

Office of the County Attorney



FINANCE, LEGAL & SAFETY COMMITTEE

March 12, 2024

10:30 a.m.

- APPROVAL OF MINUTES: February 13, 2024

- FINANCIAL
 - Safety
 - Law

- OLD BUSINESS
 - Litigation
 - Annual Training and Financial Disclosures for Schedule A Employees and Boards
 - Tioga Tobacco Asset Securitization Corporation (TTASC)

- NEW BUSINESS
 - Ethics Board
 - Panic Buttons
 - Drug Testing
 - Meetings
 - Safety

- PERSONNEL – N/A

- RESOLUTIONS
 - MODIFY 2024 BUDGET AND TRANSFER FUNDS ILS GRANT
 - AMEND EMPLOYEE HANDBOOK: ABOLISH SECTION IX. SAFETY RULES, SUBSECTION A. ENTITLED CONTAGIOUS DISEASES IN ITS ENTIRETY
 - RE-APPOINT MEMBER TO BOARD OF ETHICS (Davis)
 - RE-APPOINT MEMBER TO BOARD OF ETHICS (Balliet Jr.)
 - EXECUTE LEASE OF PROPERTY LOCATED AT 32 ITHACA STREET, WAVERLY, NEW YORK TO HOUSE MENTAL HYGIENE'S WAVERLY OFFICE
 - EXECUTE ADDENDUM TO LEASE AGREEMENT OF PROPERTY LOCATED AT SOUTH APALACHIN ROAD, APALACHIN, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER

- EXECUTE ADDENDUM TO LEASE AGREEMENT OF PROPERTY LOCATED AT 110 C BABCOCK ROAD, NICHOLS, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER
 - EXECUTE ADDENDUM TO LEASE AGREEMENT OF PROPERTY LOCATED AT 54 DODGE ROAD, SPENCER, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER
 - EXECUTE ADDENDUM TO LEASE AGREEMENT OF PROPERTY LOCATED AT 246 DAVIS ROAD, TOWN OF RICHFORD, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER
 - AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENTS BETWEEN THE LAW DEPARTMENT, ITCS, SHERIFF, DSS, PUBLIC HEALTH, AND MENTAL HYGIENE
- PROCLAMATIONS
 - N/A
 - EXECUTIVE SESSION – to discuss a particular litigation
 - ADJOURNMENT

TIOGA COUNTY, NEW YORK

Office of the County Attorney

Ronald E. Dougherty County Office Building 56 Main Street Owego, NY 13827

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FINANCE, LEGAL & SAFETY COMMITTEE

February 13, 2024

10:30 a.m.

ATTENDANCE:

Legislators: Chair Sauerbrey, Ciotoli, Brown, Standinger, Monell and Mullen, Roberts, Flesher

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Safety Officer Holbrook, Personnel Officer Parke, Chief Accountant Douglas, Accountant Schurter, Director of Community Services Morgan

- APPROVAL OF MINUTES:
 - Legislator Ciotoli asked for a motion to approve the January 9, 2024, minutes. Legislator Monell made the motion seconded by Legislator Brown and was unanimously carried.
- FINANCIAL:
 - Legal and Safety's budgets are tracking well. Safety funds have been used to purchase medical supplies and Labor Law posters.
- OLD BUSINESS:
 - Litigation: There are two matters continuing with discovery and the construction case continues to move forward.
 - 2024 Insurance/Cyber renewal: Thanks to the hard work of Director and Deputy Director of Information Technology and Communication Services and their team the County's cyber insurance premium for 2024 was held flat. The County's insurance premium should be processed today once the resolution to transfer funds passes. However, funds potentially will need to be transferred into this account if there are numerous new vehicles/equipment purchases or a high rate of vehicular incidents.
 - Annual trainings for employees have been mostly completed with only handful with uncompleted trainings.

- NEW BUSINESS:
 - Financial disclosures for Schedule A employees and Tioga County Boards have been disbursed to Schedule A employees and board members with a due date of May 15, 2024.
 - Tioga Tobacco Asset Securitization Corporation Annual Meeting will be held this June. Due to an employee's resignation, there is an open position on the Board to be filled. A decision on a suitable candidate will need to be made by March 31, 2024.
 - Miscellaneous: The In Rem is continuing. There is uncertainty with how the process is going to work but it is moving forward. Mr. McFadden shared the State is considering changing the current law to now allow taxpayers to pay the oldest year's taxes instead of the current policy of applying any payments to the most current year's taxes. The Department of Social Services Legal Office is extremely busy with neglect and termination of parental rights (TPR) petitions. Mr. DeWind is exploring the use of outside counsel for Medicaid claims for surrogate court.

- PERSONNEL:
 - N/A

- RESOLUTIONS: AUTHORIZE LEASE EXTENSION WITH NYSEG FOR TELECOMMUNICATIONS TOWER AND EQUIPMENT ON BALLOU ROAD, TOWN OF TIOGA and AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE TOWN OF BARTON TO MARY E. MARSHALL were moved into full Legislative Session without further questions.

- PROCLAMATIONS
 - N/A

- EXECUTIVE SESSION
 - Mr. DeWind requested to enter into an executive session to discuss contract negotiations at 11:04 AM. Legislator Monell made the motion seconded by Legislator Mullen and was unanimously carried. Legislator Monell made the motion to exit the executive session which was seconded by Legislator Brown and was unanimously carried at 11:24 AM.

- ADJOURNMENT:
 - Legislator Ciotoli adjourned the Legal & Safety Committee at 11:25 A.M.

Respectfully submitted,

Christine Freyvogel

Secretary to the County Attorney



TIOGA COUNTY, NEW YORK

Tioga County 2024 SAFETY BUDGET REPORT

FOR 2024 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
CI Liability Insurance Fund							
CI8042 504 Coordinator/Safety							
CI8042 424010 Interest And Earn	0	0	0	-127.40	.00	127.40	100.0%
CI8042 510010 Fulltime	58,520	0	58,520	8,934.40	.00	49,585.60	15.3%
CI8042 540140 Contracting Servi	164,500	-160,000	4,500	900.00	900.00	2,700.00	40.0%
CI8042 540140 M7674 Contracting	0	160,000	160,000	21,274.75	127,870.37	10,854.88	93.2%
CI8042 540340 Literature	250	0	250	.00	.00	250.00	.0%
CI8042 540410 Nursing Supplies	2,000	0	2,000	59.89	.00	1,940.11	3.0%
CI8042 540420 Office Supplies	400	0	400	49.10	.00	350.90	12.3%
CI8042 540480 Postage	75	0	75	.00	.00	75.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	334.56	.00	265.44	55.8%
CI8042 540733 Training/All Othe	3,500	0	3,500	60.00	.00	3,440.00	1.7%
CI8042 581088 State Retirement	0	4,687	4,687	1,367.90	.00	3,319.29	29.2%
CI8042 583088 Social Security F	0	2,747	2,747	785.49	.00	1,961.61	28.6%
CI8042 584088 workers Compensat	0	878	878	229.80	.00	648.69	26.2%
CI8042 585588 Disability Insura	0	46	46	13.05	.00	33.42	28.1%
CI8042 586088 Health Insurance	0	18,369	18,369	5,410.25	.00	12,958.42	29.5%
CI8042 588988 Eap Fringe	0	12	12	3.05	.00	8.50	26.4%
TOTAL 504 Coordinator/Safety	229,845	26,739	256,584	39,294.84	128,770.37	88,519.26	65.5%
TOTAL Liability Insurance Fund	229,845	26,739	256,584	39,294.84	128,770.37	88,519.26	65.5%
TOTAL REVENUES	0	0	0	-127.40	.00	127.40	
TOTAL EXPENSES	229,845	26,739	256,584	39,422.24	128,770.37	88,391.86	
GRAND TOTAL	229,845	26,739	256,584	39,294.84	128,770.37	88,519.26	65.5%

** END OF REPORT - Generated by Freyvogel, Christine **



TIOGA COUNTY, NEW YORK

Tioga County 2024 LEGAL BUDGET REPORT

FOR 2024 04

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
A General Fund							
A1420 Law							
A1420 412706 Shared Services-At	-50,079	0	-50,079	.00	.00	-50,079.00	.0%
A1420 510010 Full Time	223,698	0	223,698	34,152.40	.00	189,545.60	15.3%
A1420 510020 Part Time/Temporar	40,233	0	40,233	6,142.44	.00	34,090.56	15.3%
A1420 520200 Office Equipment	450	0	450	.00	.00	450.00	.0%
A1420 540010 Advertising	635	0	635	.00	.00	635.00	.0%
A1420 540040 Books	1,500	0	1,500	.00	.00	1,500.00	.0%
A1420 540180 Dues	2,400	0	2,400	557.00	.00	1,843.00	23.2%
A1420 540330 Legal Fees	65,000	0	65,000	7,642.50	34,500.00	22,857.50	64.8%
A1420 540331 Legal Fees-Adolesc	2,000	0	2,000	.00	.00	2,000.00	.0%
A1420 540390 Mileage Expense	300	0	300	.00	.00	300.00	.0%
A1420 540420 Office Supplies	825	0	825	.00	.00	825.00	.0%
A1420 540480 Postage	150	0	150	.00	.00	150.00	.0%
A1420 540485 Printing/Paper	400	0	400	.00	.00	400.00	.0%
A1420 540731 Training/State Req	1,000	0	1,000	40.00	.00	960.00	4.0%
A1420 581088 State Retirement F	13,971	3,815	17,786	5,231.90	.00	12,554.02	29.4%
A1420 583088 Social Security Fr	0	15,479	15,479	3,528.80	.00	11,949.92	22.8%
A1420 584088 Workers Compensati	0	4,385	4,385	919.20	.00	3,465.94	21.0%
A1420 585588 Disability Insuran	0	178	178	39.15	.00	139.04	22.0%
A1420 586088 Health Insurance F	76,972	409	77,381	18,244.70	.00	59,136.51	23.6%
A1420 588988 Eap Fringe	0	58	58	12.20	.00	45.47	21.2%
TOTAL Law	379,455	24,323	403,779	76,510.29	34,500.00	292,768.56	27.5%
TOTAL General Fund	379,455	24,323	403,779	76,510.29	34,500.00	292,768.56	27.5%
TOTAL REVENUES	-50,079	0	-50,079	.00	.00	-50,079.00	
TOTAL EXPENSES	429,534	24,323	453,858	76,510.29	34,500.00	342,847.56	
GRAND TOTAL	379,455	24,323	403,779	76,510.29	34,500.00	292,768.56	27.5%

** END OF REPORT - Generated by Freyvogel, Christine **

REFERRED TO:

FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24

MODIFY 2024 BUDGET AND TRANSFER FUNDS
ILS GRANT

WHEREAS: The Family Court Public Defender has a need for a new printer; and

WHEREAS: The Printer selected by the Public Defender costs \$1100; and

WHEREAS: The ILS Grant has sufficient funds for this purchase; and

WHEREAS: Legislative approval is required for budget modifications; therefore be it

RESOLVED: That the following funds be transferred for said purchase with excess funds available, if necessary.

From:	A1173.540420	Office Supplies	\$1200.00
To:	A1173.520200	Office Equipment	\$1200.00

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24

AMEND EMPLOYEE HANDBOOK:
ABOLISH SECTION IX. SAFETY RULES, SUBSECTION
A. ENTITLED CONTAGIOUS DISEASES IN ITS
ENTIRETY

WHEREAS: Public Health has reviewed the Employee Handbook and recommends that a contagious disease policy is not necessary, as every event is situational, and the existing policy is not reflective of current recommendations; and

WHEREAS: The Safety Officer is in favor of Public Health's recommendation for abolishment of the Contagious Disease policy in the Employee Handbook; and

WHEREAS: Legislative approval is required for changes to County policy; therefore be it

RESOLVED: That the Employee Handbook is hereby amended to reflect the abolishment of Section IX. Safety Rules, Subsection A. entitled Contagious Diseases in its entirety without replacement.

REFERRED TO:

LEGISLATIVE WORKSESSION
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24

RE-APPOINT MEMBER TO BOARD OF ETHICS

WHEREAS: Charles Davis's first term on the Ethics Board expires as of March 31, 2024; and

WHEREAS: Charles Davis, a resident of Tioga County, has expressed an interest and willingness to serve another term on the Board of Ethics; therefore be it

RESOLVED: That Charles Davis is hereby re-appointed to the Board of Ethics for a second term beginning April 1, 2024 through March 31, 2027.

REFERRED TO:

LEGISLATIVE WORKSESSION
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24

RE-APPOINT MEMBER TO BOARD OF ETHICS

WHEREAS: Clifford Balliet Jr.'s first term on the Ethics Board expires as of March 31, 2024; and

WHEREAS: Clifford Balliet Jr., a resident of Tioga County, has expressed an interest and willingness to serve another term on the Board of Ethics; therefore be it

RESOLVED: That Clifford Balliet Jr. is hereby re-appointed to the Board of Ethics for a second term beginning April 1, 2024 through March 31, 2027.

REFERRED TO:

FINANCE/LEGAL COMMITTEE
HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -24

EXECUTE LEASE OF PROPERTY
LOCATED AT 32 ITHACA STREET,
WAVERLY, NEW YORK TO HOUSE
MENTAL HYGIENE'S WAVERLY OFFICE

WHEREAS: Tioga County wishes to lease office space within the Village of Waverly to house offices of the Tioga County Mental Hygiene Department and provide services to the western part of the County; and

WHEREAS: The County was unable to continue using its prior Waverly location and has now identified suitable space for these offices within the south wing of the Village of Waverly Hall located at 32 Ithaca Street; and

WHEREAS: The Village of Waverly is willing to lease the south wing to Tioga County for an initial period of fifteen years at the rate of \$12,000 per year paid monthly with said term to commence after the County completes interior renovations at its own expense; now therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease with the Village of Waverly for the lease of said office space located at 32 Ithaca Street, Waverly, New York.

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -24

EXECUTE ADDENDUM TO LEASE AGREEMENT OF
PROPERTY LOCATED AT SOUTH APALACHIN
ROAD, APALACHIN, NEW YORK TO INSTALL,
HOUSE, AND MAINTAIN A COMMUNICATIONS
TOWER

WHEREAS: It is necessary for Tioga County to lease a portion of property (Leased Premises) to install, house, and maintain a communications tower and access road; and

WHEREAS: Timothy and Catherine Card, as Property Owners, entered into a Lease Agreement, per Resolution No. 312-23, with Tioga County effective the twenty-first day of September 2023, to lease a portion of their property to Tioga County; and

WHEREAS: Pursuant to the terms of the parties Lease Agreement the parties need to sign and accept an addendum to the lease agreement acknowledging receipt, review, and approval of professionally created surveys and descriptions representing the scope of work, installation, construction and maintenance of a fence, communications shelter, generator and access road on the leased premises; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease addendum with Timothy and Catherine Card for the property located at South Apalachin Road, Apalachin, New York.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -24 EXECUTE ADDENDUM TO LEASE AGREEMENT OF
PROPERTY LOCATED AT 110 C BABCOCK ROAD,
NICHOLS, NEW YORK TO INSTALL, HOUSE, AND
MAINTAIN A COMMUNICATIONS TOWER

WHEREAS: It is necessary for Tioga County to lease a portion of property (Leased Premises) to install, house, and maintain a communications tower and access road; and

WHEREAS: Chet Babcock, as Property Owner, entered into a Lease Agreement, per Resolution No. 315-23, with Tioga County effective the twenty-second day of September 2023, to lease a portion of their property to Tioga County; and

WHEREAS: Pursuant to the terms of the parties Lease Agreement the parties need to sign and accept an addendum to the lease agreement acknowledging receipt, review, and approval of professionally created surveys and descriptions representing the scope of work, installation, construction and maintenance of a fence, communications shelter, generator and access road on the leased premises; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease addendum with Chet Babcock for the property located at 110 C Babcock Road, Nichols, New York.

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -24

EXECUTE ADDENDUM TO LEASE AGREEMENT OF
PROPERTY LOCATED AT 54 DODGE ROAD,
SPENCER, NEW YORK TO INSTALL, HOUSE, AND
MAINTAIN A COMMUNICATIONS TOWER

WHEREAS: It is necessary for Tioga County to lease a portion of property (Leased Premises) to install, house, and maintain a communications tower and access road; and

WHEREAS: Douglas Brock, as Property Owner, entered into a Lease Agreement, per Resolution No. 313-23, with Tioga County effective March 2024, to lease a portion of their property to Tioga County; and

WHEREAS: Pursuant to the terms of the parties Lease Agreement the parties need to sign and accept an addendum to the lease agreement acknowledging receipt, review, and approval of professionally created surveys and descriptions representing the scope of work, installation, construction and maintenance of a fence, communications shelter, generator and access road on the leased premises; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease addendum with Douglas Brock for the property located at 54 Dodge Road, Spencer, New York.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -24 EXECUTE ADDENDUM TO LEASE AGREEMENT OF
PROPERTY LOCATED AT 246 DAVIS ROAD, TOWN OF
RICHFORD, NEW YORK TO INSTALL, HOUSE, AND
MAINTAIN A COMMUNICATIONS TOWER

WHEREAS: It is necessary for Tioga County to lease a portion of property (Leased Premises) to install, house, and maintain a communications tower and access road; and

WHEREAS: Andrew Hanson, as Property Owner, entered into a Lease Agreement, per Resolution No. 314-23, with Tioga County effective the twentieth day of September 2023, to lease a portion of their property to Tioga County; and

WHEREAS: Pursuant to the terms of the parties Lease Agreement the parties need to sign and accept an addendum to the lease agreement acknowledging receipt, review, and approval of professionally created surveys and descriptions representing the scope of work, installation, construction and maintenance of a fence, communications shelter, generator and access road on the leased premises; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease addendum with Andrew Hanson for the property located at 246 Davis Road, Town of Richford, New York.

REFERRED TO:

LEGAL/FINANCE COMMITTEE
INFORMATION TECHNOLOGY COMMITTEE
PUBLIC SAFETY COMMITTEE
HEALTH AND HUMAN SERVICES COMMITTEE

RESOLUTION NO. -24

AUTHORIZE EXECUTION OF
COOPERATIVE AGREEMENTS BETWEEN THE
LAW DEPARTMENT, ITCS, SHERIFF, DSS,
PUBLIC HEALTH, AND MENTAL HYGIENE

WHEREAS: Tioga County has implemented a Direct Charge Pilot Program that will maximize State reimbursement for legal and IT expenses while eliminating the administrative burden of charging all departments for those expenses; and

WHEREAS: The Law Department and ITCS will directly charge the Department of Social Services, Public Health and Mental Hygiene for its services and support pursuant to Cooperative Agreements; and

WHEREAS: The Sheriff's Department will directly charge the Department of Social Services for security services, escort, protection and transport services; and

WHEREAS: It may be necessary for the Budget Officer to make budget adjustments to reflect the budgeted amounts and year end actuals in the cooperative agreements between ITCS and DSS, Public Health and Mental Hygiene and to reflect the budgeted amount in the cooperative agreement between the Sheriff and DSS; therefore be it

RESOLVED: That the Legislature authorizes and directs the Chair to execute Cooperative Agreements between the Law Department and DSS, Public Health and Mental Hygiene; and be it further

RESOLVED: That the Legislature authorizes and directs the Chair to execute Cooperative Agreements between the ITCS Department and DSS, Public Health and Mental Hygiene; and be it further

RESOLVED: That the Legislature authorizes and directs the Chair to execute a Cooperative Agreement between the Sheriff's Department and DSS; and be it further

RESOLVED: That the Cooperative Agreements between DSS and the Law Department, ITCS and Sheriff shall be submitted to the New York State

Office of Temporary and Disability Assistance and the Office of Children and Family Services for approval; and be it further

RESOLVED: That the Budget Officer is authorized to make budget adjustments to reflect the budgeted amounts and year end actuals in the cooperative agreements between ITCS and DSS, Public Health and Mental Hygiene and to reflect the budgeted amount in the cooperative agreement between the Sheriff and DSS.

9:53

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Tioga County Public Health



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Here is a quick reminder from the Tioga County Accessible Parking Education Program to please, be parking considerate. Only those with permits or plates may park in reserved parking spots.



Reserved parking for people with disabilities ensures safe and equal access to goods and services, access which most of us take for granted.

Reserved parking for people with disabilities is a legal requirement, not just a courtesy. You can help support the law by parking in reserved spaces only if you have a permit or plates for people with disabilities, and only when the person who received the permit or plates is actually in the vehicle.

Please avoid parking in the access aisle or striped area next to a reserved parking space - it is not a parking zone. This special area is needed for access by people who use wheelchairs and specially-equipped vehicles.

**It is important to respect each other.
Please, be parking considerate.**

*A Message From The Tioga County Accessible
Parking Education Program*