

*Ninth Regular Meeting*  
September 10, 2013

The Ninth Regular Meeting of 2013 was held on September 10, 2013 and was called to order by the Chair at 6:01 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. "Heavenly Father we thank you for your grace and your peace. We ask for a special blessing as we make decisions that help to govern the community and the county. On this anniversary tomorrow of September 11, we remember those people that lost their lives and we thank the people for rescuing and working hard to save those individuals that were buried under the debris in New York City.

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

There were 18 people in attendance.

Legislator Standinger read and presented the following recognition resolution to Betty Hawken.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 212-13

*RESOLUTION RECOGNIZING  
ELIZABETH J. HAWKEN'S  
24 YEARS OF DEDICATED  
SERVICE TO TIOGA COUNTY*

WHEREAS: Betty Hawken began her career with Tioga County in a temporary position as Stenographic Secretary on July 17, 1989. On November 13, 1989 she was hired as Real Property Tax Service Assistant and then reclassified as Real Property Tax Service Technician as of September 15, 1999 until September 30, 2007 when she was appointed to the position of Real Property Tax Services Director until present. Betty also served as Deputy Director from July 1, 2004 until her appointment to Director on October 1, 2007; and

WHEREAS: Betty has been extremely dedicated and tenacious in the performance of her duties and responsibilities during the past 24 years. She has earned the respect of her colleagues in other county departments, and those citizens she professionally interacts with throughout Tioga County; and

WHEREAS: Betty has served on many vital boards and committees representing Tioga County such as; Ag and Farmland Protection Board, GIS Advisory Board, Gravel Mining Review Board and Records Advisory Board; and

WHEREAS: Betty's work has also been very appreciated by her New York State colleagues stating "Betty has been a valued partner in helping to achieve and administer property tax equity for the people of Tioga County. Her contribution to this work has been significant and will be missed. All of us who have worked with Betty have enjoyed our time with her and appreciated her efforts"; and

WHEREAS: Betty will be retiring on September 30, 2013; 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 Elizabeth J. Hawken for her 24 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, Elizabeth J. Hawken.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standing spoke. "I would like to say that Betty does an outstanding job. She makes my job easy as Committee Chair. She is very meticulous in what she does and that is to be recognized. A lot of times employees do not get recognized for what they do. I just want to tell her that it has been a pleasure to have her."

Elizabeth Hawken spoke. "When you get old you get nervous, your brain freezes, and you do not remember what you were going to say or what you wanted to say so I had to put it down on paper. It has been a pleasure working for Tioga County for the last 24 years. It has afforded me many opportunities to move on and up with many challenges. I believe that is the reason why I really enjoyed my job here at Tioga County so much was because of those challenges.

"As the resolution stated, I was hired in the County Real Property Tax Office in 1989. That Department was fairly new. The State had just previously several years before mandated that every County in New York State must have a Real Property Tax Office and for me my beginning every step was a learning curve. I was given a computer and put to work keying in data changes for assessors from their handwritten notes, which would ultimately be printed as an assessment roll. I learned about tax maps, how to print those maps on a smelly Diazo machine. I learned about New York State Real Property Tax Law, deeds, corrections, and mapping changes. Not much later New York State Real Property Tax software was installed on the server and I was put to work learning dos. That was fun. Trial and error, the trick was to get your entries completed in all the right buckets and use the right computer language for your dos commands, and when you finally did not get a popup error message you knew you were good to go. Doug can tell you that.

"I was just getting pretty good at dos when a windows version of RPS was installed and the learning began all over again. No longer merging assessors files from disks, but working on the administrative computer while the assessors keyed into their computers in their offices, which their computers were connected to the County server. We were challenged with compatibility issues, assessors that did not want change, tax bills, assessing villages, irate public opinions. Some things just never change. Actually my 24 years with Tioga County Real Property Office was a snap compared to my memories from my nine years working at Waverly High School. All those challenges I did enjoy afforded me opportunities to move up from Real Property Tax Assistant, Technician, Deputy Director, and Director serving under two Directors, which I will always have fond memories of.

"Saying goodbye is more difficult than I had anticipated. It is a sobering, life changing moment that I look forward to with mixed feelings and anticipation. Over 30 years in public service has made me a better person and I am happy to have spent my working life in public service. I would not have wanted to be employed anywhere else. Now it is time for a new chapter. I find that I need to retire now that the kids are gone and I am older. I am so busy

that I do not have time for a job. I was told retirement is when you stop living at work and began working at living with which I fully intend to do. The only problem I am being told is with retirement you never get a day off. In the words of James H. Douglas "A good job is more than just a paycheck. A good job fosters independence and discipline, contributes to the health of the community. A good job is the means to provide for the health and welfare of your family, to own a home and save a retirement." Mine was a good job and I thank you all."

Legislator Huttleston spoke. "I have been involved with the Real Property Department for a long time, back with McCrossen, Gloria Milks, Doug Barton, Betty, and I will say one thing as a user of that Department they have been very helpful and very good, and I have always appreciated dealing with them and never had a problem. I want to thank you and Doug for the good service you provided."

Legislator Huttleston read and presented the following recognition resolution to Christie Walker.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 213-13      *RECOGNIZE CHRISTIE A. WALKER'S  
34 YEARS OF DEDICATED SERVICE  
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Christie A. Walker began her career with the Tioga County Department of Social Services as a C.E.T.A. employee on August 13, 1979, was hired as a Caseworker on March 31, 1980, was promoted to Case Supervisor on June 9, 1986 and has remained in that title; and

WHEREAS: Christie Walker has been a dedicated and loyal employee in the performance of her duties within the Services Division of the Tioga County Department of Social Services, having worked in and supervised – Foster Care, Child Protective/Preventive, Family and Adult Services, and Adolescent & Adult Protective Services during her thirty-four years of service; and

WHEREAS: Christie Walker will retire on September 28, 2013; 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 to Christie A. Walker for her thirty-four years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Christie A. Walker.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

#### RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Huttleston spoke. "I would like to say another thing, I told you about how I used my business in the Real Property Department and I almost wanted to go on social services and give all my assets away so I could work with people like Christie Walker in your Department because you certainly have a Department there that everybody in this County including myself and especially the people we serve to be proud of. Shawn has done a good job, Gail has done a good job, and Christie Walker has done a good job. It has made my life easier and it has made life easier for a lot of people in this County, and I appreciate it."

Shawn Yetter, Commissioner of Social Services spoke. "Let me begin by saying that Christie Walker's name can be found in the dictionary under the definition of institutional knowledge. With only one person at the Department who has been with us longer, Christie represents a wealth of knowledge and experience, not only with programmatic rules and regulations, but also with and what will be equally missed knowledge around the many families and individuals whom we serve. If a name comes up, Christie can basically give a genealogy on their family, the role we may have played in their lives over the last three or four generations, who their boyfriend or girlfriend was in 1987, and then offer up insight and advice on how to proceed to best work with them and meet their needs.

"10 years ago supervision in the Child Welfare Division was in a mild state of chaos with several resignations and retirements in a short period of time. Gail was working diligently to rebuild a solid team of supervisors. The one constant that was always there was Christie. Over a several year period Christie was asked multiple times to move to different Units and to pinch hit where we had gaps while that rebuilding was going on. While we could see and feel the frustration this held for her, she never once complained about it. For two years in a row Christie received the Commissioner's Award for excellence for stepping up to the plate. It is because of Christie's willingness to always step forward that Gail could rebuild that team of supervisors into the solid group that it is today. Christie your leadership in that cannot be underestimated and it is part of your legacy.

"Knowing this moment was on the horizon, your Supervisor and friend of many years, Gail Barton asked herself the question, how do you recognize, thank, and say goodbye to someone you have known and worked with almost every single day for the past 34 years. Her answer was put my thoughts down on paper and then have someone else read it. So Christie, in Gail's words, you are someone who has had a work ethic unmatched by any other employee. Someone who often had to be coaxed into taking vacation time, who was always willing to work late to deal with a last minute crisis. Someone who has more knowledge and information about the agency and the work we do than almost any other person in the County. Someone you could count on for her Christie archives, to have saved old memos, past policies and procedures, and have the minutes from every meeting she ever attended, and that is not an exaggeration.

"Someone who has always been the first to congratulate you on your personal and professional accomplishment and to console and comfort you on your personal losses. Someone who has always treated her supervisors and administrators with the utmost professionalism and respect. Someone who was willing to learn whatever you asked her to and to work in and move to whichever position or Unit you needed her in. Someone who took a voluntary demotion rather than bump a colleague out of a Civil Service position. Someone who has displayed grace under fire in response to being questioned about how and why she and other agency staff handled a most difficult and gut wrenching situation the way we did. Someone who has always fully contributed to and participated in agency social activities. Someone who is even tempered and has never displayed anger or utter any profanity regardless of the situation. Someone it has been a privilege to know and work with for 34 years. Someone I am proud to call my colleague and friend."

"Christie, Gail wrote these words, but we all feel them. On behalf of the administration and staff at DSS and the residents of the County whom you have worked tirelessly for for 34 years we thank you for your years of dedication in public service. You will be truly be missed. Congratulations on a well deserved retirement."

Christie Walker spoke. "I did not prepare anything because I feel like Gail, but everything Betty said minus the computer stuff. I just want to thank everybody for the opportunity and the trust, and working together."

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		395.92
A1165	District Attorney		2,785.98
A1170	Public Defender		2,330.10
A1172	Assigned Counsel		17,559.06
A1185	Coroner		880.80
A1325	Treasurer		528.96
A1355	Assessments		149.45
A1410	County Clerk		156.00
A1411	Department of Motor Vehicles		217.21
A1420	Law		3,309.99
A1430	Personnel		1,739.95
A1450	Elections	476.80	522.37
A1620	Buildings		24,030.72
A1621	Buildings		8,928.57
A1680	Information Technology	131,520.00	1,323.00
A1910	Unallocated Insurance		9,642.00
A2490	Community College Tuition		24,855.67
A2960	Education Handicapped Children		107,625.20
A3020	Public Safety Comm E911 System		4,551.87
A3110	Sheriff		16,090.22
A3140	Probation		144.00
A3146	Sex Offender Program		9,240.00
A3150	Jail-Annex		56,087.45
A3410	Fire		2,953.94
A3640	Emergency Mgmt Office		523.51
A3990	Fire-SHO8-1032-EOO	38,213.72	
A4010	Public Health Nursing		43,635.97
A4011	Public Health Administration		1,839.61

A4012	Public Health Education	154.00
A4042	Rabies Control	2,123.81
A4044	Early Intervention	177.32
A4053	Preventive/Primary Health Svcs	93.13
A4054	Preventive Dental Services	2,237.69
A4064	Managed Care-Dental Services	8,762.41
A4070	Disease Control	4,093.59
A4090	Environmental Health	566.81
A4210	Alcohol and Drug Services	882.41
A4211	Council on Alcoholism	10,999.34
A4309	Mental Hygiene Co Admin	4,612.42
A4310	Mental Health Clinic	7,823.40
A4320	Crisis Intervention Services	1,856.02
A4321	Intensive Case Management	1,541.04
A5630	Bus Operations	69,230.98
A6010	Social Services Administration	71,707.13
A6510	Veterans' Service	80.00
A6610	Sealer Weights/Measures	281.31
A8020	Planning	57.07
A8760	NYS DOS LTCRS Grant	7,094.03
SOLID WASTE FUND		165,825.00
SPECIAL GRANT FUND		1,905.63
COUNTY ROAD FUND		39,790.56
CAPITAL FUND		374,197.07
CONSOLIDATED HEALTH INSURANCE FUND		26,360.98
SELF-INSURANCE FUND		<u>13,896.00</u>
GRAND TOTAL		\$ 1,328,607.19

Legislator Hollenbeck made a motion to approve the minutes of August 13, 2013, seconded by Legislator Case, and carried.

Chair Weston made the following appointments to an Information Technology Steering Committee effective 9/11/2013:

Michael Jackson, Undersheriff  
Teresa Ryder, WMS Coordinator, DSS  
Robert Colling, Probation Officer  
Lisa Poole, Deputy County Clerk  
Linn Bruce, Civil Service Administrator  
Christian Root, First Assistant County Attorney  
Elaine Jardine, County Planning Director



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 Sauerbrey.

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 214-13 ADOPT LOCAL LAW NO. 3 OF 2013

WHEREAS: A public hearing was held on July 3, 2013, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2013 A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 3 of 2013; therefore be it

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

County of Tioga

Local Law No. 3 of the Year 2013.

A Local Law maintaining the current rate of taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

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

SECTION 1:

The first sentence of Section Two of Local Law No. 1 for 1968, as amended, is hereby amended to read as follows:

## SECTION 2:

Imposition of sales tax.

On and after September 1, 1984, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 2003, and ending November 30, 2015 there is hereby imposed and there shall be paid an additional tax of one percent upon:

## SECTION 2:

Section 2-A of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

## SECTION 2-a:

Tax rate on certain energy sources and related services. (a) Notwithstanding the rate of tax set forth in Section 2 of this Local Law, on and after March 1, 1994, and through November 30, 2015, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of three percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in section 4 of this Local Law for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1994, and through November 30, 2015, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of three percent of the consideration given or contracted to be given for such property or for the use of such property, plus the cost

of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1994, and before December 1, 2015, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made during said period. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1994, and before December 1, 2015, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1994, and before December 1, 2015.

(d) Where a residence is a part of a multiple dwelling or other premises consisting of residential and non-residential units, or where a portion of a residence is used for non-dwelling purposes including the conduct of a trade or business, the same rules or regulations shall be applicable that have been established by the Commissioner of Taxation and Finance in order to allocate to such residence the portion of the sale of energy sources or services attributable to the residential portion.

(e) If the Commissioner of Taxation and Finance has prescribed a certificate to be taken by the vendor of the energy sources or services specified in subdivision (a) of this section from the purchaser of such energy sources or services, such certificate shall be applicable for the purposes of this section. Where a certificate is required, unless such vendor shall have received such certificate in such form as the Commissioner of Taxation and Finance may prescribe, signed by the purchaser and setting forth his name and address, together with such other information as such commissioner may require, stating that the

premises, for which such energy sources or services are purchased, is used solely as a residence or identifying the residential portion of premises, for which such energy sources or services are purchased including instances where a multiple dwelling unit or other premises consists of residential and non-residential units or where a portion of a residence is used for non-dwelling purposes, such as the conduct of a trade or business, the provisions of this section shall not apply and the tax shall be imposed at the rate provided for in sections 2 and 4 of this Local Law. No further certificate need be furnished for any subsequent purchase for such premises if the information set forth in the certificate last furnished the vendor has not materially changed, except that in the case of exempt purchases of enhanced diesel motor fuel in amounts of over forty-five hundred gallons, a separate certificate must be furnished for each purchase.

#### SECTION 3:

Subdivision (h) of Section Three of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

h) With respect to the additional tax of one percent imposed for the period commencing December 1, 2003, and ending November 30, 2015, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 2003, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 2003, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2003. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2003, any transaction which may not be subject to the additional tax imposed effective on that date.

#### SECTION 4:

Section Four of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

##### SECTION 4:

Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 2003, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by

the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible

personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 2003, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

## SECTION 5:

Paragraph (C) of Subdivision (1) of Section 11 of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2015, in respect to the use of property used by the purchaser in this County prior to December 1, 2003.

## SECTION 6:

Subdivision (c) of Section Fourteen of Local Law No. 1 of 1968, as amended, is hereby amended to read as follows:

(c) Notwithstanding any provision of this local law or other law to the contrary, one-half of the net collections received by the County from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this local law for the period December 1, 2003, through November 30, 2015, shall be deposited in the general fund of the County and retained for County purposes, and one-half of such net collections shall be deposited by the County in a capital reserves fund. Disbursements from such capital reserves fund shall be made solely for the purposes of capital projects and repaying any debts incurred for such capital projects in the County.

## SECTION 7:

This enactment shall take effect on December 1, 2013.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 215-13 *AUTHORIZE ONLINE RESEARCH FEES OF THE  
ELECTRONIC RECORDS MANAGEMENT SYSTEM  
FOR THE COUNTY CLERK'S OFFICE*

WHEREAS: The County Clerk's office is responsible for the recording, filing and maintaining of public records for Tioga County; and

WHEREAS: The Tioga County Legislature has made recommendations to the Tioga County Clerk to charge a viewer usage fee to view online records; be it therefore

RESOLVED: That the Tioga County Clerk allow users to view index information for no fee and that a subscription fee be charged to view the index information and actual document as follows:

24 Hour Unlimited Access to Index and Image pg to print	\$ 5.00 Day	\$0.65	per
30 Day Unlimited Access to Index and Image pg to print	\$100.00 Month	\$0.65	per
6 Month Unlimited Access to Index and Image pg to print	\$500 Semi Annual	\$0.65	per



ROLL CALL VOTE

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

No – Legislator Huttleston.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 216-13 *AMEND RESOLUTION 211-13  
ACCEPT AUCTION BIDS FOR COUNTY  
OWNED PROPERTY ACQUIRED FOR  
TAXES, AUTHORIZE EXECUTION OF DEEDS*

WHEREAS: Resolution 211-13 was adopted on August 13, 2013; and

WHEREAS: Resolution 211-13 needs to be amended for the Town of Candor; therefore be it

RESOLVED: That Resolution 211-13 Accept Auction Bids for County Owned Property acquired for taxes, authorize execution of deeds be amended as follows:

REMOVE  
Town of Candor  
50.00-1-39.10, Sarah Knapp

CHANGE  
Town of Candor  
82.00-1-39, Lyn G & Sandra B McLain     Aaron D Gowan     \$10,000.00  
TO  
82.00-1-37, Lyn G & Sandra B McLain     Aaron D Gowan     \$10,000.00

And be it further

RESOLVED: That the remainder of Resolution 211-13 shall remain in full force and effect.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING  
COMMITTEE

RESOLUTION NO. 217-13 *SEQRA CONSIDERATION FOR NEW YORK STATE  
OFFICE OF PARKS, RECREATION AND HISTORIC  
PRESERVATION 2013-2014 SNOWMOBILE TRAILS  
GRANT-IN-AID PROGRAM, PHASE II APPLICATION*

WHEREAS: All new or modified snowmobile trails must have a SEQRA Determination approved and a Type II action as defined by 6 NYCRR 617.5(c)(26) and is not subject to review; and

WHEREAS: The trail changes to S57B for the Tioga Ridge Runners and S28 and S27A for the Spencer-Van Etten Snowmobile Club along with GPS updates for all trails for Spencer-Van Etten and the Candor Valley Riders as presented to NYSOPRHP are an Unlisted Action requiring Tioga County to consider the environmental significance of these changes; and

WHEREAS: A Short Form Environmental Assessment Form has been prepared for review by the Tioga County Legislature; now therefore be it

RESOLVED: That the Tioga County Legislature does hereby declare itself to be the Lead Agency and that it will undertake an uncoordinated review of the project; and be it further

RESOLVED: That the Tioga County Legislature has reviewed the Short Form Environmental Assessment Form, including the impact assessment, and has determined, based on the information and analysis set forth therein that the proposed action WILL NOT result in any significant adverse environmental impacts; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair to execute the Impact Assessment and the Determination of Significance of the Short Form Environmental Assessment Form and a Notice of Determination of Non-Significance (a Negative Declaration) in a manner consistent with this determination.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 218-13

*RESOLUTION TO EXTEND CONSULTANT  
CONTRACT FOR HAZARD MITIGATION PLAN  
COORDINATOR*

WHEREAS: Per resolution 193-12, the Tioga County Legislature authorized Tioga County Soil & Water District to perform the Hazard Mitigation Plan Coordinator services for the period of September 1 2012 – August 31, 2013; and

WHEREAS: This contract needs to be officially extended until December 31, 2013; and

WHEREAS: Tioga County Planning Department has enough funds in the 2013 budget to cover these expenses in appropriation account A8020.40-140; and

WHEREAS: The Tioga County Attorney has already reviewed said contract and approved the extension until the end of 2013; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the extension of said contract with Tioga County Soil & Water Conservation District, to perform Hazard Mitigation Coordinator services until December 31, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 219-13                      *ERRONEOUS ASSESSMENT  
TOWN OF CANDOR*

WHEREAS: A SCAR decision reduced the assessment on property no. 2898, assessed to Danny & Tammy Lindsay in the 2013 tax rolls of the Town of Candor; and

WHEREAS: The assessment for property no. 2898 should have been reduced from \$242,400 to \$193,000 for tax year 2013 but the court order was received after the bills were printed and warrants were in place; and

WHEREAS: The 2013 tax bill of \$4,008.95 was paid in full by Danny Lindsay to the Town of Candor Tax Collector; be it therefore

RESOLVED: That a refund of \$816.99 be issued to Danny & Tammy Lindsay by the Tioga County Treasurer; and be it further

RESOLVED: That the erroneous town tax of \$288.42 be charged back to the Town of Candor, and the erroneous fire tax of \$83.29 be charged back to the Candor Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$18.72 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$426.56 be charged to the proper accounts in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 220-13

*AUTHORIZE THE SUBMISSION OF A NYS  
HOMELAND SECURITY – FY2013  
TACTICAL TEAM TARGETED GRANT*

WHEREAS: The NYS Office of Homeland Security has announced a Tactical Team Targeted Grant; and

WHEREAS: Applications for this grant must be received no later than October 7, 2013; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Sheriffs' Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

## 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. 221-13

*APPROVE 2014 STOP DWI PLAN*

WHEREAS: The New York State Governor's Traffic Safety Committee (GTSC) requires Counties to submit an annual STOP DWI Plan for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2014 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2014 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$46,300
Prosecution Related	\$14,000
Probation	\$16,200
Rehabilitation	\$13,150
PI&E	\$19,200
Administration	<u>\$ 6,000</u>
	\$114,850

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 222-13      *AMEND COUNTY POLICY 3: ORIENTATION, EXIT INTERVIEWS, RECRUITMENT, RETIREMENT*

WHEREAS: County Policy 3 requires revision in order to clearly state current practices; and

WHEREAS: Further revision is required due to the upcoming change in coverage for Medicare eligible retirees as of January 2014; therefore be it

RESOLVED: That the current Section IV Retirement-D is repealed in its entirety effective immediately, but those currently enrolled in the Medicare Blue PPO shall be allowed to either continue that coverage or elect other coverage offered to retirees/spouses; and be it further

RESOLVED: That Section IV Retirement-C.5 is deleted and a new Section D created that reads "If an employee/retiree passes away, the spouse and family of the employee/retiree will be allowed to continue the same coverage for the balance of the month that the employee/retiree passed away and the following month at no cost, then the spouse and family will be offered the opportunity to carry the coverage for as long as eligible if they pay 100% of the premiums." As this paragraph was intended to apply to Section A, B and C, not just C.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 223-13      *AMEND RESOLUTION 50-94 AS AMENDED BY  
RESOLUTION 361-01, AS AMENDED BY RESOLUTION  
260-09, AS AMENDED BY RESOLUTION 186-10:  
RETIREE HEALTH INSURANCE CONTRIBUTIONS*

WHEREAS: Resolution 50-94 established health insurance contribution rates for retirees at \$5.00 or \$7.50 per month; and

WHEREAS: Resolution 361-01 increased those rates to \$10.00 or \$15.00 per month; and

WHEREAS: Resolution 260-09 increased the monthly contributions by \$10.00 per month to \$20.00 or \$25.00; and

WHEREAS: Resolution 186-10 increased the monthly contributions to \$20.00 or \$25.00 per month plus the additional cost of Classic Blue coverage over PPO coverage for those retirees with Classic Blue coverage; and

WHEREAS: Effective January 1, 2014, those retirees and/or spouses of retirees who are Medicare eligible will be required to change to a Medicare Supplemental Plan, which is only available on an Individual basis; therefore be it

RESOLVED: That Medicare eligible retirees and spouses shall be required to contribute \$20.00 per month each for the Individual Medicare Supplemental Plan effective January 2014.



## ROLL CALL VOTE

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

No – None.

Abstain – Legislator Case.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 224-13      *AUTHORIZE CONTRACT  
MEDICARE ELIGIBLE RETIREE HEALTH  
INSURANCE  
(PERSONNEL COMMITTEE)*

WHEREAS: Tioga County offers retirees to continue health insurance coverage if certain criteria is met; and

WHEREAS: Traditionally the coverage available to retirees has been the same as for active employees; and

WHEREAS: Those retirees eligible for Medicare do not need the same level of coverage as active employees; and

WHEREAS: The County identified this as an area to potentially cut costs; and

WHEREAS: The County and representatives from the Tioga County Retirees Association have worked with a consultant and requested proposals from insurance carriers on Medicare Plan F plus drug coverage; and

WHEREAS: As a result of this process, the County with agreement of the Retirees Association has determined that The Hartford presented the most attractive package for the coverage needed by this portion of the retiree population; therefore be it

RESOLVED: That The Hartford is hereby awarded a contract to provide Tioga County's Medicare eligible retirees with Medicare Supplemental Plan F Coverage coupled with a drug plan with \$5/\$15/\$30 co-pays effective January 1, 2014; and be it further

RESOLVED: That the Chair of the Legislature is hereby authorized to sign the contract with The Hartford; and be it further

RESOLVED: That the premiums quoted by The Hartford of \$372.71 per individual per month are guaranteed through December 31, 2014 and the 2015 rates are guaranteed not to increase more than 6.5%.

ROLL CALL VOTE

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

No – None.

Abstain – Legislator Case.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 225-13 *AUTHORIZE CREATION OF TEMPORARY FULL-TIME  
DEPUTY DIRECTOR POSITION; AUTHORIZE  
APPOINTMENT OF COUNTY DIRECTOR OF REAL  
PROPERTY TAX SERVICES  
REAL PROPERTY TAX SERVICES*

WHEREAS: The current County Director of Real Property Tax Services had previously announced that she will retire at the end of her term, effective September 30, 2013; and

WHEREAS: Recruitment has been conducted and a candidate has been nominated to and approved by the State Department of Taxation and Finance to fill said position at the start of the next six year term, which begins October 1, 2013; and

WHEREAS: There is an interest to acclimate the new County Director of Real Property Tax Services within the department prior to the current incumbent's retirement; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of a temporary, full-time Deputy Director of Real Property Tax Services position which will be filled effective September 23 through September 30, 2013 with the appointment of Terie Huseby at a rate of \$30.10 per hour; and be it further

RESOLVED: That the Tioga County Legislature appoints Ms. Huseby to the permanent position of County Director of Real Property and Tax Services for a six year term effective October 1, 2013 through September 30, 2019, at a non-union annual salary of \$55,000.00; and be it further

RESOLVED: That the temporary, full-time Deputy Director of Real Property Tax Services position shall be abolished effective October 1, 2013; and be it further

RESOLVED: That upon satisfactory evaluation, Ms. Huseby shall be eligible for a non-union salary increase effective April 1, 2014.

ROLL CALL VOTE

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

No – Legislator Sullivan.

Abstain – Legislator Huttleston.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 226-13 *AUTHORIZE RETROACTIVE APPOINTMENT TO  
SECRETARY TO DIRECTOR OF COMMUNITY  
SERVICES  
MENTAL HYGIENE*

WHEREAS: Resolution 273-12 authorized a provisional appointment to the title of Secretary to the Director of Community Services as the result of the Director satisfying the 90-day delay in filling the vacancy in said position; and

WHEREAS: The provisional incumbent was unreachable for permanent appointment from the eligible list as a result of the civil service examination conducted in 2013 and was subsequently removed from said position on August 23, 2013, in accordance with NYS CSL §65(3); and

WHEREAS: Resolution 93-11 allows for an exemption from the 90-day delay when a non-permanent incumbent is terminated from employment; and

WHEREAS: The Director of Community Services has utilized the appropriate eligible list to make a permanent appointment; therefore be it

RESOLVED: That Susan Graves be appointed to the title of Secretary to the Director of Community Services retroactive to August 26, 2013, at an annual salary of \$26,909 (Non-union, base salary).

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 227-13 *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE  
BACKFILL OF VACANT, FULL-TIME EARLY  
INTERVENTION SERVICE COORDINATOR POSITION  
PUBLIC HEALTH*

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

WHEREAS: Due to an incumbent's resignation, a vacancy currently exists for a  
full-time, Early Intervention Service Coordinator position; and

WHEREAS: The Public Health Director seeks to immediately fill the position in  
order to maintain program services without delay or interruption; therefore be it

RESOLVED: That the Tioga County Public Health Director is hereby granted a  
waiver from the 90-day hiring delay and is authorized to fill the vacant, full-time  
Early Interventions Service Coordinator position at an annual salary of \$36,507  
(CSEA X), effective September 11, 2013; and be it further

RESOLVED: That said appointment shall be provisional pending the outcome of  
the civil service examination.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 228-13 *END TEMPORARY APPOINTMENT (INFORMATION TECHNOLOGY & COMMUNICATION SYSTEMS)*

WHEREAS: Resolution 48-13 authorized the temporary appointment of Drew Griffin as Director of Information Technology and Communication Systems; and

WHEREAS: The Legislature has determined that a different arrangement will better serve the needs of the County; therefore be it

RESOLVED: That effective September 11, 2013, Drew Griffin shall be returned to his Software Support Liaison position at the annual salary of \$44,487.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 229-13 *AUTHORIZE TEMPORARY APPOINTMENT TO DIRECTOR OF INFORMATION TECHNOLOGY AND COMMUNICATION SYSTEMS*

WHEREAS: The County is currently recruiting for a Director of Information Technology and Communication Services; and

WHEREAS: The County is also evaluating several existing computer systems and may possibly be purchasing new systems, implementation of which will require significant oversight, and

WHEREAS: A consulting firm has been providing assistance in the evaluation of our current systems and review of replacement systems and therefore has a broad overview of the County's needs in the area of Information Technology; and

WHEREAS: The County Legislature is now interested in having an agent of the consulting firm serve as Acting Director of Information Technology and Communication Systems for the remainder of 2013; therefore be it

RESOLVED: That Jeff Morgan is hereby appointed part-time temporary Acting Director of Information Technology and Communication Systems effective September 11, 2013, at a rate of \$400 per day through December 31, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:34 P.M.