

Second Regular Meeting
February 11, 2020

The Second Regular Meeting of 2020 was held on February 11, 2020 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Monell to have a moment of prayer. "Lord, we thank you for this day that we can be together and discuss the issues we deal with in the County. We pray you would be with us as Legislators that we would do things the way that we should for our constituents. We pray you would bless this time together as we meet and make decisions."

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

There were 28 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the adoption of three recognition resolutions, seconded unanimously and carried.

The following recognition resolution for Rita E. Hollenbeck of the Treasurer's Office was noted. Ms. Hollenbeck was not in attendance.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 35-20 *RECOGNIZE RITA E. HOLLENBECK'S
31 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY*

WHEREAS: Rita E. Hollenbeck began her career with the Tioga County Department of Social Services as a Principal Account Clerk in September 1988. Rita was promoted to Supervising Principal Account Clerk in January 1992 and then to Accounting Supervisor Grade B in January 1997. After 26 years of dedicated service at the Department of Social Services, Rita joined the Treasurer's Office in July 2014 as the Chief Accountant and County Budget Officer; and

WHEREAS: In 2014 the County undertook a major upgrade to the County's financial system and Rita was very instrumental in implementing the new financial system from Tyler Technologies (Munis), which went live in 2015. This was a tedious

project and took many hours of time, which involved early mornings, late nights and weekends to see the implementation through; and

WHEREAS: Rita was instrumental in assisting the Treasurer in producing clean financial audits yearly, while pursuing FEMA reimbursements on 55 flood projects; and

WHEREAS: Rita has worked closely with all the Departments in Tioga County to assist with their accounting and budgetary needs; and

WHEREAS: Rita E. Hollenbeck has been a dedicated and loyal employee in the performance of her duties and responsibilities in the last 31 years thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Rita E. Hollenbeck has shown the highest levels of reliability, trust, loyalty and competence in the performance of her duties; and

WHEREAS: Rita E. Hollenbeck will retire on February 1, 2020; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Rita E. Hollenbeck for her 31 years of dedicated and loyal service to Tioga County and its citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Rita E. Hollenbeck.

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

The following recognition resolution for Margareta C. Olin of the Treasurer's Office was noted. Ms. Olin was not in attendance.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 36-20 *RECOGNIZE MARGARETA C. OLIN'S
20 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY*

WHEREAS: Margareta C. Olin began her career with the Tioga County Treasurer's Office as the Tax Roll Supervisor in August 1999. Margareta was appointed by Treasurer McFadden as the Deputy County Treasurer in June 2008, a position she has held for 12 years; and

WHEREAS: Margareta has worked closely with the State of New York Finance Office, as well as the Towns and Villages of Tioga County as both the Tax Roll Supervisor and the Deputy Treasurer; and

WHEREAS: Margareta has worked closely with all the Departments in Tioga County to assist with their financial needs; helping with both implementation and the on-going use of Munis, our current financial system, as well as monitoring the County's numerous financial accounts and State Aid collection; and

WHEREAS: Margareta has acted efficiently as the Treasurer's Office Chief Troubleshooter, Mandate Researcher, Treasury Manager, and Office Supervisor; and

WHEREAS: Margareta C. Olin has been a dedicated and loyal employee in the performance of her duties and responsibilities in the last 20 years thereby earning the respect of her colleagues and peers throughout Tioga County, as well as State and Local officials; and

WHEREAS: Margareta C. Olin has shown the highest levels of reliability, trust, loyalty and competence in the performance of her duties; and

WHEREAS: Margareta C. Olin will retire on February 29, 2020; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Margareta C. Olin for her 20 years of dedicated and loyal service to Tioga County and its citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Margareta C. Olin.

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standinger, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Sauerbrey spoke. “Although Ms. Hollenbeck and Ms. Olin are not in attendance today, the Legislature recognizes and appreciates their dedication and their hard work to Tioga County.”

Legislator Standinger read and presented the following recognition resolution to Charisse R. Campbell of the Department of Social Services.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 37-20 *RECOGNIZE CHARISSE R. CAMPBELL
20 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Charisse began her career with the Tioga County Department of Social Services as a Caseworker from February 1987 through May of 1991. In September 2004, Charisse returned and was instated to her current position as Case Supervisor, Grade B; and

WHEREAS: Charisse Campbell has been a dedicated and loyal employee in the performance of her duties; and

WHEREAS: Charisse Campbell has shown the highest levels of reliability, trust, loyalty and competence in the performance of her duties; and

WHEREAS: Charisse Campbell will retire on March 2, 2020; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Charisse Campbell for her twenty years of dedicated and loyal service to the Tioga County Department of Social Services and its most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Charisse R. Campbell.

ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Mullen, Sauerbrey, Roberts, Standing, Sullivan, Weston, Balliet, and Hollenbeck

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standing spoke. "I thank you for your service."

Commissioner of Social Services Yetter spoke. "It's a true honor for me to be able to recognize Chari today for her 20 years of service to Tioga County on the event of a well-earned and well-deserved retirement.

As mentioned in the resolution, Chari actually did two stints with the Department working several years as a Caseworker in the late 1980's and then went off to do some work in the not-for-profit world and came back in 2004 to her current role of Grade B Supervisor. Her return is permanently etched in my memory because it happened shortly after I had just returned as Commissioner and one of our challenges at that time, and Gail can attest to this, was turnover in supervisory positions in the Services Division. It was a real good day when you agreed to come back to take that position, so I think I can speak on behalf of the entire Division about that.

During your 16 years as a supervisor, you led your staff with the highest levels of professionalism and caring. Your ability to train and nurture young new caseworkers will be missed, as will your ability to work with very difficult case situations that you and your staff encounter every day.

While with the Department, Chari was awarded Supervisor of the Year in 2009, as well as being recognized several times, especially as a team player in initiatives ranging from supporting cross function collaboration in the Department to more recently for her role in the successful implementation of the Northwoods platform.

Over the years, Chari has dealt with some very difficult cases and has always done so with the same professionalism she brings to everything and done so without complaint.

Chari, on behalf of the Department and the people of Tioga County that you have so compassionately and caringly served, we thank you and wish you the happiest and healthiest retirement."

Charisse Campbell spoke. "I wasn't going to say anything, but I feel like I should. The thing I think about the most is that so many people have asked me over the years what I do and when I say I am a CPS Supervisor they say, oh my God, I could never do that. I think that made me realize this is probably the toughest job I have ever had, but it is also the job that I absolutely love the most. I thank you for the opportunity to work for the community in Tioga County and to serve the residents of our County."

Chair Sauerbrey stated we have two Proclamations to present as follows:

Legislator Standinger read and presented the following Proclamation on Teen Dating Violence Awareness and Prevention Month in Tioga County to Laura Bennett, Public Health Educator.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Teen dating violence is a common problem faced by millions of teenagers in the United States every year. It can happen to any adolescent regardless of race, gender, religion, or sexual orientation; and

WHEREAS: Approximately 1 in 11 female and 1 in 15 male high school students report having been physically abused by an intimate partner in the last year, and 26% of women and 15% of men experience some form of dating abuse before the age of 18 and;

WHEREAS: Our local resource for intimate partner violence, A New Hope Center, served over 1,160 people in 2018 including teenagers; and

WHEREAS: The health implications of dating violence include, but are not limited to: drug use, eating disorders, risky sexual behavior, and suicidal ideation; and

WHEREAS: Adolescents in abusive relationships are likely to carry unhealthy patterns of abuse into adulthood and future relationships; and

WHEREAS: Tioga County Public Health encourages citizens to advocate for adolescents in unhealthy relationships and to be aware of the warning signs of teen dating abuse which include: physical violence, sexual violence, psychological aggression, and stalking; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of February 2020 as:

TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH IN TIOGA COUNTY

and urges all caregivers and advocates to speak with the children in their life about teen dating violence and the signs of an unhealthy relationship.

Legislator Standinger spoke. "Luckily, I am not too familiar with this teen dating violence. I have three daughters and I think that if it involved one of my daughters I would probably not be standing here. As a parent, it is our obligation to ensure our children are safe and if you observe anything that constitutes this type of abuse you should do whatever you can to prevent it from happening any further. Thank you."

Laura Bennett, Public Health Educator spoke. "Hi, my name is Laura Bennett and I am a Health Educator at the Public Health Department. I would like to thank our Legislature for declaring February 2020 as Teen Dating Violence Awareness Month. Dating violence and abuse is a topic that is uncomfortable for anybody to discuss, let alone teenagers who are already incredibly vulnerable. Raising awareness of this issue and supporting community resources focus on helping victims of dating abuse break the stigma surrounding teen dating violence and directs teens to the services they need to end the cycle of abuse. As the proclamation indicated, A New Hope Center and Public Health are just two of the agencies available for providing resources in our community. Once again, I would like to thank you for promoting healthy relationships and advocating for Tioga County's youth. "

Legislator Weston read and presented the following Proclamation on Agriculture Month to Farm Bureau President Frisbee and three students of the Newark Valley Future Farmers of America (FFA) Chapter.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: March signifies a national celebration of the importance of food and agriculture in the United States as it provides almost everything we eat and use each day. This month we recognize and celebrate the diversity and abundance provided by New York's farms and our growing food and agricultural sector and the contributions of Tioga County's family farmers; and

WHEREAS: There are 33,400 farms in New York State and 6,900,000 acres of operated farmland; and

WHEREAS: The agricultural industry in New York State contributed more than \$5.4 billion in agricultural economy sales to the New York economy each year; and

WHEREAS: With farmland occupying nearly one quarter of New York State's land area, agriculture also promotes New Yorker's quality of life in other ways, including providing access to fresh, locally sourced food, preserving open space, and enhancing communities through farmer's markets and other such activities; and

WHEREAS: Recognizing the month of March as Agriculture Month in Tioga County provides the opportunity for all residents of Tioga County and New York to better appreciate agriculture's breadth and beauty, how food and fiber products are produced, and the role agriculture plays in providing safe, abundant, and affordable products; and

WHEREAS: Commemorating Agriculture Month will build awareness of the benefits of the agricultural industry in Tioga County and encourage young people to consider agriculture as a career; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of March 2020 as:

AGRICULTURE MONTH

and urges all New Yorkers to join in recognizing the importance of our food and agriculture industry, to thank a farmer for providing the food we eat, and to help celebrate every month with meals made from a variety of New York State products.

Kevin (Cub) Frisbie, Tioga County Farm Bureau President spoke. "I would like to thank the Legislature for recognizing agriculture, as it is not that way in every county nor in every state. The fact is agriculture is an exciting time. We have all kinds of opportunities.

Back when I was in high school, the counselors did not push students into agriculture. They believed they needed to get a college degree. That still works, but some people are not fit for a four-year degree and they want to do other things in their life. We need those people. We need electricians, plumbers, and farmers. Everybody eats; everybody wears clothes.

Farmland generates less toxicity than forestland and people do not understand this, but there is less runoff on agricultural used land. We are good for the economy. Farmers take care of their land, as we are the closest ones to see the downside for not doing so and will be the first recipients of all the bad news. We take care of our land; we take care of our animals, and we do the best job we can. Unfortunately, New York State does not recognize that anymore.

We have the fight of our life. I am President of Tioga County Farm Bureau and that is why I am here. We have the fight of our life with the Legislative body in Albany, NY these days and we have downstate Legislators that we try to meet with on a regular basis to let them know farmers care about their land, they care about their animals, and they care about their employees. I am very happy that this Legislature recognizes that and we have a lot of work on our plate to get New York State to follow your lead. Thank you very much."

Chair Sauerbrey spoke. "Growing up, I went to Tioga Central High School and Future Farmers of America (FFA) was very active, but they were mostly all boys. It is nice to see young women involved. Last summer, I was able to meet with you at the Tioga County Fair, you did many presentations about your projects and what you were currently doing, and you are wonderful, upstanding citizens. Very proud to have you represent FFA for Tioga County."

Kevin Frisbee spoke. "Owego just had their Chapter adopted a month ago, so we are working on every school district. We just hosted 80 blue jackets in Spencer-Van Etten School over the weekend.

Back when I was on the school board, we had to eliminate our agricultural program in BOCES because we did not have 17 students going to the agricultural program. Fast-forward 20 years, there are now FFA Programs. I couldn't be happier."

There was no privilege of the floor.

Legislator Mullen made a motion to approve the minutes of January 2, 14, and 23, 2020, seconded by Legislator Sullivan and carried.

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
LEGISLATIVE WORKSESSION

RESOLUTION NO. 38-20

*SCHEDULE SECOND PUBLIC HEARING FOR
NEW YORK STATE COMMUNITY DEVELOPMENT
BLOCK GRANT*

WHEREAS: Tioga County was awarded a Community Development Block Grant in 2017; and

WHEREAS: New York State Community Development Block Grant Program funds in the amount of \$300,000 were received and funded the replacement of the mobile dental trailer; and

WHEREAS: On June 24, 2019 Tioga County put into operation the new mobile dental unit in which to serve the dental needs of the community; and

WHEREAS: In compliance with the requirements of the Housing and Community Development Act of 1972, Tioga County seeks public input on the project Tioga Mobile Dental Services; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing for community input in regards to the current Community Development Block Grant project in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, February 20, 2020 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
AG COMMITTEE

RESOLUTION NO. 39-20 *SET PUBLIC HEARING FOR 2020 ANNUAL
AGRICULTURAL DISTRICT INCLUSIONS*

WHEREAS: The Tioga County Legislature, as per resolution 296-03 designated January 2nd through January 31st as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and said law requires that the Tioga County Legislature hold a public hearing before making a decision on inclusion of lands; therefore be it:

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2020 on February 20, 2020 at 10:05 a.m. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 40-20 *RECOMMEND MEMBERS TO THE SUSQUEHANNA HERITAGE AREA COMMISSION*

WHEREAS: Per resolution 25-16, the Tioga County Legislature resolved that the Economic Development and Planning Committee recommend designees for the Municipal Representative and also the Advisory Board Member on the Susquehanna Heritage Area (SHA) Commission for the term of office of the County Legislative Chair who appoints said persons; and

WHEREAS: Currently Rebecca Maffei, Tioga County Tourism Director, and Abbey Hendrickson, Community Development Specialist of Economic Development and Planning, have been serving as the two (2) SHA Commission members; and

WHEREAS: Rebecca Maffei, Tioga County Tourism Director, and Abbey Hendrickson, Community Development Specialist of Economic Development and Planning, are willing to serve as the two (2) Commission members; therefore be it

RESOLVED: That the Economic Development and Planning Committee recommend Rebecca Maffei, the Tioga County Tourism Director, continue to

serve as the Municipal Representative and Abbey Hendrickson, Community Development Specialist, continue to serve as the Advisory Board member on the Susquehanna Heritage Area Commission for the term of office of the County Legislative Chair who appoints said person.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 41-20 *ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

WHEREAS: An application for Corrected Tax Roll for the year 2020 indicates that parcel #68.07-1-26.10, Account #115 in the Town of Spencer assessed to Alexander Skoromink on the 2020 tax roll of the Town of Spencer is erroneous in that the Village of Spencer returned Bill #281 Account #115 to the County Treasurer as unpaid; and

WHEREAS: The County Treasurer's Office relieved the returned 2019 Village Tax on to the 2020 Tax Roll of the Town of Spencer; and

WHEREAS: Alexander Skoromink contested his 2020 Town and County bill, claiming he had paid his Village taxes to the Village of Spencer Clerk; and

WHEREAS: Alexander Skoromink and the Village of Spencer Clerk provided sufficient proof, in the form of a Village paid record; be it therefore

RESOLVED: That a new tax bill be issued to Alexander Skoromink as follows:

	Original Bill #	Corrected Bill #
County	920.27	920.27
Recycle	52.85	52.85

Town Wide	332.75	332.75
Return Village	364.57	0.00
Total	1,670.44	1,305.87

And be it further

RESOLVED: That the erroneous returned village tax of \$340.72 be charged back to the Village of Spencer; and it be further

RESOLVED: That the erroneous County Penalty of \$23.85 be charged back to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 42-20 *AUTHORIZE COUNTY CLERK
CONVEYANCE NOTICE FEE*

WHEREAS: NYS legislation has passed a law amending Real Property Law §291 to require that the County Clerk mail a written notice to the owner of record of a conveyance recorded in the Clerk's Office; and

WHEREAS: The law states that the clerk of the county is entitled to charge a reasonable fee to cover the cost of mailing; and

WHEREAS: In order to keep the fee charged consistent across the State, the New York State Association of County Clerks agree to recommend that the reasonable fee be charged at \$10.00 for the notice for each recording of a conveyance; now therefore be it

RESOLVED: That the County Clerk is authorized to charge the party seeking to record such conveyance a fee of \$10.00 to cover the cost of mailing a notice of such conveyance.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 43-20 *AWARD CONSTRUCTION
HALSEY VALLEY ROAD OVER TRIBUTARY
TO PIPE CREEK*

WHEREAS: Halsey Valley Road Bridge is a bridge that needs repair; and

WHEREAS: Funding is available for the repair of Halsey Valley Road Bridge; and

WHEREAS: The Commissioner of Public Works received sealed bids on January 29, 2020 and the bids came in as follows:

Silverline Construction	\$ 940,594.00
Economy Paving	\$1,009,650.90
Procon Contracting, LLC	\$1,034,000.00
R. DeVincentis Construction, Inc.	\$1,050,000.00
G. DeVincentis & Son Construction	\$1,249,000.00

and

WHEREAS: Hunt Engineers has completed the review of the bids and finds the low bidder Silverline Construction, Burdett, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Silverline Construction, Burdett, NY not to exceed \$940,594.00 to be paid out of the following account:

H5110.540002.H1905 – Halsey Valley Road Bridge \$940,594.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 44-20 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE ON
LSE PERSEUS LLC AND LSE PISCES LLC
PAYMENT IN LIEU OF TAX AGREEMENTS*

WHEREAS: LSE Perseus, LLC and LSE Pisces, LLC have submitted Notices of Intent to the Town of Nichols that they plan to build and operate “Solar Energy Systems” with an expected total capacity of approximately 4.0 Megawatts AC (Perseus) and 3.8 Megawatts AC (Pisces); and

WHEREAS: The project locations are 260 Hunt Creek Road, Town of Nichols, County of Tioga, State of New York (Perseus) and Smith Creek Road, Town of Nichols, County of Tioga, State of New York (Pisces); and

WHEREAS: The Taxing Jurisdiction is defined as the Town of Nichols, the Owego-Apalachin 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 Payment in Lieu of Tax (PILOT) Agreements with LSE Perseus, LLC and LSE Pisces, LLC; and

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

WHEREAS: LSE Perseus, LLC and LSE Pisces, LLC have 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 Perseus, LLC and LSE Pisces, LLC following the

commencement of the construction of the projects, 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 Nichols and mailed to the Town of Nichols and are due no later than January 15th of each year; and

WHEREAS: The Town of Nichols shall be responsible for distributing the annual payments to the Owego-Apalachin Central School District and the County of Tioga; and

WHEREAS: County of Tioga has agreed that payments shall be disbursed to the County in the amount not less than thirty three percent (33%) of the lump sum payment; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the revised Payment in Lieu of Tax Agreements between LSE Perseus, LLC and LSE Pisces, LLC, the Town of Nichols, Owego-Apalachin School District and Tioga County reflecting not less than thirty- three percent (33%) of annual lump sum payment to the County of Tioga.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 45-20 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE
ON NY NEWARK VALLEY I, LLC
PAYMENT IN LIEU OF TAX AGREEMENT*

WHEREAS: NY Newark Valley I, LLC has submitted a Notice of Intent to the Town of Candor that they plan to build and operate a “Solar Energy System” with an expected total capacity of approximately 5.0 Megawatts AC; and

WHEREAS: The project location is 2453 West Creek Road, Town of Candor, County of Tioga, State of New York; and

WHEREAS: The Taxing Jurisdiction is defined as the Town of Candor, 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 Tax (PILOT) Agreement with NY Newark Valley I, LLC; and

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

WHEREAS: NY Newark Valley I, LLC has agreed to make an annual lump sum payment 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 NY Newark Valley I, LLC following the commencement of the construction of the projects, and shall end by the fifteenth fiscal year following; and

WHEREAS: The first annual payment shall be in the aggregate amount of \$2,000 per built out Megawatt AC of capacity, and thereafter annual payments shall escalate by two (2.0 %) percent per year; and

WHEREAS: The annual payments for the Taxing Jurisdiction shall be made payable to the Town of Candor and mailed to the Town of Candor and are due no later than January 31st of each year; and

WHEREAS: The Town of Candor shall be responsible for distributing the annual payments to County of Tioga; and

WHEREAS: The Taxing Jurisdiction has agreed that said payments shall be disbursed to the Town of Candor in the amount of fifty percent (50%) of the lump sum payment, and to County of Tioga in the amount of fifty percent (50%) 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 Agreements between NY Newark Valley I, LLC, the Town of Candor, and Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE
INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 46-20

*AUTHORIZING LEGISLATIVE CHAIR SIGNATURE ON
SOUTHERN TIER BROADBAND COALITION
INTER-MUNICIPAL AGREEMENT*

WHEREAS: Southern Tier Broadband Coalition (the "Coalition") is a partnership between Tioga, Schuyler, Steuben and Yates Counties created for the purpose of making regional, unified decisions to meet rural broadband needs; and

WHEREAS: The Coalition is desirous of contracting with a consultant for the purposes of obtaining a feasibility study to address insufficient access to broadband services primarily in rural areas and to present options to serve the unserved or underserved areas of the region with ultra-high broadband services; and

WHEREAS: The Coalition is desirous of authorizing Southern Tier Network (STN) to serve as the Distribution Utility that will retain and lead the work of the consultant to deliver the feasibility study on behalf of the Coalition; and

WHEREAS: STN has obtained a quote from a consultant to perform the feasibility study; and

WHEREAS: STN has agreed to provide 50%, up to a maximum of \$196,000, of the cost of the feasibility study; and

WHEREAS: The Tioga County portion of the feasibility study will be \$72,978, not to exceed \$80,000; and

WHEREAS: The Tioga County Industrial Development Agency (TCIDA) passed a resolution at their January 8, 2020 meeting to authorize the payment of the Tioga County portion of the feasibility study; and

WHEREAS: Tioga County and the TCIDA shall enter into a written Sub-Agreement stipulating that the TCIDA will be responsible for the Tioga County portion of the feasibility study, therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Southern Tier Broadband Coalition Inter-Municipal Agreement between Tioga, Schuyler, Steuben and Yates Counties upon approval of the County Attorney.

ROLL CALL VOTE

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

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 47-20 *AUTHORIZE CHAIR OF LEGISLATURE
TO SIGN APPLICATION FOR GRANT FUNDS
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Tioga County is submitting a request for grant funds to the NYSDOT, pursuant to Section 5311, Title 49 United States Code, for a project to provide Mobility Management Services for Tioga, Broome, Chenango, Delaware and Otsego Counties through an agreement with Rural Health Network of South Central New York for the 2020-2022 fiscal years and has committed the local share; and

WHEREAS: Tioga County and the State of New York have entered a continuing agreement which authorizes the undertaking of the project(s) and reimbursement of the Federal and applicable State Shares; and

WHEREAS: Tioga County is contracting with a third-party subcontractor for the project(s) described above; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of Tioga County to sign the application and progress and complete the above-named project(s); and be it further

RESOLVED: That the Chair of the Legislature is authorized to sign any contracts or agreements between Tioga County and any third-party subcontractor necessary to complete the public transportation project(s), subject to the approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE
RESOLUTION NO. 48-20	<i>FILING OF AN APPLICATION FOR STATE GRANT FROM DEC HOUSEHOLD HAZARDOUS WASTE (HHW) PROGRAM</i>

WHEREAS: The State of New York announced a grant from the DEC Household Hazardous Waste (HHW) program to assist counties and local governments with their household hazardous waste program expenses; and

WHEREAS: Through this grant Solid Waste would be partially reimbursed for their eligible costs of their HHW program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sustainability Manager to apply and administer said grant via NYS Grants Gateway; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to sign the grant application via Grants Gateway upon approval by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 49-20 *AUTHORIZE CONTRACT WITH
NATIONWIDE RETIREMENT SOLUTIONS FOR
DEFERRED COMPENSATION PROGRAM*

WHEREAS: The County of Tioga duly advertised and received proposals from a variety of deferred compensation program administrators; and

WHEREAS: The Deferred Compensation Committee has reviewed the proposals and made a recommendation of one administrator; now therefore be it

RESOLVED: That the Tioga County Legislature approves the deferred compensation program and trustee services offered by Nationwide Retirement Solutions and authorizes the Legislative Chair to execute the necessary documents, subject to review by the County Attorney, to implement the services of Nationwide Retirement Solutions as our deferred compensation administrator, for the period commencing March 8, 2020 and continuing through March 8, 2025.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 50-20 *RESOLUTION TO APPROVE A
CONTRACT BETWEEN THE TIOGA COUNTY
PROBATION DEPT. AND BUDDI US, LLC*

WHEREAS: The Probation Department is need of Electronic Monitoring Services to provide alternative to incarceration and alternative to detention services via Court order for Tioga County adults and juveniles; and

WHEREAS: Probation has been contracting with a company, Buddi, US, LLC that is willing to provide Electronic Monitoring Services to Tioga County Probation at the cost of \$3.80 per day, per unit; and

WHEREAS: The Tioga County Attorney has previously approved a contract with Buddi US , LLC that will charge the County \$3.80 per day, per unit with no fee for units on the shelf. Said contract includes a rollover clause that allows the contract to roll over year to year unless terminated by one of the parties; and

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services for 2020 in the amount of \$8,000 in account number A 3142-540140; therefore be it

RESOLVED: That Tioga County Probation Director is approved to contract with Buddi US., LLC to provide Electronic Monitoring hardware and internet accessible software for adults and juveniles to the Probation Department as part of the County's Alternative to Incarceration and Alternative to Detention programming.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 51-20 *RESOLUTION TO APPROVE A SOLE SOURCE CONTRACT AND MAINTENANCE AGREEMENT BETWEEN THE TIOGA COUNTY PROBATION DEPARTMENT AND AUTOMON, LLC TO PROVIDE SOFTWARE AND MAINTENANCE OF THE CASELOAD EXPLORER PRODUCT*

WHEREAS: The Tioga County Legislature has approved contracts between Tioga County Probation Department and AutoMon, LLC since 2008; and

WHEREAS: AutoMon, LLC has changed their contract status with New York State, the Tioga County Legislature is approving the Probation Department can contract with AutoMon LLC as a sole source provider of Caseload Explorer, a software program that meets the qualifications of 9 NYCRR 345, which mandates Probation Departments to use a software program that automatically sends Pre-sentence Investigation completed in the software program to the PSI Repository in Albany. Caseload Explorer software is the only software in New York State that meets this criteria; and

WHEREAS: AutoMon, LLC has submitted their yearly Maintenance Agreement to Tioga County Probation, which consists of the base charge of \$4,576.90, plus a fee of \$224.14 per user. Probation has 17 registered users of the software, so the total cost for basic software maintenance for 2020 is \$8,387.28; therefore be it

RESOLVED: That the Probation Director is approved to contract with AutoMon, LLC as a sole source provider for software and maintenance costs in 2020 for Caseload Explorer and Ce Assessments in the amount of \$8,387.28.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 52-20 *RESOLUTION TO APPROVE CONTINUED MOU
BETWEEN TIOGA COUNTY PROBATION
DEPARTMENT AND SMART START*

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

WHEREAS: Many probationers divest themselves of their motor vehicles pre or post-sentencing so that they do not have to install an ignition interlock device (IID). The Smart Start company markets a hand held IID, similar to an IID, that will allow defendants to blow into the device at assigned times and have their BAC calculated, a photo taken and a GPS location established; and

WHEREAS: The Smart Start company has partnered with Tioga County since 2015 to provide these devices at the rate of \$3.10 per day via a MOU that is renewable automatically each year and would like to continue the program in 2020; and

WHEREAS: Tioga County Probation has budgeted funds for Alternatives to Incarceration Contracting line for testing of probationers in the amount of \$2,500 in account number A3142 540140 and 2020 STOP-DWI funding in the amount of \$2,227 for this service; therefore be it

RESOLVED: That Tioga County Legislative Chair is approved to contract with Smart Start to provide hand held alcohol testing devices for the year 2020, upon approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 53-20 *RESOLUTION TO APPROVE A CONTRACT BETWEEN THE TIOGA CO. PROBATION DEPT. & FAMILY COUNSELING SERVICES OF CORTLAND COUNTY, INC., FORMERLY THE FAMILY AND CHILDREN'S SOCIETY, TO PROVIDE ADULT & JUVENILE SEXUAL OFFENDER ASSESSMENT AND TREATMENT SERVICES*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult and juvenile sex offender treatment in 2020; and

WHEREAS: The Family and Children's Society is in the process of joining with Family Counseling Services of Cortland County, Inc. and they will continue to offer the same services for Tioga County Probation; therefore be it

RESOLVED: That the Probation Director, starting in February 2020, is approved to pay invoices to Family Counseling Services of Cortland County, Inc. to pay for adult sexual offender assessment and treatment, juvenile sexual offender assessment and treatment and educational sessions for adult supervisors and parent supervisors in the amount of \$123,840 annually.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 54-20 *RE-ESTABLISH PRIOR YEAR 2019 GRANTS FOR 2020 BUDGET OFFICE OF EMERGENCY SERVICES*

WHEREAS: Prior year grant funds need to be re-established for the remaining unspent balance as of year-end 2019 for purchase or completion in 2020; therefore be it

RESOLVED: That the following accounts and amounts are re-established and the 2020 budget is amended as follows:

Sen10 - Reso 278-19 Senator's Grant			Amount to Re-Establish	
A3410 521130	SEN10	Equipment (Not Car)	\$	15,000
A3410 433060	SEN10	State Aid Fire Grant	\$	15,000

SHS17 – Reso 109-18 State Homeland Security 17			Amount to Re-Establish	
H3360 520060	SHS17	Capital Car/Truck	\$	1,625.92
H3360 433567	SHS17	Capital Revenue SHS17	\$	1,625.92

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 55-20 *AUTHORIZE ACCEPTANCE OF STATEWIDE
INTEROPERABLE COMMUNICATIONS
"FORMULA" GRANT (SICG 19)
APPROPRIATION OF FUNDS &
MODIFY 2020 BUDGET
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Office of Emergency Management applied for and was awarded a Homeland Security Statewide Interoperable Communications "Formula" Grant 2019 in the amount of \$385,432. The grant will be used for upgrading the radio communications in the county with no local share associated with said grant; and

WHEREAS: This funding must be accepted and appropriated; therefore be it

RESOLVED: That the Tioga County Legislature authorize the acceptance of this award; and be it further

RESOLVED: That the 2020 budget be modified and funds be appropriated to the following accounts:

FROM: A3415 433063 IO19F – State Aid Interop Comm Grant \$385,432

TO: A3415 540140 IO19F Contracted Services \$364,607

TO: A3415 540180 IO19F Dues \$ 825

TO: A3415 520130 IO19F Equipment (Not Car) \$ 20,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 56-20 *RESOLUTION TO ACCEPT DONATION,
APPROPRIATE FUNDS AND
AMEND 2020 PROBATION BUDGET*

WHEREAS: The Tioga County Probation Department received a gift donation of \$2,000 for incentives for our Juvenile Delinquency Diversion programming from Adam Weitsman on January 3, 2020; and

WHEREAS: The Tioga County Legislature agrees to accept this generous donation; and

WHEREAS: The funding is specifically designated for the purchase of incentives for the youth in the Juvenile Delinquency Diversion Program; and

WHEREAS: Appropriation of Funds and Budget Amendments require Legislative approval; therefore be it

RESOLVED: That the Tioga County Probation Department is approved to accept the above-referenced donation, amend the 2020 budget, and appropriate funding as follows:

From:	A3140 427050	Gifts and Donations	\$2,000
To:	A3140 540487	Probation Program Expense	\$2,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 57-20 *APPROPRIATION OF FUNDS AND
AMEND 2020 BUDGET - SOCIAL SERVICES*

WHEREAS: Effective January 1, 2020 NYS has eliminated reimbursement of PINS foster care and detention placements; and

WHEREAS: Tioga County was selected to receive Enhanced STSJP Funds for preventive programming necessary to deter PINS placements; and

WHEREAS: Appropriation of funds and budget modifications requires Legislative approval; and

WHEREAS: There is a local share of \$30,758.00 associated with this funding; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A6010.436100 State Aid: Administration \$ 50,183.00

To: A6010.540140 Contracting Services \$ 80,941.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 58-20 *AMEND CAPITAL BUDGET AND TRANSFER
CONTINGENCY FUNDS FOR LARGE EXCAVATOR
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has budgeted for the purchase of a large excavator in 2020 for \$225,000.00; and

WHEREAS: The Commissioner of Public Works received proposals for the purchase of the large excavator which came in higher than anticipated; and

WHEREAS: Revenue in the amount of \$8,900.00 will be received for the sale of scrap beams sold at auction; and

WHEREAS: The \$8,900.00 revenue will go into the general fund; and

WHEREAS: Legislative approval is needed to amend 2020 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

regulations, and for the safety of staff and other occupants of Tioga County buildings and property.

PROCEDURE:

1. The ADA defines a service animal as any dog (or in certain circumstances a miniature horse) that is individually trained to do or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or any other mental disability. For purposes of this Policy and Procedure, only dogs will be discussed. If a miniature horse or other animal is purported to be a "service animal," a request for guidance shall immediately be made to the Legal Department.
2. **"Service animals"** are separate and distinct from **"emotional support animals."** Service animals are protected by the ADA and relevant NY statutes and are permitted in County buildings. **"Emotional support animals"** are protected by several federal statutes but these are not applicable to Tioga County at this time.
3. **Service animals** are not pets, but under the ADA, regardless of whether they have been licensed or certified by a state or local government, or other entity, these animals are trained to aid a person with disabilities in specific tasks.
 - a. The following are examples of, but are not exclusive, of these tasks:
 - i. Assisting with navigation, stability or balance
 - ii. Alerting to sounds
 - iii. Pulling wheelchairs
 - iv. Carrying items
 - v. Seizure assistance
 - vi. Interrupting impulsive or destructive behaviors
4. No individual assisted by a service dog satisfying the definition pursuant to the provisions of the Americans with Disabilities Act (ADA) will be denied access to any Tioga County facility to areas where the public is normally allowed access.
5. Service animals are required to be harnessed, leashed, or tethered, unless this device interferes with the service animal's work or the individual's disability prevents the use of such devices.
6. In the event it is not obvious what service the service animal provides, VERY limited inquiry is permitted before granting access. Staff may ask,
 - a. Is the service dog required because of a disability?
 - b. What work task is the dog trained to perform?

STAFF CANNOT:

- **(1) ask about the person's disability,**
- **(2) require medical documentation,**
- **(3) require a special identification card or training documentation for the dog, or**
- **(4) ask that the dog demonstrate its ability to perform the work or task.**

A person with a disability and with their service animal seeking access to a Tioga County facility cannot be denied entry, or asked or required to remove a service dog from the premises unless: (1) the dog is out of control or (2) the dog is not housebroken.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 61-20 *AUTHORIZE SALARY OF PUBLIC HEALTH NURSE
(PUBLIC HEALTH)*

WHEREAS: In accordance with Article 4, Section B(1) of the CSEA collective bargaining agreement, Legislative approval is required in order for a department head to offer salary at the maximum salary level in the CSEA Salary Grade for a new full-time hire; and

WHEREAS: The Public Health Director would like to appoint the current part-time Public Health Nurse, Jessica Lovell, to a full-time Public Health Nurse position (CSEA SG XV, \$55,917 - \$56,617) at the maximum salary for a new appointee; and

WHEREAS: Ms. Lovell has acquired valuable experience within the area of communicable diseases during her two year tenure with the Tioga County Public Health Department; therefore be it

RESOLVED: That due to prior experience in similar work, the Tioga County Legislature authorizes the appointment of Jessica Lovell to the full-time Public Health Nurse position at an annual salary of \$56,617 effective February 18, 2020.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 62- 20 *ABOLISH POSITION, INCREASE SALARY OF ONE
EMPLOYEE, AUTHORIZE TWO BACKFILLS
DISTRICT ATTORNEY'S OFFICE*

WHEREAS: Legislative approval is required for abolishment of positions, Non-Union midyear salary adjustments, and for Non-Union hires; and

WHEREAS: Two Assistant District Attorneys have tendered their resignations; and

WHEREAS: The District Attorney consequently will be redistributing work amongst remaining staff; and

WHEREAS: The District Attorney has found a candidate to fill one of the resulting vacancies; and

WHEREAS: The District Attorney would like to compensate the remaining staff for taking on additional duties; and

WHEREAS: The District Attorney is willing to abolish the Chief Assistant District Attorney (PT) position to offset the salary increases; therefore be it

RESOLVED: That one part-time (2 days/week) position of Chief Assistant District Attorney (Non-Union salary range \$29,500 – 30,238) shall be abolished effective March 1, 2020; and be it further

RESOLVED: That Cheryl Mancini, 1st Assistant District Attorney, shall receive an annual salary increase of \$10,000 effective March 2, 2020, increasing her 2020 salary to \$86,875; and be it further

RESOLVED: That Torrance Schmitz, 3rd Assistant District Attorney, shall be promoted to 2nd Assistant District Attorney at an annual salary of \$78,000 effective March 2, 2020, and shall not be eligible for any additional increase in 2020 that may have been provided for in the Non-Union Benefits Policy; and be it further

RESOLVED: That the District Attorney is authorized to backfill the vacant full-time 3rd Assistant District Attorney position (Non-union salary range \$58,297-68,297) effective March 2, 2020 with the appointment of Lillian Hines at an annual salary of \$73,000; and be it further

RESOLVED: That the District Attorney's Office headcount shall be decreased by 1 part-time position to 2 part-time and 5 full-time.

Legislator Mullen spoke. "The District Attorney came to one of our worksessions earlier this month and discussed the situation. I had other conversations with the District Attorney pertaining to this resolution and this is directly from the Bail Reform and Discovery where the pressure upon the District Attorney's increased workload has required this move on our part.

In further discussions, as he stated in the worksession, there have been several ADA's across Upstate NY that have resigned and left their positions due to the increased workload of Bail Reform and Discovery. None of this is reimbursable through the State, as it is an unfunded mandate. On the Defense side, there has been significant funds from the State to alleviate some of the costs from the County.

I applaud the District Attorney for his move here, which has zero impact on the County budget. In addition, this year the workload in the District Attorney's has increased at least two-fold with the Discovery Reform. "

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 63-20 *AUTHORIZE APPOINTMENT TO TITLE OF
DEPUTY COUNTY TREASURER
TREASURER'S OFFICE*

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

WHEREAS: Margareta Olin, Deputy County Treasurer, has announced that her retirement and shall be effective February 29, 2020;

WHEREAS: The County Treasurer has an immediate need to appoint a replacement to the title of Deputy County Treasurer and he has identified his preferred candidate; therefore be it

RESOLVED: That the County Treasurer is authorized to appoint Katie Chandler to the title of Deputy County Treasurer at an annual non-union salary of \$47,000.00 effective March 2, 2020.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Sullivan and Weston.

RESOLUTION ADOPTED.

Legislator Hollenbeck made a motion to bring forth two late-file resolutions for Legislature consideration, seconded by Legislator Sullivan. Motion carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 64-20 *RESOLUTION OPPOSING THE GOVERNOR'S
PROPOSED MEDICAID COST-SHIFT AND
CALLING ON THE GOVERNOR AND NEW YORK
STATE LEGISLATURE TO PRESERVE THE ZERO
PERCENT MEDICAID GROWTH CAP*

WHEREAS: When created by the federal government in 1966, this health insurance program for the poor and disabled was intended to be funded by the Federal and State governments, but New York State opted to force counties to pay half the State's share; and

WHEREAS: The required County and New York City payment is now \$7.6 billion annually; and

WHEREAS: The local share of Medicaid funding paid in New York is the highest of any state in the country, and is more than what 43 individual states pay in state share for their Medicaid programs; and

WHEREAS: This large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS: In 2005, the Governor and legislative leaders recognized the fiscal burden the financing of Medicaid is for local taxpayers and initiated steps to relieve part of that burden by capping the growth in local costs in this program; and

WHEREAS: One of the most prominent property tax reduction and mandate relief initiatives in state history was Governor Cuomo's establishment of the zero percent Medicaid growth cap in 2015; and

WHEREAS: Due to rising costs of health services and pharmaceuticals, and due to New York State's expansion of Medicaid services and mandatory raises for health care workers, the Medicaid budget is facing billions of dollars in annual deficits over the next several years; and

WHEREAS: The Governor's Executive Budget Recommendation is proposing a variety of ways to address this fiscal shortfall, including cost-shifting the State's financial responsibilities onto county property taxpayers by:

- Taking county governments' federal enhanced Medicaid match savings;
- Forcing counties to pay for Medicaid growth if counties breach the state property tax cap;
- Shifting the local share of Medicaid growth above 3% to counties, if counties cannot contain costs under 3%; and

WHEREAS: Counties do not have the tools nor authority to control the Medicaid program growth; some of these limitations include:

- The ability to audit the Medicaid program;
- The ability to control the cost of prescription drugs;
- The ability to set provider reimbursement rates;
- The ability to modify eligibility and benefit levels for Medicaid recipients;
- The ability to control changing demographics across the state;
- The ability to control provider contracts; and

WHEREAS: If State experts in the Medicaid program are unable to develop solutions to control growth in the Medicaid program, it will be impossible for counties to do so, since they do not have this authority to control costs; and

WHEREAS: If enacted, the Governor's proposals will, in effect, nullify the property tax cap; therefore be it

RESOLVED: That the Tioga County Legislature opposes the cost-shifts and the taking of eFMAP federal funds for counties proposed by the Governor, and urges the Governor and legislative leaders to maintain the zero percent Medicaid growth cap for counties and New York City, as they address state budget shortfalls in order to keep downward pressure on the local tax burden; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John J. Flanagan, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader Will Barclay, Senator Fred Akshar, and Assemblyman Chris Friend.

Legislator Standinger spoke. "The Governor kicked a deficit down the road that created this issue – the urgency of it. At this point, it looks like he is trying to punish the counties to cover up his error. It is pretty frustrating when they cannot get their act together in Albany, NY and then they blame it on us. We pass our budget in the fall; they pass theirs in April. They end up dumping stuff on us after we have completed our budget and this is yet another example of that."

Chair Sauerbrey spoke. "The New York State Association of Counties (NYSAC) has taken on this cause to impress upon the Governor about what a poor decision this is. Counties across the State will be lobbying their Assemblymen and Senators tomorrow about the severity of this proposal, and to ask them to come up with other alternatives rather than passing them on to the counties."

Legislator Mullen spoke. "From the County Treasurer's report today, Tioga County sends New York State \$149,000 on a weekly basis already. This also does not relieve counties of staying underneath the two-percent (2%) tax cap. It literally nullifies the property tax cap if there is an increase of three-percent (3%) or more.

A study by the County's Social Services Department indicated that last year would have been a six-percent (6%) increase. Let's be honest, these costs are not going down.

I agree with Legislator Standinger that this is literally kicking the can down upon the counties and we have no authority to do anything about it except cough up the money. We cannot control costs; we cannot control providers or

anything. The County will pay the money and we will have to come up with it after our budget has been set.”

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 65-20 *HOME RULE REQUEST IN SUPPORT OF S7559/A9725: EXTENDING THE CURRENT AND IMPOSING ADDITIONAL SALES AND COMPENSATING USE TAXES BY THE COUNTY OF TIOGA*

WHEREAS: The continuation of previously authorized additional sources of revenue is required to enable counties, such as Tioga County to meet the ever-increasing costs of delivering essential governmental services to their citizens without undue reliance on local property taxes; and

WHEREAS: State Legislative authority is needed to extend the current sales and compensating use taxes for the County of Tioga at the same level and upon the same terms and conditions as now currently exist; therefore be it

RESOLVED: That the Tioga County Legislature hereby requests the enactment of Senate Bill number S7559 and Assembly Bill number A9725 entitled “An Act to Amend the Tax Law in relation to extending the authorization of the County of Tioga to impose an additional one percent of sales and compensating use taxes until November 30, 2022”.

Chair Sauerbrey spoke. “This is an extension of the ongoing tax bill already established and is not a new tax.”

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:35 P.M.