

# Agenda



## TIOGA COUNTY LEGISLATURE

8/15/2017

12: 00 PM

EDWARD D. HUBBARD AUDITORIUM  
 RONALD E. DOUGHERTY COUNTY OFFICE BUILDING  
 56 Main Street  
 Owego NY 13827

Meeting called by: Chair Martha Sauerbrey

Type of meeting: 8<sup>th</sup> Regular

Attendees:  
 Legislator Hollenbeck  
 Legislator Huttleston  
 Legislator Monell  
 Legislator Mullen  
 Legislator Roberts  
 Chair/Legislator Sauerbrey  
 Legislator Standinger  
 Legislator Sullivan  
 Legislator Weston

### Agenda topics

Invocation  
 Pledge of Allegiance

Legislator Sullivan  
 Legislator Sullivan

Proclamations (1)

Immunization Awareness Month

Privilege of the Floor  
 Approval of Minutes

July 6 and 11, 2017

Petitions, Communications & Notices  
 Appointments/Reappointments

Reports Standing/Special Committees

RESOLUTIONS:

1. Resolution Urging Governor Cuomo and the New York State Legislature to advance funding and expedite completion of the "Daniel Patrick Moynihan" Interstate 86 Projects in Broome, Delaware, Sullivan, Tioga and Orange Counties
2. SEQRA Consideration for New York State Office of Parks, Recreation and Historic Preservation 2017-2018 Snowmobile Trails Grant-In-Aid Program, Phase II Application
3. Authorize Extension of Curbside Recycling Contract
4. Authorize Contract with Lady of Lourdes for Tioga PACT Program Health & Human Services Departments
5. Authorize Purchase/Contract for Mobile Content Management Solution for Child Welfare Services Software with Northwoods
6. Award Bid for Pennsylvania Avenue Pavement Rehabilitation
7. Award Bid for Sabin Road Pavement Rehabilitation
8. Award Bid for West River Drive Pavement Rehabilitation
9. Authorize to hold joint auction with Broome County
10. Fund Sheriff's Grant – NYS Police Traffic Services Grant
11. Fund Sheriff's Grant – NYS WM 2015 SLETPP Grant Fund
12. Fund Sheriff's Grant – NYS WM 2016 SLETPP Grant Fund
13. Appropriation of Funds Public Health
14. Authorization to Apply for Grant Public Health
15. Adopt Bylaws Local Emergency Planning Committee (LEPC) Emergency Management
16. Adopt Local Law No. 3 of 2017-Wireless Communications Surcharges
17. Authorize the sale of county owned property located in the Town of Owego to Harold H. Gaylord & Claudia A. Gaylord
18. Authorize the sale of county owned property located in the Town of Barton to Judy A. Foote
19. Authorize the sale of county owned property located in the Town of Barton to John Sampson & Patricia Janhonen
20. Authorize the sale of county owned property located in the Town of Owego to Christopher Tyler
21. Authorize the sale of county owned property located in the Town of Owego to the Apalachin Fire Department
22. Create and Fill Seasonal Social Welfare Examiner Position and Seasonal Office Specialist I Positions for the HEAP Program Department of Social Services
23. Authorize Donation of Vacation Days or Compensatory Time (Sheriff's Office)

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: August is National Immunization Awareness Month with immunizations representing one of the greatest public health accomplishments of the 20<sup>th</sup> century; and

WHEREAS: Vaccines give parents the safe, proven power to protect their children from serious diseases by following the recommended immunization schedule – giving their child the vaccines they need, when they need them; and

WHEREAS: Child care facilities, preschool programs, schools and colleges are prone to outbreaks of infectious diseases due to poor hand washing, not covering coughs, and other factors such as interacting in crowded environments; and

WHEREAS: When a child comes down with a disease such as whooping cough or the flu, they may miss several days of school while recovering and a parent may have to miss work or other important obligations; and

WHEREAS: Vaccines are an important part of a healthy pregnancy and allows the mother to pass some protection on to her baby. Women should be up to date on their vaccinations before becoming pregnant and should receive vaccines against both flu and whooping cough during pregnancy; and

WHEREAS: All adults should get vaccines to protect their health. Even healthy adults can become seriously ill and pass diseases on to others. Everyone should have their vaccination needs assessed at their primary care provider's office; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of August 2017 as:

**IMMUNIZATION AWARENESS MONTH**

and urges the citizens of our County to educate themselves on the recommended vaccines for themselves and their children to prevent the spread of preventable diseases.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. -17

RESOLUTION URGING GOVERNOR  
CUOMO  
AND THE NEW YORK STATE LEGISLATURE  
TO ADVANCE FUNDING AND EXPEDITE  
COMPLETION OF THE "DANIEL PATRICK  
MOYNIHAN" INTERSTATE 86 PROJECTS IN  
BROOME, DELAWARE, SULLIVAN, TIOGA  
AND ORANGE COUNTIES

WHEREAS: Former Governor Pataki committed to a ten-to-twelve year construction program to complete the Route 17 conversion to Interstate 86 ("I-86") beginning with the first designation (177 miles Chemung County West to Pennsylvania) on December 3, 1999; and

WHEREAS: The designation of New York State Route 17 to I-86 provides a superhighway with connection to every Interstate Highway located within New York State and Interstate Highways leading into Pennsylvania; and

WHEREAS: The upgrade and designation of Route 17 as I-86 will make the region more competitive and able to attract substantial growth in business, industry, and tourism as well as improve the safety of the traveling public; and

WHEREAS: The New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2-billion-dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed; and

WHEREAS: With proper funding and resources (Fast Track/Design Build) for the remaining projects in Broome, Delaware, Tioga, Sullivan and Orange Counties, the conversion of Route 17 to I-86 could be completed many years sooner than on the present schedule providing vast economic benefits to the Hudson Valley, Southern Tier, and Western New York regions and would yield significant economic benefits for the nation by facilitating national freight flows, reducing travel times, improving safety, enhancing access to markets, creating new jobs, and greater value-added activity; and

WHEREAS: Due to the lack of funding the current Administration has been unable to commit to a timetable for completing the conversion of Route 17 to Interstate I-86; and

WHEREAS: Additional funding for state infrastructure projects, specifically the modernization of roads and bridges, may be forthcoming from the Federal Government; and

WHEREAS: The primary economic development agencies in Orange and Sullivan Counties have formed a Coalition to promote the widening of Route 17 to six lanes over the 47 miles between Harriman and Monticello; and

WHEREAS: The Tioga County Legislative has recommended authorization of this Resolution; now therefore be it

RESOLVED: That the Tioga County Legislature does hereby request Governor Andrew Cuomo and the New York State Legislature advance funding (Fast Track/Design Build) expediting completion of the projects in Broome, Delaware, Tioga, Sullivan and Orange Counties on New York State Route 17 so that the same may be converted to I-86; and be it further

RESOLVED: That the Clerk of the Legislature is hereby authorized and directed to forward certified copies of this resolution to Governor Andrew Cuomo, Honorably Christopher Friend, Honorable Fred Ashkar, Inter-County Association of Western New York, New York State Association of Counties, and the I-86 Corridor Counties (Cattaraugus, Chautauqua, Chemung, Allegany, Steuben, Broome, Delaware, Sullivan, Orange.

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING  
COMMITTEE

RESOLUTION NO. --17 SEQRA CONSIDERATION FOR NEW YORK  
STATE OFFICE OF PARKS, RECREATION AND  
HISTORIC PRESERVATION 2017-2018  
SNOWMOBILE TRAILS GRANT-IN-AID  
PROGRAM, PHASE II APPLICATION

WHEREAS: All new or modified snowmobile trails must have a SEQRA Determination approved; and

WHEREAS: The trail changes for upgrades/reroutes to both segments of S57, for the Tioga Ridge Runners, as presented to NYSOPRHP are an Unlisted Action requiring Tioga County to consider the environmental significance of these changes; and

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

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

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

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. -17 AUTHORIZE EXTENSION OF CURBSIDE RECYCLING CONTRACT

WHEREAS: Taylor Garbage was awarded Tioga County's curbside recycling contract for a three year period commencing January 1, 2012, and then were authorized an extension of said contract with bid amount adjustment by the compounded increase in the Consumer Price Index (CPI) from the previous three (3) years. Bid specifications include two optional three (3) year extensions with the price at the bid amount adjusted by the compounded increase in the Consumer Price Index (CPI) from the previous three (3) years; and

WHEREAS: Taylor Garbage is interested in extending the contract for second extension of three (3) years at the adjusted rate according to the CPI; and

WHEREAS: The current compounded CPI will be calculated from January 1, 2015 through December 31, 2017; however, the December 31, 2017 CPI will not be released until early 2018. The 2015 CPI was 2.9%; the 2016 CPI was 3.1%; and the first half 2017 semiannual CPI was 2.0%; therefore be it

RESOLVED: That the Tioga County Legislature extend the curbside recycling contract with Taylor Garbage for a three (3) year period at the bid amount adjusted by the compounded increase in the Consumer Price Index (CPI) from the said dates and commencing January 1, 2018.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PUBLIC WORKS COMMITTEE

RESOLUTION NO. -17 AUTHORIZE CONTRACT WITH LADY OF  
LOURDES FOR TIOGA PACT PROGRAM  
HEALTH & HUMAN SERVICES DEPARTMENTS

WHEREAS: Our Lady of Lourdes Memorial Hospital, Inc. has been providing services in Broome and Tioga Counties through Healthy Families America and Healthy Families New York, called Tioga PACT (Parents and Children Together) Healthy Families Program; and

WHEREAS: The Tioga County Health and Human Services Departments have determined that the program offered by Our Lady of Lourdes Memorial Hospital, Inc. is an evidenced-based program that decreases the demand for publicly-funded programs; and

WHEREAS: Our Lady of Lourdes Memorial Hospital, Inc. is in need of space to run the program in Tioga County; and

WHEREAS: Tioga County Health and Human Services Departments have provided the space to Our Lady of Lourdes Memorial Hospital, Inc. for the past ten (10) years to run this program; therefore be it

RESOLVED: That the Tioga County Legislature does hereby determine that the real property which is the subject of the Lease is not required for public use; therefore be it further

RESOLVED: That the Chair of the Tioga County Legislature be authorized to sign a Lease and contract with Our Lady of Lourdes Memorial Hospital, Inc. for the purpose of operating a Tioga PACT Healthy Families Program.



REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE/LEGAL

RESOLUTION NO. -17 AUTHORIZE PURCHASE/CONTRACT FOR  
MOBILE CONTENT MANAGEMENT  
SOLUTION FOR CHILD WELFARE SERVICES  
SOFTWARE WITH NORTHWOODS

WHEREAS: Tioga County Department of Social Services (DSS) has an identified need to obtain a software system for Mobile Content Management for Child Welfare Services; and

WHEREAS: DSS has developed, released and received responses to a Request for Proposal (RFP) for the Mobile Content Management for Child Welfare Services; and

WHEREAS: An RFP review committee determined the response from Northwoods in the amount of \$448,239 to be the winning bid; and be it further

RESOLVED: That the Tioga County Legislature awards and authorizes a contract for Mobile Content Management for Child Welfare Services to Northwoods in the amount of \$448,239.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. -17

AWARD BID FOR PENNSYLVANIA  
AVENUE PAVEMENT REHABILITATION

WHEREAS: The Commissioner of Public Works appropriated funds in the 2017 budget for this project; and

WHEREAS: On July 24, 2017 the Department of Public Works received sealed bids from the following contractors:

Broome Bituminous Products, Vestal NY \$748,442.00

Barrett Paving, Inc., Vestal NY \$772,662.00

Dalrymple Gravel and Contracting, Pine City NY \$842,860.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Broome Bituminous Products, Vestal NY not to exceed \$748,442.00 to be paid out of Pennsylvania Avenue Paving Account H5110.540001.H1708.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. -17

AWARD BID FOR SABIN ROAD  
PAVEMENT REHABILITATION

WHEREAS: The Commissioner of Public Works appropriated funds in the 2017 budget for this project; and

WHEREAS: On July 12, 2017 the Department of Public Works received sealed bids from the following contractors:

Broome Bituminous Products, Vestal NY	\$344,424.00
Bothar Construction, Binghamton NY	\$444,740.00
Barrett Paving, Inc., Vestal NY	\$440,588.00
Spencer Paving, Spencer NY	\$380,942.00
Dalrymple Gravel and Contracting, Pine City NY	\$398,800.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Broome Bituminous Products, Vestal NY not to exceed \$344,424.00 to be paid out of Sabin Road Paving Account H5110.540001.H1702.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. -17

AWARD BID FOR WEST RIVER DRIVE  
PAVEMENT REHABILITATION

WHEREAS: The Commissioner of Public Works appropriated funds in the 2017 budget for this project; and

WHEREAS: On August 2, 2017 the Department of Public Works received sealed bids from the following contractors:

Broome Bituminous Products, Vestal NY \$534,624.00

Bothar Construction, Binghamton NY \$581,980.00

Dalrymple Gravel and Contracting, Pine City NY \$602,680.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Broome Bituminous Products, Vestal NY not to exceed \$534,624.00 to be paid out of West River Drive Paving Account H5110.540001.H1703.

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. -17

AUTHORIZE TO HOLD JOINT  
AUCTION WITH BROOME COUNTY

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 Manasse & Son Auctioneers for Saturday, September 23, 2017; 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 23, 2017; and be it further

RESOLVED: That Tioga County's auction for surplus properties will be held at Broome County Highway Dept., 47 Thomas St., Chenango Bridge, NY 13745 and 0% Commission of the proceeds will be charged to the seller.

REFERRED TO:

PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -17

FUND SHERIFF'S GRANT –NYS  
POLICE TRAFFIC SERVICES  
GRANT

WHEREAS: The Sheriff's Office has been awarded a NYS Police Traffic Services Grant (PTS-2017-Tioga Co SO-00117-(054) in the amount of \$13,800; and

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

RESOLVED: That the NYS Police Traffic Services Grant be appropriated as follows:

State Aid Revenue Account: A3110 433900	\$13,800
Expense Account: A3110 510030 Overtime/Other	\$13,800

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -17 FUND SHERIFF'S GRANT – NYS  
WM 2015 SLETPP GRANT FUND

WHEREAS: The Sheriff's Office was awarded a WM 2015 SLETPP Grant (DHSES #WM 15973952) in the amount of \$17,500; and

WHEREAS: The funding period is from 9/1/2015 to 8/31/2018 and now needs to be appropriated; therefore be it

RESOLVED: That the WM 2015 SLETPP (DHSES #WM15973952) be appropriated as follows:

From: State Aid-Sheriff 15 SLETPP (WM15973952) A3110 433470 \$17,500

To: Sheriff (WM15973952) Grant-  
Equipment (Not Car) A3110 520130 \$17,500

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -17 FUND SHERIFF'S GRANT – NYS  
WM 2016 SLETPP GRANT FUND

WHEREAS: The Sheriff's Office was awarded a WM 2016 SLETPP Grant (DHSES #WM 15973962) in the amount of \$17,500; and

WHEREAS: The funding period is from 9/1/2016 to 8/31/2019 and now needs to be appropriated; therefore be it

RESOLVED: That the WM 2016 SLETPP (DHSES #WM15973962) be appropriated as follows:

From: State Aid-Sheriff 16 SLETPP (WM15973962) A3110 433480 \$17,500

To: Sheriff (WM15973962) Grant-  
Equipment (Not Car) A3110 520130 \$17,500



REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -17 APPROPRIATION OF FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded additional funding from the New York State Department of Health; and

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

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

RESOLVED: That funding be appropriated as follows:

From: A4011 434010 State Aid \$ 15,070

To: A4011 540640 Supplies \$ 15,070

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -17 AUTHORIZATION TO APPLY FOR GRANT  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has been invited to submit a grant application to the Appalachian Regional Commission; and

WHEREAS: TCPH has developed a plan to transform the provision of Dental services to the uninsured and under-served Tioga County citizens; and

WHEREAS: Current Dental Program, Tioga Mobile Dental Services is instrumental in addressing the unmet oral health needs of children and adults in Tioga County; and

WHEREAS: The amount of the grant funding is not yet determined; and

WHEREAS: This grant does not require matching funds; and

WHEREAS: If awarded the grant, TCPH will submit a resolution to appropriate the funds at that time; and

WHEREAS: County Policy 47 requires Legislative approval for grant applications that require the signature of the Chief Elected Official; and

WHEREAS: The Tioga County Legislature supports TCPH in pursuing funding to provide needed services to Tioga County residents; therefore be it

RESOLVED: That Tioga County Public Health is authorized to submit a grant application to the Appalachian Regional Commission.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -17 ADOPT BYLAWS  
LOCAL EMERGENCY  
PLANNING COMMITTEE (LEPC)  
EMERGENCY MANAGEMENT

WHEREAS: The Emergency Management Office has updated their Local Emergency Management Plan (LEPC); and

WHEREAS: Legislative approval is required for any changes made to the bylaws; therefore be it

RESOLVED: That the Local Emergency Planning Committee (LEPC) bylaws are hereby updated and adopted as follows:

Tioga County Emergency Management Office  
Local Emergency Planning Committee  
Bylaws  
June 2017

**I. Name of the Committee**

The name of the committee shall be the ***Tioga County Local Emergency Management Planning Committee***, hereafter known as LEPC.

**II. Powers and Duties**

The LEPC has been established pursuant to section 301 (c) of the Public Law 99-499, ***The Emergency Planning and Community Right to Know Act of 1986, (100 Stat 1738-58, October 17, 1986)***. The LEPC shall have all the powers and duties conferred upon it by said Law, and as it may from time to time be amended. The principal duty of the LEPC shall be to develop an emergency response plan for the County of Tioga and its included municipalities, and to review such plans annually. This plan shall contain at a minimum, all the elements set forth in PL 99-499 for such plans.

**III. Membership**

The members of the LEPC shall be recommended by the LEPC Nominating Committee, approved by majority vote of the LEPC membership and appointed by the New York State Emergency Response Commission (SERC) pursuant to PL 99-499. The membership shall include the following:

- A. Elected Local Official (or designee): Tioga County Chair of the Legislature
- B. Elected State Official (or designee): a member of the New York State Legislature representing a district lying wholly or partially within Tioga County.
- C. Civil Defense representative: The Tioga County Deputy Director of Emergency Preparedness of the Tioga County Emergency Management Office.
- D. Community Emergency Coordinator: The Tioga County Director of Emergency Management
- E. Law Enforcement representative: The Tioga County Sheriff (or designee)
- F. Firefighting/HAZMAT representative: The Tioga County Fire Coordinator (or designee)
- G. A representative of the New York State Police
- H. First Aid representative: The Tioga County EMS Coordinator (or designee)
- I. Health representative: A representative of the Tioga County Health Department.
- J. A representative of the Tioga County Soil and Water Office.
- K. A Transportation Safety Representative
- L. A media representative
- M. A community representative
- N. Facility Owners representatives

#### **IV. Alternative Members**

- A. Each member may nominate an alternate to assume his or her duties and position on the LEPC in his or her absence. The alternative may vote only in the absence of the member.
- B. Nominations for representatives and alternate members can be made in writing or by verbal motion from the floor to the LEPC Chair and approved by the majority of the votes cast.

**V. Officers**

- A. The LEPC shall at its first meeting elect by a majority vote a Chairperson and Vice-Chairperson. Said Officers shall serve a term of one year. Elections for these two officer ships shall thereafter be held annually.
- B. The power and duties of the Chairperson shall be to preside at meetings of the LEPC, appoint such standing and special subcommittees as shall be needed to conduct the business of the LEPC, serve as the non-exclusive spokesperson for the LEPC, and such other powers and duties as are customary for the presiding Officer of similar committees and boards.
- C. The powers and duties of the Vice-Chairperson shall be to preside over meetings of the LEPC and carry out such duties as may be directed by the Chairperson.

**VI. Conduct of Meetings**

- A. The LEPC shall meet as often as is necessary to conduct its business, and in no event less often than once annually.
- B. The LEPC shall conduct no business in the absence of a quorum of its members, a quorum being a majority of the membership as set forth in Article III of these Bylaws. In the event that a quorum is not present, informational sessions may be conducted.
- C. The LEPC shall conduct its business by means of resolutions duly adopted by a majority of the membership. No motion, resolution, or other parliamentary instrument shall prevail unless it receives a majority of the votes cast.
- D. The LEPC shall be deemed to be a PUBLIC BODY of the County of Tioga within the meaning of the New York State Open Meetings and Freedom of Information statutes, except as those statutes may be superseded by applicable Federal Law.
- E. Except as otherwise provided in these Bylaws, the LEPC shall conduct its business in accordance with Robert's Rules of Order.

**VII. Public Participation and Access to Information**

- A. The public is encouraged to participate in the work of the LEPC by attendance at meetings and, when in order, by addressing the LEPC.
- B. The public shall be notified of meetings of the LEPC in accordance with applicable provisions of the New York Open Meetings Law, specifically by advance notice given to the local public media by the Tioga County Emergency Management Office.
- C. At least once annually, the LEPC shall advertise and conduct at least one meeting in which members of the public shall be invited to address the LEPC on matters which they believe should be considered in the emergency response plan.
- D. At least thirty days before the adoption of the emergency response plan or any revision to that plan, the LEPC shall publish a summary of the provisions of the proposed plan or any revision to that plan, and shall hold at least one hearing to receive comments from the public thereon. Minutes of the public comments shall be made, and the LEPC shall take due note of the public comments in its deliberations prior to the adoption of the emergency response plan or its revision. The LEPC shall further adopt by resolution a response to the public comments, including action taken by the LEPC with respect to the comments, prior to adoption of the emergency plan or any revision.
- E. Copies of the emergency response plan with adopted amendments and revisions shall be distributed (may be accomplished through the Tioga County website) to:
  - 1. Cognizant State and Federal authorities;
  - 2. Each municipality within Tioga County
  - 3. All police, fire and EMS agencies with in Tioga County;
  - 4. All 'covered facilities' within Tioga County (within the meaning of PL 99-499)
  - 5. All public libraries within Tioga County
  - 6. Local media
  - 7. The Tioga County Legislature; and members of the LEPC

**VIII. Public Access to Information**

- A. The Tioga County Office of Emergency Management is hereby designated as the secretariat of the LEPC.
- B. The Deputy Director of Emergency Preparedness of the Tioga County Emergency Management Office is hereby designated as the Coordinator of Information pursuant to Section 301 (c) of PL 99-499.
- C. The emergency response plan, material safety data sheets (MSDS), lists described in Section 311 (a) (2) of PL 99-499, inventory forms, toxic chemical release forms, and follow up emergency notices shall be made available to the general public, consistent with the trade secret exceptions in Section 322 of PL 99-499, upon request to the Tioga County Emergency Management Office. On request by an owner or operator of a facility subject to the requirements of Section 312 (d) (2) of PL 99-499, the LEPC shall withhold from disclosures under this Section the location of any specific chemical required by Section 312 (d) (2) of PL 99-499 to be contained in an inventory form as Tier II information.
- D. The LEPC shall annually publish a notice in the local newspapers that the emergency response plan, material safety data sheets (MSDS), and inventory forms have been submitted under this Article. Such notice shall announce that members of the public who wish to review any such plan, sheet, form or follow up notice may do so at the Tioga County Emergency Management Office.
- E. Subject to the approval of the LEPC, the Coordinator of Information shall develop and promulgate procedures for processing requests from the public for information under Section C of the Article. Such procedures shall parallel as closely as possible the existing Tioga County procedures under the New York State Freedom of Information Act, provided they are consistent with the requirements of PL 99-499 and these Bylaws.
- F. As recommended by the New York State Emergency Response Commission (SERC), and in addition to hardcopy (paper) Tier II submissions, the Tioga County LEPC will accept the same electronic Tier II submission per the NYS E-Plan Implementation Guide, October 2007, p.2, to satisfy reporting notification to the LEPC, which the SERC accepts to satisfy reporting notification to the State. As further recommended by the SERC in the NYS E-Plan Implementation Guide, October 2007, p.3, the Tioga County

LEPC designates the individuals occupying the following positions as "Authorizing Authority", and "Authored User", for so long as those individuals occupy those positions:

1. Authorizing Authority – Tioga County Deputy Director of Emergency Preparedness
2. Authorized Users:
  - a. LEPC Chair
  - b. Tioga County Director of Emergency Management
  - c. Tioga County Fire Coordinator
  - d. Deputy County Fire Coordinator/s

**IX. Subcommittees**

The Chairperson shall appoint such standing and special subcommittees as the LEPC shall deem necessary to conduct its business.

**X. Legal Counsel**

The Tioga County Attorney or his/her designee shall serve as legal counsel to the LEPC.

**XI. Amendments to the Bylaws of the LEPC**

These Bylaws may be amended at any time by an affirmative vote of two-thirds of the membership present at a business meeting, as defined in Article VI, Section B.



REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

ADOPT LOCAL LAW NO. 3 OF 2017

WHEREAS: A public hearing was held on August 10, 2017, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2017 A Local Law of the Tioga County Legislature of the County of Tioga, repealing the wireless communications surcharge authorized by Article Six of the County Law of the State of New York; and imposing the wireless communications surcharges pursuant to the authority of Tax Law §186-g; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 3 of 2017; therefore be it

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

County of Tioga

Local Law No. 3 of the Year 2017.

A Local Law of the Tioga County Legislature of the County of Tioga, repealing the wireless communications surcharge authorized by Article Six of the County Law of the State of New York; and imposing the wireless communications surcharges pursuant to the authority of Tax Law §186-g.

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

SECTION 1: A Local Law imposing a Wireless Communication Surcharge in Tioga County hereinafter known as Local Law No. 6 of the year 2003, is hereby REPEALED.

SECTION 2: Imposition of wireless communications surcharges. (a) Pursuant to the authority of Tax Law §186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Tioga on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County of Tioga, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County of Tioga, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billing of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this Local Law, providing that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3: Administration of surcharges. The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law §186-g, and in a like manner as the taxes imposed by Articles Twenty-Eight and Twenty-Nine of the Tax Law.

SECTION 4: Applicability of State law to surcharges imposed by this Local Law. All the provisions of Tax Law §186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

SECTION 5: Net collections received by Tioga County from the surcharges imposed by this Local Law shall be expended only upon authorization of the Tioga County Legislature of the County of Tioga and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving Tioga County, as provided in paragraph (9) of Tax Law §186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. Tioga County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6: Effective date. This Local Law shall take effect December 1, 2017.

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.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE TOWN OF OWEGO TO HAROLD H. GAYLORD & CLAUDIA A. GAYLORD

WHEREAS: Property located in the Town of Owego transferred to Tioga County, identified as Tax Map number 98.00-1-44, parcel number 12911 owes 2015, 2016 and 2017 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Harold H. Gaylord & Claudia A. Gaylord, who has made an offer to purchase back their property for \$7,000.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$7,000.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the, Town of Owego, identified on the Town of Owego Tax Map as number 98.00-1-44 parcel number 12911 to Harold H. Gaylord & Claudia A. Gaylord or assigns.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE TOWN OF BARTON TO JUDY A. FOOTE

WHEREAS: Property located in the Town of Barton transferred to Tioga County, identified as Tax Map number 113.00-1-6.20, parcel number 12081 owes 2015 and 2017 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Judy A. Foote, who has made an offer to purchase back her property for \$2,500.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$2,500.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the, Town of Barton, identified on the Town of Barton Tax Map as number 113.00-1-6.20 parcel number 12081 to Judy A. Foote or assigns.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE TOWN OF BARTON TO JOHN SAMPSON & PATRICIA JANHONEN

WHEREAS: Property located in the Town of Barton transferred to Tioga County, identified as Tax Map number 134.00-1-20.30, parcel number 1965 owes 2015, 2016 and 2017 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by John Sampson & Patricia Janhonen, who has made an offer to purchase back their property for \$900.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$900.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the, Town of Barton, identified on the Town of Barton Tax Map as number 134.00-1-20.30 parcel number 1965 to John Sampson & Patricia Janhonen or assigns.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE TOWN OF OWEGO TO CHRISTOPHER TYLER

WHEREAS: Property located in the Town of Owego transferred to Tioga County, identified as Tax Map number 164.00-2-22.1, parcel number 5479 owes 2015, 2016 and 2017 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Christopher Tyler, who has made an offer to purchase his parents property for \$9,000.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$9,000.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the, Town of Owego, identified on the Town of Owego Tax Map as number 164.00-2-22.1 parcel number 5479 to Christopher Tyler or assigns.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE TOWN OF OWEGO TO THE APALACHIN FIRE DEPARTMENT

WHEREAS: Property located in the Town of Owego transferred to Tioga County, identified as Tax Map number 142.14-1-39, parcel number 4817 owes 2015, 2016 and 2017 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Apalachin Fire Department, who has made an offer to purchase this property for \$14,000 "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$14,000 and recording costs of \$185.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the, Town of Owego, identified on the Town of Owego Tax Map as number 142.14-1-39 parcel number 4817, to Apalachin Fire Department or assigns.



REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -17 CREATE AND FILL SEASONAL SOCIAL  
WELFARE EXAMINER POSITION AND  
SEASONAL OFFICE SPECIALIST I  
POSITIONS FOR THE HEAP PROGRAM  
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin outreach in mid-August and be in full season on November 13, 2017; and

WHEREAS: The Social Services budget allows for the hiring of the following staff for the HEAP Program:

One, full-time, seasonal Social Welfare Examiner for the period November 1, 2017 through January 31, 2018 at the starting salary of \$14.37 per hour, and

Two, full-time seasonal Office Specialist I for the period November 1, 2017 through January 31, 2018 at the starting salary of \$11.92 per hour, and

One, full-time, seasonal Office Specialist I for the period October 16, 2017 through February 28, 2018 at the starting salary of \$11.92 per hour; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal HEAP positions listed above and where required, appoint from the appropriate eligible list.

REFERRED TO:

PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -17

AUTHORIZE DONATION OF  
VACATION DAYS OR  
COMPENSATORY TIME  
(SHERIFF'S OFFICE)

WHEREAS: Frank Lavore, a Road Patrol Sergeant at the Sheriff's Office has undergone a medical procedure which has caused him to be out of work for an extended period of time; and

WHEREAS: Sergeant Lavore has exhausted all his benefit time to cover his entire absence; and

WHEREAS: Tioga County Sheriff's Office employees are willing to donate their vacation or compensatory time for Sergeant Lavore to use; and

WHEREAS: The County believes it is important and appropriate to support Sergeant Lavore during this time; therefore be it

RESOLVED: That Sergeant Lavore shall be required to liquidate all accrued vacation and compensatory time, but then shall have vacation days or compensatory time donated by Sheriff's Office employees made available to him for any remaining portion of his absence from August 9<sup>th</sup>, 2017 through approximately September 27<sup>th</sup>, 2017; and be it further

RESOLVED: That in the event Sergeant Lavore returns to work earlier than September 27<sup>th</sup>, 2017, access to donated vacation days and compensatory time will end.