

*Eighth Regular Meeting*  
August 10, 2010

The Eighth Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Seven Legislative members were present, Legislator Roberts being absent.

Chair Weston asked Legislator McEwen to have a moment of prayer. "I would like to ask for a moment of silence for all of those people serving our Country and all of the people who are less fortunate than we are in this room."

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

There were 29 people in attendance.

The following two recognition resolutions were duly noted:

REFERRED BY:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 160-10	<i>RESOLUTION RECOGNIZING WILLIAM OBERBECK'S YEARS OF DEDICATED SERVICE TO THE TIOGA COUNTY LEGISLATURE</i>

Adoption moved unanimously,  
seconded unanimously.

WHEREAS: William Oberbeck was elected to the position of Tioga County Legislator on January 1, 2005; and

WHEREAS: William Oberbeck has served as Chair on the committees of Economic Development and Planning, Finance and Legal, and Personnel; and

WHEREAS: William Oberbeck has also served on the committees of Public Works, Information Technology, Personnel/ADA and Safety, Finance and Legal, Administrative, and Public Safety; and

WHEREAS: William Oberbeck has served on various other Boards including the Transportation Committee, Tioga County Industrial Development Agency, Cornell Cooperative Extension Board, and served as Republican Nomination Majority Leader; and

WHEREAS: William Oberbeck has been extremely dedicated and loyal in the performance of his duties and responsibilities over the past five years to the Tioga County Legislature. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. William Oberbeck resigned from his position as Legislator on August 1, 2010; 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 William Oberbeck for over five 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 Legislator, William Oberbeck.

CARRIED UNANIMOUSLY

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 161-10      *RESOLUTION RECOGNIZING  
JOAN NUZZO'S 15 YEARS  
OF DEDICATED SERVICE TO  
TIOGA COUNTY*

Adoption moved unanimously,  
seconded unanimously.

WHEREAS: Joan Nuzzo was appointed to the position of Temporary Cleaner I on December 13, 1994; appointed to Permanent Cleaner I on June 26, 1995; appointed to Cleaner II (this position is where she completed her appointment) on January 1, 1998; and

WHEREAS: Joan Nuzzo has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 15 years to the department of Public Works/Buildings & Grounds. She has earned the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Nuzzo retired on July 1, 2010; 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 Joan Nuzzo for her 15 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, Joan Nuzzo.

CARRIED UNANIMOUSLY

The following two Proclamations were duly noted:

#### PROCLAMATION

WHEREAS: New York's children need the emotional and financial support of both parents, as well as the support of their extended families and the community, in order to grow into healthy, productive adults; and

WHEREAS: New York State is committed to promoting the health and well-being of all of its children by ensuring that parents pay child support on a regular and timely basis; and

WHEREAS: Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS: The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys still continue to play an active role in child support enforcement; and

WHEREAS: In 2009, New York State child support program served more than 1 million children and collected over \$1.7 billion dollars in child support; and

WHEREAS: In 2009, Tioga County collected over \$5.3 million dollars in child support; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim August 2010 to be

### Child Support Enforcement Month

in Tioga County and salute those parents who support their children and honor the child support enforcement professionals in our community and throughout New York State.

#### 2010 PROCLAMATION

#### *National Alcohol and Drug Addiction Recovery Month*

WHEREAS: Prevention, treatment and recovery efforts improve the community's welfare and provide renewed outlook on life for those who, along with their family and friends, struggle with substance use disorders; and

WHEREAS: In 2008, 23.1 million people aged 12 or older in the United States needed treatment for a substance use disorder, and 20.8 million did not receive it; and

WHEREAS: Substance abuse negatively affects children, families and loved-ones and takes a great toll on our society economically and in terms of mental health and safety; and

WHEREAS: Studies have indicated that 8.9 percent of people who made an effort to get treatment , but did not receive it, were concerned that receiving treatment might cause neighbors and community members to have negative opinions of them; and

WHEREAS: Fear, stigma and economics continue to be barriers to seeking help for an addiction; and

WHEREAS: Tioga County Council on Addiction and Substance Abuse provides prevention, education, advocacy, early intervention and referral services for individuals, friends or family members who are living with a substance abuse disorder; and

WHEREAS: Tioga County Department of Mental Hygiene remains prepared to provide treatment for Tioga County Citizens who choose to work toward recovery for a substance use disorder; and

WHEREAS: Such education and raising awareness is essential in overcoming misconceptions and achieving long-term recovery; and

WHEREAS: To help achieve this goal, the US Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, the New York State Office of Alcoholism and Substance Abuse Services, and the Tioga County Department of Mental Hygiene invite all Tioga County residents to participate in the 21<sup>st</sup> anniversary of National Alcohol and Drug Addiction Recovery Month; therefore be it

RESOLVED: That the Tioga County Legislature hereby asks all residents of our county to join in declaring September 2010 as

*National Alcohol and Drug Addiction Recovery Month*

in the County of Tioga, NY.

Tom Emmett had privilege of the floor. “I would like to take this opportunity first to thank you for giving me the opportunity and secondly to talk about the resolutions that are in the package dealing with the benefits to Tioga County retirees. To begin with I would like to correct some misconceptions that apparently were said at last Thursday’s workshop and were in a newspaper article by Matt Hicks in the Morning Times. The history of this resolution as far as our Association goes, Bethany informed Kathy Roush and I that there were some changes to the retirees benefit that the Personnel Committee was considering last April. We responded to that meeting with some suggestions. Nothing further was heard until the week before the Legislative workshop when both Kathy and I received e-mails from Bethany with a summary of what these resolutions were. I was on vacation at the time and when I returned I wrote a letter to each of the Legislators concerning these changes.

“The article indicated that we had input and were part of the plan developing these resolutions and I think that was very misleading. We were given a set of proposals by the Personnel Department. We have never met with the Legislature or any committee of the Legislature to discuss this, and we certainly have not been part of any development of how the resolutions came about. We have only responded to what we have been presented with.

“Today I would like primarily to address the issues concerning the Medicare Part B reimbursement. I also understand at the workshop that it was stated that this was not even a benefit until 1994. I believe that is incorrect. The Medicare Part B benefit was originally established when the County was part of the State Insurance Plan and that was part of the State Insurance Plan. When the County left the State Insurance Plan and developed their own insurance plans, and I think it was in the mid 60s, the County continues with the Part B reimbursement, so this has been in effect since the County left the State Insurance Plan. The 1994 resolution that was referred to simply took spouses of retirees off the reimbursement. Prior to 1994 if you were a retired employee and your spouse was not a retired County employee, the spouse was also receiving the benefit. In 1994 the

County changed that so that only the retired employee received the benefit.

“Our Association feels that this benefit should remain intact without a change or a cap. In response to some questions that I asked of Amy Poff, she advised me that there were 119 retirees receiving Part B reimbursement for a total yearly cost of \$137,659 per year. This is less than two one-hundredths of a percent of the total County budget. The effect that the change has on the County budget by changing the Part B reimbursement is minuscule, but the effect that it has on the retired employees can be significant. I would like to read to you an e-mail I received from one of our members.

“This member says I would like to go on record as stating that I am opposed to limiting the Medicare Part B to people who retired and under 65 be capped. As I stated before, it will possibly force some of us to apply for special needs Medicaid programs in which a State and County would end up paying for the Medicare Part B premium anyways and they would gain very little by doing this. Also taking the extra monies out of our pension may force those of us who have low pensions to go on services that I personally would prefer not to do. I have always paid my own bills and tax responsibilities, and I would be forced to possibly have to use these services such as food stamps, HEAP, etc. In my opinion this does not reflect very well on the past promises made by our employer to have the retired employees possibly have to go on some form of assistance to meet their needs when they originally worked for these services and they were supposed to be provided to them as a result of the faithful years of service.”

“As I told you in my letter, a survey of our members showed that over 40% last year were over 66 and a third of the members who responded had a State pension of less than \$10,000 a year and a comparable social security benefit of less than \$10,000 a year. To these people the Part B reimbursement is a significant part of their income. For those who turn 65 prior to 2010, this amounts to \$1,150 per year. Reimbursement of the Part B charge allows them to use their other funds on other expenses that continue and increase including their contributions to the health insurance, which we doubled last year. These retirees worked for the County when salaries were far less than private industry and one reason they stayed was the benefit they would receive upon retirement. The County has reaped their share of this bargain through all the years of work that have been provided. It is now up to the County to

continue to allow retired employees to reap their share of the bargain by continuing the Medicare Part B reimbursement unchanged. We hope that you will table this resolution, I think it is resolution number 26 or page 26, and give us an opportunity to meet with you to discuss these resolutions at your convenience. Once again I thank you for the opportunity to speak."

Chris Bonner had privilege of the floor. "You know it is nice to get up here to say once in a while at these meetings the Republicans are doing well, everything is great in the Country, but you know I would be a liar. This Country is on the verge of destruction and we have these incompetents in the Democratic and the Republican Party, hey they all take their shares. They are all supporting this Country. Your jobs are moving overseas. They are not lost. Nobody lost them. They were encouraged to move overseas through tax deductions. We will give you tax credits, that is how the governments control us. The Federal and the State, we are going to give you tax credits and we all go out and we buy solar, which was a big flop. We go out and build greenhouses, which was a big flop, and we are still doing this stuff.

"Now, we got laws coming down here and they say nobody gives you any money to enforce these laws, they are mandates. They are not mandates. Tell them no, we are not going to do it. Now look at this one here, it is called the Leandra's Law. What does it do? If you get alcohol on your breath you will not be able to start your car. All you have to do is call your friend, hey start this up for me, and they will blow into it and start it up for you. Do you know they can take your numbers for your credit cards if they have an FID chip in them. Standing right there if I had that gadget and you had them in your pocket I can get it right from here, but I am going to tell you how to foil them. You wrap your credit card, anything with an ID chip, and you wrap it with aluminum foil and they will not be able to get it, and it is only going to cost you maybe half a cent.

"Now these laws are coming down here. There is always going to be, always going to be a wiz out there that is going to bypass this stuff. Just look at these here students and they get these people who are in the Federal Government that are on these here computers, do not know how they do it, and they are getting all this information. Now if you invented it, somebody else will counteract it. Laws, we had one here in New York, they want you to buy these here fluorescent lights. They are loaded with mercury. They tell you mercury is bad for you, but they want you to put them in your sockets up there, to put them on and it goes on ladies and

gentleman. There is one out there if you do not sign your driver's license they are going to take your organs. They do not tell you. Maybe this is one of the reasons why they are putting all this stuff on us. Ladies and gentlemen educate yourself, find out what is going on.

"We had a football game here this week, I think it was 80 or 90 degrees and they are playing football. Romans, the Romans did this. The politicians in Rome. Hey we will give them bread and circuses. The circuses was when the gladiators went death to death out there on a Sunday afternoon and the bread was welfare checks. We got it today, it is called welfare checks and sports."

Joe Albrecht had privilege of the floor. "I would like to thank the Legislature for this opportunity. This is kind of a disjointed presentation today. I will do better in the future. We have experienced recently an oil spill in the Gulf of Mexico. To me it is a unique situation that the entities that control and govern our lives could not calculate the volume of fluid released from a major pipe with known characteristics of the liquid and a known pressure. I am not an engineer, but I think I can find one who can discuss for me the flow of material from a measured volume under a particular pressure. This will become significant shortly.

"Water vapor is the primary greenhouse gas, carbon dioxide, methane, and nitrous oxide follow that. Hydrogen, carbon, and nitrogen by themselves do not add significantly to the effect of greenhouse gases, but if you add oxygen, hydrogen becomes water, carbon becomes carbon dioxide, and nitrogen becomes nitrous oxide, all three of which are significant greenhouse gases. Is oxygen the culprit? Should we limit the amount of oxygen that is available in the atmosphere? Just a little food for thought.

"Methane which is made up of one atom of carbon and four of hydrogen combines with oxygen to release two molecules of water vapor and one of carbon dioxide. The sources of methane include humans, bovines, landfills, volcanoes, Trenton black river, and the Marcellus Shale, and the question becomes should the people who are given responsibility for controlling our lives be expected to explain how some of these relationships occur within 2000 page documents that suggest that they are all knowing and ever wise, and I wonder about that. I may be the only one ignorant enough not to accept exactly what the powers that be suggest that I should accept, but ignorance bothers me. We are all to look forward to carbon foot prints, carbon credits, tree planting offsets,



and so forth, and I just wonder if under these conditions that this type of legislation should be allowed to happen, and also on that basis I emphasize with you ladies and gentlemen for accepting the responsibilities that you do. Thank you very much.”

Dave Ketchum had privilege of the floor. “My first topic is elections. I have been doing it about the same way all my life. Those of us that look know that we can and should be doing better. There are some thoughts about something called IRV that is being thought about around New York City and if they could do it the rest of us will be expected to. IRV lets you vote for who you most like and also if you do not get the one you most like who is your second choice, things like that. IRV for the voter is a fine thing. Then we go look behind the scenes as the vote counter. The rules for vote counting do not permit the counter to look at all that the voter wrote and that is all that is worth saying here, but I will happily talk in more detail with anybody that wants to talk in more detail.

“My other topic is road destruction or really destruction of our vehicles by mismanaged roads. For it seems like a week or so that the South end of the bridge they dug up part of the road enough to hurt most anybody's car. Their contract should never have permitted having an important bit of road like that bridge to be in that much trouble for as long as it was. I do not know who had the contract, but that kind of contract should never permit that kind of mismanagement of the work. Thank you.”

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		581.48
A1165	District Attorney		3,717.77
A1170	Public Defender		4,542.04
A1172	Assigned Counsel		37,000.00
A1185	Medical Examiners/Coroners		3,475.00
A1325	Treasurer		107.25
A1355	Assessments		4,510.13
A1410	County Clerk		1,166.41
A1411	Department of Motor Vehicles		405.55
A1420	Law		3,477.90
A1430	Personnel		1,540.70
A1450	Elections	1,120.24	5,936.90
A1460	Records Management		301.49

A1460.41	Records Management		27,820.27
A1490	Public Works Administration		36.33
A1620	Buildings		63,546.50
A1680	Information Technology		9,495.56
A2490	Community College Tuition		194,785.61
A2960	Education of Handicapped Children		406,645.31
A3020	Public Safety Comm E911 System		5,853.52
A3110	Sheriff	35.74	19,737.03
A3140	Probation		84.79
A3142	Alternatives to Incarceration		2,033.15
A3146	Sex Offender Program		8,766.67
A3150	Jail		58,087.11
A3315	Special Traffic Programs	927.00	5,009.00
A3410	Fire		1,934.77
A3552	EMO Grant-SHSP C837970	3,610.08	
A3640	Emergency Mgmt Office		329.20
A3641	Emergency Mgmt Grant Program	8,102.00	
A4010	Public Health Nursing		51,093.26
A4011	Public Health Administration		17,375.52
A4012	Public Health Education		6,517.97
A4042	Rabies Control		837.00
A4044	Early Intervention		72,147.88
A4053	Preventive/Primary Health Services		134.38
A4054	Preventive Dental Services		570.11
A4062	Lead Poisoning Program		87.55
A4064	Managed Care-Dental Services		21,662.54
A4070	Disease Control		4,247.50
A4090	Environmental Health		9,085.95
A4210	Alcohol and Drug Services		6,806.07
A4211	Council on Alcoholism		21,122.66
A4309	Mental Hygiene Co Admin		10,100.49
A4310	Mental Health Clinic		24,303.98
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		18,446.98
A4321	Intensive Case Management		3,266.16
A4333	Psycho Social Club		39,170.25
A6010	Social Services Administration		188,598.68
A6141	Energy Crisis Assistance Programs		32,987.72
A6422	Economic Development		246.70
A6510	Veterans' Service		125.00
A6610	Sealer Weights/Measures		393.56
A7310.41	Youth Programs, Refundable		19,618.68

A8020	Planning	256.54
A9060	Health Insurance	1,537.34
SOLID WASTE FUND		90,056.98
COUNTY ROAD FUND		31,367.23
SPECIAL GRANT FUND		29,409.72
CONSOLIDATED HEALTH FUND		92,237.25
CAPITAL FUND		308,649.08
LIABILITY INSURANCE FUND		198.25
WORKERS' COMP		<u>2,500.00</u>
GRAND TOTAL		\$ 1,990,502.72

Legislator McEwen made a motion to approve the minutes of July 8, and 13, 2010, seconded by Legislator Monell, and carried.

Chair Weston appointed Legislator Mike Roberts the Republican Majority Leader for the remainder of 2010 to replace Legislator Will Oberbeck.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 162-10 APPROVAL OF THE SUSQUEHANNA  
HERITAGE AREA MANAGEMENT PLAN  
AMENDMENT

Adoption moved by Legislator Sullivan,  
Seconded by Legislator McEwen.

WHEREAS: Tioga County Planning and Tourism have been participating for the past two years with the Broome County Department of Planning and Economic Development in conjunction with the Susquehanna Heritage Area Commission & Advisory Board in a study that recommends the Susquehanna Heritage Area boundary be expanded from its current scope of just Binghamton, Johnson City and Endicott to the entirety of Broome and Tioga Counties; and

WHEREAS: This plan called the *Susquehanna Heritage Area Management Plan Amendment*, which was created pursuant to Section 35.05 of the Parks, Recreation and Historic Preservation Law of New York State, is in its final draft form and ready for approvals; and

WHEREAS: The Final Susquehanna Heritage Area Management Plan Amendment (Final Amendment) builds and expands upon previous planning efforts implemented since the Susquehanna Heritage Area was first recognized by the New York State Legislature in 1982; and further identifies means to promote and develop the historic, cultural, recreational, and natural resources of a geographically expanded Susquehanna Heritage Area, which is proposed to encompass Broome and Tioga counties as the recommended boundary as Broome and Tioga counties are considered to be integral to telling the story of the Susquehanna Heritage Area; and

WHEREAS: The Final Amendment identifies a series of strategies and partnerships for communities in Broome and Tioga counties for the preservation, education, recreation, and economic revitalization of their unique resources and for the implementation of programs and projects with technical support from the New York State Heritage Area Program; and

WHEREAS: With no objection from Tioga County, the Broome County Legislature declared itself Lead Agency through resolution 09-552 enacted November 30, 2009 pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the State Environmental Quality Review Act (SEQRA), conducted a coordinated review of the Final Draft Amendment, and the Broome County Legislature subsequently made a negative declaration; and

WHEREAS: The required public hearings, one in each county, have been held on the Final Draft Amendment before it is submitted to the NYS Office of Parks, Recreation & Historic Preservation for approval; and

WHEREAS: The Susquehanna Heritage Area Commission & Advisory Board have approved the Final Draft Amendment and recognized the proposed expanded boundary; therefore be it

RESOLVED: That the Tioga County Legislature hereby recognizes the Susquehanna Heritage Area boundary expansion to all of Tioga and Broome Counties and accepts the principles and strategies of Susquehanna Heritage Area Management Plan Amendment.

CARRIED

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 163-10      *DESIGNATION OF TIOGA COUNTY  
LOCAL DEVELOPMENT CORPORATION,  
D.B.A. TIOGA COUNTY TOURISM, AS  
AUTHORIZED TOURISM PROMOTION  
AGENCY FOR 2011*

Adoption moved by Legislator Sullivan,  
seconded by Legislator Monell.

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the state in its tourism grants program; and

WHEREAS: The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA), therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2011 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

CARRIED

REFERRED TO: INFORMATION TECHNOLOGY  
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 164-10 AMEND POLICY 23  
PROCUREMENT POLICY

Adoption moved by Legislator Sullivan,  
Seconded by Legislator Monell.

RESOLVED: That County Policy 23, Section IV-Determining the Necessity for Competitive Bidding be amended as follows:

Change item # 1 in the table from above \$10,000 to "above \$20,000;"  
and

Change item #2 in the table from \$10,000 or less to "\$20,000 or less."

And be it further

RESOLVED: That County Policy 23, Section V-Purchasing Processing be amended as follows:

Change Commodities \$5,000-\$9,999 to "\$5,000-\$19,999;" and

Change Commodities \$10,000 & over to "\$20,000 & over."

Now therefore be it

RESOLVED: That the remainder of Policy 23 shall remain in full force and effect.

Roll Call:  
Ayes 07  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 165-10 *AUTHORIZE TO HOLD JOINT AUCTION WITH BROOME COUNTY*

Adoption moved by Legislator Sullivan,  
seconded by Legislator McEwen.

WHEREAS: Broome County has offered Tioga County the ability to rejoin them with a joint auction for surplus property; and

WHEREAS: Broome County has contracted Mel Manassee & Son Auctioneers for Saturday, September 25, 2010 @ 10:00 AM; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the auction for surplus properties to be held in conjunction with Broome County on Saturday, September 25, 2010 @ 10:00 AM; and be it further

RESOLVED: That Tioga County's auction for surplus properties will be held at the Broome County Highway Dept., 47 Thomas St., Chenango Bridge, NY 13745 and at a fee of 9% of the proceeds.

Roll Call:  
Ayes 07  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: PUBLIC WORKS  
FINANCE

RESOLUTION NO. 166-10 *APPROVE SUPPLEMENTAL AGREEMENT 1 LABELLA ASSOCIATES LILLIE HILL RD. BRIDGE AND TRANSFER FUNDS*

Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.

WHEREAS: Tioga County retained Labella Associates, Rochester, NY to perform design services to replace the Lillie Hill Rd. Bridge; and

WHEREAS: The intention at that time was to utilize County funds for construction; and

WHEREAS: The County has been able to obtain Federal Funds for the project necessitating a different level of design effort including a stream hydraulic analysis; therefore be it

RESOLVED: That the Tioga County Legislature approve Supplemental Agreement #1 in the amount of \$19,500 for the additional engineering services and transfer that amount from Halsey Valley Road Bridge Account H2006.03 to Lillie Hill Road Bridge Account H2010.07.

Roll Call:  
 Ayes 07  
 Noes 00  
 Absent 01  
 CARRIED

REFERRED TO:

PUBLIC WORKS  
 FINANCE

RESOLUTION NO. 167-10

*APPROVE SUPPLEMENTAL  
 AGREEMENT 1  
 MCFARLAND JOHNSON -MAIN  
 ST. BRIDGE AND TRANSFER FUNDS*

Adoption moved by Legislator Monell,  
 seconded by Legislator Sullivan.

WHEREAS: Tioga County retained McFarland Johnson, Binghamton, NY to perform design services for rehabilitation of the Main St. Bridge in Lockwood, NY; and

WHEREAS: A detailed structural evaluation of the bridge underneath the deck at the mid-span support revealed serious deterioration; and

WHEREAS: This necessitated considerable additional design work for replacement instead of rehabilitation; and

WHEREAS: The final design required additional survey and mapmaking for four (4) easements; therefore be it



RESOLVED: That the Tioga County Legislature approve Supplemental Agreement #1 in the amount of \$20,190 for the additional engineering services and transfer that amount from Halsey Valley Road Bridge Account H2006.03 to Main Street Bridge Account H2009.08.

Roll Call:  
 Ayes 07  
 Noes 00  
 Absent 01  
 CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 168-10 APPROVAL OF TIOGA COUNTY  
 IGNITION INTERLOCK PLAN FOR  
 COMPLIANCE WITH LEANDRA'S LAW

Adoption moved by Legislator Sauerbrey,  
 seconded by Legislator Monell.

WHEREAS: The provisions of Vehicle and Traffic Law Section 1198, known as Leandra's Law, require additional county services for the monitoring of ignition interlock devices for all DWI convictions; and

WHEREAS: Tioga County submitted a plan on June 3, 2010 to be in compliance with the rules and regulations of New York State Office (formerly Division) of Probation and Correctional Alternatives that requires all Counties to establish an Ignition Interlock Program Plan; now therefore be it

RESOLVED: That the Tioga County Legislature hereby adopts the Tioga County Ignition Interlock submitted plan effective on August 15, 2010

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE  
 FINANCE COMMITTEE

RESOLUTION NO. 169-10 FUND SHERIFF'S GRANT –NYS WM 2009  
 SLETPP GRANT

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator McEwen.

WHEREAS: The Sheriff's Office has been awarded a NYS Homeland Security Grant (Project # LE09-1035-E00) in the amount of \$38,000, and

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

RESOLVED: That the NYS Homeland Security Grant (Project # LE09-1035-E00) be appropriated as follows:

From: State Aid-Sheriff LE09-1035-E00	A3397.00	\$38,000
To: Sheriff LE09-1035-E00 Grant-Personnel	A3119.10.30	\$ 6,000
Sheriff LE09-1035-E00 Grant-Equipment	A3119.20.130	\$32,000

Roll Call:

Ayes 07

Noes 00

Absent 01

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE

RESOLUTION NO. 170-10 TRANSFER OF FUNDS –  
EMERGENCY MANAGEMENT

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator McEwen.

WHEREAS: The Emergency Management Office has been awarded a NYS Local Emergency Planning Committee Grant (LEPC) in the amount of \$3,376; and

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

RESOLVED: That the Local Emergency Planning Committee Grant (LEPC) be appropriated as follows:

From: Revenue Account EMO A3342 \$3,376  
 To: LEPC Account A3647.40.140 \$3,376

Roll Call:  
 Ayes 07  
 Noes 00  
 Absent 01  
 CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 10 ADOPT LOCAL LAW NO. 1 OF 2010

Adoption moved by Legislator Sauerbrey,  
 seconded by Legislator Sullivan.

WHEREAS: A public hearing was held on August 5, 2010, following due notice thereof to consider the adoption of Local Law Introductory No. A of the Year 2010 A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga; 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. 1 of 2010; therefore be it

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

County of Tioga

Local Law No. 1 of the Year 2010.

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga.

BE IN ENACTED by the Legislature of the County of Tioga as follows:

## SECTION 1:

The County of Tioga hereby elects to provide all of its eligible employees with the 2010 Retirement Incentive Program – Part A, authorized by Chapter 105, Laws of 2010.

## SECTION 2:

The commencement date of the Retirement Incentive Program –Part A shall be October 3, 2010.

## SECTION 3:

The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length.

## SECTION 4:

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Tioga for each employee who receives the retirement benefits payable under this local law.

## SECTION 5:

This Local Law shall take effect upon filing with the Secretary of State and no later than August 31, 2010.

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.

On roll call vote on the above resolution, Legislators McEwen, Monell, Weston, Quinlan, Sauerbrey, Sullivan, and Huttleston voting no, Legislator Roberts being absent, and the resolution was defeated.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 10 ADOPT LOCAL LAW NO. 2 OF 2010

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Sullivan.

WHEREAS: A public hearing was held on August 5, 2010, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2010 A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga; 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. 2 of 2010; therefore be it

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

County of Tioga

Local Law No. 2 of the Year 2010.

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga.

BE IN ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1:

The County of Tioga hereby elects to provide all of its eligible employees with the 2010 Retirement Incentive Program – Part B, authorized by Chapter 105, Laws of 2010.

## SECTION 2:

The commencement date of the Retirement Incentive Program –Part B shall be October 1, 2010.

## SECTION 3:

The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length and shall end on December 29, 2010.

## SECTION 4:

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Tioga for each employee who receives the retirement benefits payable under this local law.

## SECTION 5:

This Local Law shall take effect upon filing with the Secretary of State and no later than August 31, 2010.

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.

On roll call vote on the above resolution, Legislators McEwen, Monell, Weston, Quinlan, Sauerbrey, Sullivan, and Huttleston voting no, Legislator Roberts being absent, and the resolution was defeated.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO –10

AMEND COUNTY POLICY 3  
SECTION IV  
ORIENTATION, EXIT INTERVIEWS,  
RECRUITMENT, RETIREMENT

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Monell.

WHEREAS: County Policy 3 currently includes in Section IV three tiers of retiree health insurance contributions; and

WHEREAS: Those three tiers are differentiated by the retiree's date of hire with Tioga County; and

WHEREAS: The latter tiers have been added for the purpose of limiting the County's costs in the future for providing retiree health insurance coverage; and

WHEREAS: The ever-increasing health insurance premiums have caused the Legislature to further evaluate the feasibility of providing health insurance to future retirees; therefore be it

RESOLVED: That County Policy 3 be amended to add a new Section IV.E, which shall read:

"All employees hired, or rehired after a break in service longer than allowable by the applicable collective bargaining agreement or County Policy 44, on or after January 1, 2011 and all elected officials, including Legislators, taking office for the first time on or after January 1, 2011 shall not be eligible for health insurance, outlined in Sections A, B, C & D above, upon or at any time during retirement."

And be it further

RESOLVED: That the first sentence in Section IV.C shall be changed to read:

“As to all employees hired, re-hired after a break in service longer than allowable by the applicable collective bargaining agreement or County Policy 44, on or after January 1, 2005, and for all elected officials, including Legislators, taking office for the first time on or after January 1, 2005, the policy shall be as follows:”

And be it further

RESOLVED: That the remainder of Policy 3 shall remain in full force and effect.

Legislator Sauerbrey made a motion to table the above resolution until the September Legislative meeting, seconded by Legislator Monell.

On roll call vote to table the above resolution, seven members voted Aye, Legislator Roberts being absent, and the motion to table was approved.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO.-10 AMEND COUNTY POLICY 44:  
NON-UNION BENEFITS

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Sullivan.

WHEREAS: Section 4 – Retirement and Section 5 – Health & Dental Insurance of Policy 44 Non-Union Benefits Policy need to be updated as a result of the addition of Tier 5 to the NYS Retirement System; and

WHEREAS: Section 5 – Health & Dental Insurance of Policy 44 Non-Union Benefits Policy also needs to be updated as a result of Excellus Blue Cross Blue Shield changing the Traditional Indemnity to Classic Blue; and

WHEREAS: The Tioga County Legislature is looking at ways to reduce costs; and

WHEREAS: Excellus Blue Cross Blue Shield currently offers a prescription mail order option for long term maintenance medications; and

WHEREAS: Prescriptions filled through mail order cost the health insurance program less money; therefore be it



RESOLVED: That County Policy 44: Non Union Benefits, Section 4 – Retirement is hereby amended to read:

All non-union salaried employees are eligible to become members of the NYS Employee’s Retirement System. Most full-time employees are required to join. Membership for part-time employees may be optional.

Retirement eligibility criteria varies by Tier, as do the benefits. Detailed information about each Tier is available from the Personnel Office.

And be it further

RESOLVED: That County Policy 44: Non-Union Benefits, Section 5 – Health & Dental Insurance is hereby amended to read:

Tioga County currently provides health and dental insurance through Excellus Blue Cross/Blue Shield of Central New York Classic Blue Regionwide Plan, but maintains the right to change providers at will. In addition to the Classic Blue Regionwide Plan, effective May 1, 2005, all current Non-union staff who are insurance eligible shall have the option to change to PPO Option H-Split. All new hires as of May 1, 2005, will only have the option to enroll in the PPO Option H-Split.

EFFECTIVE 01/01/2009

Annual Salary*:	Individual Classic Blue:	Family Classic Blue:	Indiv PPO:	Family PPO:
\$ 0 – 29,999	\$20/paycheck	\$30/paycheck	\$10/payck	\$20/payck
\$30,000-59,999	\$40/paycheck	\$50/paycheck	\$15/payck	\$30/payck
\$60,000 & over	\$50/paycheck	\$70/paycheck	\$25/payck	\$40/payck

\*exclusive of any stipend

Part-time Attorneys per paycheck contributions:

Date of Hire	Individual Classic Blue	Family Classic Blue	Indiv PPO	Family PPO
Prior to 1/1/95	\$50/paycheck	\$65/paycheck	\$30/payck	\$45/payck
On or after 1/1/95*	\$60/paycheck	\$130/paycheck	\$40/payck	\$85/payck

\*All part-time Assistant District Attorneys in this category

Effective January 1, 2010 All Legislators enrolled in the County’s Classic Blue health insurance shall contribute \$30 per month for individual coverage or \$40 per month for family coverage. Legislators enrolled in the PPO Plan shall contribute \$15 per month for Individual coverage or \$30 per month for Family coverage.

A prescription card is included in the medical plans and requires employees to pay \$5 for generic drugs, \$15 for common brand name drugs, or \$30 for new brand name drugs. Effective June 1, 2010 under the Classic Blue plan and effective January 1, 2011 under the PPO Option H-split plan all 90 day supplies of prescriptions will be charged three times the copay at retail pharmacies and one copay through Excellus mail order pharmacy. Some exceptions may be required by NYS regulations and Excellus Blue Cross/Blue Shield. Drug categorization to be determined by Excellus Blue Cross/Blue Shield. Blue Cross/Blue Shield's "Gap Pricing" shall be in effect for all prescriptions.

Effective June 1, 2010 the annual deductible for all enrollees in the Classic Blue health insurance shall be \$100 per person, up to a maximum of \$300 for a family plan; and be it further

RESOLVED: That the remainder of Policy 44 shall remain in full force and effect.

On roll call vote on the above resolution, four Legislative members voted Aye, Legislators McEwen, Quinlan, and Huttleston voting no, Legislator Roberts being absent, and the resolution was defeated.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO -10

AMEND RESOLUTION 176-94  
AS AMENDED BY RESOLUTION 306-04  
MEDICARE REIMBURSEMENT

Adoption moved by Sauerbrey,  
Seconded by Sullivan.

WHEREAS: Resolution 176-94 established a practice of reimbursing employees and retirees age 65 and older for their Medicare Part B Premium; and

WHEREAS: Resolution 306-04 declared that the reimbursement would not be available for employees hired on or after January 1, 2005; and

WHEREAS: The Legislature has been forced by the current economy to consider all means of limiting costs; and

WHEREAS: The topic of Medicare Part B Reimbursement has been discussed for several months and various options considered; therefore be it

RESOLVED: That Resolution 176-94 as amended by Resolution 306-04 be amended to reflect the following for employees/retirees hired prior to 2005:

1. Spouses (of active employees hired prior to 2005) who are not eligible for Medicare Part B as of December 31, 2010 shall not be eligible for reimbursement at any time.
2. Retirees as of December 31, 2011 not yet age 65 shall be eligible upon turning age 65, but shall only be reimbursed \$110.50/month.
3. Employees who retire on or after January 1, 2012 shall not be eligible for any reimbursement, regardless of their date of hire.
4. Active employees (hired prior to 2005) who are not eligible for Medicare Part B as of December 31, 2010, shall not be eligible for reimbursement while employed for Tioga County.
5. The monthly amount to be reimbursed for all eligible recipients shall be capped at the 2010 rate.

And be it further

RESOLVED: That Resolution 306-04 shall remain in full force and effect.

Legislator Sauerbrey made a motion to table the above resolution under the September Legislative meeting, seconded by Legislator Monell.

On roll call vote to table the above resolution, seven members voted Aye, Legislator Roberts being absent, and the motion to table was approved.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO -10

AMEND RESOLUTION 50-94  
AS AMENDED BY RESOLUTION 361-01,  
AS AMENDED BY RESOLUTION 260-09  
RETIREE HEALTH INSURANCE  
CONTRIBUTIONS

Adoption moved by Sauerbrey,  
Seconded by Monell.

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 of retirees toward health insurance by \$10 per month to \$20 or \$25, effective January, 2010; and

WHEREAS: The ever-increasing cost of health insurance coupled with the County's need to find ways of reducing costs has led to further review of the contributions; and

WHEREAS: Since 2005, Tioga County has made a less-expensive health plan available to retirees as a voluntary option; and

WHEREAS: The less-expensive plan provides excellent coverage as well; and

WHEREAS: To date, there has been no difference in the retiree contribution rate for the different plans and it is believed that until such time there is such an incentive to change to the less-expensive plan, change is unlikely; therefore be it

RESOLVED: That Resolution 50-94, as amended by Resolution 361-01, as amended by Resolution 260-09 shall be amended as follows:

“That effective January 2011, any retiree who continues enrollment in the Classic Blue plan shall pay the \$20 or \$25 monthly contribution plus the difference between the monthly premiums of the Excellus Classic Blue product and the Excellus PPO Option H-Split Product”; and be it further

RESOLVED: That under the PPO plan, 90-day supplies of maintenance drugs purchased at retail stores shall require 3 co-pays, and 90-day supplies via mail-order shall require one co-pay.

Legislator Sauerbrey made a motion to withdraw the above resolution, seconded by Legislator Sullivan.

On roll call vote to withdraw the above resolution, seven members voted Aye, Legislator Roberts being absent, and the motion to withdraw the above resolution was carried.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO-10

AUTHORIZE EXCEPTION TO  
COUNTY POLICY 3-ORIENTATION,  
EXIT INTERVIEWS, RECRUITMENT,  
RETIREMENT

Adoption moved by Sauerbrey,  
Seconded by Monell.

WHEREAS: County Policy 3, Section IV outlines the required criteria for an employee to be eligible to carry health insurance into retirement; and

WHEREAS: The 2010 Part A Early Retirement Incentive would be available to some employees who would not, in accordance with County Policy 3, Section IV-B, be eligible to continue their health insurance if they retire under the Incentive; and

WHEREAS: The Legislature is willing to make an exception for employees eligible for Part A to allow them to continue the health insurance in retirement despite not being age 55; and

WHEREAS: The Legislature is not willing to make exception for employees eligible for Part A who have not yet served 10 years with Tioga County; therefore be it

RESOLVED: That employees retiring in the 2010 Part A Early Retirement Incentive who are not yet age 55 shall be eligible to continue their health insurance into retirement in accordance with all other conditions of the policy.

On roll call vote on the above resolution, Legislators McEwen, Monell, Weston, Quinlan, Sauerbrey, Sullivan, and Huttleston voting no, Legislator Roberts being absent, and the resolution was defeated.

REFERRED TO HEALTH & HUMAN SERVICES  
PERSONNEL COMMITTEE

RESOLUTION NO. 171-10 *AUTHORIZE BACKFILL OF VACANT CLINICAL  
PROGRAM DIRECTOR POSITION  
MENTAL HYGIENE DEPARTMENT*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.

WHEREAS: The position of Clinical Program Director became vacant on 7/30/10 due to an announced retirement; and

WHEREAS: The Director of Community Services received verbal authorization at the 6/10/10 legislative work session meeting to begin recruitment for said position and, if needed, to fill no more than two weeks prior to the current incumbent's retirement; and

WHEREAS: The recruitment process has concluded and the Director of Community Services has identified Lori Monk, LCSW-R, Supervising Clinical Social Worker, as the best qualified candidate to fill the position; and

WHEREAS: Ms. Monk brings with her the desired credentialing, clinical expertise, and sound understanding of the organization's history and future challenges after eight years as a clinician/supervisor with the Tioga County Department of Mental Hygiene; and

WHEREAS: Position consolidations have occurred earlier in the year resulting in only one clinical director responsible for oversight of the various clinical programs administered by the department; therefore be it

RESOLVED: That the Director of Community Services is hereby authorized to backfill the Clinical Program Director position with a provisional appointment of Lori Monk at an annual salary of \$56,000 effective on or after 8/11/10.

Roll Call:  
Ayes 07  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 172-10 *AUTHORIZE TO CREATE AND FILL  
TEMPORARY POSITION; AUTHORIZE  
HIRING WAIVER SHERIFF'S OFFICE*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Monell.

WHEREAS: In accordance with §65.3 of the New York State Civil Service Law, the current incumbent serving in the position of Payroll Clerk/Typist must vacate said position effective September 13, 2010; and

WHEREAS: The Payroll Clerk/Typist performs all aspects of the very involved payroll process at the Sheriff's Office; and

WHEREAS: The Sheriff would like a replacement to have an opportunity to train with the incumbent for two payroll cycles; therefore be it

RESOLVED: That one temporary full-time position of Payroll Clerk be created effective September 13, 2010 at an hourly rate of \$13.070; and be it further

RESOLVED: That the Sheriff is authorized to fill said temporary position for the period of September 13, 2010 through October 8, 2010; and be it further

RESOLVED: That the Sheriff is hereby granted a waiver from the 60-day Hiring Delay for the Payroll Clerk/Typist position and is authorized to fill it on a permanent basis as of September 13, 2010.

On roll call vote on the above resolution, six members voted Aye, Legislator Sullivan voting no, Legislator Roberts being absent, and the resolution was adopted.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 173-10 *AUTHORIZE BACKFILL  
DEPUTY ELECTION COMMISSIONER  
(BOARD OF ELECTIONS)*

Adoption moved by Legislator Monell,  
Seconded by Legislator Sauerbrey.

WHEREAS: The Board of Elections is represented in a Bi-partisan manner;  
and

WHEREAS: Both the Republican and Democratic Election Commissioners  
are appointed to their respective positions for a two year term; and

WHEREAS: The Commissioner of Elections appoints and prescribes the  
duties and shall secure in the appointment of employees of the Board of  
Elections equal representation of the major political parties; and

WHEREAS: The Republican Deputy Election Commissioner position will  
become vacant on September 13, 2010; and

WHEREAS: The vacancy is occurring during the preparation for the  
upcoming election that is transitioning to the new Optical Scan Voting  
system in compliance with the Federal Help America Vote Act; and

WHEREAS: Tioga County Legislature established a 60 day delay in back  
filling vacant positions for the purpose of cost savings; and

WHEREAS: The Republican Commissioner of Elections would like to backfill  
the position without delay to allow for the search of a qualified candidate  
to begin immediately; therefore be it

RESOLVED: That the Republican Commissioner of Elections is hereby  
granted a waiver from the 60-day Hiring Delay for the Republican Deputy  
Election Commissioner position and is authorized to fill effective  
September 13, 2010 at an annual salary of \$27,000.



On roll call vote on the above resolution, six members voted Aye, Legislator Sullivan voting no, Legislator Roberts being absent, and the resolution was adopted.

Legislator McEwen made a motion to consider the following late-filed resolutions, seconded by Legislator Monell, and carried.

REFERRED TO: PUBLIC SAFETY  
PERSONNEL

RESOLUTION NO. 174-10      *BACKFILL FULL TIME  
DEPUTY SHERIFF POSITION;  
AUTHORIZE HIRING WAIVER  
SHERIFF'S OFFICE*

Adoption moved Legislator Sauerbrey,  
seconded Legislator McEwen.

WHEREAS: The Tioga County Sheriff's Office has a need to backfill a full-time Deputy Sheriff position due to the resignation of a Deputy Sheriff effective July 29, 2010; and

WHEREAS: The Tioga County Sheriff's Office has found Thomas DuPay, a former Deputy Sheriff, willing and eligible to accept appointment to such position; and

WHEREAS: The Sheriff has received approval from the TCLEU to hire him at the 2010 one-year contract rate, or \$43,623, due to his previous law enforcement experience; therefore be it

RESOLVED: That the Sheriff is hereby granted a waiver from the 60-day Hiring Delay for the position of Deputy Sheriff; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to fill the full-time Deputy Sheriff position with Thomas DuPay at an annual salary of \$43,623 per year, effective August 30, 2010.

On roll call vote on the above resolution, six members voted Aye, Legislator Sullivan voting no, Legislator Roberts being absent, and the resolution was adopted.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 175-10 *APPOINT COUNTY LEGISLATOR*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Sauerbrey.

WHEREAS: 7<sup>th</sup> District Tioga County Legislator William Oberbeck submitted his resignation from his office effective August 1, 2010; and

WHEREAS: The balance of Legislator Oberbeck's term runs through December 31, 2011; and

WHEREAS: Pursuant to Local Law 3 of 1978, the 7<sup>th</sup> District seat must be filled by a qualified resident-elect of the Towns of Candor, Richford or Newark Valley; and

WHEREAS: The Legislature has found and determined that a qualified resident-elect residing in the Town of Newark Valley shall be appointed to fill the unexpired term of William Oberbeck; now therefore be it

RESOLVED: That Eddie J. Hollenbeck is hereby appointed Legislator effective August 11, 2010 to fill the remainder of the term of William Oberbeck who resigned effective August 1, 2010.

On roll call vote on the above resolution, six members voted Aye, Legislator Sullivan voting no, Legislator Roberts being absent, and the resolution was adopted.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 176-10 *ACCEPT AUCTION BIDS FOR COUNTY OWNED PROPERTIES ACQUIRED FOR DELINQUENT TAXES, AUTHORIZE EXECUTION OF DEEDS*

Adoption moved by Legislator McEwen,  
seconded by Legislator Huttleston.

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Owego, Richford and Tioga were offered for sale at Public Auction conducted August 6, 2010 by the County Treasurer; and

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

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount of the bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Town of Barton:</u>	Purchaser:	Bids:
<u>Tax Map #-Prior Owner</u>		
166.19-5-52, Loco Holdings, LLC	Leprino Foods	\$3,000.00
1667.09-1-10.20, David Manzer & Joann M. Myers	Ken Jacobson	\$9,000.00
166.16-2-54, Marino, Christine	Steven J. Chaffee	\$26,000.00
166.19-2-25, McCarthy, Michael	Detail Works, LLC	\$15,000.00
166.15-1-71, Parmalee, Donald L.	Donald B. Marsh	\$22,000.00
167.15-1-12, Stewart, Frederick	Ken Jacobson	\$10,500.00
13.00-1-14.12, Woodcock, George & Barbara	Ken Jacobson	\$10,000.00
<u>Town of Candor</u>		
74.00-1-32.20, Babcock, Karen A.	Owego Corp.	\$11,000.00
81.00-1-30, Coleman, Natasha Fratello	Steven T. Chaffee	\$13,500.00
61.09-3-70, Krauss, Henry & Terri R.	Ken Jacobson	\$1,000.00
<u>Town of Newark Valley</u>		
75.18-1-81, Javis, Louis	Joseph E. Tomazin Jr.	\$6,500.00
75.18-1-82, Javis, Louis	Two Pieces sold together	
<u>Town of Owego</u>		
132.09-1-8, Boehlert, James S.	Eric D. Slate	\$700.00
128.08-7-68, Cedar Associates, Inc.	Ricky W. Ulrich	\$2,100.00
175.00-2-51, Groats, John C. & Bertha	Lori Searfoss	\$1,000.00
128.08-2-20, Haskell, Gary E.	Nathan T. Kennedy	\$2,000.00
142.14-1-14.1, Johnson, Hubert	Christine M. Pelto	\$6,500.00
129.05-3-7, Loco Holdings	Matthew J. McKane	\$100.00
128.08-1-4, Loco Holdings	Elizabeth J. Keir	\$100.00
117.20-2-42, Loco Holdings, LLC	Ken Jacobson	\$7,500.00
128.08-4-20, Loco Holdings, LLC	Brian Robie	\$21,000.00
128.08-4-40, Lumnah, Michael J. & Steven J.	C. H. Lohmeyer, LLC	\$2,000.00

128.08-3-87, Plac, Larry	Whitney Michaud	\$100.00
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Town of Richford

2.00-2-50, Moss, Susan & Catherine Nicklaus	Gordon J. Drasye	\$10,000.00
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Town of Tioga

117.11-2-7, Loco Holdings, LLC	Owego Corp.	\$7,000.00
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126.00-1-14.12, Zepkowski, Stanley & Marilyn C.	Ken Jacobson	\$8,750.00
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## Roll Call:

Ayes 07

Noes 00

Absent 01

CARRIED

County Clerk Robert Woodburn swore in Legislator Ed Hollenbeck.

The meeting was adjourned at 2:10 P.M.