

*Eleventh Regular Meeting*  
November 12, 2019

The Eleventh Regular Meeting of 2019 was called to order by the Chair at 12:01 P.M. Seven Legislative members were present with Legislators Roberts and Sullivan being absent.

Chair Sauerbrey spoke. "In honor of Veteran's Day yesterday, I invited Major Danielle Ingram, Retired US Air Force Nurse, to join us for the prayer and pledge. Major Ingram is from the US Air Force Nursing Corps where she was deployed on many humanitarian missions for pre-hospital trauma. Major Ingram retired with 20 years of service and did six overseas tours; four of which were in Iraq."

Chair Sauerbrey welcomed Major Ingram to lead us in a moment of prayer. "Our Heavenly Father, we ask you for guidance in the deliberations here today for this Legislative meeting. We ask for protection for our troops overseas who are now defending us in Iraq, Afghanistan, Syria, and other countries. We pray for the souls of the 30 lost Navy Seals and their families and grant mercy and comfort for the families. We ask for guidance in our State and in our Nation's deliberations and the laws that would govern us."

Retired Major Ingram led all Legislators and those in attendance in the Pledge of Allegiance.

Chair Sauerbrey spoke. "On a side note, Major Ingram is working on a very special project for Tioga County to designate a piece of our State highway as a Gold Star Families highway. So, we will be seeing that in the future we hope and we hope that the State will support us on that."

There were six people in attendance.

Chair Sauerbrey noted the following proclamations on National Healthy Lung Month and Adoption Awareness Month.

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

WHEREAS: Lung disease is one of the most prevalent, deadly, and costly chronic diseases; and

WHEREAS: Chronic lower respiratory disease is one of the top five leading causes of death and lung cancer is the leading cause of cancer deaths in Tioga County; and

WHEREAS: 17% of the adults in Tioga County smoke cigarettes and smoking is the leading cause of lung disease; and

WHEREAS: The second leading cause of lung cancer is exposure to radon; and

WHEREAS: Everyone should be aware of common lung damaging agents, including: smoking, radon, fragrances, small particles and several chemicals; and

WHEREAS: Tioga County Public Health supports all measures designed to advance and protect the health of its citizens; now therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of November 2019 as:

### **NATIONAL HEALTHY LUNG MONTH**

and urges all residents to take steps to protect their lungs including, quitting smoking, getting their homes tested for radon, and educating themselves, their families, and the community about the importance of lung health.

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

WHEREAS: This November marks the 29<sup>th</sup> annual National Adoption Month. November 23, 2019 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized one adoption this year so far and has two pending for the remainder of 2019. Every child in America and Tioga County deserves a permanent, loving forever family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on the behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim November 2019 as:

### **ADOPTION AWARENESS 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 recognize adoptive families in Tioga County.

There was no one for privilege of the floor.

Legislator Mullen made a motion to approve the minutes of October 15, 2019, seconded by Legislator Hollenbeck and carried.

Chair Sauerbrey stated there are no petitions, communications, notices, appointments or re-appointments.

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

Legislator Balliet moved for the adoption of the following resolution, seconded by Legislator Standingier.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 287-19 ADOPT STATE EQUALIZATION REPORTS

RESOLVED: That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standingier.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

Legislator Balliet moved for the adoption of the following resolution, seconded by Legislator Mullen.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 288-19 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2019 to September 30, 2019 be and it hereby is accepted; therefore be it further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Barton (Town)	\$ 28,633.94
Berkshire (Town)	6,847.63
Candor (Town)	19,420.26
Candor (Village)	1,394.19
Newark Valley (Town)	11,696.15
Newark Valley (Village)	3,762.44
Nichols (Town)	8,808.09
Nichols (Village)	1,146.20
Owego (Town)	116,904.55
Owego (Village)	14,477.95
Richford (Town)	7,030.61
Spencer (Town)	10,966.05
Spencer (Village)	7,727.29
Tioga (Town)	14,911.72
Waverly (Village)	<u>16,783.99</u>
	\$270,511.06

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 289-19      *RESOLUTION TO SUPPORT CORNELL COOPERATIVE  
EXTENSION ASSOCIATIONS IN THE STATE OF  
NEW YORK*

WHEREAS: The mission of Cornell Cooperative Extension is “CCE puts knowledge to work in pursuit of economic vitality, ecological sustainability and social well-being. We bring local experience and research based solutions together, helping New York State families and communities thrive in our rapidly changing world”; and

WHEREAS: NYS County Law 224 adopted in 1914 established the ability for NYS and County’s to contribute funds to support the creation of Cornell Cooperative Extension Associations in each county and there are now 56 associations across NYS; and

WHEREAS: The key objectives of the associations as stated in their constitutions are:

- To provide for an association of residents in cooperation with Cornell University and USDA.
- To extend educational resources of Cornell (including Ag and Life Sciences, Human Ecology, Vet Med), land grant system, and other educational institutions to foster economic, social, and environmental improvement of individuals families, and communities.
- To further the objectives of CCE associations and the CCE system in the fields of agriculture, community and economic vitality, environment and energy, nutrition and healthy families, and youth development; and

WHEREAS: Cornell Cooperative Extension Associations provide research and experienced based information and programs that are aligned with the primary mission areas of the National Institute of Food and Agriculture and the programs are tailored to meet the needs of local communities in order:

- To strengthen and support gardening, agriculture, and our local FOOD system.
- To improve individual and community nutrition, HEALTH and overall well-being in a healthy environment.
- To provide YOUTH with opportunities to have fun and learn valuable life skills from caring adults; and

WHEREAS: CCE programs are directly linked to a list of 8 of 16 goals of Governor Cuomo's initiatives for improving NYS, and CCE educators are key community partners in helping to implement these initiatives state-wide, including maximizing agriculture and beverage production, strengthening the upstate economy, promoting a healthier NY, fighting poverty, preserving our environment, building opportunity through education, designing a clean energy economy, and investing in tourism; and

WHEREAS: CCE associations are invaluable partners at the County level and NYS expects CCE educators to assist in supporting state initiatives; and

WHEREAS: Costs for operating CCE Associations (501C3 subordinate organizations) have increased significantly yet the annual funding allocated by the state for this system has remained stagnant for more than 20 years; therefore be it

RESOLVED: That the Legislature of Tioga County, requests that NYS allocate an additional \$4 million dollars per year to County Law 224A funding to a total of \$8 million to support Cooperative Extension Associations in NYS.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standingier.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 290-19      *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE ON  
LSE PEGASUS ENERGY LLC PAYMENT IN LIEU OF  
TAX AGREEMENT*

WHEREAS: LSE Pegasus Energy, LLC has submitted a Notice of Intent to the Town of Tioga that it plans to build and operate a "Solar Energy System" with an expected total capacity of approximately 4.99 Megawatts AC; and

WHEREAS: The project location is 1467 Halsey Valley Road, Town of Tioga, County of Tioga, State of New York; and

WHEREAS: The Taxing Jurisdiction is defined as the Town of Tioga, the Spencer-Van Etten Central School District and the County of Tioga; and

WHEREAS: The Taxing Jurisdiction has not opted out of Real Property Tax Law (RPTL) Section 487; and

WHEREAS: The Taxing Jurisdiction has indicated its intent to require a Payment in Lieu of Taxes (PILOT) Agreement with LSE Pegasus Energy, LLC; and

WHEREAS: Pursuant to RPTL 487, the Taxing Jurisdiction has agreed to place the project as exempt upon the assessment rolls of the Taxing Jurisdiction; and

WHEREAS: LSE Pegasus Energy, LLC has agreed to make annual lump sum payments to the Taxing Jurisdiction in lieu of real property taxes for a period of fifteen (15) consecutive fiscal tax years; and

WHEREAS: Such fifteen (15) year term shall commence on the first taxable status date selected by LSE Pegasus Energy, LLC following the commencement of the construction of the project, and shall end by the fifteenth fiscal year following; and

WHEREAS: The first annual payment shall be in the aggregate amount of \$3,500 per built out Megawatt AC of capacity, and thereafter annual payments shall escalate by one and one half (1.5 %) percent per year; and

WHEREAS: The annual payments for the Taxing Jurisdiction shall be made payable to the Town of Tioga and mailed to the Town of Tioga and are due no later than January 15<sup>th</sup> of each year; and

WHEREAS: The Town of Tioga shall be responsible for distributing the annual payments to the Spencer-Van Etten Central School District and the County of Tioga; and

WHEREAS: The Taxing Jurisdiction has agreed that the said payments shall be disbursed to the Town of Tioga in the amount of thirty percent (30%) of the lump sum payment; County of Tioga in the amount of thirty-three percent (33%) of the lump sum payment, and Spencer-Van Etten Central School District in in the amount of thirty-seven percent (37%) of the lump sum payment; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Payment in Lieu of Tax Agreement between LSE Pegasus Energy, LLC, Town of Tioga, Spencer-Van Etten Central School District and Tioga County.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standingier.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

Legislator Mullen moved for the adoption of the following resolution, seconded by Legislator Standingier.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 291-19      *AUTHORIZE AGREEMENT WITH MOTOROLA  
SOLUTIONS FOR A P25 PHASE 1 DIGITAL  
SIMULCAST TRUNKED RADIO SYSTEM FOR THE  
PERIOD 2019-2024  
EMERGENCY SERVICES*

WHEREAS: The Director of Emergency Services requests authorization for an agreement with Motorola Solutions for a P25 Phase 1 Digital Simulcast Trunked Radio System and other emergency services solutions for the Office of Emergency Services at an amount not to exceed \$9,620,000 for the period December 20, 2019 through December 20, 2024; and

WHEREAS: Said services are necessary for the emergency communications systems upgrade project; therefore, be it

RESOLVED: That the County Legislature hereby authorizes an agreement with Motorola Solutions, 500 West Monroe Street, 44<sup>th</sup> Floor, Chicago, IL 60661 for a P25 Phase 1 Digital Simulcast Trunked Radio System for the Office of Emergency Services for a period December 20, 2019 through December 20, 2024; and be it further

RESOLVED: That the County will utilize available grant funding as the initial payment under the terms and conditions of the contract and will continue to seek



and use grant funding for the project at which time the County may bond or lease for the balance of the project cost. In the event that the anticipated grant funding for this project is not received by the County or the remaining funds are not locally appropriated, the contract may be terminated without further obligation and any balance applied toward other equipment at the County's option; and be it further

RESOLVED: That the Chairwoman of the Legislature is authorized to execute any such agreements, documents, or papers, approved as to form by the County Attorney, as may be necessary to implement the intent and purpose of this resolution.

Legislator Standinger spoke. "This is an awful lot of money and I can understand being concerned about it because I am, but the problem is that we have been running that radio on a wing and a prayer and we have to step up and take care of it because Public Safety is a very important thing. If you call 911, you want someone to get there and if no one gets there because the system is not working then what good is it. Sometimes you have to spend money that you do not want to spend."

Legislator Mullen spoke. "As Chair of Public Safety, I wanted to add a few things. First, I want to thank Chair Sauerbrey personally for her hard work and support on this. I want to thank Motorola for their hard work in working with the County. I want to thank Mike Simmons, Director of Emergency Services, for this almost two-year process. I want to thank Rita Hollenbeck, Budget Officer, for also helping to figure out the fiscal ramifications of this.

I can sum this up in a nutshell. On my way in today for our first snowstorm of the year, I came along a vehicle that is up against the guiderails on Route 17/Interstate 86 at the Nichols-Barton line, which this area is known as Twin Bridges. I made many stops out in this area as a Trooper in this County for 17 years. There was a young guy out there trying to change his tire on an ice-slicked road, so I stopped and offered assistance with calling for a tow truck. I got on my cell phone and called the seven-digit line to talk to the Sheriff's Department directly to keep the 911 lines open and the system could not support the call. I could not get through to our Sheriff's Department and dispatch to get a motorist in this County help this morning. Only because of my knowledge and my years working here in the County, I called Huckle's Tow Service directly and they dispatched road service out to help the young man. That is what this is in a nutshell. That is why

people do pay taxes; pick up a phone or key a radio as a first responder you are getting the help you asked for. We cannot do what we are sworn to do as our duty for the people if we cannot communicate with them. I echo Legislator Standinger's remarks and I thank everyone who chooses to support this because this is good government. This is supporting every individual who lives in this County, visits this County, or passes through this County. Thank you Chair Sauerbrey and all of you for your support. It has been a long road, but I think we are there."

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standinger.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 292-19      *AUTHORIZATION TO IMPOSE AN ADDITIONAL  
SURCHARGE ON WIRELESS COMMUNICATIONS  
SERVICE WITHIN TIOGA COUNTY  
EMERGENCY SERVICES*

WHEREAS: Tioga County currently imposes surcharges on wireless communications and landline services pursuant to Tax Law §186-g and County Law §303; and

WHEREAS: Tioga County requests authorization from the New York State Legislature to impose additional surcharges to wireless communication services above the fees authorized by Tax Law §186-g; and

WHEREAS: These additional surcharges have been requested by the Director of the Office of Emergency Services and shall be used to fund the County's Public Safety Radio Capital project; therefore be it

RESOLVED: That the Tioga County Legislature requests that the New York State Legislature authorize Tioga County to impose an additional wireless communications surcharge in addition to the surcharge imposed pursuant to Tax

Law §186-g (b) in the amount of \$1.00 per month on all wireless communications services and prepaid wireless communications services and \$1.00 per retail sale of prepaid wireless communications service sold within the County of Tioga pursuant to Tax Law §186-g (c); and be it further

RESOLVED: That said additional surcharges shall expire ten years after the effective date of the State Legislation; and be it further

RESOLVED: That a certified copy of this resolution be forwarded to Senator Fred Akshar and Assemblyman Christopher Friend.

Legislator Mullen spoke. "We are asking for a lot less than even Broome County is asking. We are asking for \$1.00 per cell phone in Tioga County to help pay for this communications upgrade. I think that is reasonable."

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 293-19

*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*

WHEREAS: A project for the Tioga County Bridge Preventative Maintenance Program (2020), PIN 9754.30 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of 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 work.

NOW, THEREFORE, the Tioga County Legislature, duly convened does hereby

RESOLVE: That the Tioga County Legislature hereby approves the above-subject project; and it is hereby 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 portions thereof; and it is further

RESOLVED: That the sum of \$10,000 is hereby appropriated from account D5110.540050 and made available to cover the costs of participation in the above phase of the Project; and it is 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 notification by the New York State Department of Transportation thereof, and it is 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 it is 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 it is further

RESOLVED: This Resolution shall take effect immediately.

## ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 294-19      *AUTHORIZE ACCEPTANCE OF  
YEAR TWO FUNDING FROM THE NYS OFFICE OF  
INDIGENT LEGAL SERVICES*

WHEREAS: By Resolution No. 257-18 adopted on November 13, 2018 Tioga County entered into a five year agreement with the New York State Office of Indigent Legal Services for distribution of funds to provide representation to persons legally entitled to counsel but unable to hire an attorney; and

WHEREAS: The allocated amount to Tioga County from NYS Office of Indigent Legal Services for the fiscal year 2019 is \$308,468; and

WHEREAS: It is necessary for Tioga County to adopt the second year funding budget for said distribution in said amount of \$308,468; now therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the year two budget of said distribution in the amount of \$308,468.

## ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 295-19 *TRANSFER OWNERSHIP OF A TRUST ACCOUNT FOR TIOGA COUNTY SUICIDE PREVENTION COMMUNITY COALITION MENTAL HYGIENE*

WHEREAS: Tioga County Suicide Prevention Community Coalition was established in 2014 through a New York State grant; and

WHEREAS: The Coalition has been established as a Trust Account in 2019; and

WHEREAS: Tioga County Mental Hygiene would like to transfer ownership of the Trust Account to A New Hope Center located in Owego, NY; and

WHEREAS: Transferring ownership requires legislative approval; therefore be it

RESOLVED: That final disbursement in the amount of \$5,686.25 to A New Hope Center will close out the Suicide Coalition Trust account TA 208501 that was established in 2019.

Legislator Standinger spoke. "I am a member of this Suicide Prevention Coalition and I view that as a very serious problem that we have and the only reason this is being done is to accept grants for certain things. A New Hope Center has agreed to be the pass through for that money in the event we get it. That is the only reason for this resolution.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standinger.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 296-19 *AMEND RESOLUTION 295-05 AS AMENDED BY RESOLUTION 345-08 POLICY/CONTRACT FOR LIFE INSURANCE COVERAGE*

WHEREAS: Resolution 345-08 authorized the use of Security Mutual Life Insurance Company of New York to provide group life insurance coverage to those employees in the Sheriff's Department eligible for the benefit until such time as a different company was selected; and

WHEREAS: Tioga County has received notice that Security Mutual Life Insurance Company of New York has been transitioned to Renaissance Life & Health Insurance Company of America and its sister company Renaissance Life & Health Insurance Company of New York (Renaissance); and

WHEREAS: Renaissance can offer replacement group insurance coverage to match existing level of benefits with the same administrative support at the current premium rates through November 30, 2020; and

WHEREAS: This group life insurance needs to be maintained to prevent a lapse in coverage; therefore be it

RESOLVED: The Tioga County Legislature authorizes the Chair of the Legislature, subject to review by the County Attorney, to sign the required paperwork for this transition; and be it further

RESOLVED: That this Renaissance group life insurance will renew annually until such time that a different company is selected.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 297-19 *AUTHORIZE PURCHASE OF EMPLOYERS' LIABILITY INSURANCE FOR WORKERS' COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's employers' liability insurance policy will expire December 31, 2019; and

WHEREAS: The continuance of an employers' liability insurance policy helps to limit exposure to the Tioga County Self-Insurance Plan; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of employers' liability insurance, subject to review by the County Attorney, for the period of January 1, 2020 through December 31, 2020 to be paid for out of the 2020 Tioga County Self-Insurance Plan budget.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standingier.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

Legislator Mullen moved for the adoption of the following resolution, seconded by Legislator Standingier.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 298-19 *AWARD 2019 EMERGENCY MANAGEMENT PLANNING GRANT (EMPG19) EMERGENCY SERVICES*

WHEREAS: The Tioga County Office of Emergency Services has been awarded a matching grant of \$23,669 by the New York State Division of Homeland Security and Emergency Services (NYS DHSES); and



WHEREAS: The matching grant will be used to offset \$23,669 of budgeted salary costs; therefore be it

RESOLVED: That the Emergency Services Office be allowed to accept the awarded 2019 Emergency Management Planning Grant in the amount of \$23,669.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 299-19      *AWARD BRIDGE PREVENTATIVE MAINTENANCE  
PHASE V PIN 9754.29 CONSTRUCTION CONTRACT*

WHEREAS: Tioga County was awarded funding for this project through NYSDOT; and

WHEREAS: Funding is available for this portion of the project; and

WHEREAS: The Commissioner of Public Works received one sealed bid on October 9, 2019 and the bid result was as follows:

R. DeVincentis Construction, Inc.	\$197,000.00
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WHEREAS: Tioga County has completed the review of the bid and NYSDOT has concurred and finds the low bidder R. DeVincentis meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to R. DeVincentis Construction, not to exceed \$197,000.00 to be paid out of the following account: D5110.540050 – Bridge Projects.

## ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 300-19      *MODIFY 2019 BUDGET AND TRANSFER FUNDS  
STATEWIDE INTEROPERABLE COMMUNICATIONS  
GRANT 2017  
OFFICE OF EMERGENCY SERVICES*

WHEREAS: Resolution # 92-18 awarded the Office of Emergency Services a 2017 Statewide Interoperable Communications Grant in the amount of \$453,399.00; and

WHEREAS: The grant budget has been amended; therefore be it

RESOLVED: That the 2019 budget be modified and transfer of funds be made as below:

FROM:      A3415.540140 IO17 Contracting Services      \$79,440.84

TO:      A3415.520230 IO17 Radio & Equipment      \$79,440.84

## ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE FINANCE/LEGAL COMMITTEE
RESOLUTION NO. 301-19	<i>AMEND BUDGET &amp; APPROPRIATE FUNDS PUBLIC HEALTH</i>

WHEREAS: Tioga County Public Health has been awarded funding from New York State; and

WHEREAS: The award is designated for Community Cancer Prevention in Action, which is a partnership between Broome and Tioga Counties; and

WHEREAS: Cancer Prevention is an area of focus for Public Health; and

WHEREAS: The funding will pass through Broome County to Tioga County Public Health; and

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

RESOLVED: That funding be appropriated as follows:

From: A4053 422800	Public Health: Local Grants	\$22,250
To: A4053 540640	Public Health: Supplies	\$22,250

#### ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standinger.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 302-19      *APPROPRIATION OF FUNDS &  
AMEND 2019 BUDGET  
SOCIAL SERVICES*

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Children and Family Services for Non-Residential Domestic Violence Services; and

WHEREAS: A New Hope Center is the approved Non-Residential Domestic Violence Program in Tioga County; and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.446100 Federal Aid: Administration      \$ 34,623

To:    A6010.540140 Contracting Services      \$ 34,623

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standinger.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 303-19      *AMEND EMPLOYEE HANDBOOK:  
NON-UNION BENEFITS*

WHEREAS: The Non-Union Benefits Policy Section 2A provides for payment of unused vacation as well as a pro-rated portion of accrued vacation upon separation; and

WHEREAS: The Non-Union Vacation Policy grants vacation time to new hires with qualifying prior work experience; and

WHEREAS: The Non-Union Benefits Policy Section 9 provides for 50% reimbursement of tuition for job related courses; and

WHEREAS: Neither the Non-Union Vacation Policy nor the Non-Union Benefits Policy stipulates that employment shall continue for a certain duration in order to be eligible for payment of vacation time granted due to prior relevant experience; and

WHEREAS: The Non-Union Benefits Policy does not stipulate eligibility criteria for Tuition Reimbursement; and

WHEREAS: There is a desire to establish the requirement that a Non-Union employee granted vacation time based on prior relevant experience must work a minimum of 12 months in order to be eligible for payment upon separation for a pro-rated portion of their accrued vacation; and

WHEREAS: There is a desire to require that Non-Union employees have passed their probationary period before eligible for Tuition Reimbursement; therefore be it

RESOLVED: That Section 2A of the Non-Union Benefits Policy, fourth bullet, be amended to read as follows:

“Any unused vacation time plus a portion of the coming year’s accrual shall be paid for upon separation from the County. Employees granted vacation upon hire based upon qualifying prior work experience must work a minimum of twelve (12) months for Tioga County in order to be eligible for payment of the pro-rated portion of the coming year’s vacation accrual.”

and be it further

RESOLVED: That Section 9 of the Non-Union Benefits Policy be changed to read:

“Full-time employees who have passed their probationary period are eligible for reimbursement of 50% of tuition costs of job-related courses if prior approval is received from the appointing authority and the Personnel Office and the course is successfully completed. Request forms are

available from the Personnel Office. In order to receive reimbursement, a copy of the tuition receipt and the grade report for the school must be submitted. Reimbursement shall be limited to 8 credit hours per calendar year."

"Upon request for tuition reimbursement/course approval, the employee shall enter into a contract with Tioga County which requires continued employment with Tioga County for at least one year following receipt of the reimbursement. The contract shall provide that in the event the employee separates employment for any reason with Tioga County within one year of receipt of the reimbursement, then Tioga County is entitled to be reimbursed for the entire amount of the tuition paid on behalf of the employee during the previous year, and that sum shall be deducted from the employee's last paycheck. No refund is due to the County if an employee is laid off within one year of receiving tuition reimbursement."

and be it further

RESOLVED: That the remainder of the Non-Union Benefits Policy is unchanged.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

HEALTH AND HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 304-19

*AUTHORIZE APPOINTMENT OF  
CONFIDENTIAL ASSISTANT  
PUBLIC HEALTH DEPARTMENT*

WHEREAS: Legislative approval is required for any Non-union appointment; and

WHEREAS: Due to retirement, a Confidential Assistant position (Non-Union salary range \$33,670 – \$43,670) has been vacant within the Public Health Department since July 9, 2019; and

WHEREAS: Recruitment has been conducted and the Public Health Director has identified a qualified candidate to fill said vacancy; therefore be it

RESOLVED: That Jason Davis shall be provisionally appointed, pending successful completion of civil service examination requirements, to the position of Confidential Assistant at an annual rate of \$40,000 effective November 25, 2019; and be it further

RESOLVED: That Mr. Davis shall not be eligible for the 2020 Non-union salary increase until successful completion of a six (6) month evaluation on May 25, 2020.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:	LEGAL/FINANCE COMMITTEE PERSONNEL COMMITTEE
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RESOLUTION NO. 305-19	CREATE POSITIONS PUBLIC DEFENDER'S OFFICE
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WHEREAS: The continued expansion of the Indigent Legal Services Program has created a need for additional staffing in the Public Defender's Office; and

WHEREAS: The need is for both clerical and legal services; therefore be it

RESOLVED: That one (1) full-time position of Data Officer (CSEA Salary Grade 5: \$29,047 – 29,747) is created with authorization to fill provisionally, pending civil service examination, effective on or after November 23, 2019 but no sooner than confirmation of Year 2 ILS funding is available; and be it further

RESOLVED: That two (2) part-time (17 hours/week) positions of Assistant Public Defender (Non-Union: \$35,010-\$35,885) shall be created and with permission to fill on or after November 13, 2019 but no sooner than confirmation of Year 2 ILS funding is available ; and be it further

RESOLVED: That Brad Helmetsie shall be appointed one of the said part-time Assistant Public Defender positions at an annual non-union salary of \$35,000 effective November 25, 2019 but not sooner than confirmation of Year 2 ILS funding is available, and will not be eligible for the 2020 non-union salary increase until a six (6) month evaluation has been completed; and be it further

RESOLVED: That the Public Defender's Office authorized headcount shall be adjusted to five (5) full-time and five (5) part-time.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standinger.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 306-19

*AUTHORIZE APPOINTMENT OF  
DEPUTY CLERK TO THE LEGISLATURE  
LEGISLATIVE OFFICE*

WHEREAS: Legislative approval is required for any appointment to a non-union position within Tioga County; and

WHEREAS: The full-time position of Deputy Clerk to the Legislature has been vacant since September 14, 2019; and

WHEREAS: The Clerk of the Legislature has identified a qualified candidate for the position who is willing and eligible for appointment; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Clerk of the Legislature to appoint Cheryl Heffernan as Deputy Clerk to the Legislature at an



annual, non-union salary of \$38,500 effective December 2, 2019 and there shall be no salary increase for 2020.

Legislator Standinger spoke. "Our new Clerk, Cathy Haskell, has done a lot of work selecting a candidate and I thank her for that."

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standinger.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 307-19

*APPOINT COUNTY AUDITOR AND DEPUTY  
COUNTY AUDITOR AND AMEND  
RESOLUTION 8-19  
LEGISLATIVE OFFICE*

WHEREAS: The County is required to appoint a County Auditor and Deputy County Auditor to process and review accounts payable transactions (purchase orders and purchasing card transactions) submitted by County Departments for payment; and

WHEREAS: The terms for these appointments coincide with Legislator Group One; and

WHEREAS: Resolution 8-19 adopted January 2, 2019 appointed Maureen Dougherty as County Auditor for a three (3) year term, commencing January 2, 2019 and ending December 31, 2021 and Cathy Haskell as Deputy County Auditor to act in the absence of the County Auditor for the same term as that of County Auditor; and

WHEREAS: Maureen Dougherty retired on September 14, 2019; and

WHEREAS: Resolution 235-19 adopted August 13, 2019 appointed Cathy Haskell as Clerk of the Legislature effective September 14, 2019; and

WHEREAS: Cheryl Heffernan will be appointed on November 12, 2019 as the Deputy Clerk to the Legislature, effective December 2, 2019; therefore be it

RESOLVED: That effective November 12, 2019 the Tioga County Legislature amends Resolution 8-19 appointing Cathy Haskell as the County Auditor to fill the unexpired term ending December 31, 2021 and appoints Cheryl Heffernan as the Deputy County Auditor to act in the absence of the County Auditor for same term as that of County Auditor, effective November 12, 2019.

#### ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standingger.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 308-19 *AMEND RESOLUTION 127-16 TO DECLARE  
WORK DAY STATUS FOR ELECTED AND  
APPOINTED OFFICIALS*

WHEREAS: Resolution 127-16 established a standard work day for the Director of Veteran's Service Agency; and

WHEREAS: Resolution 324-17 increased the position of Veteran's Service Officer from part-time to full-time; and

WHEREAS: The Director of Veteran's Service Agency position became vacant October 26, 2019; therefore be it

RESOLVED: That the Tioga County Legislature hereby changes the standard work day for the Director of Veteran's Service Agency for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System as follows:

Appointed Officials

Five day work week, seven hour day: Director of Veteran's Service Agency

## ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standingier.

No – None.

Absent – Legislators Roberts and Sullivan.

## RESOLUTION ADOPTED.

Legislator Monell made a motion to have the following late-filed resolution considered, seconded by Legislator Mullen and carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 309-19      *AUTHORIZE TIOGA COUNTY TO OPT OUT OF  
NEGOTIATION CLASS IN NATIONAL  
PRESCRIPTION OPIATE LITIGATION*

WHEREAS: There is pending litigation concerning the Opiate crisis in various Courts throughout the Nation; and

WHEREAS: Tioga County has joined other New York State Municipalities in pursuing coordinated Opiate litigation in New York State Courts; and

WHEREAS: Judge Polster of the United States District Court, Northern District of Ohio has preliminarily approved a request to certify a negotiating class in the Multidistrict Litigation setting forth a framework to assist the Court and the parties to achieve a national resolution of the National opioid litigation; and

WHEREAS: The coordinated litigation in Suffolk County, New York will be the next county case to be tried and Tioga County is already in a unique situation to negotiate as a member of that group; and

WHEREAS: To opt out of the Federal Negotiating class, an Exclusion Request Form needs to be signed on behalf of Tioga County and submitted to counsel prior to November 22, 2019; therefore be it

RESOLVED: That the Chairwoman of the Legislature is authorized to execute an Exclusion Request Form to opt out of the Negotiation Class.

ROLL CALL VOTE

Yes – Legislators Weston, Balliet, Hollenbeck, Monell, Mullen, Sauerbrey, and Standingier.

No – None.

Absent – Legislators Roberts and Sullivan.

RESOLUTION ADOPTED.

Meeting adjourned at 12:17 p.m.