

Tenth Regular Meeting
October 13, 2009

The Tenth Regular Meeting of 2009 was called to order by the Chair at 1:31 P.M. Eight Legislative members were present, Legislator Oberbeck being absent.

Chair Weston asked Legislator Huttleston to have a moment of prayer. “As I was driving here today for this special occasion a wonderful example of the democracy which many countries are unable to enjoy I said to myself, this is as good as it gets. I thought is it not great to be an American and we are all so lucky and blessed to be born in a great caring loving and free country that gives us the freedom of religious choice and several other freedoms that other people in the world are unable to enjoy. Let us take the time to thank the many people from the past that have given and sacrificed so much to allow us to live free. Let us bless and thank our leaders and military officers who are making many sacrifices to ensure and protect our freedom. Let us pray that the entire world will someday be able to live in peace and all the people will be free of hate, anarchy, and terrorism. Thank you Lord for this great country and our freedom, and I ask you to guide and bless this Legislative body, our departments heads and employees.”

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

There were 15 people in attendance.

Legislator McEwen read and presented the following Proclamation on School Board Recognition Week to Helen DeHaan of the Newark Valley School System.

PROCLAMATION

WHEREAS: Public Education provides the cornerstone of the American Educational System; and

WHEREAS: This effort depends heavily on the contributions of the dedicated and unpaid members of School Boards; and

WHEREAS: The Governor of the State of New York has proclaimed October 19-October 23, 2009 as School Board Recognition Week; and

WHEREAS: The Tioga County Legislature recognizes the efforts of all members of Boards of Education; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate October 19-October 23, 2009 as

SCHOOL BOARD RECOGNITION WEEK

in the County of Tioga, New York, and commend this observance to our citizens.

Helen DeHaan spoke. "On behalf of the School Board Members in Tioga County I would like to thank the Tioga County Legislature for recognizing the work that we do for all children in our County. I am so very proud to represent our colleagues in accepting this Proclamation, especially this year because I am retiring from the education field and the Newark Valley Central School Board as of June 30, 2010. Thank you so very much for this opportunity to publicly thank you.

"As a side note how does one become a School Board Member. This is how I got drafted. As a side note I would like to express to you personally and to thank you for recognizing the Tioga County School Board Members. I appreciate that so much. In the fall of 1962 I began my teaching career in Canestoe, New York. I taught fifth grade there four years. Following a move back to Newark Valley I taught fifth grade one year at the Edward R. Eastman School in Berkshire. The following 30 years as a library media specialist in the Newark Valley Central School District I retired in 1997. I took a year off and the following May was elected to the Newark Valley School Board where I have been for the last 12 years.

"I took part in the class of 2006 Leadership Tioga, graduating class sponsored by the Tioga County Chamber of Commerce which provided opportunities to developing and enhancing leadership skills. I have reached the magic age which I will not share with you to re-retire to continue taking piano lessons and to take advantage of some musical opportunities. You know, learning always and always learning. You are never to old to do that as you all know very well. As the saying goes "once an educator always an educator". If you add those numbers up it is 47 years devoted to the education of children mostly in Tioga County.

“I recently found out that my fourth grade teacher that I had in Newark Valley is now 102 as of September 4 and who was my favorite teacher and mentor was also an educator for 47 years. She has inspired me forever. I am sure she never thought that I would grow up to be a teacher and school board member as she remembers what I was like in fourth grade. We never know the effects of good teachers or school board members. I have sent her a copy of this so that she will know. Once again thank you for recognizing Tioga County School Board Members and their hard work in our great County.”

Legislator Huttleston read and presented the following Proclamation on Tioga County United Way Month to Jill Hellenthal of the Department of Social Services.

PROCLAMATION

WHEREAS: Tioga United Way continues to service the needs of the community through funding of 33 agencies within Tioga County, benefiting all segments of Tioga County’s population; and

WHEREAS: Without this support, these agencies would not be able to continue the support to our community; and

WHEREAS: The goal for the 2010 United Way Campaign is \$365,000; and

WHEREAS: The employees of the Tioga County Government represent a potentially substantial number of contributors for this campaign; and

WHEREAS: The Tioga County Legislature supports the work of the Tioga United Way; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the month of October

TIOGA COUNTY UNITED WAY MONTH

in the County of Tioga, New York, and call upon all of its employees and all members of the community at large to support this effort.

Legislator Huttleston spoke. “Fred Trzcinski which is the head of the United Way and he was up in Binghamton where all the shootings took place. He used to be the head person there and I was going to catch him someday and give him my United Way money. I put it off a little until he got through that thing, but anyway I have always supported and I think it is a good thing, and I think what is nice about

the United Way is when you get phone calls from all these people wanting money you can say I gave to the United Way and I only give to the Untied Way, and that shuts a lot of them off from all the telemarketers asking for money.”

Jill Hellenthal spoke. “We want to thank the Legislature for supporting the United Way and thank you in giving our employees the opportunity to participate in some activities. We are really busy. We are getting geared up for it. Pledge cards are going out with paychecks this week and we are anticipating a good turnout, so thank you very much.”

Legislator Sauerbrey read and presented the following Proclamation on Domestic Violence Awareness Month to Rose Garrity of A New Hope Center.

PROCLAMATION

WHEREAS: Violence against women, children and men continues to be prevalent as a social problem related to the imbalance of power due to gender and age; and

WHEREAS: The problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, affectional preference and societal barriers and are supported by societal indifference; and

WHEREAS: The crime of domestic violence violates an individual’s privacy, dignity, security and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

WHEREAS: The impact of domestic violence is wide ranging, directly affecting women, men, children and society as a whole, not only in physically and sexually damaging ways, but also in emotional, mental, and economic ways; and

WHEREAS: It is battered women themselves along with many male allies who have been in the forefront of efforts to bring peace and equality to the home; and

WHEREAS: The solutions to the problem of domestic violence lie primarily in each individual person’s decision to model respectful behavior and confront sexist and oppressive behaviors and institutional biases, as a means of changing the cultural influences that support the use of violence against women, children and men; and

WHEREAS: The Tioga County Legislature recognizes the important work done by domestic violence programs, particularly A New Hope Center; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the month of October, 2009 as

DOMESTIC VIOLENCE AWARENESS MONTH

in the County of Tioga, New York, and urge all citizens to actively participate in the scheduled activities and programs sponsored by various organizations in Tioga County, especially A New Hope Center, to work toward the elimination of personal and institutional violence against women, children, and men.

Rose Garrity spoke. “Thank you so much. I want to affirm United Way too as I stand here. We are indeed a United Way Organization and we are in our twenty-fourth year of serving Tioga County. I have myself been doing this work for about 35 years and I cannot tell you how wonderful it is to work in Tioga County because this is a place where everybody is one another’s allies and it has been a fabulous experience for me. I came here from Broome County and there is nothing wrong with Broome County, it just does not feel as good working there as it does down here because there really are a whole lot of teams of people who support one another and lift one another up, and do a lot to help each other and we have one of the oldest and most active coordinative community response networks right here in Tioga County that is chaired by our District Attorney, Gerald Keene.

“You all deserve some applause and recognition for everything this County does to really address domestic violence in a coordinated fashion and I thank you all so very much, and I encourage you to come to our vigil tomorrow night at St. Paul’s Church at 6:00 p.m. Gerald Keene and I believe Gail Barton is speaking, and we always have a good time at the vigil. It is a lovely event and we would love to see many of you there, as many of you as can fit in the Church, so come on over and thank you so much.”

Mandy Nebenfuhr had privilege of the floor. “I am the CSEA Unit President and also a taxpayer in Tioga County. I would like to ask all of you as you are talking about layoffs to county employees to please remember that you are talking about people and their families, not just numbers. I also have to ask if anyone has looked at the contractual employees to see if these are services that the county can possibly take over. I would like to remind you that the chances of employees that get laid off ending up on assistance are extremely good. I know that times are hard and I really hope that you are looking at cuts that are not just to our employees.”

Chris Bonner had privilege of the floor. "Last night I was sitting on my couch and I was doing some reading about the current events that our President has been doing, and low and behold something comes on TV here in Owego. It is one of the rules of economics. The quick blue commercial. It says where you buy your gas the money stays in the area where the gas is produced. When you buy anything it stays in the area. The money circulates four or five times before it diminishes and stays in the area, so that means your area will prosper when you buy in your area.

"If you go down to Wal-Mart, Red China I call it, your money goes over to Red China. Red China owns us. This country, you and you and you, and you. It owns every one of us. Why, because those 535, you call them representatives, I call them worse than that, have made deals. They are called trades. You people out there, I see them out there, you are worse than Bill Clinton. He sent your jobs overseas. You could buy tires in Owego right up here at Moore's. Hey, Cooper tires, Owego USA. Well I got news for you Cooper tires is moving to Red China. Why, because they cannot compete. They cannot compete because you got those idiots in Washington DC who predominantly are all lawyers, wheeling and dealing, making all kinds of words that most people do not understand and they never read them, and they sign on to these trade deals. These trade deals are sending all your products, your manufacturing is going overseas. If you are looking for the Government to create wealthy, they are not going to create it because they cannot.

"There is only three ways you can create wealth, agricultural, mining, and manufacturing. If you do not have any of them you do not have nothing. Your children are going to have nothing. Now you are talking about this oil, the gas. Tioga County is swimming in gas and oil, do you know that? So is New York, but you know what they do not want you to get it. Now I am not for give one, give all to these guys and let them do whatever they want, oh no I am not for that. I am for the landowners and I am one myself. Matter of fact I just broke a deal, we broke a deal with Fortuna, me and him. When they come in again boy they are going to get in for something because I am writing the contract. I am not going to let one of these guys write it. This is what is wrong. You got to learn, you got to read, you got to study. Obama is not going to save you buddies, he is not going to save you. You better save yourselves."

Lola Walker had privilege of the floor. "I do not see it on the agenda, but I understand that the Legislators are looking for a raise in their travel expenses. I am a little concerned about that. That might not be right and I may be wrong, but I am concerned if it is in the wind that you are looking to raise your allowances, number one what do you receive currently? What is it currently designated for, traveling to regular meetings or traveling out of town? How much is the travel allowance going to be? How is it going to be justified when there are cutbacks in various departments, hiring is delayed, unemployment is rampant by other corporations

and so on in our County, and taxes continue to go up? I just wanted to bring that to your attention. Thank you.”

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

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		647.76
A1165	District Attorney		3,290.54
A1170	Public Defender		2,453.41
A1172	Assigned Counsel		16,036.70
A1325	Treasurer		1,269.87
A1345	Purchasing		173.00
A1355	Assessments		3,633.36
A1362	Tax Advertising/Expense		15.08
A1410	County Clerk		747.48
A1411	Department of Motor Vehicles		3,237.87
A1420	Law		961.24
A1430	Personnel		1,009.10
A1450	Elections		4,353.48
A1490	Public Works Administration		450.00
A1620	Buildings	101.62	60,662.04
A1680	Information Technology		32,039.24
A2490	Community College Tuition		1,793.40
A2960	Education of Handicapped Children		169,659.30
A3020	Public Safety Communication E911		4,269.93
A3110	Sheriff	212.70	14,508.52
A3110.41	Sheriff-Court Attendants		1,979.54
A3140	Probation		53.99
A3146	Sex Offender Program		8,766.67
A3150	Jail	155.97	49,951.07
A3315	Special Traffic Programs		1,252.19
A3410	Fire	239.00	2,501.36
A3640	Emergency Mgmt Office		653.28
A3641	Emergency Mgmt Grant Program	54.00	
A4010	Public Health Nursing		40,623.91
A4011	Public Health Administration		13,559.42
A4012	Public Health Education		2,141.14
A4042	Rabies Control		4,031.48
A4044	Early Intervention	558.00	60,449.35
A4053	Preventive/Primary Health Svcs		300.00
A4054	Preventive Dental Services		3,137.76
A4064	Managed Care-Dental Services		15,112.93
A4070	Disease Control		16,839.59
A4090	Environmental Health		6,488.03

A4210	Alcohol and Drug Services	2,676.24
A4211	Council on Alcoholism	9,923.66
A4309	Mental Hygiene Co Admin	6,215.19
A4310	Mental Health Clinic	26,085.85
A4315	Mental Retardation	21,448.00
A4320	Crisis Intervention Services	908.67
A4321	Intensive Case Management	2,650.60
A4333	Psycho Social Club	44,166.25
A6010	Social Services Administration	49,051.34
A6422	Economic Development	601.32
A6510	Veterans' Service	1,004.00
A6610	Sealer Weights and Measures	153.70
A7310.41	Youth Programs, Refundable	10,440.00
A8020	Planning	367.03
SOLID WASTE FUND		86,619.52
COUNTY ROAD FUND		20,483.43
SPECIAL GRANT FUND		3,581.98
CONSOLIDATED HEALTH FUND		867,502.20
CAPITAL FUND		49,659.27
<u>GRAND TOTAL</u>		\$ 1,753,912.57

Legislator Sauerbrey made a motion to approve the minutes of September 15 and 24, 2009, seconded by Legislator Monell, and carried.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 263-09 *MILEAGE REIMBURSEMENT
RATE CHANGE FOR
TIOGA COUNTY LEGISLATORS*

Adoption moved by Legislator Roberts,
Seconded by Legislator Monell.

WHEREAS: Resolution No. 47-09 set the reimbursement rate for mileage at 5 cents below the Federal GSA rate at the beginning of each new year; and

WHEREAS: Due to ongoing budget constraints it has been suggested that the Tioga County Legislators be paid a different rate for mileage reimbursement; therefore be it

RESOLVED: That the Tioga County Legislators shall be paid 41 cents per mile for mileage reimbursement for the year 2010.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 264-09 *AUTHORIZE 2010 TAX MAP
MAINTENANCE CONTRACT*

Adoption moved by Legislator Roberts,
seconded by Legislator Monell.

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized to enter into a Tioga County tax map maintenance contract with MRB Group, for the calendar year 2010 for an annual charge of \$24,000, payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and survey, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES

RESOLUTION NO. 265-09 *AUTHORIZATION TO MAKE
APPLICATION FOR SECTION 5311
ARRA CAPITAL PROJECT
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,
Seconded by Legislator Monell.

WHEREAS: The County of Tioga has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49,

United States Code and the American Recovery and Reinvestment Act of 2009 (ARRA) and for the purchase of two commuter buses; and

WHEREAS: The County of Tioga and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and reimbursement to the municipality of 100% of the project cost through ARRA up to \$600,000; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to sign:

Any and all Agreements between the County of Tioga and the State of New York for the above named Project;

Any and all Agreements between the County of Tioga and any third party subcontractors necessary to complete the Project;

Any and all Municipality/Vendor Contracts for the purchase and/or installation of vehicles and/or equipment.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 266-09

RECOVERY ZONE DESIGNATION

Adoption moved by Legislator Roberts,
Seconded by Legislator McEwen.

WHEREAS: The American Recovery and Reinvestment Act of 2009 (“ARRA”) authorizes the County to issue recovery zone economic development bonds in an amount up to \$936,000 pursuant to a sub allocation of the nation volume cap for Recovery Zone Bonds provided by the Federal Treasury Department; and

WHEREAS: Recovery zone economic development bonds are entitled to a direct federal subsidy of 45% of the interest thereon; and

WHEREAS: The county is required to designate a recovery zone prior to issuing such bonds; and

WHEREAS: Any such bonds must be for expenditures for property located within the recovery zone or otherwise promote economic activity therein; and

WHEREAS: The term recovery zone is defined to mean (1) any area designated by the County as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the County as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; (3) any area for which a designation as an empowerment zone or renewal community is in effect as of February 17, 2009; and

WHEREAS: It is now desired to designate the County of Tioga as a recovery zone under ARRA; be it therefore

RESOLVED: By the affirmative vote of the County Legislature of the County of Tioga, New York, as follows:

Section 1 The County of Tioga is hereby designated as a recovery zone for purposes of ARRA as a result of significant unemployment, home foreclosure rates and general distress as the current recession has had and continues to have a significant adverse impact on the County as a whole.

Section 2 This resolution takes effect immediately.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO

**PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE**

RESOLUTION NO. 267-09

***APPROVE 2010 STOP DWI
PLAN***

**Adoption moved by Legislator Sauerbrey,
Seconded by Legislator McEwen.**

WHEREAS: The New York State Governor’s Traffic Safety Committee (GTSC) requires Counties to submit an annual STOP DWI Plan for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2010 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2010 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$56,200
Court Related	\$14,300
Probation	\$16,200
Rehabilitation	\$14,000
PI&E	\$17,000
Administration	\$ 5,950

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 268-09 *TRANSFER/HAULING SERVICES
EXTENSION*

Adoption moved by Legislator Roberts,
seconded by Legislator Monell.

WHEREAS: Taylor Garbage was awarded Tioga County's curbside recycling contract for a three year period commencing January 1, 2006, said bid being \$2.54 per household (19,300) per month. Bid specifications also included an optional two (2) year extension with the price at the bid amount adjusted by the compounded increase in the Consumer Price Index (CPI) from the previous three (3) years; and

WHEREAS: Taylor Garbage is interested in extending the program for another two (2) years at the adjusted rate according to the CPI; and

WHEREAS: The current compounded CPI from January 1, 2006 through December 31, 2008 increases the amount to \$2.74 per household per month; therefore be it

RESOLVED: That the Tioga County Legislature extend the curbside recycling contract with Taylor Garbage for a two (2) year period at the bid amount adjusted by the compounded increase in the Consumer Price Index (CPI) from the said dates to \$2.74 per household per month, commencing January 1, 2010.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO: PUBLIC WORKS

**RESOLUTION NO. 269-09 *RESCIND RESOLUTION NO. 228-09
AWARD BID FOR INSTALLATION
OF STANDBY GENERATOR AT HHS
AND AWARD BID TO NELCORP
ENDWELL, NY***

**Adoption moved by Legislator Roberts,
seconded by Legislator Monell.**

WHEREAS: July 1, 2009 sealed bids were opened for the installation of the standby generator at the Health & Human Resource Building; and

WHEREAS: The bid was awarded to Blanding Electric on August 11, 2009 by Resolution 228-09; and

WHEREAS: The bid results were as follows:

Blanding Electric		
Vestal, NY		\$59,000
Nelcorp	Electrical \$47,749	
Endwell, NY	Plumbing <u>\$20,982</u>	\$68,731
	Total \$68,731	

WHEREAS: Blanding Electric did not include the Plumbing in the bid; therefore the low bidder was Nelcorp, Endwell, NY; therefore be it

RESOLVED: That Resolution 228-09 be and hereby is rescinded; and be it further

RESOLVED: That the Tioga County Legislature award the bid to the lowest bidder; Nelcorp, Endwell, NY not to exceed \$68,731 to be paid out of the standby generator account H1620.20 use code 923.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS
 FINANCE

RESOLUTION NO. 270-09 *TRANSFER FUNDS*
PUBLIC WORKS

Adoption moved by Legislator Roberts,
 seconded by Legislator McEwen.

WHEREAS: The Commissioner of Public Works budgeted money for the reconstruction of West Creek Rd account H2009.01 and the project has been completed under the budgeted amount; and

WHEREAS: Last year due to the high prices of oil we were unable to finish Montrose Turnpike account H2008.04; therefore be it

RESOLVED: That the Tioga County Legislature authorize the transfer of \$100,000 from West Creek Road Recon Account H2009.01 to Montrose Turnpike Account H2008.04 for completion of Montrose Turnpike.

Roll Call:
 Ayes 08
 Noes 00
 Absent 01
CARRIED

REFERRED TO: PUBLIC WORKS
 FINANCE

RESOLUTION NO. 271-09 *TRANSFER FUNDS*
FOR HHS STANDBY GENERATOR

Adoption moved by Legislator Roberts,
 seconded by Legislator McEwen.

WHEREAS: Sealed bids were open for the HHS Generator Installation on July 1, 2009; and

WHEREAS: The bid results were as follows:

Blanding Electric		
Vestal, NY		\$59,000
Nelcorp	Electrical	\$47,749
Endwell, NY	Plumbing	<u>\$20,982</u>
	Total	\$68,731

And

WHEREAS: The budgeted amount is insufficient for the completion of the project; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the transfer of funds as follows:

From: H2007.17	56 Main St. Addition	\$5,000
To: H1620.20-923	Standby Generator	\$5,000

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 272-09

***APPROPRIATION OF FUNDS FOR-
BUREAU OF FIRE 2008 NYS WMD-
SHSP GRANT***

**Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Sullivan.**

WHEREAS: The Bureau of Fire has been awarded a NYS Homeland Security SHSP Homeland Security Grant in the amount of \$78,000.00; and

WHEREAS: This funding now needs to be appropriated in the Bureau of Fire Budget to be used on Hazardous Materials Equipment and for updating equipment for the Counties Emergency Services Radio System; be it therefore

RESOLVED: That the Homeland Security SHSP Grant (Project # SH08-1032-E00) be appropriated as follows:

From: State Aid-Fire SH08-1032-E00	A3306.00	\$78,000
To: Fire SH08-1032-E00	A3990.20-230	\$78,000

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

**REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE**

**RESOLUTION NO. 273-09 *APPROPRIATION OF FUNDS
SOCIAL SERVICES***

**Adoption moved by Legislator Huttleston,
Seconded by Legislator Sauerbrey.**

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Community Solutions for Transportation; and

WHEREAS: The plan submitted for expenditure of these funds has been approved; and

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

RESOLVED: That funding be appropriated as follows:

From: A4610.00 Federal Aid: Administration	\$26,900
To: A6010.40.140 Contracting Services	\$26,900

Roll Call:

**Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 274-09

***ALLOW THE COUNTY FIRE
COORDINATOR TO ENTER INTO AN
EQUIPMENT MEMORANDUM OF
AGREEMENT FOR HAZ-MAT TEAM***

**Adoption moved by Legislator Monell,
Seconded by Legislator Sauerbrey.**

WHEREAS: The Tioga County Haz-Mat Team is included in the nine County Central New York Hazardous Materials Consortium; and

WHEREAS: Hazardous materials response equipment is extremely expensive and not frequently used by each team member; and

WHEREAS: County members of the Consortium are eligible to apply for highly technical laboratory chemical identification equipment for use by the Grant Submitting Partner and the use of all of the Non-submitting Team Partners through the Memorandum of Agreement between all Consortium members; therefore be it

RESOLVED: That pending approval of the Memorandum of Agreement by the Tioga County Attorney, the Tioga County Fire Coordinator to be able to enter into an agreement for training and use of a Smith's Gas ID granted to the Tompkins County Haz-Mat Team.

**Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED**

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 275-09

***RESOLUTION TO APPOINT HOPE
VANSCOY TO THE COMMUNITY
SERVICES BOARD***

Adoption moved by Legislator Huttleston,
seconded by Legislator Sauerbrey.

WHEREAS: The Tioga County Community Services Board has vacant positions available; and

WHEREAS: Hope VanScoy, residing at Candor, NY, has expressed interest in filling a vacant position; and

WHEREAS: The Community Services Board formally nominated Hope VanScoy for a position at its September 2009 meeting, and recommends to the Tioga County Legislature that she be appointed to the Community Services Board; now therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Hope VanScoy to the Tioga County Community Services Board for the remainder of a vacant term ending March 31, 2013.

CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 276-09 *AUTHORIZE THE SUBMISSION
OF A GRANT APPLICATION
EMERGENCY MANAGEMENT OFFICE*

Adoption moved Legislator Sauerbrey,
seconded Legislator McEwen.

WHEREAS: The Office of State Homeland Security has announced the FY 09 SHSP for Tioga County Emergency Management in the amount of \$86,000; and

WHEREAS: An application for these monies must be received no later than November 30, 2009; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application is submitted; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 277-09 ***RENEW CONTRACT WITH EBS-RMSCO, INC.
TO ADMINISTER FLEXIBLE SPENDING
PROGRAM***

**Adoption moved by Legislator Monell,
seconded by Legislator Sauerbrey.**

WHEREAS: Tioga County currently uses the services of EBS-RMSCO, Inc. to administer Tioga County flexible-spending program for employees; and

WHEREAS: EBS-RMSCO, Inc. has submitted a new contract to continue administering said program and conduct all required compliance testing services; and

WHEREAS: The flex card administrative cost will increase from \$4.35 per participant per month to \$4.45 per participant per month but offers participants a more convenient way to pay for their flexible spending account health care and dependent care expenses thereby having a positive impact on enrollment , and

WHEREAS: The flexible-spending program is a negotiated benefit for all Tioga County union employees; and

WHEREAS: Both employees and the County can save tax dollars on money channeled through this program for out of pocket medical expenses and/or dependent care expenses; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2010 through December 31, 2010; and be it further

RESOLVED: That Tioga County will continue with the flex card for the period of January 1, 2010 through December 31, 2010; and be it further

RESOLVED: That the maximum annual pledge for the medical flexible spending portion will remain at \$4,000 for the period of January 1, 2010 through December 31, 2010.

Roll Call:
Ayes 08
Noes 00
Absent 01
CARRIED

REFERRED TO ED&P/JOB TRAINING COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 278-09 *CREATE TEMPORARY PART-TIME
POSITION
EMPLOYMENT AND TRAINING
DEPARTMENT*

Adoption moved by Legislator Sauerbrey,
Seconded by Legislator Sullivan.

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

WHEREAS: The Tioga Employment Center has received 100% federal stimulus money to assist in providing, to the large layoff population in Tioga Co, job search skills and activities; and

WHEREAS: New York State Dept of Labor has just instituted new requirements on submission of resumes to the state system, requiring additional staff time in creating, processing and submitting resumes, and

WHEREAS: The new state requirements and large layoff population make it necessary to provide services in group sessions; and

WHEREAS: The Employment and Training Center Manager has submitted a new position duties statement to the Personnel Office requesting the creation of an additional part-time Employment and Training Counselor to be filled on a temporary basis; therefore be it

RESOLVED: That the Employment and Training Center Manager be authorized to create and fill a part-time Employment and Training Counselor at a rate of \$16.556 per hour for a temporary duration beginning October 14, 2009 until June 30, 2010; and be it further

RESOLVED: That current eligible list for Employment and Training Counselor will be made available to the Employment and Training Manager for use in filling said position.

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

REFERRED TO:

**PUBLIC WORKS
PERSONNEL**

RESOLUTION NO. 279-09

***HIRE TEMPORARY ACCOUNT
CLERK TYPIST – PUBLIC WORKS***

Adoption moved by Legislator Roberts,
seconded by Legislator Monell.

WHEREAS: The Account Clerk Typist for the Dept. of Public Works, Barbara Cushman, will be out of the office for medical leave effective October 23, 2009; and

WHEREAS: The medical leave is expected to be for four to six weeks; and

WHEREAS: Due to this Department only having one other secretary, leaving this position vacant for this length of time would make it very difficult for this office to function; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Commissioner of Public Works to hire an account clerk typist to fill the position at \$11.478/hr. immediately upon the vacancy of the position; and be it further

RESOLVED: That this position is filled only for the duration of Barb Cushman's medical leave.

On roll call vote on the above resolution, seven members voted Aye, Legislator McEwen voting no, Legislator Oberbeck being absent, and the resolution was adopted.

The meeting was adjourned at 2:05 P.M.