

Seventh Regular Meeting
July 12, 2011

The Seventh Regular Meeting of 2011 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Sullivan being absent.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would like to have a moment of silence for the men and women in the Armed Forces."

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

There were 19 people in attendance.

Denis McCann presented Employee of the 2nd Quarter 2011 to Margareta Olin, Deputy Treasurer, Tioga County Treasurer's Office.

"On behalf of the Employee Recognition Committee we would like to thank the Legislature for continuing to support the employee recognition efforts, in particular Legislator Sullivan who is not here today who was on the Committee this quarter and got to place her vote on this one as well.

"I am here to announce that Margareta Olin has been selected as the Tioga County Employee of the 2nd Quarter 2011. Margareta started with Tioga County in August of 1999 as a Tax Roll Supervisor in the Treasurer's Office. In January 2008 she was promoted to the appointment of Second Deputy Treasurer, the position she holds today.

"Margareta is known for her professionalism with clients, schools, other municipalities, and fellow employees. She provides great customer service to all that she comes in contact with and represents Tioga County very well. Margareta is always quick to respond to questions or when sought for assistance. From late 2010 until mid June Margareta also filled the vacant roll of Deputy Treasurer in addition to her own position. This required significant time and efforts to continue the County's accounting business including the large scale task of year-end processes and the preparation and submittal of the annual financial reporting.

“Thank you Margareta for all your hard work and efforts, and congratulations on this well deserved award.”

James McFadden, County Treasurer, spoke. “Well for a gal that did not know any English or mathematics 30 years ago, she has come a long way. Margareta was born in Germany by the way. For the past dozen years my Office, one of the major things we do of course is our accountability of the people and the Legislature, but also the State Comptroller. We have to account for every dime of spending regarding what is now a 90 million dollar budget. We have had a series of good accountants and dedicated workers including Ron McEwen who is going to be leaving the Legislature after almost 30 years of service to the County, and almost year end year out we get a perfectly clean audit with very little problems by our Independent Auditors. It makes me look good, it reflects on the County. We have a nice fund balance well managed, but it all comes down to the accounting and it is not just Margareta, it is the rest of the staff in the field like Denis and others, and I would just like to thank all of them because I can have confidence in the numbers and the accuracy, and the accountability to my constituents. I could not get it all done without the dedicated workers like Margareta Olin. Margareta, thank you very much.”

Margareta Olin spoke. “Thank you for the opportunity to work for Tioga County and the taxpayers. Thank you very much.”

Legislator Roberts read and presented the following Recognition Resolution to Daniel Truesdail.

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

REFERRED TO:

PUBLIC WORKS

RESOLUTION NO. 147-11

*RESOLUTION RECOGNIZING
DANIEL TRUESDAIL JR.'S
30 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY*

WHEREAS: Daniel Truesdail Jr. was appointed to the position of MEO I March 16, 1981; he was promoted to HEO I August 8, 1983, he was promoted to HEO III August 26, 1988; promoted to HEO Site Leader August 28, 1995; and was promoted to Working Supervisor in 1997 and has remained in this position for the remainder of his career; and

WHEREAS: Daniel Truesdail Jr. has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 30 years to the Department of Public Works. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Truesdail will retire on July 18, 2011; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Daniel Truesdail Jr. for his 30 years of dedicated and loyal service to the residents of Tioga County; and be it further

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

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED UNANIMOUSLY.

Kenneth Del Bianco, Commissioner of Public Works, spoke. “You may read what it says here, It says ask me if I care, and that is Dan’s sense of humor because obviously he does care. He has been with the County for all these years and I can truly say that there has been many a winter day that I have been glad that Dan has been there, stays up a lot of the nights watching the weather, and he lives up in Richford. There is a special snow belt that is up in Richford that you do not see down here and lots of times he sees the snow before anybody else does, and he calls the guys out appropriately for the roads, the few County roads that we have up in the northern part of the County. It has been very valuable to

have Dan in that position up there and we are going to miss that, and I can always count on that it was covered. I did not really have to worry about it myself because if I had the crews up there every night to check on the roads it would be tough, but Dan stays right on top of that, did stay right on top of that, and of course he has worked on many of the projects over the years in the County. He knows the roads inside and out. We are certainly going to miss that knowledge of all the little problems and corrections that have been made over the years, and how different situations have been dealt with. I just want to thank Dan also for his years of service."

Dan Truesdail spoke. "It has been a great ride."

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		841.93
A1165	District Attorney		2,513.72
A1170	Public Defender		4,588.48
A1172	Assigned Counsel		35,024.25
A1185	Medical Examiners/Coroners		3,397.34
A1325	Treasurer		507.90
A1355	Assessments		8,408.73
A1410	County Clerk		266.50
A1420	Law		5,549.98
A1430	Personnel		7,284.45
A1450	Elections		4,202.88
A1460	Records Management		157.50
A1490	Public Works Administration		467.44
A1620	Buildings		48,211.08
A1621	Buildings		15,909.58
A1680	Information Technology		7,296.54
A2490	Community College Tuition		175,299.66
A2960	Education Handicapped Children		257,336.47
A3020	Public Safety Comm E911 System	59.98	12,147.04
A3110	Sheriff	196.53	27,325.60
A3140	Probation		271.20
A3146	Sex Offender Program		17,533.34
A3150	Jail	170.72	56,223.01
A3315	Special Traffic Programs		655.00
A3410	Fire		2,191.42
A3640	Emergency Mgmt Office		962.45

A3641	Emergency Mgmt Grant Program	1,456.01	
A4010	Public Health Nursing	304.99	49,361.83
A4011	Public Health Administration		4,864.11
A4012	Public Health Education		103.45
A4042	Rabies Control		4,387.63
A4044	Early Intervention	526.00	44,294.94
A4053	Preventive/Primary Health Svcs	6,640.00	3,058.01
A4054	Preventive Dental Services		663.24
A4064	Managed Care-Dental Services		20,735.30
A4070	Disease Control		4,241.72
A4090	Environmental Health		1,172.40
A4210	Alcohol and Drug Services		11,665.28
A4211	Council on Alcoholism		9,923.66
A4309	Mental Hygiene Co Admin		12,579.51
A4310	Mental Health Clinic		56,578.94
A4311	Rehabilitation Support Services		3,706.00
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		4,833.34
A4321	Intensive Case Management		3,284.26
A4333	Psycho Social Club		37,547.25
A6010	Social Services Administration		82,204.79
A6422	Economic Development		473.93
A6510	Veterans' Service		150.00
A6610	Sealer Weights/Measures		533.43
A7510	Historian		44.97
A8020	Planning		513.96
A9060	Health Insurance		3,193.64
	SOLID WASTE FUND		119,059.52
	COUNTY ROAD FUND		60,732.90
	SPECIAL GRANT FUND		9,826.41
	CONSOLIDATED HEALTH FUND		73,136.25
	CAPITAL FUND		810,277.17
	LIABILITY INSURANCE FUND		512.00
	WORKERS' COMP		<u>2,549.00</u>
	GRAND TOTAL		\$ 2,140,757.80

Legislator Roberts made a motion to approve the minutes of June 14 and 23, 2011, seconded by Legislator McEwen, and carried.

Chair Weston made the following appointments to a Building Closing Procedure Committee effective July 12, 2011:

Safety Officer
Sheriff
Public Works Commissioner
County Clerk
Benefits Manager
Personnel Officer
County Attorney
Public Health Director
Any Legislators

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

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 148-11 *AMEND POLICY 29
RULES OF PROCEDURE OF THE
TIOGA COUNTY LEGISLATURE*

WHEREAS: Policy 29 Rules of Procedure of the Tioga County Legislature Section 2 –Committees lists the committees and their functions and Section 4 – Appointments lists terms; and

WHEREAS: Section 2 - Committees Health & Human Services needs to amend (3) (b) Mental Hygiene; and

WHEREAS: Section 4 – Appointments 1 (a), (b), and (c) needs to be amended; therefore be it

RESOLVED: That Policy 29 Rules of Procedure of the Tioga County Legislature amend Section 2 – Committees Health & Human Services (3) (b) Mental Hygiene from (b) All Mental Retardation & Developmental Disabilities functions and related sub-agencies and services to "(b) All Developmental Disabilities functions and related sub-agencies and services"; and be it further

RESOLVED: That Policy 29 Rules of Procedures of the Tioga County Legislature amend Section 4 – Appointments 1 (a), (b), and (c) from Local Law 2 of 1994 to “Local Law 2 of 2011”; and be it further

RESOLVED: That the remainder of Policy 29 Rules of Procedure of the Tioga County Legislature shall remain in full force and effect.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 149–11 ADOPT LOCAL LAW NO. 4 OF 2011

WHEREAS: A public hearing was held on July 7, 2011, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2011 A Local Law providing for the collection of a hotel and motel tax in Tioga County; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will Local Law No. 4 of 2011; therefore be it

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

County of Tioga

Local Law No. 4 of the Year 2011

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

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

SECTION 1: TITLE

This Local Law shall be known as the "Hotel/Motel Tax Law".

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

MOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

PERMANENT RESIDENT - A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

SECTION 4: TAX

(A) A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

(B) Said tax shall be paid by the person occupying the room who shall be liable therefore to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied. Said tax shall be paid for and on account of the County of Tioga.

(C) Such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax. Such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to non-payment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge; provided, however, that the Tioga County Treasurer shall be joined as a part in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(D) The filing of returns and the payment of the tax shall be paid to the Tioga County Treasurer on a quarterly basis by such means and in such manner as may be directed by the Tioga County Treasurer.

SECTION 5: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Tioga County Treasurer on the date due in the amount of ten (10%) per cent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 6: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 7: JUDICIAL REVIEW

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

(A) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(C) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Tioga County Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 8: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 9: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 10: EFFECTIVE DATE

This local law shall become effective December 1, 2011 and shall remain in effect until November 30, 2014.

SECTION 11: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

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.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 150-11 *AUTHORIZE TIOGA COUNTY
TO HIRE MANASSE AUCTIONEERS
TO AUCTION REAL PROPERTY ACQUIRED
BY COUNTY FORECLOSURE*

WHEREAS: James P. McFadden, Tioga County Treasurer is in charge of implementing the foreclosure of taxes under Article Eleven of the Real Property Tax Law; and

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: Manasse Auctioneers has been contacted to perform the services of a public auction and Manasse Auctioneers has agreed to compensation of a uniform seven percent (7%) buyers premium, Tioga County will pay no expenses; and

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

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to contract the services of Manasse Auctioneers for the public auction of tax foreclosure properties, pending approval by the County Attorney as to form.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 151-11 *AUTHORIZE SALE OF COUNTY
OWNED PROPERTIES ACQUIRED
FOR DELINQUENT TAXES*

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

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

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 4, 2011 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

166.11-1-59, Burlingame, Bessie
166.11-1-63, Coston, John E.
124.00-2-7.20, Primera Financial Services, Inc.

Town of Candor

40.00-1-26.12, Bumgardner, Irma C.
81.00-1-27, Crisafi, Anthony J. & Mary
84.00-1-53.11, Devine, Charles A.

Town of Newark Valley

66.00-1-27, Bates, Willard M. & Rosemary L.

Town of Nichols

159.00-2-23, Isham, Gaylord

149.13-1-46, Isham, Gaylord

169.00-1-21.30, Primera Financial Services, Inc.

Town of Owego

128.12-1-21, Ellis Sr., Dana L.

128.08-1-16, Smith, Christopher & Leslie

128.08-1-71, Vesho, Kristin

129.05-3-7, Loco Holdings

Town of Richford

8.00-1-3.20, Damon, Kenneth & Julienne

Town of Spencer

92.00-1-8, Jamieson, George

69.00-1-25.20, Neilsen, David

35.00-1-1.11, Uhrig, Steve

Town of Tioga

102.16-1-12, Avery, Thomas R. & Brenda

105.00-2-7, Stahl Scott

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 152-11

*TRANSFER OF FUNDS
PUBLIC HEALTH*

WHEREAS: Tioga County Health Department (TCHD) received approval to contract with Cornell Cooperative Extension (CCE) for Health Education services through September 2011; and

WHEREAS: This arrangement is mutually beneficial for both agencies in cost savings and provision of services; and

WHEREAS: Funding for the position is available yet requires a transfer into the appropriate expenditure use codes; and

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

RESOLVED: That funding be transferred as follows:

From: A4012.10.10	Health Education: Personnel	\$13,500
To: A4012.40-130	Health Education: Contracts	\$13,500

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE

RESOLUTION NO. 153-11 *FUND EMERGENCY MANAGEMENT
OFFICE GRANT - NYS HOMELAND
SECURITY GRANT*

WHEREAS: The Emergency Management Office has been awarded a NYS Homeland Security Grant (C837900-FY10) in the amount of \$89,392; and

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

RESOLVED: That the NYS Homeland Security Grant (C837900-FY10) be appropriated as follows:

From: Revenue Account EMO (C837900-FY10) A3356.00 \$89,392

To: EMO C837990 Grant-Equipment A3656.20.230 \$89,392

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 154-11 *APPROVAL OF TIOGA COUNTY
IGNITION INTERLOCK PLAN FOR
COMPLIANCE WITH LEANDRA'S LAW*

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

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

WHEREAS: Tioga County submitted an amended Ignition Interlock Plan on July 5, 2011; now therefore be it

RESOLVED: That the Tioga County Legislature hereby adopts the Tioga County Amended Ignition Interlock submitted plan.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 155-11 *AWARD CONTRACT TO UPSTATE
MACHINERY FOR DEMOLITION OF
BUILDINGS AT 17 FULTON ST.*

WHEREAS: Tioga County acquired the property at 17 Fulton St. in the Village of Owego for back taxes; and

WHEREAS: The structures were inspected by the Code Enforcement Supervisor for the Village Of Owego and were deemed unsafe according to the NYS Fire Code Section 107 and Village of Owego Code Chapter 98 Unsafe Buildings; and

WHEREAS: The Commissioner of Public Works upon the recommendation from the Tioga County Legislature accepted sealed bids for demolition of the structures on the 17 Fulton St. property on June 29, 2011; and

WHEREAS: The sealed bids were accepted from the following companies:

Upstate Machinery LLC	Tioga Center, NY	\$18,500
LCP Group, Inc.	Vestal, NY	\$18,997
D & S Excavating, Inc.	Frankfort, NY	\$50,000

And

WHEREAS: Due to this being an unforeseen problem at budget time funds were not budgeted for this project; therefore be it

RESOLVED: That the Tioga County Legislature authorize the transfer of \$18,500 from Contingency Account A1990.40 use code 715 to the Expense of County Owned Properties account A1364.40 use code 140; and be it further

RESOLVED: That the Tioga County Legislature award the demolition contract to the low bidder, Upstate Machinery LLC, Tioga Center, NY in the amount of \$18,500 to be paid out of Expense of County Owned Properties account A1364.40 use code 140.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 156-11 *AMEND RES # 147-09*
HIRING DELAY

WHEREAS: Resolution No. 147-09 established a Hiring Delay of 60 days; and

WHEREAS: Resolution No. 224-10 as amended by Resolution No. 269-10 amended Resolution No. 147-09 to reflect a 90-day delay through December 31, 2011; and

WHEREAS: Resolution No. 147-09 outlined certain exceptions to the delay; and

WHEREAS: The County Legislature would like to expand upon the list of exceptions to also include situations when a County employee transfers from one Department to another and the vacancy in the Department s/he is accepting a new position in has already been vacant at least 90-days, the Department they are leaving will not have to wait the 90-days, as the County will have already realized the intended savings; therefore be it

RESOLVED: That Resolution No. 147-09 be amended to include “vacancies resulting from the move of a Tioga County employee to another Tioga County Department when the vacancy in the other Department has been vacant at least the required number of days.”

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 157-11 *AUTHORIZE OUT OF TITLE PAY
PROBATION DEPARTMENT*

WHEREAS: The Principal Account Clerk in the Probation Department was forced to take an unexpected Medical Leave as of June 2, 2011; and

WHEREAS: The medical leave of absence is expected to last 6 – 8 weeks; and

WHEREAS: The work performed by the Principal Account Clerk must be performed without delay in order to allow the Probation Department to continue collecting and disbursing monies pursuant to Court orders; and

WHEREAS: There is one employee within the Department trained as a back-up for a portion of the major duties of the Principal Account Clerk; and

WHEREAS: The employee trained as back-up is in Salary Grade 6 and the Principal Account Clerk title is in Salary Grade 7, an annual difference of \$3,541; therefore be it

RESOLVED: That Lisa Baker, Probation Assistant (Grade 6) be authorized to receive Out of Title Pay in accordance with the collective bargaining agreement for her performance of the work of a Principal Account Clerk (Grade 7) retroactive to June 2, 2011 for the duration of the medical leave of the Principal Account Clerk.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
PERSONNEL

RESOLUTION NO. 158-11 *HIRE RICHARD PERKINS FOR
ENGINEERING TECHNICIAN*

WHEREAS: The Commissioner of Public Works conducted interviews for the vacant Engineering Technician position; and

WHEREAS: Richard Perkins was hired to fill the Engineering Technician position on June 27, 2011 at an annual salary of \$29,913, which is the base of the CSEA salary grade VII; and

WHEREAS: Mr. Perkins, is an extremely qualified candidate who is a licensed engineer with approximately 17 years of related experience; and

WHEREAS: The Commission of Public Works would like to elevate Mr. Perkins' salary to \$30,613, which is the top of the CSEA salary grade VII, due to the experience he brings to Tioga County; and

WHEREAS: By hiring at the top of the pay grade, the Public Works departmental budget will experience an annual savings of approximately \$22,000 due to the previous Engineering Technician's tenure; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the annual salary for Richard Perkins, Engineering Technician, be established at \$30,613 retroactive to June 27, 2011.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 159-11 CREATE AND FILL SEASONAL
HEAP STAFF POSITIONS
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 1, 2011; and

WHEREAS: The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner and one seasonal Typist to staff the HEAP Program; and

WHEREAS: The starting salaries for said positions are frozen at the 2009 rate per resolution 195-09 of \$13.070/hr. and \$10.841/hr. respectively; and

WHEREAS: The Federal reimbursement will be 100% with no local share; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal positions of Social Welfare Examiner at \$13.070/hr and Typist at \$10.841/hr. effective August 10, 2011 through May 15, 2012.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 160-11 *AUTHORIZATION TO BACKFILL VACANT PUBLIC
HEALTH ENGINEER AT TRAINEE LEVEL
PUBLIC HEALTH DEPARTMENT*

WHEREAS: The Public Health Director received verbal authorization at the 5/19/11 Legislative work session to begin recruiting for the Public Health Engineer position which has been vacant since 4/30/11; and

WHEREAS: The Public Health Director has identified a qualified candidate to fill said position at the Trainee level, which will provide a cost saving to the County; and

WHEREAS: The Public Health Director has satisfied the 90-day hiring delay set forth by resolution 269-10; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorize the provisional appointment of Scott Freyburger to the position of Public Health Engineer Trainee effective 8/1/11 at an annual salary of \$44,000.00 pending the successful completion of the civil service examination.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 161-11

CREATE AND FILL TEMPORARY, PART-TIME ACCOUNT CLERK TYPIST POSITION LEGISLATIVE OFFICE

WHEREAS: The Tioga County Legislative Office employs two Deputy Clerks, one full-time and one part-time, to help support the Clerk to the Legislature and related office functions; and

WHEREAS: Since March 28, 2011, the Legislative Office has been down staff due to a leave of absence by the full-time Deputy Clerk to the Tioga County Legislature; and

WHEREAS: Said full-time position recently became vacant on June 20, 2011; and

WHEREAS: The Clerk to the Legislature has identified a need to provide coverage within the office on a temporary duration in order for her to consider restructuring the office and to recruit for a new Deputy Clerk; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of a temporary Account Clerk-Typist and authorizes the Legislative Clerk to fill said position on a part-time basis effective July 18, 2011 until December 2, 2011 at an hourly rate of \$11.478; and be it further

RESOLVED: That the sum of \$4,000.00 be transferred from Legislative Account A1010.10-10 (full time) to Legislative Account A1010.10-20 (part time/temporary).

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 162-11

AUTHORIZE THE SALE OF JERRY A. BEEMAN JR. PROPERTY LOCATED IN THE TOWN OF SPENCER TO JERRY A. BEEMAN JR. OR HIS ASSIGNS

WHEREAS: Property located in the Town of Spencer, assessed to Jerry A. Beeman Jr., identified as Tax Map number 47.00-1-22.41, parcel number 1408 owes 2009, 2010 and 2011 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Jerry A. Beeman Jr., who has made an offer to purchase the property for \$5,000.00, "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 \$5,000.00 and recording costs of \$185.00, a Quit Claim Deed conveying the property assessed to Jerry A. Beeman Jr., located in the, Town of Spencer, identified on the Town of Spencer Tax Map as number 47.00-1-22.41, parcel number 1408, to Jerry A. Beeman Jr., or his assigns.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 163-11

AUTHORIZE THE SALE OF MALCOLM M. STONE PROPERTY LOCATED IN THE TOWN OF BARTON TO THE TOWN OF BARTON OR THEIR ASSIGNS

WHEREAS: Property located in the Town of Barton, assessed to Malcolm M. Stone identified as Tax Map number 157.00-1-6, parcel number 10821 owes 2009, 2010 and 2011 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by the Town of Barton, who has made an offer to purchase the property for \$100.00, "as is"; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$100.00 and a Quit Claim Deed conveying the property assessed to Malcolm M. Stone, located in the Town of Barton, identified on the Town of Barton Tax Map as number 157.00-1-6, parcel number 10821, to the Town of Barton or their assigns.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 164-11 *AUTHORIZE THE SALE OF MANFORD &
GRACE BARR PROPERTY LOCATED IN THE
TOWN OF OWEGO TO MICHAEL S. KICZEK
OR HIS ASSIGNS*

WHEREAS: Property located in the Town of Owego, assessed to Manford & Grace Barr, identified as Tax Map number 107.00-1-48, parcel number 13477 owes 2009, 2010 and 2011 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Michael S. Kiczek, who has made an offer to purchase the property for \$400.00, "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 \$400.00 and recording costs of \$310.00, a Quit Claim Deed conveying the property assessed to Manford & Grace Barr, located in the Town of Owego, identified on the Town of Owego Tax Map as number 107.00-1-48, parcel number 13477, to Michael S. Kiczek or his assigns.

ROLL CALL VOTE

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

No –None.

Absent –Legislator Sullivan.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:46 P.M.