for any misuse of the card.

### **Using the Purchase Card**

- A. Tioga County's general criteria for using a Purchase Card are:
  - Eligible orders must total \$3,000 or less (including freight)
  - Goods or services that total more than \$3,000 **may not** be broken into smaller purchases (parceling) to avoid going over the limit.
  - No cardholder may make more than five (5) purchases per day or ten (10) purchases per month unless approved by the Program Administrator.
- B. No Tioga County employee shall attempt to purchase an item using a Purchase Card issued to another person. Delegation of authority is not permitted in regard to card transactions.
- C. More than one person may be authorized to use a "department card". The account number should be safeguarded as carefully as a physical card and no one but authorized individuals should attempt to use it.

- D. **Itemized** receipts are **required** for **all** Purchase Card transactions and **must** be attached to the transaction in the Purchase Card Statement module in Munis. *\*If an itemized receipt is not attached to the transaction the purchase card holder will be required to reimburse the expense to Tioga County.*
  - i. A personal check made payable to the Tioga County Treasurer should be included with the paperwork required for submission to the County Auditor.
- E. Meals purchased with the card should be in accordance with Tioga Section VI Travel Procedures, subsection a Travel policy and procedures, and section VII following the GSA per diem rates. If a Purchase Card is used in place of requesting per diem the tax-exempt form must be presented at time of purchase. If the vendor refuses to abate the tax or a credit cannot be obtained the user is responsible to reimburse Tioga County all sales tax. If the meal purchased exceeds the GSA per diem rate, the cardholder will be responsible for reimbursing the exceeding amount to the County.
  - i. A personal check made payable to the Tioga County Treasurer should be included with the paperwork required for submission to the County Auditor.
- F. If any item purchased with the purchase card is returned, the merchant must credit the card account. The cardholder should also include any credit receipt with the reconciliation paperwork.

### **Transaction Reconciliation**

- A. Transactions are loaded into the Purchase Card Statement module in Munis weekly.
- B. Cardholders or designated employee are expected to review and process these transactions within the given week the transactions were imported.
- C. Cardholders or designated employees will update the vendor, commodity code, description, and expense accounts. All receipts and documentation should be attached in TCM via the transaction page of the Purchase Card Statement module.
- D. Once complete, transactions should be released to workflow for the Department Head and then to the County Auditor for review and approval.
- E. The approving Department Head is responsible for reviewing and approving the Purchase Card Statement Transaction. By their approval, the Department Head indicates that all charges for the cardholder have been reviewed and approved as expenditures made in compliance with the Tioga County Purchasing Policy.
- F. The County Auditor then reviews the information for accuracy and has final approval for accounting purposes.

**Auditing**

All card purchases will be audited by the County Auditor to confirm the Purchase Cards are being utilized responsibly, receipts are being retained, the Cardholder's transactions are being reconciled on a timely basis and appropriate accounts are being charged. If there are discrepancies, inaccurate charges, etc., the Program Administrator will be notified who will then determine the necessary action.

**Summary**

- The Purchase Card program is designed to let end-users of goods and services buy these necessary items directly from vendors, thus increasing efficiency, decreasing cycle time and reducing paperwork. Purchase Cards should be retained by the Departments responsible for them. All cards shall be kept in a secure place (lock box or locked desk) and signed out when needed.

- Velocity Controls:

Individual Card	\$3,000/month	\$3,000/transaction	5 transactions/day	10 transactions/month
Departmental Card	\$5,000-50,000/month	\$3,000/transaction	5 transactions/day	10 transactions/month

***\*Exceptions to these velocity controls are requested and maintained by the Deputy Treasurer/Program Administrator.***

- Tioga County asks its employee cardholders to exercise good judgment and act responsibly when using their Purchase Cards.
- All card activity is assumed to have been incurred by employee named on the card and they will be held responsible for all charges.
- We ask employees to always retain card receipts and safeguard your credit card.
- If you have any questions about the Purchase Card program or need additional information, please contact the Tioga County Program Administrator.

And be it further

RESOLVED: That Subsection IV. Purchasing will be amended to read as follows:

Pursuant to General Municipal Law 104-b (2) (f), Jeremy Loveland is the responsible person for overseeing the administrative details of Tioga County's purchasing program. The Purchasing portion of this policy herein shall be administered in accordance with all ethical rules called for by the County of Tioga and the National Institute of Governmental Purchasing Code of Ethics. The purchase procedures employed will comply with all applicable laws and regulations of New York State and shall be subject to the approval of the Legislature.

And be it further

RESOLVED: That Subsection XI. Methods of Procurement Not Covered by Bidding guidelines for purchases and services contracts that fall below monetary bid limits will be amended with increased threshold amounts to read as follows:

PURCHASING PROCESSING

Procurements	Quotes Not Required	3 Written or Verbal Quotes	RFP	Formal Bid	Other
<b>Commodities (Equipment, Materials &amp; Supplies) (c.)</b>					
Under \$3,000	X				
\$3,000 - \$19,999		X			
\$20,000 & Over (GML, Section 103)				X	
<b>Service Contracts &amp; True Leases (Not Public Works) (c.)</b>					
Under \$10,000	X				
\$10,000 - \$19,999 (Legislative approval)		X			
\$20,000 & Over – (GML, Section 103)				X	
<b>Public Works Contracts (May include Purchase Contracts) (b.)</b>					



Under \$15,000	X				
\$15,000 - \$34,999		X			
Over \$35,000 – sealed bids in conformance with GML, Section 103.				X	
<b>Professional Services GML 104-b</b>					a.
Emergencies GML 103(4)					a.
Insurance					a.
Second-Hand Equipment from Other Governments					a.
Sole Source (i.e., patented or monopoly item)					a.

- a) Competitive bidding is not required based on Exceptions to the Requirements of GML, §103 and §104.
- b) Projects for construction, reconstruction or maintenance done on behalf of a public agency (entity) are public work. Public work contracts may also include purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law.
- c) Purchase contracts include purchases of commodities, services, or technology GML §103.
- d) State/Federal contracts and County approved cooperative purchasing contracts are exempt from the three quote and competitive bid requirement. In the event that the County finds a lower price than the State/Federal contract or the cooperative purchasing contract, two quotes are sufficient.

And be it further

RESOLVED: That the remainder of the Purchasing and Payment Policy remain in full force and effect.