

Second Regular Meeting
February 12, 2013

The Second Regular Meeting of 2013 was held on February 12, 2013 and was called to order by the Chair at 12:05 P.M. All Legislative members were present.

Chair Weston asked Legislator Sullivan to have a moment of prayer. "Dear Lord, please continue to watch over us as we strive to serve the people of Tioga County. We ask that you guide us and grant us the blessings of wisdom, courage, and understanding so that our actions meet the needs of those we serve."

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

Legislator Sauerbrey read and presented a recognition resolution to Christina Porcari posthumously for Matthew J. Porcari.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 34-13	<i>RECOGNITION RESOLUTION RECOGNIZING MATTHEW J. PORCARI POSTHUMOUSLY</i>

WHEREAS: Matthew J. Porcari passed away on January 21, 2013; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Porcari for his many years of dedicated service as a Volunteer Fireman, most currently Captain of Owego Fire Co. 3; and

WHEREAS: Matt joined the Department in 1995 and was accepted as an apprentice fighter at age 16 into Croton Hose Company No. 3 of Talcott Street, and was actively involved with training new recruits; and

WHEREAS: Prior to serving the past two years as Captain, Matt was a Lieutenant and Owego Firefighter for 19 years; and

WHEREAS: Matt was a "green tag" volunteer, which meant he successfully completed training and passed a physical to be recognized as an interior firefighter who is permitted to actively attack a fire inside a structure; and

WHEREAS: Matt is survived by his wife, Christina and their blended family; 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 Matthew J. Porcari posthumously for his years of dedicated service to Tioga County as a Tioga County Volunteer Fireman of Owego Fire Co. 3; 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 Matthew J. Porcari.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Ed Franz, Chief of the Owego Fire Department, spoke. "For those of you who do not know me, I am Ed Franz, I am Chief of the Owego Fire Department. Christina has asked me to speak and thank all of you for this honor that you are giving her in remembrance of her husband. I have been 55 years in the Fire Department. This is my second term round as Chief and this has been one of the hardest things that we have had to deal with. On behalf of her, her entire family, the total Porcari family, again I would like to thank you for presenting this to Christina."

William Standinger had privilege of the floor. "I am a Legislator for District #7. I am here today to read something that I have enjoyed for many years and I think that probably everyone here including all our elected representatives from the State and Federal Government would do well to abide by.

"This framed document I got from my grandfather. After he passed I ended up getting it and placing it on my wall, and I would like to read it. It is called "The American's Creed".

"I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it; to support its constitution; to obey its laws; to respect its Flag; and to defend it against all enemies.

"This was written by a gentleman by the name of William Tyler Page in 1917. He was the Clerk of the House of Representatives in the US Congress. He prepared this document and it has been read many times at different ceremonies. Apparently it used to be read at high school graduations. I do not think my grandfather got it there because he never graduated. He believed in this and I think that we all should. My concern now is our State and Federal politicians do not necessarily take this to heart. There is also another document and I carry this every day that I am here at a meeting, the US Constitution. I am a firm believer in it. I hope everybody else is. Thank you."

Andrew Quinlan had privilege of the floor. "I have to comment before I read this on Mr. Standinger's 1917 grandpa. Well my father came over here as an immigrant and he was Fire Chief, the first Fire Chief in West Endicott, so he knew all about fires, our whole family, we are a family of nine, we know all about fires. In 1917 there probably was 70 maybe 100 million people, today there is over 300 million people in this United States. It is entirely changed. They did not change a lot of stuff, they just went by the 1917 thing. Today it is 2013, that is 90 some years ago. Did we have cars then? I do not know, I was not around.

"With all due respect I hope I can get five minutes of your time because I believe firmly in this and I will read it and you can take it home, put it under your pillow. I gave you each a copy and if I am out of line I am out of line, but I am a firm believer in the will of the people and the constitutional rights we are granted by our forbearers.

"We are a nation of laws. When elected officials too long in office become preemptive, forgetful, they can be removed from office. It is timely we initiate a course of action, which the laws of New York provide for public relief.

"In preface, ladies and gentlemen, were this to be a long fight or short, in the issue placed before you, wisdom will dictate your immediate cooperation. This is but an opening gun, which signals a two year fight that will tear down those who defy the people. Those who have short terms in office, from Waverly, Candor, Newark Valley, Owego, have the most to gain in their reelection bid were they to support here and now term limitations, an issue which will not go away. The public angers at career legislators, those who have fed at the trough year after year isolated in their power, being ritualistic rather than problem solvers. It is obvious State and Federal support will shrink, our county taxes then to increase, and you do nothing to create efficiencies. Many of us are in hardship. Be done with those legislators too long in office, we cannot afford them. Be done with the items of pork and nonconsequential expenditures loaded into our budget, signs of too many hands having access to our resources. We need a new look at county management. It suggests a new-old blend of views, especially including legislators from above municipalities. They are not fossilized.

"I have come before the Legislature requesting this body initiate by referendum modification in the terms of office. Term limitations introduce new thinking, better solutions to our burden of taxation placed upon us for want of ways to expand our tax base. You just do not wait for lightning to strike. Change has to happen through term limitations.

"Self-serving, in preempt manner Chairman Dale Weston has dismissed this issue. If this body is so fossilized as not to act, then it is up to our one term incumbents who seek reelection to move this popular issue sequestered by this Chairman. Otherwise, these one term incumbents will face challengers who, I assure you, the public will favor. It will not go away, but you can.

"According to a new account the Chairman justifies his do nothing position on term limitations, stating you the Board have consulted with the municipalities asking for their input. Is that true? I cannot think of you hoop jumping.

"Seemingly, the interpretation of the municipalities was that this proposed law, which actually is narrowly focused on the County Legislative Branch, was inclusive of municipalities. Why else did they respond, they of themselves did not have term limits, and in the same frame of reference did not wish for themselves such. Weston pulled a red herring trick. Weston knew nowhere are term limits sought for other than the County Legislators. He wanted cover. This is a scare tactic – worse, since Weston demonstrated he does not want direct public opinion, I propose to educate our leader by circulating a petition inclusive of the language calling for term limits. If we are ignored then by his not placing this term limitation matter on the ballot as a referendum for vote by the general public, he has abridged the rights of the people. This will ignite public wrath. The Legislators by their own folly will end entrenched careers with good men and woman contesting their positions.

"Reelections being spread over staggered years before two of those cycles are completed, dollars to doughnuts, some board members will disagree with their leader's position. They otherwise to be one of those to take hat and coat, bid final goodbye and buggy ride home.

"Prior to deciding on this present sequence of action I have consulted with our State Board of Elections. I wanted to check other ways to go and did review the people power empowerment act introduced by Governor Andrew Cuomo when he was Attorney General. The latter legislation also goes in the same direction, differently but likewise seeks to improve management of our affairs. However in Tioga the shoe that best fits the foot is term limitations, illustrated by the fact counties large and small, one being Steuben County, have embraced term limitations. I quote various officials and their published remarks, my purpose the same in my quest for county leadership that is dynamic with job creating ability and not one with housekeeping vision.

"Under a two year old headline "Voices Against Term Limits are falling silent", I quote from the article commenting on the spate of new efforts to enact term limits: Westchester and Putnam County Legislators approved term limits and others are lining up to do the same. In this age of cynicism about politicians, who is going to make the argument for career politicians as opposed to voter choice? Those anti-term limit voices have been muted.

"From Rockland County: Term limits provide for that check against entrenched interests gaining an overwhelming edge in the people's government, affords additional chances for fresh perspectives, and more to the point, promotes a level playing field for newcomers to serve the public.

"Said another commentator: "I've had so many constituents calling me about term limits that this ignored petition truly is the people's will.

"This is what I say: This government is hanging itself by its own manufacture – a fancy distortion of truth begun when Chairman Weston dragged in unaffected municipalities, giving the impression to cover his inaction, they would be involved. Behaviorally I rate this County with a C minus and a D in its public meetings. Attending the usual County meeting is so dull as to make counting one's toes exciting.

"Organize your friends to call their Legislators as to term limits, it is here to stay. Thank you very much ladies and gentlemen."

Marte Borko had privilege of the floor. "Good afternoon. It seems like not too long ago I was sitting where you are and what I learned in my four years of sitting where you are is that the greatest asset that this County has really are its employees, whether it be the Legislative Clerk, the Economic & Development Department, Social Services, Public Works, Buildings & Grounds that built the structures that you are sitting around, is that the people that work for this County are great people and do a great job to represent us.

"I also had the pleasure of working for 35 years in the County of Orange as an educator and during that time administrators, presidents, vice presidents came and went. Now it is my understanding that Andy's proposal is for two terms. I personally do not think that two terms is sufficient given the fact that Tioga County has a four year, three year, three year, three year, four year, three year, three, three, four. I think that it should be 10 years, that every 10 years that that would be your maximum amount of time in service, and then if a period of election goes by and you want to re-run again, then you serve again, but I tend to agree with Andy when one can become entrenched. Thank you."

Chris Bonner had privilege of the floor. He spoke regarding term limits and about the Constitution of the United States.

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		115.79
A1172	Public Defender		12,244.64
A1325	Treasurer		643.47
A1355	Assessments		599.73
A1410	County Clerk		9,531.14
A1420	Law		3,132.97
A1430	Personnel		119.44
A1450	Elections		36,505.76
A1460	Records Management		118.00
A1490	Public Works Administration		722.32
A1620	Buildings	628.36	56,713.83
A1621	Buildings		19,566.27
A1680	Information Technology		57,037.41
A1920	Municipal Association Dues		6,422.00
A2490	Community College Tuition		7,161.00
A2960	Education Handicapped Children		134,709.80
A3020	Public Safety Comm E911 System		16,598.66
A3110	Sheriff		26,731.24
A3140	Probation		721.07
A3150	Jail		111,255.85
A3315	Special Traffic Programs		982.84
A3357	State Homeland Security Grant 2011	931.92	
A3410	Fire	1,423.88	1,808.95
A3640	Emergency Mgmt Office		600.59
A4010	Public Health Nursing		44,567.72
A4011	Public Health Administration		35,898.51
A4012	Public Health Education		962.92
A4042	Rabies Control		1,501.81
A4044	Early Intervention		9,593.00
A4053	Preventive/Primary Health Services		131.00
A4054	Preventive Dental Services		510.21
A4064	Managed Care-Dental Services		1,271.25
A4070	Disease Control		1,262.20
A4090	Environmental Health		923.60
A4210	Alcohol and Drug Services		2,354.48
A4211	Council on Alcoholism		10,990.34
A4309	Mental Hygiene Co Admin		22,791.82
A4310	Mental Health Clinic		72,548.70
A4315	Mental Retardation		9,852.00

A4320	Crisis Intervention Services	7,885.33
A4321	Intensive Case Management	2,616.70
A6010	Social Services Administration	55,753.83
A6141	Energy Crisis Assistance Programs	9,618.40
A6422	Economic Development	696.68
A6610	Sealer Weights and Measures	192.41
A7510	Historian	40.00
A7989	Tourism	150,000.00
A8020	Planning	702.13
A9060	Health Insurance	2,191.44
SOLID WASTE FUND		88,255.23
SPECIAL GRANT FUND		1,799.41
COUNTY ROAD FUND		129,658.42
CAPITAL FUND		141,199.95
CONSOLIDATED HEALTH FUND		330,609.42
SELF-INSURANCE FUND		<u>142,163.38</u>
GRAND TOTAL		\$ 1,785,569.22

Legislator Sullivan made a motion to approve the minutes of January 2, 15, and 24, 2013, seconded by Legislator Standinger, and carried.

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

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 35-13

*AUTHORIZATION TO SUBMIT APPLICATION
AND ADMINISTER A NEW YORK STATE
HOUSING TRUST FUND CORPORATION –
2013 NEW YORK MAIN STREET PROGRAM
GRANT FOR VILLAGE OF WAVERLY
DOWNTOWN REVITALIZATION PROGRAM*

WHEREAS: The NYS Housing Trust Fund Corporation through their 2013 New York Main Street Program (NYMS) has made available a funding opportunity for rehabilitation of building stock to foster small business development, expand housing, stimulate reinvestment, enable adaptive reuse, address Americans with Disabilities Act (ADA), address code enforcement issues, energy efficiency and to preserve and revitalize mixed-use (commercial, civic and residential) business districts through building rehabilitation, façade improvement and streetscape improvement grants; and

WHEREAS: the NYMS Program criteria allows units of government to be eligible applicants and to act as a Local Program Administrator (LPA); and

WHEREAS: The Tioga County Tourism Study (2004) recommends that our revitalization efforts follow the National Trust's Main Street Center 4-point Approach, one of which is – Design: Enhancing the historic commercial district's physical appearance through building rehabilitation, compatible new construction, public improvements and design management systems; and

WHEREAS: The Village of Waverly has continually envisioned this revitalization of their "main street" downtown area to be kept historically sensitive, as is stated in both their 1981 Comprehensive Development Plan and the more recent 2005 Downtown Action Plan. Subsequently, Village of Waverly officials partnered with residents, the New York Community Action Team, the Community and Rural (Regional) Development Institute at Cornell University and New York Main Street Alliance to bring that Downtown Action Plan to life. This NYMS grant will be the next effort to address these plans regarding downtown revitalization goals; and

WHEREAS: Tioga County approved resolutions for the 2010 AND 2011 NYMS Program and for the Village of Owego and Village of Nichols in which programs were approved and are in process; and

WHEREAS: The Village of Waverly approved a resolution in support of this application to the 2013 NYMS Program by Tioga County and is desirous of the County conducting this activity for them; and

WHEREAS: Several property owners in the Village of Waverly downtown business district target area have expressed an interest in utilizing this funding to make building improvements; and

WHEREAS: This grant source requires applicants to administer and ensure successful completion of all assisted projects by evaluating and assuring compliance with all local, state and federal laws and regulations, and allows up to a 7.5% administrative fee as administrative revenue for providing such services; and

WHEREAS: The NYMS Program grant application will be submitted for a total of up to \$250,000 for building rehabilitation and façade improvements with 25% cash match provided by property owners, plus Tioga County Department of Economic Development & Planning will receive revenue for staff time to provide administrative services, therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes submission and administration of said grant to New York State Housing Trust Fund, NYMS Program in the amount of up to \$250,000 with cash match provided by property owners with up to 7.5% in administrative revenue to be received for providing such services.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 36-13 *FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.*

WHEREAS: The State of New York provides financial aid for household hazardous waste programs; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: It is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 37-13 *AMEND AND REAPPOINT MEMBERS
PUBLIC TRANSIT ADVISORY COUNCIL
SOCIAL SERVICES*

WHEREAS: The position of County Manager no longer exists; therefore be it

RESOLVED: That the title be removed from the list of members on the Public Transit Advisory Council; and be it further

RESOLVED: That the following members be and hereby are reappointed to the Public Transit Advisory Council for a four year term of January 1, 2013 through December 31, 2016:

Director of Aging Services
Representative Tioga County Tourism
Rider County Transit System
Rider County Transit System
Representative NYS DOT
Representative Broome Metropolitan Transit
Representative Non-Profit Human Services Agency
Representative Community at large

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 38-13 APPOINT - FIRE ADVISORY BOARD

RESOLVED: That upon recommendation of the Tioga County Fire Chiefs, the following members be and are hereby appointed to the Tioga County Fire Advisory Board for the year 2013:

OFFICERS: CHAIRMAN STEVE FEDOROWICZ
 VICE CHAIRMAN DON HOWARD
 SECRETARY CHARLES KLETT

Membership:

<u>DEPARTMENT</u>	<u>DELEGATE</u>	<u>ALTERNATE</u>
APALACHIN	MIKE GEORGE	DON AMES
BERKSHIRE	KEN BEAN	RON SHARP
CAMPVILLE	MARK DANIEL	PAT MERCER
CANDOR	JON ROMAN Jr.	TOM KING
HALSEY VALLEY	RON FRISBIE	DAVE BUMP
LOCKWOOD	DAVE CURTIS	BOB LONG
NEWARK VALLEY	GEORGE WAHL	JOHN HANEY
NICHOLS	RAY THETGA JR.	ROB MINER
OWEGO	ROBERT WILLIAMS	ED FRANZ
RICHFORD	JOHN KEENER	ZACH ARMSTRONG
SOUTHSIDE	CHARLES KLETT	FRANK OKRASINSKI
SPENCER	SCOTT GILLETTE	DEREK GRIER
TIOGA CENTER	MILTON KEMP	ART MAYER
WAVERLY	DON HOWARD	JEFF WHEELER
WELTONVILLE	RON HOLBROOK	DOREEN HOLBROOK
BUREAU of FIRE	JOHN V. SCOTT	
	LARRY SINGLETON	
	CONNIE FEDOROWICZ	
	KEVIN FORD	
	STEVE FEDOROWICZ	
EMO	RICHARD LeCOUNT	

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
AG COMMITTEE

RESOLUTION NO. 39-13 SET PUBLIC HEARING FOR 2013 ANNUAL
AGRICULTURAL DISTRICT INCLUSIONS

WHEREAS: The Tioga County Legislature, as per resolution 296-03 designated January 2nd through January 31st as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and said law requires that the Tioga County Legislature hold a public hearing before making a decision on inclusion of lands; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2013 on February 21st, 2013 at 10:00 AM in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, NY.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 40-13 APPROPRIATION OF FUNDS
PUBLIC HEALTH

WHEREAS: New York State Child Passenger Safety Program funding has been awarded to the Tioga County Public Health Department; and

WHEREAS: The funding is specifically designated for the purchase of program deliverables; and

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

RESOLVED: That funding be appropriated as follows:

From: A3401.12 State Aid – Health Education	\$13,300
To: A4012.20-130 Health Education: Equipment	\$ 3,250
A4012.40-60-640 Health Education: Supplies	\$10,050

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 41-13 *FUND SHERIFF'S GRANT – NYS WM 2011 GRANT*

WHEREAS: The Sheriff's Office has been awarded a NYS Homeland Security Grant identified as (LE11-1008-E00) in the amount of \$34,138; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Homeland Security Grant (LE11-1008-E00) be appropriated as follows:

From: State Aid-Sheriff LE11-1008-E00 A3397.11 \$34,138

To: Sheriff LE11-1038-E00 Grant-Equipment A3121.20.130 \$34,138

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: COUNTY CLERK COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 42-13 *AUTHORIZE INCREASE IN ADMINISTERING
MORTGAGE TAX BY
THE TIOGA COUNTY CLERK AS APPROVED BY NEW
YORK STATE DEPARTMENT OF TAXATION AND
FINANCE*

WHEREAS: Section 262 (Article 11) of the New York State Tax Law mandates that recording officers are entitled to receive for the county all necessary expenses for the purpose of administration of the mortgage tax in their office and approved allowance by the New York State Department of Taxation and Finance; and

WHEREAS: The Tioga County Clerk has requested proper compensation that are reasonable and necessary allowances to cover county expenditures for collection, disbursements of the mortgage tax; and

WHEREAS: The Tioga County Clerk's Office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$96,882.00 per year; and

WHEREAS: The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to increase the mortgage expense to be \$96,882.00 for the period of April 2013 – April 2014; be it therefore

RESOLVED: That the County Clerk be authorized to collect or withhold from its disbursements \$8,073.50 for the months of April 2013 through month of April 2014, for a total annum amount of \$96,882.00.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 43-13 *AGREEMENT BETWEEN NEW YORK STATE
DEPARTMENT OF HEALTH AND TIOGA COUNTY
PUBLIC HEALTH*

WHEREAS: On April 1, 2013, the New York State Department of Health will be contracting out to a fiscal agency for the billing of Early Intervention; and

WHEREAS: Tioga County Health Department is required and will need to reimburse the New York State Department of Health for its portion of the cost; and

WHEREAS: New York State Department of Health will submit vouchers to Tioga County at the end of each calendar quarter; and

WHEREAS: Tioga County will need to reimburse the State of New York for its share of the services that were provided to infants and children enrolled in the Early Intervention program thirty (30) days after receiving these vouchers; and

WHEREAS: An Agreement will be required for the County to be reimbursed per Article 25 Title 11A of the Public Health Law; therefore be it

RESOLVED: That the Agreement be reviewed by the County Attorney; and be it further

RESOLVED: That the Chair sign this Agreement.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 44-13 *CREATE AND FILL PART-TIME TEMPORARY
POSITIONS
(PUBLIC HEALTH)*

WHEREAS: The New York State Department of Health has advised the Tioga County Public Health Department that they intend to issue additional Home Health Agency certifications to other facilities in the near future; and

WHEREAS: Up until now, Tioga County Public Health Department was the only Certified Home Health Agency (CHHA) in Tioga County; and

WHEREAS: It is expected the addition of CHHA's in Tioga County will greatly diminish the referrals to the Tioga County Public Health Department, perhaps gradually even eliminating referrals all together; and

WHEREAS: In response to the news of this situation, some Nurses and Home Health Aides at the Public Health Department have left for other employment; and

WHEREAS: The Public Health Director must ensure that existing CHHA patients receive the necessary services, but expects recruiting replacements for the full-time vacancies to be questionable based on the circumstances; and

WHEREAS: The Public Health Director has devised a stop-gap measure that will ensure the continuation of services while limiting the impact which may eventually occur for the full-time CHHA staff; and

WHEREAS: Said solution is to create a pool of part-time temporary positions to be utilized on an as needed basis until such time the future of Tioga County's CHHA is determined; therefore be it

RESOLVED: That the Public Health Director is hereby authorized to create and fill four (4) part-time temporary Home Health Aides at a 2013 hourly rate of \$18.65 plus six (6) part-time temporary Registered Professional Nurses at a 2013 hourly rate of \$27.80, none of which shall work in excess of 17 hours per week; and be it further

RESOLVED: That the hourly rates indicated above are an exception to Resolution 278-11, and this exception is being granted in light of the extenuating circumstances regarding the CHHA; and be it further

RESOLVED: That these ten (10) positions may be filled effective on or after February 13, 2013 in lieu of filling the currently vacant Home Health Aide (3) and Registered Professional Nurse (1) and Public Health Nurse (1) positions; and be it further

RESOLVED: That if, in the future, Tioga County's CHHA is dissolved, these ten (10) temporary part-time positions shall be abolished upon the dissolution of the CHHA.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 45-13 *RESOLUTION OPPOSING THE PROCESS
OF ENACTMENT AND CERTAIN PROVISIONS
CONTAINED WITHIN THE NEW YORK SAFE ACT*

WHEREAS: The right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

WHEREAS: The right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Tioga County; and

WHEREAS,: The lawful ownership of firearms is, and has been, a valued tradition in Tioga County, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

WHEREAS: The people of Tioga County derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

WHEREAS: Members of the Tioga County Legislature, being elected to represent the people of Tioga County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS: Members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS: The enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS: It is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

WHEREAS: Having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

WHEREAS: Our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

WHEREAS: Seeking, and considering, such public input is a standard to which we hold ourselves in the Tioga County Legislature; and

WHEREAS: This legislation has 60 sections, of which only three take effect immediately; and

WHEREAS: In our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS: The mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, and are confusing even to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and

WHEREAS: Requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS: There will be a significant financial impact due to the approximately 10,000 Tioga County permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS: This legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS: Those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of; and

WHEREAS: Few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS: Limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS: The only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS: Requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS: The New York State Combined Ballistic Identification System, which wasted \$44 million in taxpayer money and resulted in zero convictions, illustrates the propensity of government to waste taxpayer resources when legislation is not properly reviewed; and

WHEREAS: Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

WHEREAS: This legislation severely impacts the possession and use of firearms now employed by the residents of Tioga County for defense of life, liberty, and property; and

WHEREAS: This legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS: Tioga County Sheriff Gary Howard has said "the state already has laws prohibiting individuals from possessing fully automatic rifles, along with limitations on high-capacity magazines for ammunition"; and

WHEREAS: Tioga County Sheriff Gary Howard has said that he “does not believe there needs to be any change to current gun-control laws because it’s not the honest people who commit crimes”; and

WHEREAS: While there are some areas of the legislation that the Tioga County Legislature finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra’s Law and Mark’s law, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

WHEREAS: This legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS: This legislation effectively turns countless New York State law-abiding gun owners into criminals; and

WHEREAS: The manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Tioga County Legislature, now therefore be it

RESOLVED: That the Tioga County Legislature does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and further be it

RESOLVED: That the Tioga County Legislature considers such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives; and further be it

RESOLVED: That the Tioga County Legislature strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and further be it

RESOLVED: That the Tioga County Legislature requests the members of the New York State Senate and Assembly who represent all, or part of, Tioga County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and further be it

RESOLVED: That a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Senator Thomas Libous, Congressman Thomas Reed, Congressman Richard Hanna, and Assemblyman Christopher Friend.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 46-13 *RESOLUTION IN OPPOSITION TO ANY ATTEMPT
BY THE NEW YORK STATE LEGISLATURE TO ENACT
LEGISLATION WHICH BUNDLES ISSUES RELATING
TO GUN CONTROL AND AMENDMENT OF THE
FREEDOM OF INFORMATION LAW*

WHEREAS: The Legislature is aware that two bills have been introduced in the New York State Senate, Bill Numbers S.2131 and S.2132, which propose amendments to the New York State Freedom of Information Law exempting disclosure of gun permit holders in certain instances; and

WHEREAS: This Legislature supports legislation that would exempt from disclosure records pertaining to gun permit holders for law enforcement purposes; and

WHEREAS: This Legislature is also aware of efforts to enact stricter gun control legislation, but has not had an opportunity to review and consider this legislation; and

WHEREAS: This Legislature believes that the issues surrounding disclosure of gun permit holders and those of enacting stricter gun control are separate issues, which should not be bundled together in one law; now therefore be it

RESOLVED:

1. That the Tioga County Legislature hereby approves of legislation which would exempt from disclosure those individuals who hold gun permits.
2. That the Tioga County Legislature opposes any effort by the New York State Legislature to enact stricter gun control measures without an opportunity of the residents of this state to debate the merits of such legislation.
3. That the Tioga County Legislature opposes any effort by the New York State Legislature to bundle together stricter gun control legislation with legislation that would exempt the records pertaining to gun permit holders from disclosure under the New York State Freedom of Information Law as it is set out in the Public Officers Law.
4. That certified copies of this resolution be sent to Senators Charles E. Schumer, Kirsten Gillibrand, and Thomas Libous; Congressmen Thomas Reed and Richard Hanna, and Assemblyman Christopher Friend.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:39 P.M.