

*Sixth Regular Meeting*  
June 12, 2012

The Sixth Regular Meeting of 2012 was held on June 12, 2012 and was called to order by the Chair at 6:06 P.M. Seven Legislative members were present, Legislators Monell and Sauerbrey being absent.

Chair Weston asked Legislator Sullivan to have a moment of prayer. "Dear Lord, we ask you to be with us today and every day that we conduct County business. Please guide us so that we can make the best possible decisions and serve the residents of the County as best we can."

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

There were 15 people in attendance.

Legislator Hollenbeck read and presented a recognition resolution to Suzanne Horton, Director of Information Technology and Communication Services.

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

REFERRED TO:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 138-12	<i>RECOGNITION OF SUZANNE HORTON'S YEARS OF SERVICE INFORMATION TECHNOLOGY AND COMMUNICATION SERVICES</i>

WHEREAS: Suzanne Horton began her career as Director of Information Technology and Communication Services on March 2, 1998; and

WHEREAS: Ms. Horton has been very instrumental with the changes within the Information Technology and Communication Services department during her 14 year tenure; and

WHEREAS: Ms. Horton assumed the duties of the fixed assets and records management program effective March 31, 2008; and

WHEREAS: Ms. Horton demonstrated exemplary efforts by going above and beyond during the September 2011 flood event; and

WHEREAS: Ms. Horton will retire on June 30, 2012; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize Suzanne Horton for her 14 years of service to Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Suzanne Horton.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Suzanne Horton, Director of ITCS spoke. “I am grateful that I have had the opportunity to be the Director of Information Technology and help move the County forward with technology. Over the last 14 years I have met a lot of challenges that’s for sure and I met a lot of great people. I worked with a lot of great people and made a lot of friends along the way. I really appreciate this. Thank you very much.”

There was no privilege of the floor.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		116.66
A1165	District Attorney		4,016.34
A1170	Public Defender		2,189.75
A1172	Assigned Counsel		32,147.39
A1185	Medical Examiners/Coroners		6,042.34
A1325	Treasurer		9,540.63
A1355	Assessments		4,426.05
A1410	County Clerk		538.46

A1420	Law		21,121.93
A1430	Personnel		12,710.60
A1450	Elections		34,649.34
A1460.41	Records Management		22.50
A1490	Public Works Administration		512.27
A1620	Buildings		44,029.38
A1621	Buildings		19,173.13
A1680	Information Technology		15,036.86
A2490	Community College Tuition		146,650.29
A2960	Education Handicapped Children		308,275.68
A3020	Public Safety Comm E911 System		10,719.73
A3110	Sheriff		32,963.10
A3117	Sheriff LE10-1038 EOO Grant	19,500.00	
A3119	LE09-1035-EOO	19,175.00	
A3120	LE10-1038-EOO	34,608.00	
A3140	Probation		138.78
A3146	Sex Offender Program		9,240.00
A3150	Jail		55,754.37
A3315	Special Traffic Programs		1,262.25
A3410	Fire	25.49	9,324.34
A3640	Emergency Mgmt Office		694.20
A3641	Emergency Mgmt Grant Program	338.11	
A3957	Hazard Mitigation Plan		5,000.00
A4010	Public Health Nursing		38,602.37
A4011	Public Health Administration		4,241.22
A4012	Public Health Education		459.50
A4042	Rabies Control		3,761.98
A4044	Early Intervention	718.65	51,651.36
A4053	Preventive/Primary Health Svcs		449.32
A4054	Preventive Dental Services		4,459.04
A4064	Managed Care-Dental Services		25,023.55
A4070	Disease Control		3,474.75
A4090	Environmental Health		1,922.63
A4210	Alcohol and Drug Services		1,814.94
A4211	Council on Alcoholism		21,980.68
A4309	Mental Hygiene Co Admin	182.95	10,310.25
A4310	Mental Health Clinic		52,799.56
A4311	Rehabilitation Support Services		618.00
A4320	Crisis Intervention Services		33,860.52
A4321	Intensive Case Management		2,527.63
A6010	Social Services Administration		136,567.54
A6141	Energy Crisis Assistance Program		32,048.14
A6422	Economic Development		632.54
A6510	Veterans' Service		186.25

A6610	Sealer Weights & Measures	85.66
A8020	Planning	16.21
A9060	Health Insurance	2,619.60
SOLID WASTE FUND		92,125.94
SPECIAL GRANT FUND		572.52
LIABILITY INSURANCE FUND		2,038.40
COUNTY ROAD FUND		44,514.01
CAPITAL FUND		419,598.39
CONSOLIDATED HEALTH INSURANCE FUND		582,689.14
SELF-INSURANCE FUND		<u>36,701.34</u>
GRAND TOTAL		\$ 2,469,197.55

Legislator Roberts made a motion to approve the minutes of May 15, 2012, seconded by Legislator Sullivan, and carried.

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

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 139-12 *APPOINT MEMBER TO THE TIOGA COUNTY BOARD OF HEALTH*

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

WHEREAS: Eugene Kemp, DVM, resigned from the Board of Health 2/29/2012; and

WHEREAS: The appointed term for Eugene Kemp, DVM, on the Board of Health expires 12/31/2013; and

WHEREAS: Terry Hills, DVM, has agreed to fill the unexpired term of Eugene Kemp, DVM; therefore be it

RESOLVED: That Terry Hills, DVM, be appointed to the Board of Health to fill the unexpired term of Eugene Kemp, DVM, for a term of 6/21/2012-12/31/2013.

## ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

## RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 140-12

*RESOLUTION TO AUTHORIZE CONSULTANT  
HIRE AND CONTRACT FOR NYS DOS LONG  
TERM COMMUNITY RECOVERY STRATEGY  
GRANTS FOR TOWNS OF TIOGA AND  
NICHOLS*

WHEREAS: The Tioga County has authorized the Long Term Community Recovery Strategy (LTCRS) Program and accepted said grant for the towns of Nichols and Tioga via resolution 83-12 in the amount of \$92,000 for consultant services and \$8,000 for the County Planning Director's time doing program coordination and grant administration, and

WHEREAS: The LTCRS Consultant Selection Committee has conducted a thorough search procedure including issuing an RFP, reviewing many proposals submitted, then conducting consultant interviews and rating the finalists; and

WHEREAS: The LTCRS Consultant Selection Committee has selected ELAN Planning/Design/Landscape Architecture and subconsultants to perform said services; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the hire of and contract with ELAN Planning/Design/Landscape Architecture and subconsultants to perform said LTCRS services in the amount of \$92,000 to be paid from NYS DOS LTCRS Grant Account A8760.40-140; and be it further

RESOLVED: That the Tioga County Legislature authorize the Chair of the Legislature to sign all associated contract paperwork, contingent upon review and approval of the County Attorney.

## ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 141-12                      *AWARD CONTRACT FOR  
HOMELAND SECURITY GRANT  
AND TRANSFER OF FUNDS*

WHEREAS: Tioga County's All Hazards Emergency Comprehensive Plan needs to be updated; and

WHEREAS: A Homeland Security Grant has been awarded in the amount of \$75,142; and

WHEREAS: A Request for Proposals was issued to hire a consultant to prepare the plan; and

WHEREAS: The Tioga County All Hazards Emergency Comprehensive Committee has met to review the two submissions received in response to the RFP and has recommended that Cannon Design be selected to prepare Tioga County's All Hazards Emergency Comprehensive Plan; therefore be it

RESOLVED: That Cannon Design is hereby selected to prepare Tioga County's All Hazards Emergency Comprehensive Plan; and be it further

RESOLVED: That the Chair of Tioga County Legislature is authorized to execute a contract between Tioga County and Cannon Design setting forth the rights and obligations of the parties consistent with the RFP and the proposal submitted by Cannon Design; and be it further

RESOLVED: That the NYS Homeland Security Grant be appropriated as follows:

FROM:	EMO Plan Grant A3657.00	\$75,142
TO:	EMO Plan Grant A3658.40-590	\$51,783
TO:	EMO Plan Grant A3658.20-191	\$23,359

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 142-12 TRANSFER OF FUNDS  
PUBLIC DEFENDER

WHEREAS: An Indigent Legal Services Fund Grant was awarded for services for Assigned Counsel and Public Defender; and

WHEREAS: Funds need to be transferred into the Public Defender’s budget to cover services for on line research tools, transcripts, and investigation services; therefore be it

RESOLVED: That the following sums be transferred:

From:	A1990-40-715-Contingency Account	\$2,039.15
To:	A1170.40-40-Public Defender-Books	\$ 977.40
	A1170.40-280-Public Defender-Investigations	\$ 800.00
	A1170.40-700-Public Defender-Transcripts	\$ 261.75

## ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

## RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 143-12 FUNDS TO SOIL AND WATER

WHEREAS: The Tioga County Treasurer's Office received an ACH transfer from NYS Homeland Security for FEMA claims in the amount of \$71,081.92; and after researching the claim it was discovered that the funds were for the federal share of FEMA projects 9910A01 and 9910A04 which should have been sent to Tioga Soil and Water; therefore be it

RESOLVED: That the Tioga County's Treasurer Office return the \$71, 081.92 via check or ACH transfer to Tioga Soil and Water.

## ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

## RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 144-12 APPROVE FUNDING  
2012 YOUTH BUREAU PROGRAM FUNDING



WHEREAS: The Tioga County Legislature approves Youth Bureau program funding which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Board has reviewed 2012 applications for funding which are consistent with guidelines previously presented to the Legislative Committee; now therefore be it

RESOLVED: That the following programs recommended by the Tioga County Youth Board for program year 2012 be approved by the Tioga County Legislature in the amounts indicated:

Youth Development and Delinquency Prevention Programs

Cooperative Extension Family Resource Centers	\$ 8,137
Tioga County Council on Alcohol & Substance Abuse	\$ 3,225
Cooperative Extension Waverly Youth Café	\$ 2,274
Spencer Van Etten Building Foundations	\$ 1,101

Special Delinquency Prevention Programs

Big Brothers Big Sisters	\$ 4,615
A New Hope Center	\$ 4,253
Cooperative Extension Family Resource Centers	<u>\$ 1,215</u>
TOTAL	\$24,820

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 145-12      *RESOLUTION IN SUPPORT OF SENATE BILL NO. S5629-B AND ASSEMBLY BILL NO. A6575 AN ACT TO AMEND THE TAX LAW, IN RELATION TO AUTHORIZING CERTAIN COUNTIES, CITIES AND SCHOOL DISTRICTS TO IMPOSE UP TO A FOUR PERCENT RATE OF SALES AND COMPENSATING USE TAXES PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF SUCH LAW AND TO PRESERVE THE AUTHORITY OF CERTAIN COUNTIES AND A CITY TO IMPOSE SUCH TAXES AT RATES IN EXCESS OF FOUR PERCENT; AND TO REPEAL CERTAIN PROVISIONS OF SUCH LAW RELATING THERETO*

WHEREAS: The Tioga County Legislature strongly supports this home rule legislation as it provides mandate relief and enhanced fiscal management tools for local governments; and

WHEREAS: County and State legislative staff, along with elected officials, currently spend significant time and energy in order to deal with the renewals of existing local sales tax rate legislation every two years under the current State legislative model; and

WHEREAS: The proposed legislation would end the practice of requiring state approval and renewal for local sales tax rate changes, up or down, that do not exceed four percent; and

WHEREAS: This will also allow county officials to manage their local sales tax rates in a way that is most efficient for local tax payers, and will reduce waste and redundancy in state and local legislative procedure; and

WHEREAS: County leaders make home rule requests out of necessity, as they are necessary in order to finance, implement and deliver state and federally mandated programs, ensure local public health and safety, foster economic development and enhance local quality of life services demanded by county residents; and

WHEREAS: These home rule requests allow local officials to manage their budgets and pay for state mandated and other services in the least intrusive and burdensome way for local taxpayers and are often requested to limited or prevent property tax increases; and

WHEREAS: This legislation would also provide counties with an important local fiscal management tool consistent with similar financial management flexibility granted to New York City a few years ago; be it therefore

RESOLVED: That the Tioga County Legislature hereby supports the Senate Bill No. S5629-B and Assembly Bill No. A6575 to amend the tax law, and be it further

RESOLVED: That certified copies of this Resolution be forwarded to Governor Cuomo, Senator Thomas F. O'Mara, Assemblyman Christopher S. Friend, the New York State Association of Counties, Inter County Association of Western New York, and any others deemed necessary.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 146-12

*APPLY FOR NEW YORK STATE HOUSING TRUST FUND CORPORATION – 2012 NEW YORK MAIN STREET PROGRAM GRANT FUNDS*

WHEREAS, The NYS Housing Trust Fund Corporation through their 2012 New York Main Street Program (NYMS) has made available a funding opportunity for rehabilitation of building stock to foster small business development, expand housing, stimulate reinvestment, enable adaptive reuse, address Americans with Disabilities Act (ADA), address code enforcement issues, energy efficiency and to preserve and revitalize mixed-use (commercial, civic and residential) business

districts through building rehabilitation, façade improvement and streetscape improvement grants; and

WHEREAS, the NYMS Program criteria allows units of government to be eligible applicants and to act as a Local Program Administrator (LPA); and

WHEREAS: The Tioga County Tourism Study (2004) recommends that our revitalization efforts follow the National Trust's Main Street Center 4-point Approach, one of which is – Design: Enhancing the historic commercial district's physical appearance through building rehabilitation, compatible new construction, public improvements and design management systems; and

WHEREAS: The Village of Nichols has expressed interest in applying for 2012 NYMS funding, and

WHEREAS: The Village of Nichols initiated a coordinated effort to revitalize their Downtown Central Business District including working with the Town of Nichols with the development of the Greater Nichols 2020 Plan and

WHEREAS, Tioga County approved resolutions for the Village of Owego for the 2010 NYMS Program in which application was made and said application was awarded and has been encumbered for twelve on-going projects at this time, and for the 2011 Agricultural and Community Flood Recovery Grant in which an application for \$500,000 was made and approved; and

WHEREAS: The Village of Nichols has approved a resolution in support of submittal of application to the 2012 NYMS Program by Tioga County and is desirous of the County conducting this activity for them; and

WHEREAS: Outreach is being made to eligible property owners in the Village of Nichols downtown business district target area for expressed interest in utilizing this funding to make building improvements; and

WHEREAS: This grant source requires applicants to administer and ensure successful completion of all assisted projects by evaluating and assuring compliance with all local, state and federal laws and regulations, and allows an up to a 7.5% administrative fee as administrative revenue for providing such services; and

WHEREAS: The NYMS Program grant application will be submitted for a up to \$250,000 for building rehabilitation and façade improvements with 25% cash match provided by property owners, plus Tioga County Department of Economic Development & Planning will receive revenue for staff time to provide administrative services, therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes submission and administration of said grant application to New York State Housing Trust Fund, NYMS Program in amount of up to \$250,000 with cash match provided by property owners with up to 7.5% in administrative revenue to be received for providing such services.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO: 147-12      *AWARD DESIGN SERVICES TO  
MCFARLAND – JOHNSON ENGINEERS FOR PENN.  
AVE. BRIDGE*

WHEREAS: In September of 2011 Tropical Storm Lee damaged the aluminum box culvert on Pennsylvania Ave over Long Creek; and

WHEREAS: Tioga County has been approved for a Federal Emergency Relief Project by NYSDOT in the amount of \$469,084.00; and

WHEREAS: This project will require design services to replace this structure; therefore be it

RESOLVED: That the Tioga County Legislature award the design services contract to McFarland-Johnson Engineers, Binghamton, NY 13901 in the amount of \$74,447.53 to be paid out of Account H2012.05 Penn Ave. Bridge account.

## ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 148-12      *AWARD BID TO EVANS MECHANICAL  
FOR PUBLIC SAFETY BUILDING  
MECHANICAL UPGRADES*

WHEREAS: The Commissioner of Public Works included in the 2012 budget, funds for the Public Safety Building boilers; and

WHEREAS: The Commissioner of Public Works received sealed bids on May 23, 2012 and the bids were as follows:

Evans Mechanical Endicott, NY	\$201,000.00
Climate Control Endicott, NY	\$203,895.00
Louis Picciano & Son Vestal, NY	\$236,500.00

And

WHEREAS: Delta Engineers, Endwell, NY has completed the review of the bids and finds the low bidder Evans Mechanical, Endicott, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Evans Mechanical, Endicott, NY not to exceed \$201,000.00 to be paid out of the Buildings Capital boiler account H1620.21-929.

## ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

## RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 149-12 *INCORPORATION OF TIOGA EMPLOYMENT AND TRAINING DEPARTMENT INTO THE TIOGA COUNTY DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: The Tioga County Employment and Training Department, also known as the Tioga Employment Center, funded by the Workforce Investment Act, has been operating without a Department Head; and

WHEREAS: It appears appropriate for that department to be incorporated and subsumed into the Tioga County Department of Social Services; therefore be it

RESOLVED: That commencing immediately, the Tioga County Employment and Training Department, also known as the Tioga Employment Center, shall be incorporated and subsumed into the Tioga County Department of Social Services and shall no longer be an independent department of Tioga County government; and be it further

RESOLVED: That henceforth, the Commissioner of Social Services shall supervise the operations and personnel of the Tioga Employment Center; and it is further

RESOLVED: That any resolutions previously adopted by the Tioga County Legislature inconsistent with this resolution are hereby rescinded to the extent they are inconsistent herewith, but shall otherwise, to the extent they are not inconsistent herewith, remain in full force and effect.

## ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

## RESOLUTION ADOPTED.

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

REFERRED TO:	ED&P COMMITTEE JOB TRAINING COMMITTEE PERSONNEL COMMITTEE
RESOLUTION NO. 150-12	<i>AUTHORIZE CONTRACT STAFFWORKS TIOGA EMPLOYMENT CENTER</i>

WHEREAS: Broome & Tioga Counties, in partnership through the Broome/Tioga Workforce Development Board, provides for the delivery of employment and training services under the Workforce Investment Act of 1998; and

WHEREAS: The Tioga Employment Center has a need for a Resource Room Aide to assist individuals in the Employment Center's Resource Room with operation of computers and various computer programs, to instruct clients on how to use NYS Dept of Labor job site, and to assist clients in accessing employment opportunities; and

WHEREAS: Staffworks is able to provide such services for the Tioga Employment Center, from July 1, 2012 to June 30, 2013 and said contract is to be funded entirely by the Workforce Investment Act; and

WHEREAS: The funds necessary for said contract were included in the WIA PY 2012 Budget under the WIA Grant; and

WHEREAS: The Supervisor of the Tioga Employment Center is authorized to enter into such contract as indicated; and

WHEREAS: Said contract would provide for compensation at the bill rate of \$10.25 per hour at a maximum of 27 hours per week; therefore be it



RESOLVED: That the Tioga County Legislature authorize the Supervisor of Employment and Training to enter into a contract with Staffworks at the bill rate of \$10.25 per hour, at a maximum of 27 hours per week, effective July 1, 2012 through June 30, 2013.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 151-12      *REQUEST WAIVER OF 90-DAY HOLD; AUTHORIZE  
BACKFILL OF VACANT FULL-TIME, CLEANER I  
POSITION FOR A TEMPORARY DURATION  
PUBLIC WORKS DEPARTMENT*

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

WHEREAS: On May 24, 2012, a Cleaner I position became vacant; and

WHEREAS: The Commissioner of Public Works has received notification that an incumbent in another Cleaner I position will be going out on a leave of absence for an eight (8) week duration; and

WHEREAS: The current vacancy and the upcoming leave of absence of said Cleaner I positions will result in diminished services to adequately maintain County buildings; and

WHEREAS: At this time, the Commissioner of Public Works seeks to secure staff coverage for the duration of the leave of absence; therefore be it

RESOLVED: That the Commissioner of Public Works is hereby granted a waiver from the 90-day hiring delay and is authorized to fill a full-time, Cleaner I at an hourly rate of \$10.77 per hour for an 8-week temporary duration effective June 13, 2012 until August 8, 2012.

ROLL CALL VOTE

Yes – Legislators, Sullivan, Hollenbeck, Huttleston, Quinlan, Weston, Roberts, and Standingier.

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:               HEALTH & HUMAN SERVICES COMMITTEE  
  PERSONNEL COMMITTEE

RESOLUTION NO. 152-12 *AUTHORIZE TEMPORARY  
  APPOINTMENT AND SALARY ADJUSTMENT  
  FOR LORI MONK*

WHEREAS: Article 41.05 of the New York State Mental Hygiene Law states that to be eligible for state aid, each local government shall have a Director who shall be its chief executive officer; and

WHEREAS: Under Article 41.09 of New York State Mental Hygiene Law, Tioga County is required to have either an Acting or Permanent Director of Community Services (DCS) appointed by the Tioga County Community Services Board (CSB); and

WHEREAS: The Inter-Office Coordinating Council (IOCC) is mandated by Mental Hygiene Law section 5.05(b) to coordinate the work and functions of the three NYS state agencies: the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, and the Office for People With Developmental Disabilities; and

WHEREAS: The IOCC must be informed of resignations and appointments of both Acting and Permanent county Directors of Community Services to insure appropriate management of and maintain communication with the Local Government Unit; and

WHEREAS: The permanent DCS has informed the CSB and the County Legislature of her resignation to be effective June 4, 2012; and

WHEREAS: The Tioga County CSB notified the IOCC of the permanent DCS' resignation and submitted the required documentation regarding the appointment of Lori Monk as Acting DCS retroactive to June 5, 2012; and

WHEREAS: As of June 5, 2012, Lori Monk will carry out the full powers and responsibilities of the Acting DCS contingent upon the IOCC's acknowledgement of receiving said documentation; and

WHEREAS: Lori Monk will also continue to carry out the responsibilities of Clinical Program Director; and

WHEREAS: The CSB has an undetermined length of time to appoint a permanent DCS, and therefore it is not possible to determine the length of time that Lori Monk will fulfill the role of Acting DCS in addition to her responsibilities as Clinical Program Director; therefore be it

RESOLVED: That Lori Monk be temporarily appointed to the position of Director of Community Services and receive an annual salary increase of \$20,000 as Temporary Director of Community Services retroactive to June 5, 2012; and be it further

RESOLVED: That if Lori Monk does not receive permanent appointment to the Director of Community Services, her salary shall be reduced by \$20,000 immediately upon the filling of the DCS position.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 153-12      *CREATE AND FILL ONE  
SEASONAL CLERK POSITION  
TREASURER'S OFFICE*

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

WHEREAS: There is a need for temporary assistance in the Treasurer's Office this summer due to planned vacations, additional flood-related projects, and an unexpected medical leave of absence; and

WHEREAS: This position will provide coverage in the front office, assisting customers at the window and performing other basic tasks; and

WHEREAS: Res # 196-09 established the hourly rate of pay for Seasonal Clerks at minimum wage plus one dollar; therefore be it

RESOLVED: That the County Treasurer be hereby authorized to create and fill one Seasonal Clerk position at the rate of \$8.25 per hour (minimum wage, plus \$1) effective June 18, 2012 through September 28, 2012; and be it further

RESOLVED: That this position shall be paid from the Treasurer's Personal Services Account, A1325.10-10.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

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

REFERRED TO: PERSONNEL COMMITTEE  
INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 154-12 *AUTHORIZE TEMPORARY  
APPOINTMENT AND SALARY ADJUSTMENT  
FOR BRANDI FERRI-GILBERT*

WHEREAS: The Director of Information Technology and Communication Systems has announced her retirement effective June 30, 2012; and

WHEREAS: The Legislature is desirous of ensuring the affairs of the Information Technology Department are handled in an orderly manner and that an individual be designated to act in an official capacity; and

WHEREAS: Brandi Ferri-Gilbert, Network Administrator, is capable of performing duties associated with the Director's position on an acting basis; therefore be it

RESOLVED: That Brandi Ferri-Gilbert be temporarily appointed to the position of Director of Information Technology and Communication Systems and receive an annual salary increase of \$5,000 effective July 2, 2012; and be it further

RESOLVED: That if Ms. Ferri-Gilbert does not receive permanent appointment to the Director of Information Technology and Communication Systems, her salary shall be reduced by \$5,000 immediately upon the filling of the Director's position.

ROLL CALL VOTE

Yes – Legislators, Hollenbeck, Huttleston, Quinlan, Weston, Roberts, and Standing.

No – Legislator Sullivan.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 155-12 *AUTHORIZE CREATION AND BACKFILL OF  
TEMPORARY POSITION  
INFORMATION TECHNOLOGY*

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

WHEREAS: Suzanne Horton, Director of Information Technology and Communication Systems, is retiring effective June 30, 2012; and

WHEREAS: There is a project pending which requires Suzanne Horton's expertise to see it through to completion; and

WHEREAS: Suzanne Horton is willing to return to work on a temporary basis following her retirement to assist with said project; therefore be it

RESOLVED: That one temporary position of Project Manager is created effective July 2, 2012 through August 31, 2012 to assist with the review of Proposals, coordination of a Needs Assessment for the County Departments and explanation of the County's infrastructure to Consultants, as needed; and be it further

RESOLVED: That Suzanne Horton shall be appointed to that position at a rate of \$50 per hour.

ROLL CALL VOTE

Yes – Legislators, Hollenbeck, Huttleston, Quinlan, Weston, Roberts, and Standing.

No – Legislator Sullivan.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO 156-12                      *AUTHORIZE REFUND OF TAXES  
PAID IN ERROR FOR LEONARD A.  
HOWE BY COMMUNITY BANK*

WHEREAS: Property pending Foreclosure by Tioga County for nonpayment of 2010 and 2011 taxes in the Village of Owego, Town of Owego, Tax Map# 128.12-1-14, was assessed to Leonard A. Howe; and

WHEREAS: Community Bank called for a tax amount owed to Leonard A. Howe and sent a Check for 2010 and 2011 taxes in the amount of \$5,155.84 which was receipted by the Treasurer's Office; and

WHEREAS: Community Bank realizes that they hold the mortgage for Leonard Howe Jr., not Leonard A. Howe which taxes they had paid in error, and request a refund of \$5,155.84; therefore be it

RESOLVED: That the Refund of taxes paid in error by Community Bank, for property assessed to Leonard A. Howe, in the Village of Owego, Town of Owego, Tax Map Number 128.12-1-14 in the amount of \$5,155.84 be approved for the property hereinafter identified effective immediately:

ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 157-12                      *ERRONEOUS ASSESSMENT  
TOWN OF CANDOR*

WHEREAS: A Supreme Court Order has reduced the assessment for 2009/2010, 2010/2011, and future ongoing for school and town/county for property no. 1211 assessed to Owego LLC/Daniel Scherrer in the 2012 tax rolls of the Town of Candor; and

WHEREAS: The assessment for property no. 1211 should have been reduced from \$16,100 to \$9,925 for tax year 2012 as ordered by the court; and

WHEREAS: The assessment was reduced as indicated for the 2011/12 school tax bills but not for the 2012 Town & County tax bills; and

WHEREAS: The 2011/12 school taxes were not paid to the school collector, and the correct amount (\$3,032.78) was relieved to the 2012 Town and County bill and the Town of Candor Tax Collector issued a new 2012 tax bill reflecting the corrected amount due of \$5,240.58; be it therefore

RESOLVED: That the erroneous town tax of \$483.45 be charged back to the Town of Candor, and the erroneous fire tax of \$135.12 be charged back to the Candor Fire District; and be it further

RESOLVED: That the erroneous solid waste tax of \$32.67 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$722.37 be charged to the proper accounts in the records of the County Treasurer.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

RESOLUTION ADOPTED.



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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 158-12 *AWARD BID TO ELMIRA STRUCTURES, INC., ELMIRA, NY FOR ELEVATOR WORK AT TIOGA COUNTY COURT HOUSE AND TRANSFER FUNDS*

WHEREAS: Tropical Storm Lee caused flood damage to the elevators at the Tioga County Court House; and

WHEREAS: The Commissioner of Public Works received sealed bids on June 06, 2012 for repairs of the elevators. The bids were as follows:

Elmira Structures Inc. Elmira, NY	\$105,000.00
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Marchuska Brothers Endicott, NY	\$119,400.00
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And

WHEREAS: Clark Patterson Lee, Binghamton NY has completed the review of the bids and finds the low bidder Elmira Structures Inc, Elmira, NY meets all of the qualifications of the bid specifications; and

WHEREAS: There are not sufficient funds in the Tropical Storm Lee Capital Account to fund this project; therefore be it

RESOLVED: That the following funds be transferred as follows:

From:	H1625.20	Tropical Storm Lee Expenditures	\$90,000
To:	H1624.20	Tropical Storm Lee Capital Acct. Use code 121 Elevators	\$90,000

And be it further

RESOLVED: That the Tioga County Legislature authorize award the bid to Elmira Structures, Elmira, NY not to exceed \$105,000.00 to be paid out of the Tropical Storm Lee Capital Account H1624.20 use code 121.

## ROLL CALL VOTE

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

No – None.

Absent – Legislators Monell and Sauerbrey.

## RESOLUTION ADOPTED.

The meeting was adjourned at 6:23 P.M.