

Second Regular Meeting
February 14, 2012

The Second Regular Meeting of 2012 was held on February 14, 2012 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Quinlan to have a moment of prayer. "Lord, we thank you for this beautiful day, instill in us the power to make beneficial decisions for the citizens of Tioga County. On this Valentine's Day, grant love and peace to everyone."

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

There were 4 people in attendance.

Chair Weston noted the following recognition resolution for Robin Hutchison, 1st Assistant Public Defender.

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

RESOLUTION NO. 39-12 *RECOGNITION OF ROBIN HUTCHISON'S
YEARS OF SERVICE
PUBLIC DEFENDER'S OFFICE*

WHEREAS: Robin Hutchison began his career as a 2nd Assistant Public Defender in the Public Defender's Office on January 2, 1992, was promoted to 1st Assistant Public Defender on May 13, 2006, the title he currently holds; and

WHEREAS: Mr. Hutchison has seen many changes within the Public Defender's Office within the 20 years with them and has grown with these changes; and

WHEREAS: Mr. Hutchison will retire on February 28, 2012; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize Robin Hutchison for his 20 years of service to 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, Robin Hutchison.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

George Penney had privilege of the floor. "I would like to speak to you about the resolution on page 39. I do not think you have considered all the implications that this resolution involves. First of all, this is not a local firm. You will not find their name in the phone book. Second, this is a very expensive business and the budget for this year has, of course, already been adopted and you may find it difficult to find the expense. I thank you very much."

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		60.84
A1165	District Attorney		3,559.17
A1170	Public Defender		4,309.03
A1172	Assigned Counsel		13,860.00
A1185	Medical Examiners/Coroners		9,085.95
A1325	Treasurer		7,189.65
A1355	Assessments		100.00
A1362	Tax Advertising and Expense		6,225.00
A1364	Expense of County Owned Property		18,500.00
A1410	County Clerk		357.94
A1411	Department of Motor Vehicles		160.39
A1420	Law		774.00
A1430	Personnel		467.25
A1450	Elections		32,530.50
A1460	Records Management		142.21
A1490	Public Works Administration		385.23
A1620	Buildings	2,404.93	68,484.12

A1621	Buildings		35,264.61
A1680	Information Technology		22,427.53
A1920	Municipal Association Dues		6,053.00
A2490	Community College Tuition		3,979.50
A2960	Education Handicapped Children		185,265.56
A3020	Public Safety Comm E911 System		3,225.70
A3110	Sheriff	36.90	34,344.24
A3140	Probation		2,208.47
A3150	Jail-Annex		112,460.17
A3315	Special Traffic Programs		1,243.81
A3410	Fire	75.48	4,064.98
A3640	Emergency Mgmt Office		854.12
A3641	Emergency Mgmt Grant Program		198.00
A4010	Public Health Nursing		50,620.99
A4011	Public Health Administration		14,609.05
A4012	Public Health Education	1,395.08	115.09
A4042	Rabies Control		4.95
A4044	Early Intervention		30,569.53
A4053	Preventive/Primary Health Svcs		420.83
A4054	Preventive Dental Services		111.47
A4062	Lead Poisoning Program		3.18
A4064	Managed Care-Dental Services		4,821.33
A4070	Disease Control		4,834.20
A4090	Environmental Health		656.55
A4210	Alcohol and Drug Services		1,145.93
A4211	Council on Alcoholism		10,990.34
A4309	Mental Hygiene Co Admin	277.33	10,454.60
A4310	Mental Health Clinic		14,214.25
A4311	Rehabilitation Support Services		1,854.00
A4315	Mental Retardation		4,731.00
A4320	Crisis Intervention Services		2,430.67
A4321	Intensive Case Management		1,651.48
A4333	Psycho Social Club		37,546.75
A6010	Social Services Administration	3.00	110,317.22
A6141	Energy Crisis Assistance Programs		37,767.02
A6422	Economic Development		25.62
A6510	Veteran's Service		1,909.00
A6610	Sealer Weights/Measures		101.76
A7310.41	Youth Programs, Refundable		5,278.61
A7989	Tourism		144,853.00
A8020	Planning		574.40
SOLID WASTE FUND			53,674.07

SPECIAL GRANT FUND	3,299.10
LIABILITY INSURANCE FUND	774.00
COUNTY ROAD FUND	169,508.10
CAPITAL FUND	<u>153,534.13</u>
GRAND TOTAL	\$ 1,455,375.91

Legislator Roberts made a motion to approve the minutes of January 3 and 10, 2012, seconded by Legislator Hollenbeck, and carried.

Chair Weston abolished the following committees effective February 14, 2012:

- Building Closing Procedure Committee
- Capital Projects Committee
- Continuing Education Committee
- Deputies Negotiating Team
- Financial Planning Committee

Chair Weston announced that there has been a change to the Standing Committee 2012. The Committee Chairs for Information Technology and Personnel have been changed. Legislator Hollenbeck will be the Chair of the Information Technology Committee and Legislator Monell will be the Chair of the Personnel Committee.

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

Legislator Hollenbeck made a motion to pass the following twelve (12) resolutions, all on erroneous assessments, as one, seconded by Legislator Sullivan and carried.

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

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 40-12	<i>ERRONEOUS ASSESSMENT TOWN OF OWEGO</i>

WHEREAS: An application for correction of multiple-parcel errors indicates that 18 parcels assessed to Lawrence T and Thomas J O'Reilly on the 2012 tax roll of the Town of Owego are erroneous in that the school taxes were not recorded as paid due to a clerical error, and were therefore relieved to the town and county bills; and

WHEREAS: The tax collector at the Owego Apalachin School District has verified that these taxes were paid but not posted, and receipts have been provided showing that the school taxes have been paid on all 18 parcels; be it therefore

RESOLVED: That the erroneous school tax be deducted and corrected 2012 tax bills be issued to Lawrence T and Thomas J O'Reilly for each of the 18 parcels by the Town of Owego tax collector as indicated on the following page; and be it further

RESOLVED: That the erroneous school tax and interest of \$2,326.76 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$162.87 be charged to the appropriate account in the records of the County Treasurer

T/Owego – Lawrence T & Thomas J O'Reilly – 2012 Tax Bill Corrections

Acct #	Bill #	2012 T/C Bill Including school	Minus total School Relevy	CORRECTED 2012 T/C Bill
13631	6368	2,068.11	1,308.76	759.35
13722	6369	119.81	75.83	43.98
13723	6370	131.31	83.10	48.21
13724	6371	169.65	107.36	62.29
13725	6372	181.66	114.96	66.70
13726	6373	177.48	112.32	65.16
13727	6374	52.79	33.41	19.38
13728	6375	139.03	87.98	51.05
13783	6376	66.72	42.22	24.50
13732	6377	65.11	41.21	23.90
13733	6378	80.52	50.95	29.57
13734	6379	86.68	54.85	31.83
13735	6380	147.69	93.46	54.23
13739	6381	53.50	33.85	19.65
13740	6382	68.65	43.45	25.20
13741	6383	76.80	48.60	28.20
13742	6384	113.00	71.51	41.49
13743	6385	135.60	85.81	49.79
		3,934.11	2,489.63	1,444.48

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 41-12 ERRONEOUS ASSESSMENT
TOWN OF CANDOR

WHEREAS: An application for corrected tax roll indicates that property no. 469 assessed to Rebecca Hernandez on the 2012 tax roll of the Town of Candor is erroneous in that a 2011/12 school tax was releived to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 469 was paid on 09/26/11; be it therefore

RESOLVED: That a new 2012 tax bill be issued to Rebecca Hernandez by the Town of Candor tax collector as follows:

	<u>Hernandez Bill 1279</u>	<u>Hernandez Corrected Bill 1279</u>
County	\$ 584.92	\$ 584.92
Recycle	26.45	26.45
Townwide	310.39	310.39
PartTown	81.07	81.07
Return School	923.74	-
Candor Fire	<u>109.41</u>	<u>109.41</u>
	\$2,035.98	\$1,112.24

and be it further

RESOLVED: That the erroneous school tax and interest of \$863.31 be charged back to the Candor School District; and be it further

RESOLVED: That the erroneous county penalty of \$60.43 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 42-12 *ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: An application for corrected tax roll indicates that property no. 555 assessed to Mary McDowell on the 2012 tax roll of the Town of Candor is erroneous in that a 2011/12 school tax was releived to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 555 was paid on 10/2/11; be it therefore

RESOLVED: That a new 2012 tax bill be issued to Mary McDowell by the Town of Candor tax collector as follows:

	<u>McDowell Bill 1756</u>	<u>McDowell Corrected Bill 1756</u>
County	\$ 357.97	\$ 357.97
Recycle	16.19	16.19
Townwide	196.10	196.10
PartTown	51.22	51.22
Return School	3.87	-
Candor Fire	<u>78.78</u>	<u>78.78</u>
	\$ 704.13	\$ 700.26

and be it further

RESOLVED: That the erroneous school tax and interest of \$3.62 be charged back to the Candor School District; and be it further

RESOLVED: That the erroneous county penalty of \$.25 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 43-12 ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY

WHEREAS: An application for corrected tax roll indicates that property no. 1984 assessed to Richard Powell & Casey Collins-Powell on the 2012 tax roll of the Town of Newark Valley is erroneous in that the 2011-12 school taxes for property no. 1894 assessed to Leroy Wheeland on the 2012 tax roll of the Town of Newark Valley were releived to the town and county bill for property no. 1984 in error; and

WHEREAS: The 2012 town and county bills for these properties have not yet been paid to the Town of Newark Valley tax collector; be it therefore

RESOLVED: That a new bill be issued to Richard Powell for property no. 1984, and a new bill be issued to Leroy Wheeland for property no. 1894 by the Town of Newark Valley tax collector as follows:

	<u>Powell #1984</u>	<u>Wheeland #1894</u>
County	\$ 11.33	\$ 429.71
Recycle	.51	19.42
Townwide	4.33	164.14
Return School	-	1,013.95
Newark Valley Fire	<u>1.33</u>	<u>50.35</u>
	\$ 17.50	\$ 1,677.57

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 44-12

*ERRONEOUS ASSESSMENT
TOWN OF BARTON*

WHEREAS: An application for corrected tax roll indicates that property no. 70, assessed to the Loco Holdings LLC on the 2012 tax roll of the Town of Barton is erroneous in that Resolution No. 175-09 was passed on May 12, 2009 exempting the property from all taxes due to environmental concerns; and

WHEREAS: Property no. 70 was purchased by Edward Bowman and Merranda Rought in May 2011, after the March 1st taxable status date; and

WHEREAS: Due to the timing of the purchase, the property should have retained wholly exempt status for assessment roll year 2011, tax roll year 2012; and

WHEREAS: The 2011-12 village bill was issued for property no. 70 erroneously due to the tax exempt status of the property, and the 2012 Town and County bill should have remained exempt and in the name of Loco Holding LLC but was erroneously changed, printed and sent to the new owner, and included the erroneous village tax relevy; be it therefore

RESOLVED: That a new bill be issued by the Town of Barton tax collector in the name of Loco Holding LLC reflecting a zero amount due and sent to the new owners Edward Bowman and Merranda Rought for their records; and be it further

RESOLVED: That the erroneous town tax of \$29.58 be charged back to the Town of Barton, and the erroneous fire tax of \$12.91 be charged back to the Barton Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$5.85 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous village tax and interest of \$717.64 be charged back to the Village of Waverly; and be it further

RESOLVED: That the erroneous county tax of \$129.44 and village penalty of \$50.23 be charged to the appropriate accounts in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 45-12 *ERRONEOUS ASSESSMENT*
TOWN OF SPENCER

WHEREAS: An application for corrected tax roll indicates that property no. 1785, assessed to Larry & Richard Sterling, Debra Scott, and Life Use for Juanita Sterling, etal, on the 2012 tax roll of the Town of Spencer is erroneous in that an aged exemption was not applied for town and county purposes, therefore the tax bill was based on full assessment of \$99,000; and

WHEREAS: The 2012 Town and County tax bill of \$1,473.91 for property no. 1785 has not yet been paid to the Town of Spencer tax collector; be it therefore

RESOLVED: That a new tax bill be issued for property no. 1785 to Larry and Richard Sterling, Debra Scott, and Juanita Sterling, etal (life use) as follows:

	<u>Sterling/Scott #1785</u>	<u>Corrected Sterling/Scott #1785</u>
County	\$ 843.58	\$ 506.15
Recycle	38.12	38.12
Townwide	210.33	189.30
Part Town	325.15	325.15
Spencer Fire	<u>56.73</u>	<u>56.73</u>
	\$ 1,473.91	\$ 1,115.45

and be it further

RESOLVED: That the erroneous town tax of \$21.03 be charged back to the Town of Spencer; and be it further

RESOLVED: That the erroneous county tax of \$337.43 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 46-12

*ERRONEOUS ASSESSMENT
TOWN OF CANDOR*

WHEREAS: An application for corrected tax roll indicates that property no. 2238 assessed to Joshua J Sindoni on the 2012 tax roll of the Town of Candor is erroneous in that a 2011/12 school tax was releived to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 2238 was paid on 10/18/11; be it therefore

RESOLVED: That a new 2012 tax bill be issued to Joshua J Sindoni by the Town of Candor tax collector as follows:

	<u>Sindoni Bill 2273</u>	<u>Sindoni Corrected Bill 2273</u>
County	\$ 1,427.19	\$ 1,427.19
Recycle	64.54	64.54
Townwide	757.35	757.35
PartTown	197.82	197.82
Return School	3,031.89	-
Candor Fire	<u>266.97</u>	<u>266.97</u>
	\$ 5,745.76	\$ 2,713.87

and be it further

RESOLVED: That the erroneous school tax and interest of \$2,833.54 be charged back to the Candor School District; and be it further

RESOLVED: That the erroneous county penalty of \$198.35 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 47-12 *ERRONEOUS ASSESSMENT
TOWN OF NICHOLS*

WHEREAS: An application for corrected tax roll indicates that property no. 913 assessed to Joseph & Louise McTamney on the 2012 tax roll of the Town of Nichols is erroneous in that a 2011/12 school tax was releived to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 913 was paid on 9/20/11; be it therefore

RESOLVED: That a new 2012 tax bill be issued to Joseph & Louise McTamney by the Town of Nichols tax collector as follows:

	<u>McTamney Bill #866</u>	<u>McTamney Corrected #Bill 866</u>
County	\$ 827.98	\$ 827.98
Recycle	37.45	37.45
Townwide	261.29	261.29
PartTown	43.13	43.13
Return School	1,574.17	-
Lounsberry Fire	<u>22.55</u>	<u>22.55</u>
	\$2,766.57	\$1,192.40

and be it further

RESOLVED: That the erroneous school tax and interest of \$1,471.19 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$102.98 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 48-12

*ERRONEOUS ASSESSMENT
TOWN OF NICHOLS*

WHEREAS: An application for corrected tax roll indicates that property no. 941 assessed to Richard & Sandra Frederici on the 2012 tax roll of the Town of Nichols is erroneous in that a 2011/12 school tax was relieved to the 2012 Town/County tax bill in error; and

WHEREAS: The 2011/12 school tax for property no. 941 was paid on 9/20/11; and the 2012 Town & County tax bill including the erroneous school relevy of \$1,708.51 was paid to the Town of Nichols tax collector by Community Bank N.A. on 1/17/12; be it therefore

RESOLVED: That a refund of the erroneous school relevy of \$1,708.51 be issued to Community Bank N.A. by the Town of Nichols tax collector; and be it further

RESOLVED: That the erroneous school tax and interest of \$1,596.74 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$111.77 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 49-12

*ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that (9) properties on the 2012 tax roll of the Town of Owego are erroneous in that 2011/12 school taxes were releived to the 2012 Town/County tax bills in error due to payments collected by Chase Bank not being posted at OACSD; and

WHEREAS: The 2011/12 school taxes for the various (9) properties were paid on 9/20/11; and the 2012 Town & County tax bills including the erroneous school tax releives were paid to the Town of Owego tax collector by Community Bank N.A. on 1/11/12; and

WHEREAS: Michael E Zimmer, Town Clerk and Tax Collector of the Town of Owego has already turned over funds collected in January to the County Treasurer's office to be applied against the 2012 Tax Warrant for the Town of Owego; be it therefore

RESOLVED: That a refund of the (9) erroneous school releives of \$15,890.63 as indicated on following page be issued to Community Bank N.A. by the Tioga County Treasurer; and be it further

RESOLVED: That the erroneous school tax and interest of \$14,851.06 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$1,039.57 be charged to the proper account in the records of the County Treasurer.

OACSD Erroneous Relevy REFUNDS					
Owner Name	T	Acct #	School Chgbk	7% Co Pnlty Chgbk	TOTAL REFUND
Babcock, Mark/Jennifer	6	7933	787.55	55.13	842.68
Baust, John M	6	1539	2,422.73	169.59	2,592.32
Berryman, Mark/Jennifer	6	7909	3,137.97	219.66	3,357.63
Fisher, Byron/Margaret	6	11354	1,478.20	103.47	1,581.67
Lisak, Christopher M	6	559	300.37	21.03	321.40
Pedro, David & Pamela	6	1111	1,738.60	121.70	1,860.30
Signs, Donald/Nancy	6	204	1,360.49	95.23	1,455.72
Sochor, William/Debra	6	12085	987.09	69.10	1,056.19
Zimmerer, Karl	6	1466	2,638.06	184.66	2,822.72
T/OWEGO TOTALS			\$14,851.06	\$1,039.57	\$15,890.63

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 50-12

ERRONEOUS ASSESSMENT
TOWN OF TIOGA

WHEREAS: An application for corrected tax roll indicates that (5) properties assessed to various owners on the 2012 tax roll of the Town of Tioga are erroneous in that the 2011/12 OACSD school taxes were relieved to the 2012 Town/County tax bills in error; and

WHEREAS: The 2011/12 school taxes for all (5) of the various properties were paid on 9/20/11, and the 2012 tax bills including the erroneous school taxes for the (5) properties were paid on 1/30/12 to the Town of Tioga tax collector; be it therefore

RESOLVED: That a refund of \$10,475.99 for the erroneous school taxes be issued to Community Bank by the Town of Tioga tax collector for the (5) properties listed as follows:

Cron Acct 59/Bill 452

Return School Refund \$ 945.03

Gunther Acct 2164/Bill 711

Return School Refund \$ 1,352.30

Rollison Acct 101/Bill

Return School Refund \$ 1,993.13

Silverstein Acct 1307/Bill 1700

Return School Refund \$ 2,082.97

Tubbs Acct 1238/Bill 1956

Return School Refund \$ 4,102.56

TOTAL \$10,475.99

and be it further

RESOLVED: That the erroneous school tax and interest of \$9,790.65 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$685.34 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 51-12

*ERRONEOUS ASSESSMENT
TOWN OF BARTON*

WHEREAS: An application for refund/corrected tax roll indicates that (9) special franchise properties assessed to Norfolk Southern Railway Company on the 2012 tax roll of the Town of Barton are erroneous in that the taxable values exceeded ceiling limits; and

WHEREAS: The taxes on the (9) properties were paid to the County Treasurer's office on 2/1/12; and

WHEREAS: The Tioga County Real Property office has calculated the taxable values based upon percent and provided the amount to be refunded; therefore be it

RESOLVED: That a refund of \$3,930.02 as set by Real Property, be issued by the Tioga County Treasurer to Norfolk Southern Railway Company for overpayment of the (9) properties in the Town of Barton; and be it further

RESOLVED: That the erroneous town tax of \$653.90 be charged back to the Town of Barton, and the erroneous fire tax of \$285.46 be charged back to the Barton Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$129.32 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$2,861.34 be charged to the appropriate accounts in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 52-12 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: Tioga County Health Department (TCHD) has received funding through the Tioga County Healthy Community Partnership (TCHCP); and

WHEREAS: The funding is earmarked for TCHD costs related to the TCHCP program activities; and

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

RESOLVED: That funding be appropriated as follows:

From: A2280.00 Local Awards	\$ 5,270
To: A4012.40-590 Health Education: Services Rendered	\$ 5,270

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 53-12 TRANSFER OF FUNDS
WORKERS' COMPENSATION

WHEREAS: Resolution 237-11 authorized purchase of workers' compensation specific excess Insurance from Safety National for the period of January 1, 2012 through December 31, 2012; and

WHEREAS: The 2012 renewal rate for this policy was not finalized by Safety National until late December 2011; and

WHEREAS: The 2012 amount budgeted for this policy was \$110,000.00 but the actual cost came in at \$112,170.00; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1710.40 (270) insurance-liability	
	\$ 513.00
Workers' Compensation Account S1720.40 (330) legal fees	
	\$1,657.00
To: Workers' Compensation Account S1722.40 (270) insurance-liability	
	\$2,170.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 54-12 *RESOLUTION TO REDUCE
CORNELL COOPERATIVE
EXTENSION (CCE)
TIOGA COUNTY RENT*

WHEREAS: Due to Tropical Storm Lee in September 2011 rooms rented by Cornell Cooperative Extension of Tioga County in the basement at 56 Main Street have been unavailable; and

WHEREAS: The total square footage represents approximately 25% of the entire area rented by CCE Tioga; and

WHEREAS: This space houses the kitchen used by CCE educators for the federally funded Food Stamp Nutrition Education and many other programs; and

WHEREAS: The loss of this space substantially reduces the CCE Tioga's work area and decreases monthly revenue from the programs using the space and will impact the in-kind space pledged to current grant funded programs; and

WHEREAS: CCE Tioga is requesting that the County reduce their rent by 25% for the period which the rooms are unavailable; therefore be it

RESOLVED: That to compensate for the loss of the meeting space, work area, and revenue, the Tioga County Legislature approves that the CCE Board of Directors request to reduce CCE Tioga's rent by 25% for the period which the rooms are unavailable by the County from \$8,066.00 per quarter to \$6,049.50 per quarter be approved retroactive to January 1, 2012.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 55-12 REAPPOINT MEMBER
RECORDS MGMT. ADVISORY BOARD

WHEREAS: Representative of the Media appointment on the Records Management Advisory Board is up; and

WHEREAS: Current Incumbent Mary Beth Jones has expressed an interest to continue to serve on the Records Management Advisory Board; therefore be it

RESOLVED: That the following Representative of the Media member be reappointed to the Records Management Advisory Board as follows:

Mary Beth Jones – Tioga County Courier – 2/28/2012 -2/27/2014

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 56-12 RABIES DONATION COMMITTEE
PUBLIC HEALTH

WHEREAS: Terms of office for the members of the Rabies Donation Committee have expired; and

WHEREAS: The Public Health Director, Chair of Health and Human Services Committee and Treasurer or his/her designee, have agreed to serve for another three year term; therefore be it

RESOLVED: That the Public Health Director, Chair of Health and Human Services Committee and Treasurer or his/her designee, be re-appointed to the Rabies Donation Committee for the term January 1, 2012 through December 31, 2014.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 57-12 RE-APPOINT MEMBER TO THE TIOGA
COUNTY BOARD OF HEALTH
PUBLIC HEALTH

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

WHEREAS: The appointed term for Richard Huttleston on the Board of Health expired 12/31/11; and

WHEREAS: Legislative representatives on the Board of Health serve only the length of their elected term; and

WHEREAS: Richard Huttleston has agreed to serve for another term; therefore be it

RESOLVED: That Richard Huttleston be re-appointed to the Tioga County Board of Health for a term of 1/1/2012 – 12/31/2015.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 58-12 APPOINT AND EXTEND TERMS TO YOUTH
BOARD
YOUTH BUREAU

WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and

WHEREAS: The purpose of the Youth Board is to carry out the provision of Section 95 of the General Municipal Law of the State of New York and Resolution No. 140 of 1981 of the Tioga County Legislature; and

WHEREAS: The Tioga County Youth Board Bylaws provides for representatives to the Youth Board be appointed by the County Legislature; and

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 104-10 and vacancies exist and terms have expired; now therefore be it

RESOLVED: That the following listed representatives be appointed or terms extended as a member of the Tioga County Youth Board with their corresponding term of office consistent with the requirement of staggered rotation.

	<u>TERM</u>
Daniel Sloat (Extending Term)	01/01/12-12/31/2014
Carter Bryce Jackson (Extending Term)	01/01/12-12/31/2014
Zack Baker (Extending Term)	01/01/12-12/31/2014
Jessica Hobler (Appoint - Replacing T. Rosenberg)	01/01/12-12/31/2015
Kathleen Clark (Appoint - Replacing N. McGavin)	01/01/12-12/31/2015

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 59-12 *APPOINT MEMBERS
FISH & WILDLIFE
MANAGEMENT BOARD*

RESOLVED: That Robert Woodburn, County Clerk, be appointed as the Elected Official Representative to the Fish and Wildlife Management Board for a two-year term through December 31, 2013 and Jeff Barnes be appointed as the Sportsman Member to the Fish and Wildlife Management Board for a two-year term through December 31, 2013.

ROLL CALL VOTE

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

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. 60-12 *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 2012:

OFFICERS:	CHAIRMAN	DCFC STEVE FEDOROWICZ
	VICE CHAIRMAN	CHIEF ERNIE TUETKEN
	SECRETARY	GINA KLETT (SSFD)

Membership:

<u>DEPARTMENT</u>	<u>DELIGATE</u>	<u>ALTERNATE</u>
APALACHIN	CHIEF MIKE GEORGE	DON AMES
BERKSHIRE	CHIEF BRET WELCH	KEN BEAN
CAMPVILLE	CHIEF ROB ZIEMBA	JOHN HICKEY
CANDOR	CHIEF JON ROMAN Jr.	TOM KING
HALSEY VALLEY	CHIEF RON FRISBIE	THOMAS COLE
LOCKWOOD	CHIEF DAVE CURTIS	BOB LONG
NEWARK VALLEY	CHIEF ERNIE TUETKEN	JOHN HANEY
NICHOLS	CHIEF TRUMAN KITTLE	LAURA KITTLE
OWEGO	CHIEF ED FRANZ	SCOTT GURNEY
RICHFORD	CHIEF JOHN KEENER	ZACH ARMSTRONG
SOUTHSIDE	CHIEF CHARLES KLETT	FRANK OKRASINSKI
SPENCER	CHIEF CHRIS GARLAND	DEREK GRIER
TIOGA CENTER	CHIEF MILTON KEMP	ART MAYER
WAVERLY	CHIEF DON HOWARD	JEFF WHEELER
WELTONVILLE	CHIEF RON HOLBROOK	DOREEN HOLBROOK
BUREAU of FIRE	CFC JOHN V. SCOTT	
	DCFC JOHN OLSEN	
	DCFC LARRY SINGLETON	
	DCFC CONNIE FEDOROWICZ	
	DCFC KEVIN FORD	
	DCFC STEVE FEDOROWICZ	
EMO	EMO RICHARD LeCOUNT	

ROLL CALL VOTE

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

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. 61-12 APPOINT MEMBERS ALTERNATIVES TO INCARCERATION ADVISORY BOARD

RESOLVED: That the following members be appointed to the Alternatives to Incarceration Advisory Board for the following terms:

	TERM
Ex-Offender	4/1/12-3/31/13
Crime Victim	4/1/12-3/31/13
Rep for Private Organization Operating within County	4/1/12-3/31/13
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/12-3/31/13

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: AGRICULTURE COMMITTEE

RESOLUTION NO. 62-12 REAPPOINT MEMBERS TO THE TIOGA COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

WHEREAS: Three member’s terms representing active farmers expired as of December 31, 2011 including Lisa Bloodnick, Tim Lawton and Ben Whittlemore; and

WHEREAS: The Agricultural and Farmland Protection Board is desirous of filling these positions and the three said existing members in these positions are willing to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoints Lisa Bloodnick, Tim Lawton, and Ben Whittemore to the Agricultural and Farmland Protection Board, all for four-year terms of 1/1/12 – 12/31/15.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 63-12 *MODIFY FEE SCHEDULE*
PUBLIC HEALTH

WHEREAS: The current rate schedule for Tioga County Department of Public Health services is below the level to insure maximum reimbursement; and

WHEREAS: The Department of Public Health would be able to increase revenues with the adjusted rate; and

WHEREAS: Our independent auditors have recommended that the Public Health services rates be adjusted; and

WHEREAS: Changes to rates require approval by the Legislature; therefore be it

RESOLVED: That the fee schedule be modified as follows retroactive to January 1, 2012:

Skilled Nursing Care	\$205.00 per visit
Physical Therapy	\$130.00 per visit
Occupational Therapy	\$130.00 per visit
Home Health Aide	\$55.00 per hour

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: COUNTY CLERK COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 64-12 *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 office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$94,977.00 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 \$94,977.00 for the period of April 2012 – April 2013; be it therefore

RESOLVED: That the County Clerk be authorized to collect or withhold from its disbursements \$7,914.75 for the months of April 2012 through month of April 2013, for a total annum amount of \$94,977.00.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 65-12 *AUTHORIZE THE SUBMISSION OF
FLOOD MITIGATION GRANT APPLICATION
LEGISLATIVE OFFICE*

WHEREAS: New York State has announced the availability of \$9 million in State Grants for disaster relief to repair streams and to prevent future harm to property, infrastructure, and the environment; and

WHEREAS: Applications for these monies must be received no later than April 11, 2012; and

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

RESOLVED: That Tioga County with the assistance of Soil & Water Conservation District 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 Quinlan, Weston, Roberts, Sauerbrey, Standinger, Sullivan, Hollenbeck, Huttleston, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 66-12 *AWARD CONTRACT TO TAYLOR GARBAGE SERVICES FOR DISPOSAL OF SOIL MIXED WITH FLOOD DEBRIS AT THE TOWN OF OWEGO HIGHWAY PIT*

WHEREAS: The flooding from Tropical Storm Lee created emergency conditions requiring the temporary storage of flood debris material at the Town of Owego pit; and

WHEREAS: It was been agreed that Tioga County will provide for the ultimate disposal of the material; and

WHEREAS: In order to have a final inspection by the NYSDEC , all the flood debris needs to be cleaned up which includes small amount mixed in with the soil at the Town of Owego Pit; and

WHEREAS: The Solid Waste Manager requested quotes from Taylor Garbage, Casella Waste Systems and Riccelli for disposal of said flood debris and soil; and

WHEREAS: The quotes were as follows:

Taylor Garbage, Owego, NY:	\$41.00 per ton
Casella Waste Systems, Newfield, NY:	\$42.50 per ton
Riccelli, Syracuse, NY:	\$52.00 per ton

therefore be it

RESOLVED: That the Tioga County Legislature award the contract for the disposal of flood debris to Taylor Garbage Services, Owego, NY in the amount of \$41.00 per ton to be effective January, 20, 2012 and all work is to be completed by February 20, 2012.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO.67-12

*AWARD COURT HOUSE
FLOOD DAMAGE REPAIR
CONSTRUCTION*

WHEREAS: September 2011 the Tioga County Court House basement was flooded during Tropical Storm Lee; and

WHEREAS: The Tioga County Commissioner of Public Works received sealed bids on February 02, 2012 and the bids were as follows:

<u>CONTRACTOR</u>	<u>TOTAL BID</u>
W. L. Kline Binghamton, NY	\$198,000.00
F.E. Jones Binghamton, NY	\$199,000.00
William H. Lane Binghamton, NY	\$216,900.00
Andrew Mancini Endicott, NY	\$223,700.00
Marchuska Brothers Endicott, NY	\$248,635.00
McPherson Builders Ithaca, NY	\$259,750.00
Homer C. Gow Vestal, NY	\$299,400.00

And

WHEREAS: Labella Associates have completed the review of the bids and finds the low bidder W.L. Kline, Binghamton, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to W. L. Kline, Binghamton, NY not to exceed \$198,000 to be paid out of the Court House Account H1620.20 use code 927.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 68-12 *AWARD PROFESSIONAL
ENGINEERING SERVICES FOR
TIOGA COUNTY PUBLIC SAFETY
BUILDING MECHANICAL EQUIPMENT
ROOM UPGRADES TO
DELTA ENGINEERS*

WHEREAS: The Commissioner of Public Works received a proposal from Delta Engineers, Endwell, NY to provide Professional Engineering Services for the Tioga County Public Safety Building Mechanical Equipment room upgrades; and

WHEREAS: The Commissioner of Public Works budgeted for this work to be done in 2012; therefore be it

RESOLVED: That the Tioga County Legislature award Professional Services for this project to Delta Engineers, Endwell, NY not to exceed \$29,990 to be paid out of Boiler Account H1620.21 use code 929.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO.69-12 *AWARD COURT HOUSE
TRUSS PROJECT
CONSTRUCTION*

WHEREAS: Damage to a timber truss was discovered at the Tioga County Court House in 2011 and a temporary repair was done; and

WHEREAS: The Tioga County Commissioner of Public Works received sealed bids on January 24, 2012 and the bids were as follows:

Craig Lee Construction
Mansfield, PA \$ 55,000

W.L. Kline
Cortland, NY \$ 79,000

Joe Orlando
Binghamton, NY \$128,000

And

WHEREAS: Delta Engineers have completed the review of the bids and find the low bidder Craig Lee Construction, Mansfield, PA meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Craig Lee Construction, Mansfield, PA not to exceed \$55,000 to be paid out of the Court House Account H1620.20 use code 927.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P LEGISLATIVE COMMITTEE

RESOLUTION NO. 70-12 *AUTHORIZE SIGNATURE OF THE
SUSQUEHANNA HERITAGE AREA
MANAGEMENT COMMISSION AGREEMENT
AND APPOINT MEMBERS*

WHEREAS: Per resolution 162-10, the Tioga County Legislature approved the Susquehanna Heritage Area Management Plan Amendment which expanded the designation boundaries to all of Broome and Tioga Counties; and

WHEREAS: Since that time all the required municipalities have made such approval and the Susquehanna Heritage Area (SHA) Commission has been working on amending their intermunicipal agreement under GML Article 5-G to reflect said changes; and

WHEREAS: This new agreement has just been finalized by the SHA Commission and is now ready to be authorized by each municipality; and

WHEREAS: This new agreement requires two appointments from each municipality to the Susquehanna Heritage Commission and Elaine Jardine, County Planning Director and Stella Reschke, Tioga County Tourism Office Director have been participating in the SHA Commission and are willing and able to serve in this capacity; and

WHEREAS: The County Attorney has aided in the development of this agreement by reviewing earlier versions and providing input and then reviewed and approved the final draft for signature, therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to sign said agreement, and be it further

RESOLVED: That the Tioga County Legislature hereby appoints Elaine Jardine and Stella Reschke as Tioga County representatives on the Susquehanna Heritage Area Commission, both for Term of Office.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 71-12 *AUTHORIZE DEFERRED COMPENSATION
EXTENSION AGREEMENT*

WHEREAS: Tioga County currently uses the services of Nationwide Retirement Solutions to administer the deferred compensation program, 457 plan, available to all employees; and

WHEREAS: The contract with Nationwide Retirement Solutions expires on March 8, 2012; and

WHEREAS: The County has the option of renewing the contract for an additional one year period; and

WHEREAS: Tioga County recently amended the model plan to allow Roth contributions and a loan option through the Nationwide plan; and

WHEREAS: All terms and provisions of the original contract will remain in full force and effect; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Legislative Chair to execute the necessary documents, subject to review by the County Attorney, to extend the services of Nationwide Retirement Solutions as our deferred compensation administrator for the period of March 8, 2012 through March 8, 2013.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGAL/FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 72-12

*AUTHORIZE RETAINER
AGREEMENT FOR PERSONNEL
SERVICES*

WHEREAS: The law firm of Roemer, Wallens, Gold & Mineaux LLP has proposed a retainer agreement to provide Tioga County with comprehensive personnel services; and

WHEREAS: Labor contracts for the Tioga County Law Enforcement Union and the Tioga County Corrections Association are due to expire at the end of 2012; and

WHEREAS: The hiring of outside counsel appears to be necessary and appropriate due to the increased workload to the Law Department as a result of the 2011 Flood and other pending issues; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to execute a retainer agreement with the law firm of Roemer, Wallens, Gold & Mineaux LLP, retaining their services retroactive to February 1, 2012, which agreement shall be approved in advance by the Tioga County Attorney.

ROLL CALL VOTE

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

No – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 73-12 *REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZE BACKFILL VOTING MACHINE
TECHNICIAN
BOARD OF ELECTIONS*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Effective January 20, 2012, Sharon Alamo resigned as the Republican Voting Machine Technician; and

WHEREAS: Said vacancy is occurring within a one month window of the creation of ballots for all voters as required by Federal Judge Gary Sharpe, under the Military and Overseas Voter Act, MOVE, to be sent to New York State Military and Overseas voters at a minimum of 45 days prior to the upcoming April 24, 2012 Presidential Primary Election; and

WHEREAS: The Republican Commissioner of Elections received authorization to begin recruiting for said vacancy at the February 9, 2012, Legislative work session; and

WHEREAS: The Board of Elections seeks to immediately fill the position to allow this person to be trained by the Dominion Voting company to be a certified Voting Machine Technician; therefore be it

RESOLVED: That the Republican Election Commissioner is hereby granted a waiver from the 90-day hiring delay and is authorized to fill the Voting Machine Technician position at an hourly salary of \$15.00, effective February 15, 2012.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 74-12 *REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZE BACKFILL PART-TIME 2nd
ASSISTANT PUBLIC DEFENDER POSITION
PUBLIC DEFENDER*

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Robin Hutchison, 1st Assistant Public Defender, has announced his retirement, effective February 28, 2012; and

WHEREAS: The Public Defender intends to reassign the 2nd Public Defender, Todd Miller, to the duties of 1st Assistant Public Defender effective February 29, 2012, and by doing so cause a vacancy of the 2nd Assistant Public Defender position; and

WHEREAS: The Public Defender received authorization to begin recruiting for said part-time vacancy at the February 9, 2012, Legislative work session; and

WHEREAS: The Public Defender seeks to immediately fill the part-time position so that clients receive legal representation within the Tioga County court system without delay or interruption; therefore be it

RESOLVED: That the Tioga County Public Defender is hereby granted a waiver from the 90-day hiring delay and is authorized to fill the part-time 2nd Assistant Public Defender position at the non-union annual salary of \$30,500, effective February 29, 2012.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 75-12 *CREATE AND FILL TEMPORARY
SEASONAL HIGHWAY WORKER
POSITION; AUTHORIZATION OF
90-DAY HIRING DELAY WAIVER
PUBLIC WORKS*

WHEREAS: There will be a need for the Highway Department to employ one seasonal Highway Worker for 2012; and

WHEREAS: The Commissioner of Public Works has budgeted money to cover expenditures of such employment; and

WHEREAS: A delay in filling the Seasonal Highway Worker position beyond March will hinder the Public Works Department's ability to complete various projects during the 2012 season; and

WHEREAS: The Commissioner of Public Works received authorization to begin recruiting for said part-time vacancy at the February 9, 2012, Legislative work session; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Commissioner of Public Works a waiver from the 90-day hiring delay upon the creation of one (1) Highway Worker position at an hourly rate of \$9.40/hr. effective 03/01/12 for a temporary duration not to exceed 11/30/12.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:20 p.m.