

*Sixth Regular Meeting  
June 9, 2015*

The Sixth Regular Meeting of 2015 was held on June 9, 2015 and was called to order by the Chair at 6:03 P.M. Eight Legislative members were present, Legislator Monell being absent.

Chair Sauerbrey asked Legislator Weston for a moment of prayer. "Would you please join me in a moment of silence to contemplate and pray for the impoverished and unfortunate children of the world."

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

There were 16 people in attendance.

Chris Kallin presented Employee of the 2<sup>nd</sup> Quarter 2015 to Bill Jones of the Probation Department. "Good Evening. On behalf of the Tioga County Employee Recognition Committee I would like to thank the Legislature for their continued support of the program and to introduce our second quarter Employee of the Quarter Bill Jones.

"Bill began his employment with Tioga County on August 6, 2001 as a Probation Officer with a caseload consisting of juvenile delinquents and adult offenders. In 2004, Bill's caseload became concentrated with adult sexual offenders. He has had experience working with that population in a previous position that he held with the Chemung County ARC. Bill brings clear expectations and accountability to his caseload as well as compassion for the victims of the offenders that he supervises. On November 17, 2014 Bill was promoted to the position of Senior Probation Officer and in the Probation Department Bill also serves as Staff Development Officer. He maintains the records of all of the training hours of each member of the Department and he also researches trainings that would be appropriate for the other members of the Department.

"Bill is also a facilitator for the evidence-based "Thinking for a Change" Program that is mandated for high risk offenders with the hope that they are able to change their thinking when contemplating committing another offense. Bill's calm, caring, and compassionate demeanor is much appreciated in the Department, which is charged with supervising those who have offended against people in our community.

"Bill served in the United States Navy for four years. He is married to Deedee who is a teacher in the Owego Apalachin School District. Bill himself returned to college after his first son Reid was born often taking him to class with him. Reid is currently a teacher in Boston, Massachusetts. Bill and Deedee's second son Alex is a college student at SUNY Brockport. Bill is a very active member of the Owego United Methodist Church serving as both a Lay Leader and a Sunday School Teacher and is active also in the Allied Christians of Tioga Organization, which provides meals on Thursdays to anyone in need. Again, we want to congratulate Bill on his selection as Employee of the Quarter. Congratulations."

Joy Bennett, Probation Officer spoke. "I have been down at this space recently for other employee issues that were not this fun. I really appreciate tonight. Bill has one of the most difficult jobs in Probation because he works with a population of people that are not appreciated in society, that have a lot of baggage with them, that people do not want to endorse or help, so finding help for that particular population is difficult, and Bill has managed for the last several years now to manage this population with empathy, with strength, but yet with a sense of hope for change and rehabilitation, and reunification sometimes with family members. I really appreciate his steadfastness, his ability to just focus on the job and do the work, and not get involved sometimes in all the drama that surrounds him in our workspace, and he has just been a treasure to be a Director for the last few years. Thank you."

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		242.49
A1165	District Attorney		10,747.07
A1170	Public Defender		2,061.37
A1172	Assigned Counsel		9,305.54
A1173	ILS Grant		349.98
A1325	Treasurer		1,473.47
A1355	Assessments		2,461.53
A1410	County Clerk		566.94
A1411	Department of Motor Vehicles		34.75
A1420	Law		6,352.50
A1450	Elections	149.99	493.79
A1620	Buildings		42,608.23
A1621	Buildings		18,874.20
A1680	Information Technology		5,854.99
A2490	Community College Tuition		105,637.80
A2960	Education of Handicapped Children		185,374.81

A3020	Public Safety Comm E911 System		4,426.87
A3110	Sheriff	2,246.58	15,905.05
A3140	Probation		18.00
A3146	Sex Offender Program		10,320.00
A3150	Jail		27,608.37
A3315	Special Traffic Programs		900.00
A3410	Fire		6,633.24
A3640	Emergency Mgmt Office		249.63
A4011	Public Health Administration		2,551.78
A4012	Public Health Education		3,443.04
A4042	Rabies Control		161.00
A4044	Early Intervention		4,126.00
A4050	Health Neighborhood Program		872.49
A4064	Managed Care-Dental Services		4,253.62
A4070	Disease Control		4,513.35
A4090	Environmental Health		150.73
A4210	Alcohol and Drug Services		821.34
A4211	Council on Alcoholism		11,235.48
A4309	Mental Hygiene County Admin		5,915.18
A4310	Mental Health Clinic		7,250.16
A4320	Crisis Intervention Services		14,659.67
A4321	Intensive Case Management		1,511.79
A6010	Social Services Administration		96,241.62
A6422	Economic Development		1,495.00
A6510	Veterans' Service		140.00
A6610	Sealer Weights and Measures		84.00
A7510	Historian		451.50
A9060	Health Insurance		604.65
SOLID WASTE FUND			4,054.35
SPECIAL GRANT FUND			1,040.39
COUNTY ROAD FUND			59,519.45
CAPITAL FUND			524,565.52
SELF-INSURANCE FUND			<u>1,300.00</u>
GRAND TOTAL			\$ 1,211,859.30

Legislator Hollenbeck made a motion to approve the minutes of May 7, 12, and 21, 2015, seconded by Legislator Sullivan, and carried.

Chair Sauerbrey made the following appointments to the Workforce Development Board:

Maureen Abbott, Public Sector – 7/1/15 – 6/30/18  
 Economic Development & Planning Director, Public Sector – 7/1/15 – 6/30/18  
 Commissioner of Social Services – 7/1/15 – 6/30/18

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 140-15 AMEND TIOGA EMPLOYMENT  
 CENTER BUDGET

WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce New York for employment and training services, is fully funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center computer lab laptops need to be replaced; and

WHEREAS: the Tioga Employment Center has funds in the current PY14 WIA budget to cover such replacement costs; and

WHEREAS: The Tioga Employment Center computer budget line does not have enough funds to cover the cost, but has available funds in other budget lines; therefore be it

RESOLVED: That the Tioga Employment Center budget be amended as follows:

From: CD6293.40-140- Contracting Services	\$5,400.00
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To: CD6293.20-90- Computer	\$5,400.00
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ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 141-15 *APPROPRIATION OF FUNDS  
SOCIAL SERVICES*

WHEREAS: The County of Tioga has received State Operating Assistance (STOA) funds granted by the New York State Department of Transportation; and

WHEREAS: New York State Department of Transportation has granted these funds to be used to support mobility management services; and

WHEREAS: Tioga County has a contract with Rural Health Network of South Central New York to provide these services; and

WHEREAS: Appropriation of funds requires legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

A 3090.10 State Aid-Bussing	\$ 137,506.56
A 5630.21 Bus Operations	\$ 137,506.56

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 142-15 *CONTINGENCY FUND REQUEST AND TRANSFER OF FUNDS MENTAL HYGIENE*

WHEREAS: Tioga County Mental Hygiene (TCMH) is required to pay a portion of the costs for the inpatient treatment of Tioga County residents that have been assigned Criminal Psychiatric services by the NYS Court system; and

WHEREAS: TCMH has received notice that Tioga County residents were assigned these services, along with the required payment amount; and

WHEREAS: TCMH has determined the amount of additional funding needed for these already incurred mandated expenses, yet this will require a budget modification and transfer of funds from contingency to Mental Health's appropriation account; and

WHEREAS: Transfer of funds and contingency fund requests requires Legislative approval; therefore be it

RESOLVED: That contingency fund use be approved and transferred as follows:

From: A1990.40-715 County Contingency Account	\$ 14,008.82
To: A4390.40-590 Criminal Psychiatric: Services Rendered	\$ 14,008.82

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 143-15 TRANSFER FUNDS  
PUBLIC WORKS

WHEREAS: The Department of Public Works submitted a request for \$100,000 for Culvert Replacement in the 2015 budget; and

WHEREAS: This funding was omitted without the department being aware of it; and

WHEREAS: The Department of Public Works purchased two box culverts out of the 2014 budget; and

WHEREAS: The budget is short of funds for installation costs; and

WHEREAS: Public Works has a cost savings in 2015 due to Commissioner Kenneth Del Bianco retiring and the department has gone two months without a Deputy Commissioner; and

WHEREAS: The Director of Personnel verified that Public Works Administration Personnel Services A1490.10-10 has a net savings of \$20,385; therefore be it

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

From: A1490.10 – 10	Public Works Administration	\$18,000
To: H9950.93 - 715	Capital Fund	\$18,000
From: H5031.30	Inter Fund Transfer-All Other	\$18,000
To: H2013.04	Culvert Replacement	\$18,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 144-15      *APPROVE FUNDING  
2015 YOUTH BUREAU PROGRAM FUNDING  
INCREASE*

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 Bureau's 2015 program funding was initially approved by Resolution 106-15; and

WHEREAS: New York State Office of Children and Family Services has now increased funding for County sponsored Youth Bureau programs by \$3,881; and

WHEREAS: The Tioga County Youth Board has recommended the following programs have the previously approved allocations increased by the amounts below to utilize this increased allocation

Big Brothers Big Sisters	\$1,000
Tioga Central School District Summer Recreation	<u>\$2,881</u>
TOTAL	\$3,881

Therefore be it

RESOLVED: That the above programs, as recommended by the Tioga County Youth Board, be approved by the Tioga County Legislature for this increased funding in the amounts indicated above.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 145-15      *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 Weston, Case, Hollenbeck, Huttleston, Sauerbrey, Roberts, Standing, and Sullivan.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 146-15

*AUTHORIZE THE SALE OF A COUNTY OF TIOGA PROPERTY LOCATED IN THE VILLAGE OF NICHOLS OR ASSIGNS*

WHEREAS: Tioga County owns property located in the Village of Nichols, assessed to County of Tioga, identified as Tax Map number 159.19-2-5, parcel number 3; and

WHEREAS: The County has been approached by The Village of Nichols, who have made an offer to purchase the property for \$400.00, "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 \$400.00 and recording costs of \$315.00, a Quit Claim Deed conveying the property assessed to County of Tioga, located in the, Village of Nichols, identified on the Village of Nichols Tax Map as number 159.19-2-5 parcel number 3, to The Village of Nichols or assigns.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 147-15 DEFENSE OF PROPERTY RIGHTS

WHEREAS: The right to own and use property is essential to a free society; and

WHEREAS: Property rights are clearly outlined in the Fifth Amendment of the United States Constitution; and

WHEREAS: The Fifth Amendment states that “no person... be deprived of life, liberty, or property, without due process of law: nor shall private property be taken for public use, without just compensation.”; and

WHEREAS: Taking of private land for public use by government may occur in the form of physical takings or regulatory takings; and

WHEREAS: Regulatory takings occur when the use of private property is limited by government regulation; and

WHEREAS: Federal, state and local government regulations have significantly affected the value and use of private land; and

WHEREAS: Private property owners deserve just compensation when regulations significantly affect the value and use of their land; and

WHEREAS: The decision by New York State to ban high-volume hydraulic fracturing significantly affects the value and use of private land; and

WHEREAS: Government regulations and decisions regarding the definition of Waters of the United States and wetlands determinations may significantly affect the value and use of private land; and

WHEREAS: Government at all levels should protect the right for people to own and use their property; and

WHEREAS: Establishing a legal framework for Americans to seek compensation when government significantly impairs the use and value of their land is fair; and

WHEREAS: HR 510, the Defense of Property Rights Act, introduced in the United States House of Representatives allows landowners the opportunity to seek compensation in federal or state court if government action impairs the value of their land by \$20,000 or by twenty percent: now therefore, be it

RESOLVED: That the County of Tioga

1. Supports HR 510, the Defense of Property Rights Act;
2. Calls on the New York State Congressional Delegation to cosponsor HR 510;
3. Calls on the United States House of Representatives to pass HR 510;
4. Calls on the United States Senate to pass HR 510; and
5. Calls on the President of the United States to sign HR 510 into law.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

#### RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. C of 2015.

County of Tioga

Local Law No. XXXX of the Year 2015.

A Local Law amending Local Law No. 1 of 2014 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:**

Local Law No. 1 of 2014 "Hotel/Motel Tax Law" is hereby amended to provide 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.

OCCUPANCY - The use or possession, or the right to the use or possession of any room in a hotel or motel.

OCCUPANT - A person who, for a charge or any consideration uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

OPERATOR - Any person operating a hotel or motel in Tioga County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

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

PERSON - An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether

appointed by a court or otherwise, and any combination of the foregoing.

RENT - The charge and/or consideration received for occupancy valued in money, whether received money, or otherwise.

RETURN - Any return filed or required to be filed as herein provided.

ROOM - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for rent or otherwise let out for the lodging of guests.

TREASURER – Tioga County Treasurer

#### SECTION 4: TAX

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.

#### SECTION 5: 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 6: REGISTRATION

Within three (3) days after commencing business or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

#### SECTION 7: ADMINISTRATION AND COLLECTION

(A) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Tioga County, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise may be provided by such local law.

(B) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.

(C) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and such operator or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax by the operator or by the person entitled to be paid the rent or charge.

(D) The Treasurer may, whenever deemed necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Treasurer, the tax herein imposed.

(E) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision (d)

of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

(F) Where an occupant claims exemption from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section five of this local law.

#### SECTION 8: RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

#### SECTION 9: RETURNS

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(B) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended

returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

C) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

#### SECTION 10: PAYMENT OF TAX

(A) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting or purporting to act under the provisions of this local law.

(B) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, 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 the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(C) In the event the Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer to such operator to that effect specifying the amount of the bond required.

(D) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5), days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

(E) In lieu of such bond, securities approved by the Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice of the depositor apply them to any tax and interest and penalties due, and for that purpose the securities may be sold by the Treasurer at public or private sale without notice to the depositor thereof.



#### SECTION 11: DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. 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 therefor is made to the Supreme Court within thirty (30) 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 tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation 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 such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

#### SECTION 12: JUDICIAL REVIEW

(A) 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:

1. 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
2. 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.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the 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 13: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the 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 14: 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 15: RESERVES**

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

**SECTION 16: 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 17: REMEDIES EXCLUSIVE**

The remedies provided by sections eleven (11) and twelve (12) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law

## SECTION 18: PROCEEDINGS TO RECOVER TAX

(A) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Tioga County in any court of the State of New York or of any other state or of the United States.

(B) Notwithstanding any other provision of this section, if the Treasurer, in its discretion, believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(C) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Tioga County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property judgments of a court of record and for services in executing the warrant the Sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may

from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

(D) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

(E) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

#### SECTION 19: GENERAL POWERS OF THE TREASURER

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(B) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed.

(C) To request information from the tax commissioner of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commissioner or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding

(D) To delegate said functions hereunder to any employee or employees of the Treasurer

(E) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents

(F) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer

(G) To assess, determine, revise and readjust the taxes imposed under this local law

#### SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

(A) The Treasurer, or the Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(B) The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(C) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books,

papers and documents called for by the subpoena of the Treasurer under this local law.

(D) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(E) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided.

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

#### SECTION 21: REFERENCE TO TAX

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

#### SECTION 22: RETURNS TO BE SECRET

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of

the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

(B) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one year, or both, in the discretion of the court.

#### SECTION 23: EFFECTIVE DATE

This local law shall become effective December 1, 2014 and shall remain in effect until November 30, 2017.

#### SECTION 24: 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.

#### **SECTION 2: EFFECTIVE DATE**

This local law shall become effective upon filing with the Secretary of State.

#### **SECTION 3: 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.



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

REFERRED TO: LEGAL/ FINANCECOMMITTEE

RESOLUTION NO. 148-15      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY NO. C OF 2015  
A LOCAL LAW AMENDING  
LOCAL LAW NO. 1 OF 2014  
PROVIDING FOR THE COLLECTION OF A  
HOTEL AND MOTEL TAX IN TIOGA COUNTY*

RESOLVED: That a public hearing shall be held on Thursday, July 9, 2015 at 1:00 P.M. in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 to consider the adoption of Local Law Introductory No. C of 2015, A Local Law amending Local Law No. 1 of 2014 providing for the collection of a Hotel and Motel Tax in Tioga County. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 149-15      *APPROVE DESIGN & INSPECTION SERVICES TO  
MCFARLAND JOHNSON FOR PHASE II OF  
BRIDGE MAINTENANCE PROJECT PIN 9753.97*

WHEREAS: The Preventative Maintenance Bridge Program has been placed on the FHWA Program and will have several phases; and

WHEREAS: McFarland Johnson, Binghamton, NY did the design & inspection for Phase I for this bridge project; and

WHEREAS: This Project is funded as follows:

Federal:	80%
State:	15%
Local:	5%

and

WHEREAS: The Commissioner of Public Works received a Phase II proposal from McFarland Johnson, Binghamton, NY for the following:

Design:	\$24,377.00
Inspection:	<u>\$28,743.00</u>
Total	\$53,122.00

and

WHEREAS: NYSDOT requires an inspector to be on the job at all times; therefore be it

RESOLVED: That the Tioga County Legislature award the design & inspection services contract to McFarland Johnson, Binghamton, NY not to exceed \$53,122 to be paid out of the Bridge Projects Account D5110.40 use code 50.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Roberts introduced Local Law Introductory No. D of 2015.

County of Tioga

Local Law No. of the Year 2015.

A local law authorizing the use of Best Value Award methodology, in the competitive bidding process, for purchase contracts (including contracts for

service work (article 9), but excluding any purchase contracts necessary for the completion of a public works contract pursuant to (article 8) of the Labor Law) may be awarded on the basis of low bid or best value, as authorized by section 103 of the General Municipal Law and as defined in Section one hundred sixty-three of the State Finance Law.

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

Section 1. Name of local law

This law shall be known as the "Tioga County Best Value Competitive Bidding Law."

Section 2. Findings and Intent

The State Legislature and Governor amended General Municipal Law §103 (A08692/S6117) on January 27, 2012 to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of "best value", provided that any Political Subdivision with a population of less than one million first pass a local law authorizing the use of the best value award process.

(From Assembly Bill Memo A08692) — Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The "best value" standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while ensuring fairness to all competitors.

The federal government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities' needs, including such important goals as the participation of small, minority and women owned businesses and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services.

### Section 3. Definitions

"Best value" means the basis for awarding contracts for services to the offerer, which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis may also identify a quantitative factor for offerers that are small business or certified minority-or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the Executive Law to be used in evaluation of offers for awarding contracts for services.

### Section 4. Requirements

A. Where the basis for award is best value, the Department Head or his/her designee shall document in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

B. The Department Head or his/her designee shall select a formal sealed competitive bidding procurement process in accordance with General Municipal Law and the Tioga County Procurement Policy and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for award is best value, documentation in the procurement record shall where practicable include quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.

C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive

and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate the solicitation shall identify the relative importance and/or weight of cost and overall technical criterion to be considered in determining best value.

D. Procedures will be developed to govern the award of contracts on the basis of best value. These procedures shall be included in the Tioga County Procurement Policy and reviewed annually by the Tioga County Legislature in conjunction with its annual review and approval of the procurement policy.

#### Section 5. Severability

If any clause, sentence, paragraph subdivision, section or part of this law or the application thereof to any person, individual corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

#### Section 6. Effective Date

This local law shall take effect immediately upon adoption of the Tioga County Legislature and filing with the New York State Secretary of State.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 150-15      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY NO. D  
OF 2015 A LOCAL LAW AUTHORIZING THE  
USE OF BEST VALUE AWARD METHODOLOGY,  
IN THE COMPETITIVE BIDDING PROCESS,  
FOR PURCHASE CONTRACTS (INCLUDING  
CONTRACTS FOR SERVICE WORK (ARTICLE 9),  
BUT EXCLUDING ANY PURCHASE CONTRACTS  
NECESSARY FOR THE COMPLETION OF A  
PUBLIC WORKS CONTRACT PURSUANT TO  
(ARTICLE 8) OF THE LABOR LAW) MAY BE  
AWARDED ON THE BASIS OF LOW BID OR  
BEST VALUE, AS AUTHORIZED BY SECTION  
103 OF THE GENERAL MUNICIPAL LAW AND  
AS DEFINED IN SECTION 163 OF THE  
STATE FINANCE LAW*

RESOLVED: That a public hearing shall be held on Thursday, July 9, 2015 at 1:05 P.M. in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 to consider the adoption of Local Law Introductory No. D of 2015, A Local Law authorizing the use of Best Value Award methodology, in the competitive bidding process, for purchase contracts (including contracts for service work (article 9), but excluding any purchase contracts necessary for the completion of a public works contract pursuant to (article 8) of the Labor Law) may be awarded on the basis of low bid or best value, as authorized by section 103 of the General Municipal Law and as defined in Section one hundred sixty-three of the State Finance Law. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 151-15 *AUTHORIZE TIOGA COUNTY MATERIALS RECOVERY MANAGER TO APPLY FOR A REGIONAL ECONOMIC DEVELOPMENT COUNCIL GRANT FOR A COMMUNITY ANAEROBIC DIGESTER*

WHEREAS: The Regional Economic Development Council has announced the availability of grant funds through the NYS Consolidated Funding Application (CFA); and

WHEREAS: Tioga County Solid Waste and Tioga County Soil & Water Conservation District would like to investigate funding opportunities for both a study and construction of a Community Anaerobic Digester; and

WHEREAS: A Community Anaerobic Digester would address manure management issues facing dairies in Tioga County and neighboring communities; and

WHEREAS: The operation of said digester would be paid for via income generated from electricity and heat production and tipping fees from food waste and sale of bio-solids; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Materials Recovery Manager to apply and administer said grant.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 152-15 *AUTHORIZE TIOGA COUNTY MATERIALS RECOVERY MANAGER TO APPLY FOR A REGIONAL ECONOMIC DEVELOPMENT COUNCIL GRANT FOR A TRUCK WASHING BAY*

WHEREAS: The Regional Economic Development Council has announced the availability of grant funds through the NYS Consolidated Funding Application (CFA); and

WHEREAS: Tioga County Public Works would like to investigate funding opportunities through the NYS CFA for a new Truck Washing Bay; and

WHEREAS: A new Truck Washing Bay located near HHS would allow most of the County fleet easy access to the washing bay; and

WHEREAS: There exists the potential for other municipalities to use said Bay to clean their fleets; and

WHEREAS: A new Truck Washing Bay would help County Highway to be in compliance with municipal separate storm sewer systems (MS4) regulations; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Materials Recovery Manager to apply and administer said grant.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.



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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 153-15

*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: Per Resolution 94-15, Tioga County Economic Development and Planning desires to apply for increased amount up to \$500,000.00 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 Weston, Case, Hollenbeck, Huttleston, Sauerbrey, Roberts, Standinger, and Sullivan.

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 154–15                      *AMEND POLICY 5*  
*FIXED ASSET INVENTORY*

WHEREAS: Policy 5 Fixed Asset Inventory currently has a threshold of \$250.00 or more for inclusion in the fixed assets inventory; and

WHEREAS: The threshold needs to be adjusted; now therefore be it

RESOLVED: That Policy 5 Fixed Asset Inventory shall be amended as follows:

II. C. 1, 2, D., and G. - Fixed Asset Inventory (Rules and Regulations for Implementation and Maintenance) – Change the amount from two hundred and fifty dollars (\$250.00) to one thousand dollars (\$1,000.00) and add wording “and other miscellaneous items so designated”;

And be it further

RESOLVED: That the remainder of Policy 5 Fixed Asset Inventory shall remain in full force and effect.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 155-15 AMEND COUNTY POLICY 44;  
NON-UNION BENEFITS

WHEREAS: County Policy 44; Non-Union Benefits specifies in Section 2C that a sick day is credited on the 15<sup>th</sup> of each month; and

WHEREAS: The payroll program is being revised to change the accrual of sick days for CSEA employees to the 28<sup>th</sup> of the month instead of the 15<sup>th</sup>; and

WHEREAS: This change is also desired for Non-Union staff; therefore be it

RESOLVED: That County Policy 44, Section 2C be amended to change the crediting of a sick day each month from the 15<sup>th</sup> to the 28<sup>th</sup> effective as of June 2015; and be it further

RESOLVED: That the remainder of Policy 44 Non-Union Benefits shall remain in full force and effect.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HHS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 156-15 REAUTHORIZE CONTRACT  
SUPERIOR GROUP  
TIOGA EMPLOYMENT CENTER

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

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

WHEREAS: Superior Group is able to provide such services for the Tioga Employment Center, from July 1, 2015 to June 30, 2016, and said contract is to be funded entirely by the Workforce Investment Act/Workforce Innovation Opportunity Act; and

WHEREAS: The funds necessary for said contract were included in the WIA/WIOA PY 2015 Budget under the WIA/WIOA Grant; and

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

WHEREAS: Said contract would provide for compensation at the bill rate of \$11.20 per hour at a maximum of 27 hours per week from 7/1/15-12/31/15; and at the bill rate of \$11.52 per hour from 1/1/16 to 6/30/16 to adjust for changes in the NYS minimum wage rate; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Supervisor of Tioga Employment Center to enter into a contract, upon approval by the County Attorney, with Superior Group at the bill rate of \$11.20 per hour for six months, and bill rate of \$11.52 per hour for six months at a maximum of 27 hours per week, effective July 1, 2015 through June 30, 2016.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 157-15      *CREATE AND FILL TEMPORARY, FULL-TIME  
CLERK (SEASONAL) POSITION  
TREASURER'S OFFICE*

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

WHEREAS: The Tioga County Treasurer has a need to hire a temporary, full-time Clerk to work approximately 11 weeks during the summer season to provide clerical support within the Treasurer's Office; and

WHEREAS: Resolution 196-06 established the hourly rate of pay for seasonal Clerks at minimum wage, plus one dollar; and

WHEREAS: The Treasurer appropriately budgeted for this seasonal position; therefore be it

RESOLVED: That the County Treasurer is hereby authorized to create and fill one (1) temporary, full-time position of Clerk (Seasonal) at the rate of \$9.75/hour (minimum wage plus \$1.00) effective June 10, 2015, through August 28, 2015.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 158-15 *AUTHORIZE APPOINTMENT OF DEPUTY  
COMMISSIONER OF PUBLIC WORKS  
(PUBLIC WORKS)*

WHEREAS: The Deputy Commissioner of Public Works position became vacant as of May 13, 2015; and

WHEREAS: The Commissioner of Public Works, who intends to fill this vacancy, has identified a well-qualified candidate who holds a valid Professional Engineer license and has over fifteen (15) years of engineering work experience, three (3) years of which were during his employment with Tioga County; and

WHEREAS: The Commissioner of Public Works seeks authorization to compensate the candidate for his experience by being allowed to offer the top of the non-union hiring salary range for this title; now therefore be it

RESOLVED: That the Commissioner of Public Works is hereby authorized to appoint Richard Perkins to the title of Deputy Commissioner of Public Works effective June 29, 2015, at an annual non-union salary of \$65,895.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:18 P.M.