

*Sixth Regular Meeting*  
June 10, 2014

The Sixth Regular Meeting of 2014 was held on June 10, 2014 and was called to order by the Chair at 6:00 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Sauerbrey asked to have a moment of prayer. "Heavenly Father we ask you to guide us as we make decisions for the County and guide all Government Leaders to make good decisions for the Nation, for the States, for the Counties, for the Villages, for the Towns, that we might be responsible and do the best we can for the people that we represent."

Chair Sauerbrey led all Legislators and those in attendance in the Pledge of Allegiance.

Legislator Weston read and presented the following posthumous resolution to the family of Howard Chrisfield.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 119-14                      *RECOGNITION RESOLUTION*  
*RECOGNIZING HOWARD M. CHRISFIELD*  
*POSTHUMOUSLY*

WHEREAS: Howard Chrisfield passed away on May 6, 2014; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Chrisfield for his many years of dedicated service as a Tioga County Legislator; and

WHEREAS: Howard was elected to the position of Tioga County Legislator on January 1, 1982 and served for 14 years until leaving office on December 31, 1995; and

WHEREAS: Howard was instrumental in many projects during his tenure as Tioga County Legislator and was extremely dedicated and loyal in the performance of his duties and responsibilities as a Legislator; and

WHEREAS: Howard is survived by his wife Connie, a son Thomas, a daughter Cynthia, three grandchildren, and eight great grandchildren; now 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 and recognize Howard Chrisfield posthumously for his years of dedicated service to Tioga County as a Tioga County Legislator; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to the family of Howard Chrisfield.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Cynthia Parcell, Howard Chrisfield’s daughter, spoke. “What an honor it is for our family to receive this recognition for Dad. His 14 years with the Legislature was a serious commitment to the people of Tioga County. He gave his best to spend the taxpayers money well and to keep them informed of his decisions and the decisions of the Legislature. I remember that mom was his secretary, took all his messages, and he returned every single phone call. All the things he learned from his mentors here in the Legislature made him a better person and a better Legislator.

“Dad made friendships that have lasted a lifetime and those gentlemen, I have heard their names many many times, and each one of them was associated with a story. Those of you that knew daddy, he loved a good story. I hope that when you think of Dad, of Howard Chrisfield, that you will have a smile on your face knowing that some of his best days were spent down here working with the Legislature and serving Tioga County and his community. Thank you very much from our family.”

Chair Sauerbrey noted the following two recognition resolutions.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 120-14

*RESOLUTION RECOGNIZING  
VINCENT VERTULI'S  
18 YEARS OF DEDICATED SERVICE TO  
TIOGA COUNTY*

WHEREAS: Vincent Vertuli started his employment with Tioga County as a Maintenance Mechanic III on June 03, 1996 and has remained in this position for the remainder of his career; and

WHEREAS: Vincent Vertuli has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 18 years to the Department of Public Works. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Vertuli will retire on June 28, 2014; 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 Vincent Vertuli for his 18 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRING TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 121-14

*RESOLUTION RECOGNIZING  
MICHAEL MCDONALD'S  
26 YEARS OF DEDICATED SERVICE TO  
TIOGA COUNTY*

WHEREAS: Michael McDonald was appointed as part-time Deputy Director of Disaster Preparedness on 2/8/88; part-time Deputy Director of Civil Defense on 1/1/94; and appointed part-time Deputy Director of Emergency Preparedness on 5/16/07.

WHEREAS: Michael McDonald has been dedicated and loyal in the performance of his duties and responsibilities during the past 26 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Michael McDonald will retire from the Tioga County Emergency Management Office on June 13, 2014; 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 Michael McDonald for his more than 26 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Arrah Richards from the Employee Recognition Committee, presented the Employee of the 2<sup>nd</sup> Quarter 2014 to Donald Marsh of the Department of Social Services. "First of all, I want to thank you the Legislature on behalf of the Employee Recognition Committee for your continued support with this and for those of you who do and do not know, Don Marsh was nominated and had received the Tioga County Employee of the 2<sup>nd</sup> Quarter.

"After 20 years of active duty Don retired as a gunnery sergeant in the US Marine Corps in 1997. The following year he was employed by Ontario County Department of Social Services and in 2005 relocated to Tioga County DSS. In less than two years of working as a Caseworker and Senior Caseworker Don was promoted to a Supervisory position. Don is responsible for Adult Protective Service, Long Term Care Service, Person in Need of Supervision, also known as PINS, and had previously worked as a Child Protective Services Supervisor in Tioga County. If when the Unit workload is high in Don's Unit, Don pitches in and assigns himself referral cases and makes field visits, and does the work of a Caseworker without being asked to and without ever complaining or drawing attention to himself. Don's position is not that of a working Supervisor, meaning he is not expected to carry a caseload in addition to his Supervisory duties, but he does it anyway when needed.

"In the past six months Don voluntarily assumed responsibility for three very challenging physically and/or mentally ill adult protective clients. Within a span of the past several months each of these three clients have passed away. Don spent many hours advocating for these people and refused to give up on them when others did. One of his clients suffered from severe alcoholism and had confined himself to bed even though he was only middle-aged. Don worked with him and was able to convince him to seek medical treatment and one of the other clients was uncooperative with in-home services and difficult to work with. Due to repeated noncompliance, other service providers closed their cases and left. Don continued to try and assist this individual and to get him the services he needed, and convinced him to go to medical appointments, often driving him.

Don is all about teamwork and doing whatever it takes to get the job done. Don concerns himself more with the overall mission of his Unit rather than focusing on who did or did not do. Don views it as his responsibility to help the Team succeed. On a personal note, Don is a devoted father to his daughters, ages 34 and 29, and a grandfather to his grandchildren. His mother, two brothers, and sister live in Waverly while his other brothers live in Pennsylvania and Texas, and outside of work Don spends his time running his used furniture stores in Elmira and Owego here on McMaster Street. Don is a quiet and

unassuming individual. You may not know who he is because Don goes about his work and just gets it done. Don is a tremendous asset to the Tioga County Department of Social Services and to Tioga County. Congratulations Don."

Legislator Standinger spoke. "I would just like to congratulate Don. I know that the fact that he is being recognized here is evidence of his work ethic. I do recall working a couple of cases with him prior to leaving the State Police, and I do not remember anything bad about it. It is a good thing. It is a difficult job and I just want to say I appreciate what you do. At some point all of us in this room might know somebody that uses services that he is going to work on. I would like to think that everybody else appreciates it too."

Gail Barton, Deputy Commissioner of Social Services, spoke. "The job of Supervisor in the Services Division for which I am responsible for is an extremely difficult and challenging job. You have to be responsible for the safety and well-being of vulnerable children and vulnerable adults, and you also have to be support and a coach, and a mentor, and someone that holds your staff accountable. I think the job of being a frontline Supervisor is one that is extremely challenging and probably does not get the recognition that it should.

"Typical of Don when he was told that he had been selected as the Tioga County Employee of the Quarter Award responded surprise and said he did not know why he was being given this award because he just does his job. Don also said that he was probably the only nomination and that was why he got the award, but that could not be further from the truth. I have been Don's direct Supervisor for almost eight years. It is a pleasure to work with Don. He is very conscientious and hard working. He never complains about the workload or the amount of work, and he does not really have a lot of patience for employees who do complain about the workload and the amount of work.

When Don began in Adult Adolescent Services after having been a Supervisor in Child Protective Services, Don established and conveyed his expectations and monitored the work performance. Don supports and coaches his staff to do good work. People like to work with Don and for Don. Don also pitches in, as has been mentioned, and assigns himself cases and is regularly out in the field spending time with people who need help. In this quarter Don assisted some very challenging clients and made frequent contact to assure their safety and well-being, and most of the time Don went about doing this without bringing it to my attention. If someone is homeless or someone needs assistance, Don is out there picking them up, driving them to the bank, driving them to look at apartments, taking them out to eat lunch, and doing all of that without bringing any attention or recognition to himself.

"Don is a very quiet and unassuming person. He will express alternate opinions, but always says he will do what is asked of him by his Supervisor and does it without complaint. He is also a person that will do research. If we need to know a regulation or a law that something comes from, Don will leave my office and within a half hour you can count on him to be back with a book open and a place that he is pointing to or some memo that I have written and forgotten about, and said well look it says that you said this right here that we were going to do it this way. He is really good at keeping track of information and knowing where to find information. Don is a good family person and helps his family when they need it. Don is a pleasure to work with and is very deserving of this recognition, and I wholeheartedly congratulate you."

Don Marsh spoke. "I am not much of a talker. I just want to say thanks for the award and thank you all for coming."

There was no privilege of the floor.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		369.24
A1165	District Attorney		1,687.28
A1170	Public Defender		2,075.35
A1172	Assigned Counsel		10,354.91
A1185	Medical Examiners/Coroners		7,325.89
A1325	Treasurer		7,990.54
A1355	Assessments		3,054.80
A1410	County Clerk		208.01
A1420	Law		6,842.20
A1430	Personnel		1,942.80
A1450	Elections		81.83
A1460	Records Management		30.00
A1490	Public Works Administration		25.00
A1620	Buildings	26.99	38,329.67
A1621	Buildings		16,974.25
A1680	Information Technology		18,237.18
A2490	Community College Tuition		203,446.42
A2960	Education of Handicapped Children		308,254.56
A3020	Public Safety Comm E911 System		5,103.65
A3110	Sheriff	1,133.00	24,886.89
A3140	Probation		1,497.00
A3146	Sex Offender Program		9,240.00

A3150	Jail		73,026.75
A3315	Special Traffic Programs		1,500.00
A3410	Fire	740.64	11,542.00
A3415	State Interoperable Comm Grant		600.00
A3640	Emergency Mgmt Office		621.51
A3641	Emergency Mgmt Grant	159.59	
A4010	Public Health Nursing		1,588.76
A4011	Public Health Administration		9,242.97
A4012	Public Health Education		3,300.25
A4042	Rabies Control		320.91
A4044	Early Intervention		1,031.10
A4053	Preventive/Primary Health Services		748.36
A4054	Preventive Dental Services	172.58	492.66
A4064	Managed Care-Dental Services		1,071.07
A4070	Disease Control		4,747.05
A4090	Environmental Health		772.18
A4210	Alcohol and Drug Services		15,315.08
A4211	Council on Alcoholism		21,980.66
A4309	Mental Hygiene Co Admin		10,507.35
A4310	Mental Health Clinic		113,708.23
A4320	Crisis Intervention Services		25,246.00
A4321	Intensive Case Management		1,734.83
A5630	Bus Operations		109,964.92
A6010	Social Services Administration		105,320.62
A6422	Economic Development		600.00
A6610	Sealer Weights and Measures		217.12
A8752	NYS AG Market Grant		3,840.00
A9060	Health Insurance		4,907.40
SOLID WASTE FUND			103,866.39
SPECIAL GRANT FUND			8,049.91
COUNTY ROAD FUND			43,611.48
CAPITAL FUND			670,757.82
CONSOLIDATED HEALTH INSURANCE FUND			1,171.31
SELF-INSURANCE FUND			<u>2,600.00</u>
GRAND TOTAL			\$ 2,024,194.96

Legislator Case made a motion to approve the minutes of May 13 and 22, 2014, seconded by Legislator Hollenbeck, and carried.



Chair Sauerbrey made the following appointments to the Broome-Tioga Workforce Development Board:

Karen Shelp	6/15/14-6/30/17
J. Brian Scanlon	7/1/14-6/30/17
Chris Powers	7/1/14-6/30/17

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

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 122-14

*RESOLUTION URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO CONTINUE TO ADDRESS UNFUNDED MANDATES THAT USE LOCAL TAX DOLLARS TO FUND STATE AND FEDERAL PROGRAMS AND SERVICES*

WHEREAS: Many municipalities in New York State face significant fiscal challenges that are amplified by a slow economic recovery and a state imposed restriction on local revenues; and

WHEREAS: In most instances the county fiscal challenges are directly tied to state imposed mandates and reduced state reimbursements; and

WHEREAS: Counties play a central role in delivering state services, due to our state mandated role in the administration and financing of a wide variety of state programs; and

WHEREAS: In 2013, the State enacted Medicaid reforms to assume all of the growth in spending from the local taxpayers by 2015; and

WEHREAS: Local taxpayers continue to fund \$7.5 billion of Medicaid costs; now therefore be it

RESOLVED: That Tioga County strongly encourages the Governor and State Legislature to work to address the underlying causes of fiscal stress facing so many localities; and be it further

RESOLVED: That Tioga County believes the State must work diligently to enact a no new unfunded mandates law and constitutional protections against future unfunded mandates; and be it further

RESOLVED: That Tioga County shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, and all others deemed necessary and proper.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 123-14                      *ERRONEOUS ASSESSMENT*  
*TOWN OF OWEGO*

WHEREAS: A Supreme Court decision and demand for refund on two properties assessed to BCT 17, LLC, Biagia Cataldo & Kathy Cataldo-Medionte on the 2014 and prior year tax rolls of the Town of Owego reduces the 2011-2013, and 2014 assessments for the (2) parcels as follows;

Account #11767 reduced from \$601,200 to \$400,000 for 2011/2012  
Account #11767 reduced from \$446,900 to \$290,000 for 2012/2013  
Account #11767 reduced from \$446,900 to \$343,200 for 2013/2014  
Account #10707 reduced from \$129,600 to \$104,500 for 2011-2013  
Account #10707 reduced from \$129,600 to \$85,000 for 2013/2014  
and

WHEREAS: The 2012-2014 tax bills relating to the 2011-2013 assessment years for the above properties assessed to BCT 17, LLC, Biagia Cataldo & Kathy Cataldo-Medionte in the Town of Owego have been paid; be it therefore

RESOLVED: That a refund of \$9,109.89 be issued by the Tioga County Treasurer's office to Hinman, Howard & Kattell, LLP as attorneys, for overpayment of 2012-2014 taxes on properties #11767 and 10707; and be it further

RESOLVED: That the erroneous town tax of \$1,906.48 be charged back to the Town of Owego, and the erroneous Fire Tax of \$974.51 be charged back to the Owego Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$264.29 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$5,964.61 be charged to the proper accounts in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – Legislator Roberts.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 124-14 TRANSFER OF FUNDS  
ASSIGNED COUNSEL/PUBLIC DEFENDER

WHEREAS: The Public Defender's Office began handling Assigned Counsel duties in January 2014; and

WHEREAS: Funds need to be transferred from the Assigned Counsel Budget to the Public Defender Budget; therefore be it

RESOLVED: That the following sums be transferred:

From: A1172.40-30-Assigned Counsel	\$112,500
------------------------------------	-----------

To: A1170.10-10-Public Defender	\$ 55,000
A1170.10-20-Public Defender	\$ 26,328
A1170.40-280-Public Defender	\$ 6,500
A9010.80-88-State Retirement	\$ 8,119
A9030-80-88-Social Security	\$ 15,653
A9040-80-88-Workers' Compensation	\$ 900

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 125-14      *TRANSFER OF FUNDS*  
*MENTAL HYGIENE*

WHEREAS: Tioga County Mental Hygiene (TCMH) is required to pay a portion of the costs for the inpatient treatment of Tioga County residents that have been assigned Criminal Psychiatric services by the NYS Court system; and

WHEREAS: TCMH has received notice that Tioga County residents were assigned these services, along with the required payment amount; and

WHEREAS: TCMH has determined the amount of additional funding needed for these already incurred mandated expenses, yet this will require a transfer of funds into the proper account codes from the County Contingency fund; and

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

RESOLVED: That funding be transferred as follows:

From: A1990.40-715 County Contingency Account	\$ 52,799.12
To: A4390.40-590 Criminal Psychiatric: Services Rendered	\$ 52,799.12

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Weston.

REFERRED TO:

PERSONNEL COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 126-14

*TRANSFER OF FUNDS*  
*WORKERS' COMPENSATION*

WHEREAS: The Tioga County Self-Insurance Plan has received notification from Safety National that an audit of the payroll figures for the period of January 1, 2013 through January 1, 2014 submitted for our Workers' Compensation Specific Excess Insurance has resulted in additional premium due in the amount of \$863.00; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1710.40 (450)      \$863.00

To: Workers' Compensation Account S1722.40 (270)      \$863.00

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 127-14 *APPROPRIATION OF FUNDS*  
*HEALTH DEPARTMENT*

WHEREAS: The Tioga County Health Department (TCHD) was awarded a competitive grant from the Floyd "Vic" Hooker Foundation for a Dental Fluoride Varnish Program; and

WHEREAS: The grant funds were awarded for the purpose of 'start-up' or 'seed' money to create and implement the Dental Fluoride Varnish Program; and

WHEREAS: This grant program does not require matching County expenditures; and

WHEREAS: The funding requires appropriation into the TCHD budget; and

WHEREAS: Appropriations of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A 2280.00	Local Grants: Dental Varnish	\$38,060
-----------------	------------------------------	----------

To: A 4054.40-595	Dental: Services Rendered	\$38,060
-------------------	---------------------------	----------

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 128-14      *APPROPRIATION OF FUNDS*  
*SUMMER YOUTH EMPLOYMENT PROGRAMS*

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Summer Youth Employment Programs; and

WHEREAS: The plan submitted for expenditure of these funds has been approved; and

WHEREAS: Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4610.00 Federal Aid: Administration	\$70,771
To: A6010.40.140 Contractual	\$70,771

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 129-14 *APPROPRIATION OF FUNDS  
YOUTH BUREAU*

WHEREAS: Additional funding has been awarded to the Youth Bureau; and

WHEREAS: Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A3820.00 State Aid: Youth Programs \$ 3,850

To: A7310.41.540 Reimbursements \$ 3,850

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 130-14 *AUTHORIZE TIOGA COUNTY MATERIALS RECOVERY  
MANAGER TO APPLY FOR A REGIONAL  
ECONOMIC DEVELOPMENT COUNCIL GRANT FOR  
A CONSTRUCTION AND DEMOLITION (C&D)  
RECYCLING FACILITY*



WHEREAS: The Regional Economic Development Council has announced the availability of up to \$25 million through the Cleaner Greener Communities Program, Strategy 3: Sustainability Projects; and

WHEREAS: There are no Construction and Demolition (C&D) Recycling Facilities within the Southern Tier; and

WHEREAS: Taylor Garbage, Inc. would like to have a C&D Recycling Facility designed and installed at their site in Apalachin; and

WHEREAS: A C&D Recycling Facility would:

- increase diversion of C&D waste from 25% to 75%
- divert 2,876 tons of solid waste from landfills
- reduce greenhouse gases (GHG) by 3,089 metric tons per year
- create spin-off opportunities such as a biomass brick/wood pellets processor and a compost facility
- creation of up to 20 new jobs with benefits
- increase in tax base;

and

WHEREAS: Taylor Garbage would own, operate and pay all local shared costs related to receiving said grant; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Materials Recovery Manager to apply and administer the said grant.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 131-14                      *AWARD INSPECTION SERVICES  
CONTRACT TO LABELLA ASSOCIATES  
FOR INSPECTION SERVICES OF THE  
HAMILTON VALLEY RD BRIDGE  
PROJECT BIN: 3334950*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the Inspection of these bridges as part of the Bond Issue; and

WHEREAS: The Hamilton Valley Rd. Bridge over South Branch of Catatonk Creek (BIN: 3334950) is one of the bridges in the program; and

WHEREAS: LaBella Associates, Rochester, NY did the design phase for this bridge; and

WHEREAS: The Commissioner of Public Works received a proposal for the inspections services for the Hamilton Valley Rd. Bridge Project BIN: 3334950 in the amount of \$58,478; therefore be it

RESOLVED: That the Tioga County Legislature award the inspection services contract to Labella Associates, Rochester, NY 14614 not to exceed \$58,478 to be paid out of the Hamilton Valley Rd. Bridge Project Account H2013.09.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Case moved for the adoption of the following resolution, seconded by Legislator Sullivan.

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

RESOLUTION NO. 132-14 *TIOGA COUNTY OPPOSES CLEAN WATER ACT  
REGULATION PROPOSED BY THE  
ENVIRONMENTAL PROTECTION AGENCY AND  
ARMY CORPS OF ENGINEERS*

WHEREAS: Tioga County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

WHEREAS: The CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

WHEREAS: The Environmental Protection Agency (EPA) and the United States Corps of Engineers (Corps) have developed a proposed regulation on Definition of "Waters of the United States" Under the Clean Water Act to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS: This proposed regulation creates greater uncertainty rather than clarity and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS: The proposed regulation greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Tioga County with little, if any, substantive environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS: The financial impact of the proposed regulation to Tioga County will create significant ongoing maintenance costs and delays to Tioga County citizens due to the need for jurisdictional determinations and expanded jurisdictional authority of EPA and the Corps; and

WHEREAS: Tioga County believes that the standards for making jurisdictional determinations under the CWA and clarification or definition of the intent of the CWA should be accomplished only through the U.S. Congress, and limited by the decisions of the U.S. Supreme Court; now therefore be it

RESOLVED: That Tioga County urges EPA and the Corps to withdraw the proposed CWA regulation immediately, work collaboratively with states and local governments to clarify federal jurisdiction under the CWA that is reasonable, environmentally responsible and respects the authority of state and local governments in ensuring the protection of our water resources; and be it further

RESOLVED: That Tioga County supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it further

RESOLVED: That a copy of this Resolution, suitably engrossed, should be transmitted to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. House Representatives Tom Reed and Richard Hanna, EPA Administrator Gina McCarthy, New York Governor Andrew Cuomo, New York State Senator Tom Libous, New York Assembly Representative Christopher Friend, and EPA Region 2 Administrator Judith Enck.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 133-14      *AUTHORIZE TIOGA COUNTY  
TO HIRE MANASSE AUCTIONEERS  
TO AUCTION REAL PROPERTY ACQUIRED  
BY COUNTY FORECLOSURE*

WHEREAS: James P. McFadden, Tioga County Treasurer is in charge of implementing the foreclosure of taxes under Article Eleven of the Real Property Tax Law; and

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

WHEREAS: Manasse Auctioneers has been contacted to perform the services of a public auction and Manasse Auctioneers has agreed to compensation of a uniform seven percent (7%) buyers premium, Tioga County will pay no expenses; and

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

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to contract the services of Manasse Auctioneers for the public auction of tax foreclosure properties, pending approval by the County Attorney as to form.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck moved for the adoption of the following resolution, seconded by Legislator Weston.

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 134-14

AUTHORIZATION TO EXECUTE  
ENGAGEMENT LETTER FROM  
COUGHLIN & GERHART, LLP  
TO PROVIDE SERVICES FOR  
ROUND 2 STATEWIDE INTEROPERABLE  
COMMUNICATIONS GRANT

WHEREAS: The Tioga County Fire Coordinator has received a Round 2 Statewide Interoperable Communications Grant from NYS Office of Homeland Security; and

WHEREAS: Various legal issues have arisen regarding land acquisition and permit approvals; and

WHEREAS: Tioga County wishes to retain the services of Coughlin and Gerhart LLP to provide their expertise in resolving these issues; and

WHEREAS: Coughlin and Gerhart LLP has set forth the services they will provide in an engagement letter; and

WHEREAS: Payment for said services will come from the State Interoperable Communications Grant - Contracting Services Account No. 3415.40-140; now therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to sign said engagement letter from Coughlin and Gerhart LLP for said services.

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

Legislator Weston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 135-14      *AUTHORIZE WAIVER OF 90-DAY  
HIRING DELAY; BACKFILL FULL TIME  
PROBATION OFFICER  
PROBATION DEPARTMENT*

WHEREAS: The Tioga County Legislature established a 90-day delay in backfilling vacant positions for the purpose of cost savings; and

WHEREAS: The Probation Director has a need to backfill a full-time Probation Officer due to an unanticipated resignation effective May 23, 2014; and

WHEREAS: The Probation Department staff was reduced in 2012 and has been working to keep up with caseloads resulting from increased "Interim Probation" sentences associated with Drug Treatment Court, the Director would like to backfill the vacancy without delay; and

WHEREAS: The Probation Director received verbal authorization to waive the 90-day hiring delay at the May 22, 2014, Legislative Work session; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a waiver in the 90-day hiring delay by allowing the Probation Director to backfill one vacant, full-time Probation Officer position from the civil service eligible list effective on or after June 11, 2014, at the annual salary of \$39,015 (CSEA Salary Grade XI).

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 136-14      *BACKFILL PART-TIME  
DEPUTY DIRECTOR OF EMERGENCY  
PREPAREDNESS; INCREASE HOURS;  
AUTHORIZE HIRING WAIVER  
EMERGENCY MANAGEMENT OFFICE*

WHEREAS: The Tioga County Legislature established a 90-day delay in backfilling vacant positions for the purpose of cost savings; and

WHEREAS: The Tioga County Emergency Management Office has a need to backfill the part-time, Deputy Director of Emergency Preparedness position due to the retirement of the incumbent effective June 13, 2014; and

WHEREAS: The Director of Emergency Preparedness plans to increase the responsibilities of the Deputy position, adding involvement with grant writing and administration, attendance of meetings with Towns and villages as well as greater involvement in the day-to-day operations of the office which will increase the hours worked from an average of 6 – 8 per week to 15 – 17 per week; and



WHEREAS: The Director of Emergency Preparedness would like to backfill the vacancy without delay due to an upcoming Emergency Managers certification session offered by New York State which will be held in June 2014; and

WHEREAS: The Director of Emergency Preparedness received verbal authorization to waive the 90-day hiring delay at the April 10, 2014, Legislative Work session; and

WHEREAS: The Director of Emergency Preparedness has identified qualified candidates who have been found to meet the minimum qualifications of the Deputy's title; therefore be it

RESOLVED: That the hours of the Deputy Director of Emergency Preparedness position shall be increased from any average of 6 – 8 per week to 15 – 17 per week, resulting in an increase in the annual salary range from \$4,179 - \$4,284 to \$9,551 - \$9,784; and be it further

RESOLVED: That said increase in hours shall result in a change in the Civil Service class of the Deputy Director position from Non-Competitive to Competitive, thereby requiring the new appointment to be provisional pending an examination for said title; and be it further

RESOLVED: That the Tioga County Legislature authorizes a waiver of the 90-day hiring delay and allows the Director of Emergency Preparedness to backfill the part-time Deputy Director of Emergency Preparedness position effective June 14, 2014, at an annual salary between \$9,551 - \$9,784, which is within the new, non-union salary range for said part-time position at 15 – 17 hours per week.

#### ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standing, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Weston moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 137-14      *AUTHORIZE WAIVER 90-DAY  
HIRING DELAY; APPROVE SALARY  
ABOVE HIRING BASE FOR  
DEPUTY SHERIFF  
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a full-time Deputy Sheriff position due to an internal promotion which became effective June 2, 2014; and

WHEREAS: Legislative approval is required for waivers of 90-day hiring delay; and

WHEREAS: In order to maintain adequate staffing levels for the Road Patrol Division, the Sheriff has an immediate need to backfill said position; and

WHEREAS: John Cornwell, a transfer candidate with over 10 years of law enforcement experience, has applied and has been found both eligible and willing to accept a transfer from the Village of Walton Police Department to the Deputy Sheriff vacancy in Tioga County; and

WHEREAS: Tioga County Resolution 211-99 requires Legislative approval for any appointments made above an established base salary amount, and the Sheriff has approval from the Tioga County Law Enforcement; and

WHEREAS: The Sheriff has received approval from the Tioga County Law Enforcement Union to hire a new Deputy Sheriff who has successfully completed the basic Police Academy training at an annual salary reflecting 2 years of experience per the current union contract, or \$49,531; therefore be it

RESOLVED: That the Sheriff is hereby granted a waiver from the 90-day hiring delay and is authorized to backfill the vacant, full-time Deputy Sheriff position with the appointment of John Cornwell at an annual salary of \$49,531, effective July 1, 2014.

## ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

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

RESOLUTION NO. 138-14	<i>TRANSFER AND APPROPRIATION OF FUNDS; ABOLISH, CREATE AND FILL POSITIONS HEALTH DEPARTMENT</i>
-----------------------	--

WHEREAS: The Tioga County Health Department (TCHD) has identified areas to reorganize staff to be more effective and efficient; and

WHEREAS: The reorganization includes the abolishment of positions and the creation (and fill) of others, as well as the transfer and appropriation of funding into the correct accounts; and

WHEREAS: Fund Transfers, Appropriations of Funds, Abolish, Create and Fill of positions all require Legislative approval; therefore be it

RESOLVED: That TCHD be authorized to abolish one (1) full-time Account Clerk-Typist position effective August 15, 2014; and be it further

RESOLVED: That TCHD be authorized to abolish one (1) full-time Home Health Aide position and create and fill one (1) temporary, part-time Home Health Aide position, effective on or before July 15, 2014; and be it further

RESOLVED: That TCHD be authorized to abolish one (1) full-time Community Health Nurse position and create and fill one (1) part-time Community Health Nurse position, on or before September 8, 2014; and be it further

RESOLVED: That TCHD be authorized to abolish one (1) full-time Administrative Accounting Supervisor position and create and fill one (1) temporary part-time Administrative Accounting Supervisor position, effective on or before September 8, 2014 through no later than April 1, 2015; and be it further

RESOLVED: That funding be appropriated as follows:

From:	A1610.40	Revenue: Long Term Home Care	\$ 8,000
	A4011.10-10	Administration Personnel Salary	\$10,000
	A4011.40-120	Administration: Contracts	\$ 6,400
	A4053.10-20	Primary & Preventive: Part-time	\$17,620
To:	A4010.10-10	Nursing: Personnel Salary	\$16,000
	A4010.10-20	Nursing: Part-time	\$ 7,500
	A4010.40-640	Nursing: Supplies (Not office)	\$ 8,520
	A4011.10-20	Administration: Part-time	\$10,000

#### ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

#### RESOLUTION ADOPTED.

Legislator Case made a motion to have the following late-filed resolution considered, seconded by Legislator Sullivan and carried.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 139-14

*AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE*

WHEREAS: A project for the rehabilitation of the Catatonk Hill Road Bridge (BIN: 3335130) over Catatonk Creek, PIN 9753.80 (the Project) is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the Federal and Non-Federal share of the costs of the Construction and Construction Supervision and Inspection work; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the County of Tioga to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Construction and Construction Supervision and Inspection work for the Project or portions thereof; and be it further

RESOLVED: That the sum of \$824,000 is hereby appropriated from H2013.05 Catatonk Hill Rd. Bridge Account and made available to cover the cost of participation in the above phase of the Project or portions thereof; and be it further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED: That the Chair of the Legislature for the County of Tioga be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of the Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED: That this resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Roberts, Standinger, Sullivan, Weston, Case, Hollenbeck, and Huttleston.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:24 P.M.