

*Fourth Regular Meeting  
April 14, 2015*

The Fourth Regular Meeting of 2015 was held on April 14, 2015 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Standinger for a moment of prayer. "Lord, we thank you for our many blessings and that we live in a free Country. We pray for peace in the Middle East."

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

There were 10 people in attendance.

Chair Sauerbrey noted the following recognition resolution for Kenneth Del Bianco, former Commissioner of Public Works.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 86-15      *RECOGNIZING KENNETH DEL BIANCO'S  
14 YEARS OF DEDICATED SERVICE TO  
TIOGA COUNTY*

WHEREAS: Kenneth Del Bianco started his employment with Tioga County as Commissioner of Public Works February, 20, 2001 and remained at this position for the remainder of his career; and

WHEREAS: Kenneth Del Bianco has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 14 years to the Public Works Department. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Del Bianco retired on March 23, 2015; 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 Kenneth Del

Bianco for his 14 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, Kenneth Del Bianco.

ROLL CALL VOTE

Unanimously Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Gary Hammond, Interim Commissioner of Public Works spoke. “First, I would like to thank everyone for giving me the opportunity to stand before you and share some of Ken's major accomplishments in his 14-year tenure. The accomplishments were many, but there are a few of the more memorable ones that I would like to share with you.

“He worked extensively on solving the 231 Main Street and Washington Gladden rental problems by developing the plan to build the HHS Building on County land adjacent to the Social Services building. He solved the downtown Court parking space problem by proposing the purchase of the Parker Lane house and the rear two properties on Main Street, thus creating about 40 parking places, which substituted for the parking behind the Court Annex that would be lost due to our building as structured to house Probation, Support Collection and the Assistant County Attorney.

“Ken worked with the New York State Court System to totally redesign space in the Court Annex to satisfy their needs for the future. He moved the District Attorney from the Court Annex to the Clerk's building, thereby creating more space for the Court System. He completely rehabilitated the Court House, making it handicapped accessible and viable for the use of the Court System for the next four years. The third and final phase of the Court House restoration project will be completed this construction season.

“He developed the idea to use the Auditorium area as a two-floor space to house all Information Technology equipment and a long needed computer training and testing area and a Conference Room, that is that area behind the wall that used to be a stage. It was a good idea. He developed a County bridge program, which is resulting in Tioga County having one of the best bridge

systems in the State. In fact, Tioga County is often held up as an example in this respect. When I started here, 49% of our bridges were structurally deficient or functionally obsolete. Through careful planning, wise funding through the Legislature, we are now in single digits and doing very well in that respect. He had the forethought to have a bridge design completed in anticipation of Federal stimulus money being available for shovel ready project, and to that end Tioga County obtained 1.4 million dollars in Federal stimulus to reconstruct the Southside bridge on the other side of the river.

“Ken also worked with many departments to design and layout their office areas including the DMV, unfortunately twice, the Public Defender’s Office, Information Technology, Economic Development & Planning, Cornell Cooperative Extension, Board of Elections, Records, Mental Health, and others. Ken also worked very closely with Economic Development. He provided engineering assistance to the Army Reserve Training Center, water and sewer line extension. He assisted in the engineering and project plan review for the Town of Nichols sewer line extension, provided development assistance for the E-site, provided guidance and planning assistance for the Route 96 underpass road work, they are actually going to lower the road there and give us more clearance. I believe that project is going to go this year. He designed, planned, and provided construction oversight to the Corporate Drive intersection project. Provided design and planning assistance for the Tioga Downs highway interchange, which hopefully will go at some point in the future. Last, but certainly not least Ken was one of the community leaders that dealt with the 2011 flood event. Not only the response to the event, but the reconstruction and mitigation as well.

“There are many others, but I wanted to share just a few of them with you today. I had the privilege of being his Deputy for 14 years and I am grateful for the experience. Thank you.”

Legislator Huttleston spoke. “I would like to say something about Ken. I go back a long ways and always dealt with the Town of Union when he was at the Town of Union. When I was down there shortly after we announced we were hiring him, they told me at the Assessor’s office you ought to go down and see Ken Del Bianco’s secretary. She is taking it very hard because we hired him and she hates to see him leave.

“I went down and she was crying. I said to her, you have to say one thing, Ken Del Bianco was a professional, a professional engineer, and whoever they hire to take his place will be a professional, and you will be treated like Ken treated you. She felt better about it and made me feel better, and I imagine today there is a lot of people crying including Jennifer. Thank you.”

Chair Sauerbrey noted the following two Proclamations on Child Abuse Prevention Month and Infant Immunization Awareness Week.

### **CHILD ABUSE PREVENTION MONTH PROCLAMATION**

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WHEREAS: The Tioga County Department of Social Services received 984 reports of alleged abuse/neglect involving 2,172 children in 2014; and

WHEREAS: Child abuse is a community problem and finding solutions depends on the involvement among people throughout the community; and

WHEREAS: The effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS: Effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS: Programs like Cornell Cooperative Extension, Lourdes PACT and Finger Lakes Parenting Network offer support and educational services to families so families can help their child achieve his/her full potential within the community; and

WHEREAS: Cornell Cooperative Extension and Tioga County Department of Social Services will host a community prevent child abuse event in the month of April; and

WHEREAS: All citizens should become more aware of the negative effects of child abuse and prevention activities within the community, and become involved in supporting parents and families so that children can live in safe, nurturing homes; now therefore

THE TIOGA COUNTY LEGISLATURE, does hereby proclaim April 2015 as

#### **CHILD ABUSE PREVENTION MONTH**

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to insure that all children are raised in safe, nurturing families, thereby strengthening the communities in which we live.

#### **County of Tioga EXECUTIVE PROCLAMATION**

WHEREAS: Giving babies the recommended immunizations by age two is the best way to protect them from 14 serious childhood diseases; and

WHEREAS: Vaccine-preventable diseases still circulate in the United States and around the world, so continued vaccination is necessary to protect everyone from potential outbreaks. Even when diseases are rare in the U.S., they can be brought into the country, putting unvaccinated children at risk; and

WHEREAS: Vaccine-preventable diseases still circulate in the United States and around the world, so continued vaccination is necessary to protect everyone from potential outbreaks. Even when diseases are rare in the U.S., they can be brought into the country, putting unvaccinated children at risk; and

WHEREAS: When people are unvaccinated, outbreaks of diseases like pertussis (whooping cough) and measles can – and do – return. In 2014, there were 644 cases of measles in the United States with the most notable outbreak starting in Disneyland and spreading to 14 states; and

WHEREAS: It is important to vaccinate children on time, according to the childhood immunization schedule, to provide the best protection early in life, when babies are vulnerable and before they are likely to be exposed to diseases; and

WHEREAS: This year, National Infant Immunization Week will be celebrated as part of World Immunization Week, an initiative of the World Health Organization (WHO) where all six WHO regions, including more than 180 Member States, territories, and areas will simultaneously promote immunization, advance equity in the use of vaccines and universal access to vaccination services, and enable cooperation on cross-border immunization activities in April 2015; and

WHEREAS: The week of April 18-April 25, 2015, has been declared National Infant Immunization Week to help ensure that children should be protected against 14 vaccine-preventable diseases by the age of two; now therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the week of April 18-April 25, 2015 as:

INFANT IMMUNIZATION AWARENESS WEEK IN TIOGA COUNTY

and encourages parents to make vaccinating their children a priority and to talk to family and friends about protecting their children with vaccines. We also encourage businesses, government agencies, community-based organizations, and service groups to spread the immunization message throughout their communities.

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		427.27
A1165	District Attorney		5,655.02
A1170	Public Defender		5,973.45
A1172	Assigned Counsel		4,315.25
A1173	ILS Grant		1,429.12
A1185	Medical Examiners/Coroners		3,298.71
A1325	Treasurer		11,282.20
A1355	Assessments		2,511.63

A1362	Tax Advertising and Expenses		6,660.00
A1410	County Clerk		340.90
A1411	Department of Motor Vehicles		90.48
A1420	Law		7,325.42
A1430	Personnel		4,413.35
A1460	Records Management		118.05
A1490	Public Works Administration		36.49
A1620	Buildings		33,111.34
A1621	Buildings		10,146.15
A1680	Information Technology		24,340.52
A2490	Community College Tuition		715,338.42
A2960	Education of Handicapped Children		80,263.19
A3020	Public Safety Comm E911 System		4,496.05
A3110	Sheriff	299.00	21,736.05
A3140	Probation		75.00
A3146	Sex Offender Program		10,320.00
A3150	Jail		17,575.60
A3315	Special Traffic Programs		4,000.00
A3358	State Aid Homeland Security Grant	993.75	
A3360	State Aid Homeland Security Grant	38,360.00	
A3410	Fire		3,126.96
A3640	Emergency Mgmt Office		547.06
A4011	Public Health Administration		2,377.03
A4042	Rabies Control		1,786.54
A4044	Early Intervention		376.34
A4053	Preventive/Primary Health Svcs		245.00
A4064	Managed Care-Dental Services		3,007.61
A4070	Disease Control		946.20
A4090	Environmental Health		5,167.11
A4210	Alcohol and Drug Services		1,351.14
A4211	Council on Alcoholism		10,990.33
A4309	Mental Hygiene Co Administration		5,436.47
A4310	Mental Health Clinic		14,973.25
A4311	Rehabilitation Support Services		1,854.00
A4320	Crisis Intervention Services		416.67
A4321	Intensive Case Management		7,918.91
A4333	Psycho Social Club		25,000.00
A6010	Social Services Administration		47,986.35
A6422	Economic Development		6,139.94
A6610	Sealer Weights and Measures		139.34
A8020	Planning		1,100.00
A9060	Health Insurance		3,655.72
SOLID WASTE FUND			94,600.41
SPECIAL GRANT FUND			4,095.82

LIABILITY INSURANCE FUND	6,259.39
COUNTY ROAD FUND	104,546.54
CAPITAL FUND	231,727.85
SELF-INSURANCE FUND	<u>1,350.00</u>
GRAND TOTAL	\$ 1,602,054.39

Legislator Sullivan made a motion to approve the minutes of March 10, 2015, seconded by Legislator Hollenbeck, and carried.

Chair Sauerbrey made the following appointments:

Susquehanna Heritage Area Commission

Rebecca Maffei, Director of Tourism, Municipal Representative

Bryant Myers, Advisory Board Member

Financial Management Accounting System (FMAS) Executive Team

Jennifer Bennett, Public Works, replaces Ken Del Bianco

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

Legislator Weston introduced Local Law Introductory No. A of 2015

County of Tioga

Local Law No. XX of the Year 2015.

A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four year term of office commencing January 1, 2016 and continuing through and including December 31, 2019.

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

#### SECTION 1: PURPOSE

As set forth at Local Law No. 3 of 2003, the annual salary for the elected public offices of County Clerk and County Sheriff shall not be increased during a term of office.

Accordingly, it is the purpose and intent of this Local Law to establish the salary for the Offices of County Clerk and County Sheriff for the four-year term of office commencing January 1, 2016 and continuing through and including December 31, 2019.

#### SECTION 2: ANNUAL SALARY

A) The annual salary for the Offices of County Clerk and County Sheriff for the term of office beginning January 1, 2016 and continuing through and including December 31, 2019 is hereby established as follows:

- |                   |          |
|-------------------|----------|
| 1. County Clerk   | \$63,000 |
| 2. County Sheriff | \$83,000 |

#### SECTION 3: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 4: EFFECTIVE DATE

This Local law shall take effect January 1, 2016.

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

REFERRED TO:	PERSONNEL COMMITTEE
RESOLUTION NO. 87-15	<i>SCHEDULE PUBLIC HEARING LOCAL LAW INTRODUCTORY NO. A OF 2015</i>

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2011 A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four year term of office commencing January 1, 2016 and continuing through and including December 31, 2019 in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street,



Owego, New York 13827 on Thursday, May 7, 2015 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sullivan introduced Local Law Introductory No. B of 2015.

County of Tioga

Local Law No. XX of the Year 2015.

A Local Law amending Local Law No. 2 of 1956 and Local Law No. 1 of 1963 with respect to the Reserve Fund for the Tioga County Self-Insurance Plan.

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

SECTION 1:

That from the effective date hereinafter set forth Subdivision E of Section 1 of Local Law No. 2 of 1956 and Local Law No. 1 of 1963 as amended is hereby amended to read as follows:

E. A reserve of \$6,000,000.00 is hereby established for the Plan. Such amount may be accumulated by the inclusion in each annual estimate a sum not exceeding 2% of the total annual estimate, or by the transfer to said reserve of unexpended balances in current funds, or by the addition to said reserve of income earned from the investment of the funds in such reserve, or by such combination of said methods as the Workers' Compensation Committee may deem proper.

When the amount of the reserve is at a maximum, any amount expended therefrom shall be restored by one or more of the aforesaid methods, as said Committee may deem proper.

SECTION 2:

This Local Law shall become effective upon filing the law pursuant to Section 27 of the Municipal Home Rule Law of the State of New York.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 88-15 *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. B OF 2015*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2015 a Local Law amending Local Law No. 2 of 1956 and Local Law No. 1 of 1963 with respect to the Reserve Fund for the Tioga County Self Insurance Plan in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, May 7, 2015 at 1:05 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 89-15 *SET PUBLIC HEARING FOR ADOPTION OF  
THE AGRICULTURAL & FARMLAND  
PROTECTION PLAN UPDATE*

WHEREAS: Tioga County Department of Economic Development and Planning has developed a draft Agriculture and Farmland Protection Plan in accordance with Article 25AAA of the NYS Agriculture and Markets Law; and

WHEREAS: This law requires a public hearing be held by the Tioga County Legislature prior to said plan adoption and SEQR declaration; therefore be it

RESOLVED: That a public hearing be held on Thursday, April 23<sup>rd</sup>, 2015 at 10:00 AM in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty Tioga County Office Building, 56 Main Street, Owego, New York.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 90-15

*URGING NEW YORK STATE TO FUND PROBATION DEPARTMENTS 100% FOR COSTS RELATED TO RAISING THE AGE OF CRIMINAL RESPONSIBILITY TO 18 YEARS OF AGE IN ORDER TO AVOID FINANCIAL BURDEN ON COUNTIES AND NEW YORK CITY AND TO ENSURE PROBATION DEPARTMENTS ARE ABLE TO PROVIDE THE SERVICES TO YOUTH AS REQUIRED IN THE GOVERNOR'S PROPOSAL*

WHEREAS: Governor Cuomo signed Executive Order 131 on April 9, 2014 to establish the Commission on Youth, Public Safety and Justice instructing the Commission to develop a concrete plan to raise the age of criminal responsibility in New York State and make specific recommendations on how the juvenile and criminal justice systems can better serve youth, improve outcomes and protect communities; and

WHEREAS: The Commission completed its report on December 31, 2014 recommending raising the age of criminal responsibility from age 16 to age 18 over a two year period to be completed in a phased in approach; and

WHEREAS: The Council of Probation Administrators supports the Commission's report and believes that youth will be better served by raising the age of criminal responsibility to age 18 and that the Diversion services provided by Probation will provide positive benefit; and

WHEREAS: Division of Criminal Justice Statistics reveal the number of arrests among 16 and 17 year olds statewide in calendar year 2013 was 33,347 and that under the proposed change these youth will now be shifted from the criminal courts to local Probation Departments for Intake and Diversion services; and

WHEREAS: The Governor's proposal recommends that the violation level offenses of Harassment and Disorderly Conduct shall also be diverted to Probation Departments for Intake and Adjustment services, thus adding substantially to the workload of Probation staff; and

WHEREAS: The Governor's proposal recommends Probation Departments hire Family Engagement Specialists and provide a continuum of diversion services that range from minimal intervention for low risk youth and evidence based service for high risk youth; and

WHEREAS: Probation Departments will not be able to absorb the influx of youth requiring Intake and Diversion services at current staffing levels and will require additional staff to perform these duties; and

WHEREAS: Counties cannot absorb the financial cost associated with raising the age without 100% funding of the additional staff and services required by the Governor's proposal; and

WHEREAS: The Governor's proposed language of funding for Probation citing "The Commissioner (DCJS) shall, subject to an appropriation made available for such purpose, establish and provide funding to probation departments..." is indefinite and ambiguous; now therefore be it

RESOLVED: As follows:

Section 1. That the Tioga County Legislature hereby supports the NYS Council of Probation Administrators to call on the State Legislature to support the Commission's recommendations to use State resources to cover 100% of all new costs associated with changing the age of criminal responsibility to avoid financial burden on Counties; and

Section 2. That language in the Governor's proposal be changed to reflect the State's commitment to fund 100% of all costs that will be incurred by County

Probation Departments and the County Attorney offices associated with raising the age of criminal responsibility; and

Section 3. That language be included to set aside designated funds from which Counties can draw, eliminating the need for Counties to exceed their 2% tax cap; and

Section 4. That copies of this resolution be forwarded to Governor Andrew Cuomo, NYS Majority Leader Dean G. Skelos, Independent Democratic Conference Leader Jeffrey D. Klein, NYS Assembly Speaker Carl E. Heastie, Minority Leader Brian M. Kolb, County Legislative Chairs and NYSAC.

#### ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

#### RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL

RESOLUTION NO. 91-15

*RESOLUTION URGING THE NEW YORK  
STATE LEGISLATURE TO HONOR  
HOME RULE REVENUE REQUESTS  
IN A TIMELY AND ORDERLY FASHION  
BY ENACTING AN OMNIBUS SALES TAX  
BILL THAT RENEWS ALL COUNTY SALES  
TAX RATES AT CURRENT LEVELS*

WHEREAS: Counties continue to face significant challenges in balancing their budgets while also meeting the goals of the property tax cap and property tax freeze; and

WHEREAS: Counties must administer and pay for more than 40 state programs that can consume up to 85 percent of a county's entire budget; and

WHEREAS: Many local revenue options must be approved by the State Legislature including local sales tax rates above three percent subject to state approvals every two years; and

WHEREAS: In 2013 one county was denied an extension of their local sales tax rate above three percent creating a shortfall exceeding \$5 million; and

WHEREAS: Counties' ability to raise revenues from the property tax are limited by the state imposed property tax cap; and

WHEREAS: Locally raised revenues are necessary to implement and deliver state mandated programs as well as local public health and safety, economic development and "quality of life" services demanded and expected in our communities; now therefore be it

RESOLVED: That the Tioga County Legislature calls upon the Governor and State Legislature to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminates unnecessary and duplicative legislative activity at the state and local level that is currently required under state law, and allows county elected officials, in conjunction with residents in their respective communities, to determine the mix of locally raised revenues they deem least burdensome; and be it further

RESOLVED: That the state should renew current local sales tax rates in a single omnibus bill to streamline the process and improve government efficiency; and be it further

RESOLVED: That counties strongly encourage the state assembly to support recent efforts by the Governor and the Senate to allow counties to renew their existing local sales tax rates every two years without state legislature approval; and be it further

RESOLVED: That copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and be it further

RESOLVED: That copies of this resolution be sent to Governor Andrew M. Cuomo, the New York State Legislature, and all other deemed necessary and proper.

## ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 92-15  
*JAIL MEDICAL COSTS FOR  
PROVIDING HIV & HEPATITIS C  
TREATMENT FOR INMATES  
AT THE TIOGA COUNTY JAIL*

WHEREAS: In 2009, Governor Paterson signed into law the "Department of Health Oversight Law" (A.903/S.3842) as Chapter 419 of the laws of 2009 that requires the New York Department of Health (DOH) to conduct annual reviews of HIV and hepatitis C care in state and local correctional facilities; and

WHEREAS: This law mandates changes to healthcare provided in a correctional setting, making care in those institutions comparable to community standards of care; and

WHEREAS: Since the enactment of this law, county jails have been required to provide more extensive testing to inmates for HIV and hepatitis C, and more instances of these diseases have been discovered and subsequently required treatment; and

WHEREAS: County and jail officials have the responsibility for providing adequate and prompt medical treatment to inmates within their facilities; and

WHEREAS: The jail's medical professional ultimately determines the level and type of treatment each inmate should receive, depending on a number of factors including their disease and symptoms; and

WHEREAS: Recently, new drugs for treating Hepatitis C have been approved by the FDA with an estimated cost for the 24 week treatment of \$201,600.00; and

WHEREAS: For many counties, the cost of providing such treatment to inmates can be exorbitant, causing great financial strain to jail medical budgets; and

WHEREAS: Once an individual begins treatment on this medication, he or she must continue the full course of treatment for it to be effective, which requires jail officials to monitor and maintain an inmate's treatment record and required doses over a period of time which may precede or follow their incarceration; and

WHEREAS: Tioga County has seen 24 cases of hepatitis C in our jail in the past year, this would make incurring costs for treatment of these inmates \$4,838,400 - 7 pills per week at \$1,200 each, multiplied by 24 weeks equals \$201,600 per inmate; and

WHEREAS: The state enacted this new law without providing financial support to counties to be able to provide this new level of care and treatment to individuals diagnosed with these diseases now therefore be it

RESOLVED: That the Tioga County Legislature calls for the state to provide support and 100% financial reimbursement to the counties to offset the costs of providing HIV and Hepatitis C treatment to incarcerated individuals; and be it further

RESOLVED: That copies of this resolution be sent to Governor Andrew M. Cuomo, members of the New York State Legislature, the Commissioner of the NYS Department of Health, the NYS Commission of Correction, the Association of Counties, and all others deemed necessary and proper.

#### ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: COUNTY CLERK COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 93-15 *REQUEST THAT NEW YORK STATE AUTHORIZE A  
SUBSTANTIAL INCREASE IN COUNTIES DMV  
REVENUE RETENTION PERCENTAGE*

WHEREAS: 51 of the 62 New York Counties are mandated by New York State to operate a local Department of Motor Vehicles Office (DMV); and



WHEREAS: Under current law the State of New York receives 87.3% of all fees collected from work performed by the county operated DMV; and

WHEREAS: The remaining 12.7% county share has not been increased since 1999, yet the county operational costs (salaries, overhead etc.) continue to rise; and

WHEREAS: There is a clear inequity present when a county DMV office provides full time services to fulfill NYSDMV requirements, and the state in turn collects 87.3% of the revenue collected by the county; and

WHEREAS: Increasing the county's DMV revenue share will not result in any increased costs or fees to local residents or taxpayers and will provide counties with needed revenue; therefore be it

RESOLVED: That the Tioga County Legislature calls upon Governor Andrew M Cuomo and members of the State Legislature to authorize a substantial increase in the counties DMV revenue retention percentage; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature forward copies of this Resolution to Governor Andrew M Cuomo and our State Legislature.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 94-15

*AUTHORIZATION TO SUBMIT APPLICATION TO NEW YORK HOMES AND COMMUNITY RENEWAL FOR FUNDING AND TO ADMINISTER A 2015 NEW YORK MAIN STREET PROGRAM FOR THE 2015 WAVERLY DOWNTOWN REVITALIZATION PROGRAM*

WHEREAS: Tioga County Economic Development and Planning desires to apply for up to \$250,000.00 in financial assistance through the 2015 Consolidated Funding Application under the 2015 New York Main Street Program; and

WHEREAS: The application proposes funding to assist property owners to complete building renovations to targeted, contiguous downtown "main street" buildings along Broad Street in the downtown central business district of the Village of Waverly; and

WHEREAS: The proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS: The grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality making application and in which the project will be located; and

WHEREAS: The Village of Waverly is in support of this application to the 2015 New York Main Street program for revitalization of commercial and residential uses that make up the "Main Street" Broad Street area of the Village of Waverly; therefore be it

RESOLVED: That the Tioga County Legislature approves and endorses the 2015 New York Main Street Program grant application for assistance prepared and to be submitted by the Tioga County Economic Development and Planning Office.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 95-15      *AUTHORIZE THE ACCEPTANCE OF  
INTEROPERABLE COMMUNICATIONS  
EQUIPMENT FROM NYS DHSES  
FIRE COORDINATOR'S OFFICE*

WHEREAS: The NYS Division of Homeland Security and Emergency Services has announced interoperable communications grant funding; and

WHEREAS: The New York State Division of Homeland Security and Emergency Services is deploying the Mutualink emergency incident collaboration technology and making such equipment available to all Counties in the State at no cost to the County; and

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

RESOLVED: That the Tioga County Fire Coordinator's Office be authorized to submit the appropriate grant application for the purpose of securing this funding and authorize the Chair of the Legislature to sign such application and contract after approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 96-15      *AUTHORIZE THE SUBMISSION OF A ROUND  
4 STATEWIDE INTEROPERABLE  
COMMUNICATIONS GRANT APPLICATION  
– FIRE COORDINATORS OFFICE*

WHEREAS: The NYS Division of Homeland Security and Emergency Services has announced interoperable communications grant funding; and

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

RESOLVED: That the Tioga County Fire Coordinator's Office be authorized to submit the appropriate grant application for the purpose of securing this funding and authorize the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 97-15      *REQUEST NYS LIQUOR AUTHORITY TO  
CHANGE OFF PREMISES BEER CLOSING  
HOURS*

WHEREAS: Certain Tioga County retailers, licensed to sell beer for consumption off premises, have requested that the hours for sale of beer be changed; and

WHEREAS: The New York State Liquor Authority establishes the hours when beer can be sold by licensed retailers for off premises consumption; and

WHEREAS: The New York State Alcoholic Beverage Control Law Section 17 authorizes the NYS Liquor Authority to consider changing the hours of sale when requested to do so by the County Legislature; therefore be it

RESOLVED: That the Tioga County Legislature does hereby request that the NYS Liquor Authority consider changing the Tioga County Off Premises Beer Closing Hours as follows:

Change from: 1:00 AM to 8:00 AM on Weekdays and Saturdays

To: 1:00 AM to 6:00 AM on Weekdays and Saturdays

And be it further

RESOLVED: That all other Tioga County Closing Hours remain the same.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P LEGISLATIVE COMMITTEE

RESOLUTION NO. 98-15      *AMEND RESOLUTION NO. 68-15 APPOINT  
MEMBERS TO THE SUSQUEHANNA HERITAGE AREA  
COMMISSION*

WHEREAS: Per resolution 68-15, the Tioga County Legislature resolved for the Economic Development and Planning Committee to recommend a designee for the position of Municipal Representative to the Susquehanna Heritage Area

Commission for the term of office of the County Legislative Chair who appoints said person; and

WHEREAS: Per resolution 27-14, the Tioga County Legislature resolved for the appointment of the Tourism Office Director as the Susquehanna Heritage Area Advisory Board Member for term of office of the County Legislative Chair who appoints said person; and

WHEREAS: Upon further review by the Economic Development and Planning Committee it has been proposed that both the Municipal Representative and Advisory Board Member positions, be made by recommendation of the Economic Development and Planning Committee; therefore be it

RESOLVED: That resolution 68-15 shall be amended as follows: That the Economic Development and Planning Committee hereby recommend designees for the Municipal Representative and also the Advisory Board Member on the Susquehanna Heritage Area Commission for the term of office of the County Legislative Chair who appoints said person.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 99-15      *APPOINT MEMBER  
FISH & WILDLIFE  
MANAGEMENT BOARD*

WHEREAS: Jeff Barnes, Sportsman Member of the Fish and Wildlife Management Board has resigned; and

WHEREAS: William J. Woods, Jr. has expressed an interest in serving on the Fish and Wildlife Management Board in the Sportsman Member position; therefore be it

RESOLVED: That William J. Woods, Jr. be appointed as the Sportsman Member to the Fish and Wildlife Management Board, filling the unexpired term of Jeff Barnes, effective April 15, 2015 through December 31, 2015.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE  
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 100-15

*APPOINT ALTERNATE MEMBER TO THE  
BROOME-TIOGA STORMWATER COALITION*

WHEREAS: Per Resolution 84-14, the Tioga County Legislature authorized Tioga County's participation in an updated intermunicipal agreement with 16 other municipalities in Broome and Tioga Counties that comprise the Broome-Tioga Stormwater Coalition for the purpose of cooperatively implementing mandated stormwater management activities in a manner that is compliant with NYS DEC's Phase II Stormwater regulations and designated the County Planning Director as Tioga County's official representative on said Coalition; and

WHEREAS: The Broome-Tioga Stormwater Coalition (BTSC) now is requiring the designation of an alternate representative from each of the participating municipalities which has to be another staff person from each municipal entity who will attend meetings when the County Planning Director cannot; and

WHEREAS: Tioga County's Materials Recovery Manager is the only other county staff person who has working knowledge of MS4 Phase II Stormwater Regulations and the management of stormwater pollution problems in general; therefore be it

RESOLVED: That the Tioga County Legislature hereby designates the Materials Recovery Manager as the alternate Tioga County representative to the Broome-Tioga Stormwater Coalition.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 101-15 APPOINT REAP BOARD MEMBER

WHEREAS: The By-Laws of the REAP Board require that the Legislature nominate one person to act as its member in the REAP Board of Directors; and

WHEREAS: The REAP Legislative appointment has been vacant since February 2012; and

WHEREAS: Bryant Myers, Economic Development Specialist, is willing to serve on the REAP Board of Directors; therefore be it

RESOLVED: That Bryant Myers, Economic Development Specialist, be hereby appointed to the REAP Board for a two year term from April 15, 2015 through April 14, 2017.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.



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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 102-15                      *AWARD BRIDGE PREVENTATIVE  
MAINTENANCE PIN#9753.83  
CONSTRUCTION CONTRACT*

WHEREAS: The Bridge Preventative Maintenance Project PIN#9753.83 has been placed on the FHWA Program; and

WHEREAS: The project will be funded as follows:

FEDERAL:    80%  
State:        15%  
Local:        5%

And

WHEREAS: The Commissioner of Public Works received sealed bids for the construction phase of this project on 3/30/15 and the results were as follows:

R. DeVincentis	Binghamton, NY	\$383,000
Dycon Construction	Pine City, NY	\$214,671

And

WHEREAS: McFarland Johnson, Binghamton, NY have completed the review of the bids and finds the low bidder Dycon Construction, Pine City, NY meets all of the qualifications of the bid specifications contingent upon NYSDOT's award concurrence; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Dycon Construction, Pine City, NY not to exceed \$214,671 to be paid out of the Bridge Preventative Maintenance Program account D5110.40 use code 50; and be it further

RESOLVED: That the Tioga County Legislature authorizes the following transfer of funds:

FROM: Federal Aid Bridge Projects Account D4502	\$172,905.60
State Aid Project D3502	\$ 32,419.80

TO: Bridge Maintenance Project Account D5110.40-50 \$205,325.40

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 103-15      *AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE*

WHEREAS: A Project for the Tioga County Bridge Maintenance Program, PIN 9753.83(the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20% non-Federal funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering/Design and Construction and Construction Supervision and Inspection work; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the County of Tioga to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Construction and Construction Supervision and Inspection work for the Project or the portions thereof; and be it further

RESOLVED: That the sum of \$216,132 is hereby appropriated from the Bridge Preventative Maintenance account D5110.40 use code 50 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED: That this Resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 104-15      *APPROVE SUPPLEMENTAL AGREEMENT  
ELLIS CREEK RD. BRIDGES FOR  
DESIGN SERVICES*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges; and

WHEREAS: Ellis Creek Rd. Bridges (BIN3334880 & BIN 3334900) is one project in the bridge bond program; and

WHEREAS: There were unanticipated soil encounters which necessitated deeper borings than originally budgeted for; and

WHEREAS: A subcontractor was hired to perform a subsurface investigation and geotechnical design to address this issue; therefore be it

RESOLVED: That the Tioga County Legislature approve the Supplemental Agreement for McFarland Johnson, Binghamton, NY in the amount of \$7,297 to be paid out of the following accounts:

Ellis Creek Rd. Bridge Account H2014.01	BIN: 3334880	\$3,648.50
Ellis Creek Rd. Bridge Account H2013.06	BIN: 3334900	\$3,648.50

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 105-15                      *APPROVE CHANGE ORDER FOR  
FLOOD MITIGATION PROJECT  
J & K PLUMBING & HEATING  
COUNTY OFFICE BUILDING*

WHEREAS: The Flood Mitigation HVAC Contractor for the County Office Building was awarded on resolution 341-13 to J & K Plumbing & Heating; and

WHEREAS: A change order was submitted due to additional work that was required to provide Liebert legs for condensing unit at the County Office Building; therefore be it

RESOLVED: That the Tioga County Legislature authorize additional funds be appropriated for this change order not to exceed \$503 to be paid out of the Tropical Storm Lee Disaster account H1624.20.

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 106-15                      *APPROVE FUNDING  
2015 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 2015 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 2015 be approved by the Tioga County Legislature in the amounts indicated:

Cooperative Extension Family Resource Centers	\$ 10,000
Spencer Van Etten Building Foundations	\$ 7,550
Tioga Central School District Summer Recreation	\$ 6,000
Big Brothers Big Sisters	\$ 4,000
Southern Tier Alternative Therapies Promise Program	\$ 4,000
Waverly Summer Recreation	\$ 3,000
Newark Valley Joint Summer Recreation	<u>\$ 1,200</u>
TOTAL	\$ 35,750

ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 107-15

*RESOLUTION TO APPROVE A  
CONTRACT BETWEEN THE TIOGA  
COUNTY PROBATION DEPT. AND  
INTERNET PROBATION AND PAROLE  
CONTROL, INC. (IPPC)*

WHEREAS: The Tioga County Probation Department must supervise convicted sexual offenders sentenced by Tioga County Court for Possession of Child Pornography. Such supervision must include monitoring the defendant's use of

the internet to determine that the downloading of child pornographic material does not continue; and

WHEREAS: The internet can now be accessed by a variety of devices: personal computers, laptops, tablets, kindles, and smart phones. Tioga County Probation does not have the ability to monitor all these devices; and

WHEREAS: The company **Internet Probation and Parole Control, Inc.** specializes in the business of monitoring convicted sexual offender's devices that access the internet and providing reports and if needed expert testimony at trial to monitoring government agencies, such as Probation Departments, if the offender's devices are continuing to access child pornography; and

WHEREAS: Tioga County Probation has requested and been granted permission to contract with **Internet Probation and Parole Control, Inc.** for the fee of \$120.00 per year. Further, it is understood that the probationer(s) will be required to pay for the service if they continue to possess devices that have access to the internet. The cost will be \$29.00 per device per month. If for some reason the defendant does not or cannot pay for the service then the county will pay for the cost of the service for a limited time while the probationer disposes of all internet accessible devices; and

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services in the amount of \$15,364 in account number 3142.40-140 in the 2015 budget. These funds could cover both the cost of EM and internet monitoring; therefore be it

RESOLVED: That Tioga County Legislative Chair is approved to contract with **Internet Probation and Parole Control, Inc.** to provide internet monitoring and reports to the Tioga County Probation Department for probationers convicted of possessing child pornography and sentenced to probation supervision.

ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 108-15                      *RESOLUTION TO APPROVE A  
MOU BETWEEN TIOGA COUNTY PROBATION  
DEPARTMENT AND SMART START*

WHEREAS: The Tioga County Probation Department must supervise offenders who are sentenced to probation supervision by Tioga County courts for drinking and driving behavior; and

WHEREAS: Many probationers divest themselves of their motor vehicles pre or post sentencing so that they do not have to install an Ignition Interlock Device (IID). The **Smart Start** company is now marketing a hand held device, similar to an IID, that will allow defendants to blow into the device and have their BAC calculated, a photo taken and a GPS location established; and

WHEREAS: The **Smart Start** company has agreed to give Tioga County an opportunity to partner with them to try out these devices at a reduced rate of \$3.10 per day, which is the same cost as a Class II IID. Tioga County agrees to sign a MOU with the company and pay the cost of testing for two devices, for the time period of May 2015 to December 2015; and

WHEREAS: Tioga County Probation has budgeted funds for Clinic Supplies for testing of probationers in the amount of \$4,000 in account number 3142.40-150 in the 2015 budget. These funds could cover both the cost of urine and breath testing; therefore be it

RESOLVED: That the Tioga County Legislative Chair is approved to contract with **Smart Start** to provide two devices at the cost of \$3.10 each per day to provide breath testing results via a website connection for Tioga County probationers convicted of drinking and driving offenses, provided such contract is approved by the County Attorney.



## ROLL CALL VOTE

Yes – Legislators Standinger, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 109-15 *AUTHORIZE INTERIM APPOINTMENT AND SALARY  
INCREASE (PUBLIC WORKS)*

WHEREAS: The Commissioner of Public Works position became vacant as of March 23, 2015; and

WHEREAS: The County Legislature believes it is critical to the operation of the Department to have the Commissioner position filled; and

WHEREAS: The County Legislature would like to appoint the Deputy Commissioner to the role of interim Commissioner retroactive to March 23, 2015 and offer additional compensation in recognition of the additional workload; therefore be it

RESOLVED: That Gary Hammond is hereby appointed interim Commissioner of Public Works retroactive to March 23, 2015 with a salary adjustment of \$10,000 (to \$86,071); and be it further

RESOLVED: That upon permanent appointment of a Commissioner of Public Works, Mr. Hammond's salary shall be returned to \$76,071 as Deputy Commissioner, if not appointed Commissioner.

## ROLL CALL VOTE

Yes – Legislators Standing, Sullivan, Weston, Case, Hollenbeck, Huttleston, Monell, Sauerbrey, and Roberts.

No – None.

Absent – None.

## RESOLUTION ADOPTED.

The meeting was adjourned at 12:18 P.M.