

*Eighth Regular Meeting
August 15, 2023*

The Eighth Regular Meeting of 2023 was held on August 15, 2023 and was called to order by the Chair at 12:05 P.M. Legislators Brown, Ciotoli, Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Weston were present.

Chair Sauerbrey asked Legislator Flesher to have a moment of prayer. "Dear Lord, thank you for bringing us here today. Continue to give us the strength and the wisdom to perform our duties to the best of our abilities and continue to guide us in all our decision-making."

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

There were 15 people in attendance.

Chair Sauerbrey asked for a Moment of Silence in honor of Robert Korba who passed away on August 8, 2023. Mr. Korba was employed as the Commissioner of Public Works from 1974-2000.

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

Legislator Standinger read and presented the following resolution to Anita T. Teed, Coordinator of Child Support Enforcement, 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. 302-23 *RECOGNIZE ANITA T. TEED
34 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Anita began her career with the Tioga County Department of Social Services on August 21, 1989, as a Social Welfare Examiner. In June 2001, Anita was promoted to Support Investigator in the Child Support Collections Unit, and to Senior Support Investigator in July 2019. Anita was promoted to her current position as Coordinator of Child Support Enforcement in December 2020; and

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

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

WHEREAS: Anita Teed will retire on August 31, 2023; 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 Anita Teed for her thirty-four 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, Anita T. Teed.

ROLL CALL VOTE

Unanimously Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standing spoke. “Anita, 34 years is a long time and I know for a fact that you are doing a bang-up job up there, but you are going to enjoy your retirement, I am sure. You probably have all kinds of things to do and probably Shawn has aspirations to drag you back into the HEAP world.”

Commissioner of Social Services Yetter spoke. “You couldn’t go to 35? As shared in the recognition resolution, Anita began with the agency in 1989 as a Social Welfare Examiner and through her solid and impressive work ethic and the ability to get the job done, she has moved up into the position she is retiring from as Coordinator of Child Support Enforcement; a title she has held since December 2020.

“Over the years, Anita has impressed all of us as a true role model and one of the ‘best come to work everyday and get the job done’ employees we have. The people she currently supervises have no doubt learned from that work ethic and Anita has been a true asset to our department every step of the way.

“Anita’s professionalism and sensitivity are her strong suits. Both of which her colleagues and the people we serve appreciate. Her tactfulness, personality, and approach allow her to build positive relationships within even the most difficult of situations. As a Social Welfare Examiner, Support Investigator, Senior Support Investigator, and finally Coordinator of Child Support Enforcement, Anita has very quietly, for well over 30 years, made sure that people in the community and most importantly children have access to the resources they are entitled to that improve their lives day in and day out.

“Anita brings to the table a true sense of compassion for others and when you put that with her untouchable work ethic and dedication, she is an employee that everyone can be proud of and that will be truly missed.

“Thank you, Anita for your many years of loyalty to the Department of Social Services and ultimately to the people we serve. I wish you a long, healthy, happy retirement.”

Anita Teed spoke. “Thank you very much. I really appreciate it.”

Chair Sauerbrey reported we have two Proclamations; **National Suicide Prevention Awareness Month in Tioga County** and **National Recovery Month in Tioga County** that will be noted in the minutes.

Doug Barton, Owego, NY had privilege of the floor. “Well, most of the time when people step up to the podium it is to complain about something. I am not here to do that. I have spoken with many retirees and Gail, and I have had some personal experiences and we are here to thank you.

“A number of years ago, the Personnel Office and specifically Amy Poff, Benefits Manager, spent a lot of time looking into the health care coverage that affects retirees. We went back and forth and listened, and they made a decision that we are all thankful for and I want to thank the Legislature for supporting their decision and what that has had in terms of an impact on retirees. Under the current healthcare system that we have, we have access to proper doctors, necessary tests for diagnostic reasons, and we are able to do all of this and not be concerned about the cost of our care. Let me tell you this, when you have a major issue health wise not having to worry about the cost takes a big burden off of you. You have enough to worry about and you are trying to choose doctors and make decisions about treatment and care and that is the least thing you want to worry about and under the current system, you have succeeded in providing that for us as retirees.

“I know that many decisions that you make have an effect on the people of Tioga County and this one decision to support the healthcare system for the retirees is a system that has had a major impact on our quality of life and our ability

to get good healthcare. I am just here to thank you very much for that, so thank you."

Legislator Monell made a motion to approve the minutes of July 11 and 20, 2023, seconded by Legislator Brown and carried.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 303-23 ADOPT LOCAL LAW NO. 2 OF 2023

WHEREAS: A public hearing was held on July 20, 2023, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2023; A Local Law providing Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law; and

WHEREAS: It is in the best interest of the residents of Tioga County to adopt such Local Law which will be Local Law No. 2 of 2023; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted:

County of Tioga

Local Law No. 2 of the Year 2023.

A Local Law providing Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law.

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

SECTION 1: PURPOSE.

The Tioga County Legislature has determined that attracting and retaining quality volunteer firefighters and ambulance workers is a key component in providing for the safety and welfare of County residents, but also presents a significant challenge throughout the municipalities of the County.

The Tioga County Legislature has also determined that real property tax exemptions are an appropriate way to recognize the sacrifice and dedication of volunteer firefighters and ambulance workers and are an appropriate tool to help recruit and retain these volunteers.

Accordingly, it is the purpose of this Local Law to adopt the Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law.

SECTION 2: REAL PROPERTY TAX EXEMPTION.

Real Property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service, or by such enrolled member and their spouse, shall be exempt for ten percent (10%) of the assessed value of their property for calculation of real property taxes for the County of Tioga, exclusive of special assessments.

SECTION 3: ELIGIBILITY REQUIREMENTS.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, provided that:

- A. The volunteer firefighter or ambulance worker resides in the County of Tioga, and the County of Tioga is served by such incorporated fire company, fire department, or incorporated voluntary ambulance service; and
- B. The property is owned by the volunteer firefighter or ambulance worker, including property owned jointly with their spouse; and
- C. The property is the primary residence of the volunteer firefighter or ambulance worker; and
- D. The property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence, but is used for other purposes, such portion shall be subject to taxation, and the remaining portion only shall be entitled to the exemption provided by this Local Law; and
- E. The volunteer firefighter or ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or ambulance worker meets the minimum service requirement established by the County of Tioga for exemption from Tioga County real property taxes, which is hereby established as two (2) years of service.

SECTION 4. LIFETIME EXEMPTION.

Any eligible enrolled member who accrues more than 20 years of active volunteer service, as certified by the authority having jurisdiction, shall be granted the ten percent (10%) exemption, as authorized by this Local Law, for the remainder of their life, as long as their primary residence is located within the County of Tioga.

SECTION 5: UN-REMARIED SURVIVING SPOUSE OF ENROLLED MEMBER KILLED IN THE LINE OF DUTY.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive the ten percent (10%) exemption, as long as the deceased volunteer had been an enrolled member for at least five (5) years of service and had been receiving the exemption prior to their death.

SECTION 6: UN-REMARIED SURVIVING SPOUSE OF ENROLLED MEMBER WITH LIFETIME EXEMPTION.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, who had been receiving a lifetime exemption as a result of accruing over twenty (20) years of service is qualified to continue to receive the ten percent (10%) exemption as long as the deceased volunteer had been receiving the exemption prior to their death.

SECTION 7: CERTIFICATION AND APPLICATION PROCESS.

- A. The volunteer firefighter and ambulance service organizations in the County of Tioga are responsible for certifying which members, and un-remarried surviving spouses, are qualified for the ten percent (10) real property tax exemption.
- B. The volunteer firefighter and ambulance service organizations in the County of Tioga must annually submit to the appropriate Town Assessor, by the last business day on or before January 31st, a list of members, and un-remarried surviving spouses, who they have certified as eligible to receive the real property tax exemption.
- C. The volunteer firefighter and ambulance service organizations in the County of Tioga must annually provide to their members, and un-remarried surviving spouses, upon request, a certification of the member's or un-remarried spouse's eligibility for the real property tax exemption, to include the number of years of service, confirmation of enrollment as of the date of certification, or date of death, and the address of the residence.

- D. Members or un-remarried surviving spouses not receiving a lifetime exemption must file, annually, on or before taxable status date of March 1st, an application for this exemption with the appropriate Town Assessor. The Town Assessor will have the proper form and instructions, as prescribed by the New York State Commissioner of Taxation and Finance.
- E. Members or un-remarried surviving spouses receiving a lifetime exemption do not need to file annually, so long as their eligibility status is unchanged.

SECTION 8: NO DIMINUTION OF BENEFITS.

No applicant who is a volunteer firefighter or ambulance worker who by reason of such status is receiving any benefit under the provisions of the law on the effective date of this Local Law shall suffer any diminution of such benefits because of the provisions of this Local Law.

SECTION 9: SEVERABILITY.

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

SECTION 10: EFFECTIVE DATE.

This Local Law will take effect on January 1, 2024, and shall apply to taxable status dates occurring on or after such date.

Legislator Mullen spoke. "I would like to thank Steve Palinosky, Real Property Director, who led the way at the Tioga County government level on this local law. Having been the former Chair of the Public Safety Committee and dealing with quite a few of the fire departments and the current situation with both EMS and volunteer firefighters, I think it is more of our duty to do something like this to allow anything we can do to help our local fire departments and emergency service personnel on the job. I am glad that we did this, and this represents good government. People put their lives on the line for us and our family and just getting a little bit of recognition for doing what they do voluntarily. Thank you, Steve, the Real Property Office, and the Legislature for expediting this and getting it done rather quickly."

Legislator Standinger spoke. "It is a small price to pay to keep the volunteers active and participating in the fire departments. I have never experienced a fire

at my house, but I am a certified fire investigator and I have been to a lot of them. It is a tough job to run into a burning building and for people that participate in the fire department, there should be some incentive for that, and I am glad that we are able to do this."

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Roberts introduced Local Law Introductory No. C of 2023.

Local Law Filing	New York State Department of State 41 State Street, Albany, NY 12231
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County of Tioga

Local Law No. X of the Year 2023.

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

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

SECTION 1: TITLE.

This local Law shall be known as the "Hotel/Motel Tax Law."

SECTION 2: PURPOSE.

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS.

HOTEL/MOTEL - Any facility or a portion thereof providing lodging on an over-night basis, in exchange for any consideration, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

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

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

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

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

PERSON - An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT – The consideration received for occupancy valued in money, whether received in money, or otherwise.

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

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

TREASURER – Tioga County Treasurer

SECTION 4: TAX.

A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

SECTION 5: EXEMPTION.

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6: REGISTRATION.

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

SECTION 7: ADMINISTRATION AND COLLECTION.

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

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

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

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

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

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

SECTION 8: RECORDS TO BE KEPT.

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

SECTION 9: RETURNS.

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified.

If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(B) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

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

SECTION 10: PAYMENT OF TAX.

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

(B) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

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

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

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

SECTION 11: DETERMINATION OF TAX.

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(A) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

SECTION 12: JUDICIAL REVIEW.

(A) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or
2. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 13: PENALTY AND INTEREST.

There shall be a penalty for failure to file said return and pay over the tax to the Treasurer on the date due in the amount of ten (10%) percent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 14: LIMITATION OF TIME.

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 15: RESERVES.

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

SECTION 16: APPLICATION OF FUNDS.

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 17: REMEDIES EXCLUSIVE.

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

SECTION 18: PROCEEDINGS TO RECOVER TAX.

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

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

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

to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

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

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

SECTION 19: GENERAL POWERS OF THE TREASURER.

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

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

(B) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but

not interest; and to compromise disputed claims in connection with the taxes hereby imposed.

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

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

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

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

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

SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY.

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

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

(C) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

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

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

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

SECTION 21: REFERENCE TO TAX.

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

SECTION 22: RETURNS TO BE SECRET.

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of

the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

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

SECTION 23: EFFECTIVE DATE.

This local law shall become effective December 1, 2023 and shall remain in effect until November 30, 2026.

SECTION 24: SEVERABILITY.

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 304-23 *SCHEDULE PUBLIC HEARING*
LOCAL LAW INTRODUCTORY NO. C OF 2023

RESOLVED: That a Public Hearing shall be held on Thursday, August 24, 2023 at 10:00 A.M. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY 13827 on Local Law Introductory No. C of 2023 A Local Law Providing for the Collection of a Hotel and Motel Tax in Tioga County. All persons desiring to present written or oral comments may do so at said time.

Legislator Mullen spoke. "This has funded our Tourism Office and our Tourism Director, and her team have done an outstanding job in the growth of where we are at. Sometimes we get a little tete-a-tete in our private meetings about this money, but I can tell you it is going to a good cause and our Tourism people are doing an outstanding job for the County, so I am highly in favor of this."

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Standinger introduced Local Law Introductory No. D of 2023.

Local Law Filing	New York State Department of State 41 State Street, Albany, NY 12231
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County of Tioga

Local Law No. X of the Year 2023.

A Local Law Establishing the Position of County Administrator for the County of Tioga.

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

SECTION 1: LEGISLATIVE INTENT.

The Tioga County Legislature recognizes the growing complexities of County Government by the many mandated programs on both the Federal and State level of government and the need for increased direction, control and coordination of County governmental functions would provide a more efficient administration of the various departments and agencies of Tioga County.

It is the purpose and intent of this local law to provide administrative assistance to the County Legislature, in order to provide uniformity in the day-to-day operations and management of County affairs. It is not the purpose or intent of the County Legislature in the adoption of this local law to curtail, diminish, or transfer the power of any elected or appointed County official.

SECTION 2: COUNTY ADMINISTRATOR.

There shall be a County Administrator who shall be directly responsible to the Tioga County Legislature and perform the functions of a Chief Administrative Officer on behalf of the County Legislature with the County Legislature retaining the final administrative authority. The position of County Administrator shall be unclassified for Civil Service purposes.

SECTION 3: APPOINTMENT, TERM OF OFFICE.

The County Administrator shall be appointed by and serve at the pleasure of the Tioga County Legislature based on the minimum qualifications outlined in this local law and run coextensively on the same terms as the Legislative Clerk, County Attorney, and Public Defender. The position of County Administrator shall be unclassified for Civil Service purposes. Upon hiring, the County Administrator will work with the Chairperson of the Legislature for a period of up to 52 weeks.

SECTION 4: MINIMUM QUALIFICATIONS.

At the time of appointment, the County Administrator shall have the following training and/or experience:

- A. Graduation from a regionally accredited or New York State registered college or university with a Master's degree preferably in Business or Public Administration or a related field and four (4) years of professional experience in the field of public or business administration, including experience in budgeting and financial management with government experience preferred; or
- B. Graduation from a regionally accredited or New York State registered college or university with a Bachelor's degree preferably in Business or Public Administration or a related field and six (6) years of professional experience in the field of public or business administration, including experience in budgeting and financial management with government experience preferred.

The County Administrator position requires a thorough knowledge of the principles and procedures of public administration which includes management supervision, intergovernmental relations, thorough knowledge of the principles and procedures of governmental accounting and budget, good knowledge of report writing and statistical interpretation, knowledge of public relations practices and procedures, good knowledge of and experience with purchasing processes. Communication skills are critical in the ability to communicate effectively, both orally and written, ability to analyze problems and make recommendations, ability to prepare and maintain written reports and records, ability to follow and issue complex oral and written instructions, ability to establish and maintain good relationships both within the County and with outside agencies, ability to supervise the work of others, ability to exercise good judgment in evaluating situations, establishing priorities, and making decisions.

The County Administrator shall be appointed on the basis of these, and such other qualifications as may be required for the responsibilities of the position.

SECTION 4: SALARY.

The County Administrator shall receive an annual salary to be fixed by the County Legislature.

SECTION 5: POWERS AND DUTIES.

Without curtailing, diminishing, or transferring the powers of any elected County official, the County Administrator shall be responsible for the overall administration of Tioga County Government under the direction of the Tioga County Legislature and shall provide and coordinate staff services to the County Legislature, Chairperson of the Legislature, and its Committees. The County Administrator will act as the Budget Officer and Public Information Officer and oversee the day-to-day departmental operations to carry out the directives of the County Legislators efficiently, economically, and effectively, as well as assist with short and long-term capital and fiscal planning. The County Administrator will also perform related work as required and assigned. The County Administrator shall have all the powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are the following:

A. Departmental Management & Labor Relations:

- Act as day-to-day primary Operations Director in accordance with policies established by the Legislature.
- Provide interdepartmental leadership and unify overall management of County affairs by supporting the operations of Department Heads, implement administrative policies approved by the Legislature, address common issues among departments, identify interdepartmental efficiencies, attend and participate in monthly Department Head meetings.
- Work with Department Heads to implement and ensure compliance with New York State legislation.
- Make recommendations to the Legislature regarding appointment/termination of non-elected Department Heads.
- Conduct non-elected Department Head performance evaluations and prepare Department Head performance reports, including recommending to the Legislature any changes to salaries or benefits as consistent with the current salary plan in conjunction with the Legislative Standing Committee Chairperson.
- Participate in collective bargaining negotiations with employee labor unions.
- Ensure that County policies are followed.

B. Financial Management & Budgeting:

- Act as Budget Officer monitoring expenditures, establishing budgetary controls, and updating the Legislature on the County's financial status.

- Review tentative operating and capital budgets with Department Heads and make recommendations to the Legislature.
- Serve as an advisor to the Legislature preparing and executing short and long-term capital plans.
- Facilitate grants and shared services activity, when appropriate.

C. Administration & Communication:

- Lead Purchasing Policy evaluation and improvement to current procedures.
- Execute contracts in the name of Tioga County, authorize filling vacant funded positions, authorize routine expenditures, budget transfers and modifications below a predetermined threshold, provide adequate insurance.
- Attend all regular Legislature meetings, special Legislature meetings, public hearings, and Legislative Standing Committee meetings.
- Act as Public Information Officer and spokesperson for the Legislature.
- Serve as liaison and represent the Legislature in contacts with political subdivisions, State and Federal officials and agencies.
- Prepare and present annual report on the State of the County to the Legislature and public.
- Create and deliver necessary projects and reports as required by the County and State of New York such as Shared Services, surveys, and information required by the State.
- Assist the Legislature with developing short and long-term policies and procedures, recommend and advise the Legislature of implications of policies and procedures under construction.
- Facilitate Leaders Meetings, participate in Executive Team Meetings, and other such related meetings that pertain to leadership activities with the County.

D. Other Duties as Assigned

SECTION 6: ACTING COUNTY ADMINISTRATOR.

The Chairperson of the Legislature shall be the acting County Administrator in the event of the County Administrator's absence from the County or inability to perform and exercise the powers and duties of the position. In the event of the Chairperson's inability to serve as acting County Administrator, the Chairperson, with the approval of the Legislature, shall appoint an acting County Administrator. In no event may a person serve as acting County Administrator for a period greater than sixty days in any calendar year, unless authorized by the Legislature. The acting County Administrator shall have all the powers and duties of the County Administrator during the period of their designation or until a new County Administrator shall be appointed, pursuant to this local law, and shall qualify to assume that position.

SECTION 7: NO DIVESTITURE OF POWERS AND DUTIES OF LEGISLATURE.

Nothing contained in this local law shall operate or be construed to divest the County Legislature of Tioga County of any of its functions, powers and duties.

SECTION 8: SEVERABILITY OF PROVISIONS.

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

SECTION 9: CONFLICT WITH PREVIOUS LOCAL LAWS AND RESOLUTIONS.

In the event of a conflict or inconsistency between this local law and any previous local law or resolution of the County Legislature, this local law shall govern.

SECTION 10: EFFECTIVE DATE.

This local law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully and it has been duly filed as provided by the Municipal Home Rule Law.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 305-23 *SCHEDULE PUBLIC HEARING*
LOCAL LAW INTRODUCTORY NO. D OF 2023

RESOLVED: That a Public Hearing shall be held on Thursday, August 24, 2023 at 10:05 A.M. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY 13827 on Local Law Introductory No. D of 2023 A Local Law Establishing the Position of County Administrator for the County of Tioga. All persons desiring to present written or oral comments may do so at said time.

Legislator Standinger spoke. "I know that Tioga County at some point in the past had a similar type of title or position and it was not a good fit. But I think going forward with all of the recent mandates that we have been getting from the Federal and State government and the duties that are required to supervise those actions and the accounting associated with them, as well as the day-to-day

business of the County it makes a lot of sense to have someone in this position to have some uniformity across the board for the way the Departments are handled.”

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 306-23 *RESOLUTION OF THE LEGISLATURE OF TIOGA COUNTY AMENDING RESOLUTION NO. 231-15 TO EXTEND IMPOSITION OF AN ADDITIONAL ONE PERCENT RATE OF SALES AND COMPENSATING USE TAX FOR A PERIOD OF TWO YEARS THROUGH NOVEMBER 30, 2025*

WHEREAS: By Resolution No. 231-15, the Tioga County Legislature imposed in this county and decreed there shall be paid all of the sales and compensating use taxes described in Article Twenty-nine of the New York State Law as authorized by subdivision (a) of section twelve hundred ten of the Tax Law, at the rate of three percent. In addition to those taxes imposed at the rate of three percent, Resolution No. 231-15 imposed in this county and decreed there shall be paid such sales and compensating use taxes at the additional rate of one percent through November 30, 2017; and

WHEREAS: By Resolution No. 184-17, the Tioga County Legislature amended Resolution No. 231-15 imposed in this county and decreed there shall be paid such sales and compensating use taxes at the additional rate of one percent through November 30, 2020; and

WHEREAS: By Resolution No. 118-20, the Tioga County Legislature amended portions of Resolution No. 184-17 that amended Resolution No. 231-15 imposed in this county and decreed there shall be paid such sales and compensating use taxes at the additional rate of one percent through November 30, 2023; and

WHEREAS: Section 1. Clause 17 of subparagraph (i) of the opening paragraph of Section 1210 of the tax law, as amended by Chapter 243 of the Laws of 2023 is amended to read as follows:

(17) the County of Tioga is hereby further authorized and empowered to adopt and amend local laws, ordinances or resolutions imposing such taxes at a rate which is: (i) one-half of one percent additional to the three percent rate authorized above in this paragraph for such county for the period beginning September first, nineteen hundred ninety-three, and ending November thirtieth, two thousand three; and (ii) one percent additional to the three percent rate authorized in this paragraph for such county for the period beginning December first, two thousand five, and ending November thirtieth, two thousand twenty-five; and

WHEREAS: The Tioga County Legislature wishes to amend Resolution No. 231-15, as amended by Resolution No. 184-17, as amended by Resolution No. 118-20, to impose the additional one percent of sales and compensating use taxes for a period of two additional years through November 30, 2025; therefore be it

RESOLVED: By the Legislature of Tioga County, that Section One of Resolution No. 231-15, as amended by Resolution No. 184-17, as amended by Resolution No. 118-20, shall be amended to read as follows:

SECTION I: Imposition of general sales and compensating use taxes. There are hereby imposed in this county and there shall be paid all of the sales and compensating use taxes described in Article Twenty-nine of the New York Tax Law as authorized by subdivision (a) of section twelve hundred ten of the Tax Law, at the rate of three percent. In addition to those taxes imposed at the rate of three percent, there are hereby imposed in this county and there shall be paid such sales and compensating use taxes at the additional rate of one percent for the period commencing December 1, 2023, and ending November 30, 2025"; and be it further

RESOLVED: That this enactment shall take effect December 1, 2023.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 307-23 *APPOINT MEMBER TO THE
TIOGA COUNTY LOCAL
DEVELOPMENT CORPORATION*

WHEREAS: Lisa Engelbert's term expired effective 3/31/23 and she is no longer interested in serving on the Local Development Corporation Board of Directors; and

WHEREAS: Jason Harris has expressed his desire to serve on the Local Development Corporation Board of Directors to fill Lisa Engelbert's seat that expired 3/31/23; and

WHEREAS: The Tioga County Local Development Corporation Board of Directors has found Jason Harris willing and able to fill said vacancy; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoint Jason Harris to fill Lisa Engelbert's seat on the Tioga County Local Board of Directors for the term of 8/15/23 – 3/31/26.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 308-23 *APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING BOARD*

WHEREAS: The Town of Spencer position on the Tioga County Planning Board has been vacant for several months; and

WHEREAS: The Spencer Town Board has found Joe Budney willing and able to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Joe Budney to the Tioga County Planning Board representing the Town of Spencer for a term of 8/15/23 – 12/31/25.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 309-23 *APPROVE TECHNICAL ASSISTANCE
PROVIDED BY ED&P STAFF*

WHEREAS: A resolution is required by County policy to disclose matching cash and or in-kind contributions from the County for grant applications written for the County and/or by the County on behalf of a municipality or entity; and

WHEREAS: The Tioga County Economic Development and Planning staff provided technical assistance for the following:

<u>Organization</u>	<u>Source</u>	<u>Amount</u>	<u>Purpose</u>
Tioga County Anglers	TSB	\$5,000	Initiate Education & Stocking Program
Kali's Klubhouse	TSB	\$5,000	Facilitate "7 Keys for Success" Youth Equine Program
Tioga County Anglers	Community Foundation	TBD	Operating

Tioga Arts Council	NYSCA	TBD	Establish Artist Residency Program
Owego Apalachin	NYS OSWD	\$700,000	CTE Center Renovation & School Equipment
Tioga Arts Council	TSB	\$10,000	“You Are Here” Mural Restoration (Owego)

And

WHEREAS: There is no further obligation by the County; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the technical assistance provided as noted above.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 310-23 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE ON MEMO OF UNDERSTANDING WITH TIOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY*

WHEREAS: The Tioga County Industrial Development Agency (TCIDA) was awarded funds by way of the Village of Owego Downtown Revitalization Initiative to establish programs for improvement to key facades and in support of the business community; and

WHEREAS: New York State allows for the reimbursement of administrative costs associated with said programs; and

WHEREAS: The TCIDA acknowledges that the bulk of the program administration is by way of the Economic Development and Planning Office; and

WHEREAS: The TCIDA agrees that ninety-five percent (95%) of said reimbursement fees collected shall be disbursed to Tioga County; and

WHEREAS: Said reimbursed administrative fees shall be applied to the County General Fund as miscellaneous receipts to State Aid Administrative Fee line (A6422-437170); and

WHEREAS: Tioga County and the TCIDA are desirous of having a Memo of Understanding with regard to this agreement in place; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Memo of Understanding between the Tioga County Industrial Development Agency and Tioga County.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 311-23 *EXECUTE LEASE EXTENSION WITH
MCP ENTERPRISES, INC. FOR
CHILD ADVOCACY CENTER
SOCIAL SERVICES*

WHEREAS: The Department of Social Services has a lease with MCP Enterprises, Inc. for office space at 6 McMaster St. Owego for the Child Advocacy Center in Tioga County; and

WHEREAS: MPC Enterprises, Inc. has offered a one-year extension of this lease at the current monthly rate of \$850; therefore be it

RESOLVED: That the Chair of the Legislature is authorized and directed to sign said lease extension with MCP Enterprises, Inc. for space at 6 McMaster St. Owego Suite

#3 for a 1-year lease term commencing on August 1, 2023 at the monthly rate of \$850.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 312-23 *EXECUTE LEASE AND EASEMENT AGREEMENT OF PROPERTY LOCATED AT SOUTH APALACHIN ROAD, APALACHIN, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER*

WHEREAS: It is necessary for Tioga County to lease a portion of property to install, house, and maintain a communications tower and access road; and

WHEREAS: Motorola Solutions, as part of the installation and upgrade of the Emergency Services Communication Network, has approved the property located at South Apalachin Road, Apalachin, New York for the installation of a communications tower; and

WHEREAS: The owners of the property, Timothy and Catherine Card, agreed to lease a portion of the property to Tioga County for construction and maintenance of the communications tower and installation of a fence, communications shelter, generator, and access road; and

WHEREAS: The lease of said property is for a period of fifteen years with an additional fifteen-year renewal at an annual rate of eight thousand four hundred dollars (\$8400 USD) to be paid annually in one lump sum payment; and

WHEREAS: There are sufficient funds in Account A3021.540320.E911 to cover said cost; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease with Timothy and Catherine Card for the lease and easement of property located at South Apalachin Road, Apalachin, New York which lease shall commence based on the date Tioga County commences construction on the property.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 313-23 *EXECUTE LEASE AND EASEMENT AGREEMENT OF PROPERTY LOCATED AT 54 DODGE ROAD, SPENCER, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER*

WHEREAS: It is necessary for Tioga County to lease a portion of property to install, house, and maintain a communications tower and access road; and

WHEREAS: Motorola Solutions, as part of the installation and upgrade of the Emergency Services Communication Network, has approved the property located at 54 Dodge Road, Spencer, New York for the installation of a communications tower; and

WHEREAS: The owner of the property, Douglas Brock, agreed to lease a portion of the property to Tioga County for construction and maintenance of the communications tower and installation of a fence, communications shelter, generator, and access road; and

WHEREAS: The lease of said property is for a period of fifteen years with an additional fifteen-year renewal at an annual rate of eight thousand four hundred dollars (\$8400 USD) to be paid annually in one lump sum payment; and

WHEREAS: There are sufficient funds in Account A3021.540320.E911 to cover said cost; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease with Douglas Brock for the lease and easement of property located at 54 Dodge Road, Spencer, New York which lease shall commence based on the date Tioga County commences construction on the property.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 314-23 EXECUTE LEASE AND EASEMENT AGREEMENT OF PROPERTY LOCATED AT 246 DAVIS ROAD, TOWN OF RICHFORD, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER

WHEREAS: It is necessary for Tioga County to lease a portion of property to install, house, and maintain a communications tower and access road; and

WHEREAS: Motorola Solutions, as part of the installation and upgrade of the Emergency Services Communication Network, has approved the property located at 246 Davis Road, Town of Richford, New York for the installation of a communications tower; and

WHEREAS: The owner of the property, Andrew Hanson, agreed to lease a portion of the property to Tioga County for construction and maintenance of the

communications tower and installation of a fence, communications shelter, generator, and access road; and

WHEREAS: The lease of said property is for a period of fifteen years with an additional fifteen-year renewal at an annual rate of eight thousand four hundred dollars (\$8400 USD) to be paid annually in one lump sum payment; and

WHEREAS: There are sufficient funds in Account A3021.540320.E911 to cover said cost; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease with Andrew Hanson for the lease and easement of property located at 246 Davis Road, Town of Richford, New York which lease shall commence based on the date Tioga County commences construction on the property.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 315-23 EXECUTE LEASE AND EASEMENT AGREEMENT OF
PROPERTY LOCATED AT 110 C BABCOCK ROAD,
NICHOLS, NEW YORK TO INSTALL, HOUSE, AND
MAINTAIN A COMMUNICATIONS TOWER

WHEREAS: It is necessary for Tioga County to lease a portion of property to install, house, and maintain a communications tower and access road; and

WHEREAS: Motorola Solutions, as part of the installation and upgrade of the Emergency Services Communication Network, has approved the property located at 110 C Babcock Road, Nichols, New York for the installation of a communications tower; and

WHEREAS: The owner of the property, Chet Babcock, agreed to lease a portion of the property to Tioga County for construction and maintenance of the communications tower and installation of a fence, communications shelter, and access road; and

WHEREAS: The lease of said property is for a period of fifteen years with an additional fifteen-year renewal at an annual rate of eight thousand four hundred dollars (\$8400 USD) to be paid annually in one lump sum payment; and

WHEREAS: There are sufficient funds in Account A3021.540320.E911 to cover said cost; therefore be it

RESOLVED: That the Chair of the Legislature is hereby authorized to sign a lease with Chet Babcock for the lease and easement of property located at 110 C Babcock Road, Nichols, New York which lease shall commence based on the date Tioga County commences construction on the property.

Legislator Standinger spoke. "Regarding the four resolutions for the leases, those towers will help us get into the 21st Century. Our radio system has been lacking for a long time and that can cause issues that result in injury and death to people who call for assistance. The radio system is not able to transmit, so hopefully as a result of this and the other money that is being spent it will improve the response in Tioga County and bring it up to where it should be."

Legislator Mullen spoke. "This is coming into fruition and an immense amount of work and effort by Director of Emergency Services Simmons and the people in Emergency Management. None the less, a tremendous amount of support and effort from Chair Sauerbrey, herself, so I want to thank her as she was very instrumental in helping move this project forward. We are getting there; we are close; and it's about time. Having retired as a police officer who used the communication in this County, it is lacking, and we are talking about officer's safety and the safety of those they are sworn to protect and serve. Once again, this is good government, and it is money well spent."

Legislator Weston spoke. "I would like to say this is going to be very beneficial to the school systems, especially when there are emergencies and people need to get to those places. I feel that it is very worthwhile anytime you can help save someone's life if they are in danger."

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 316-23 *AWARD BRIDGE PREVENTATIVE MAINTENANCE
PHASE IX, PIN 9754.58 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: On July 10, 2023 the Department of Public Works received sealed bids from the following contractors:

R. DeVincentis Construction Co., Binghamton NY	\$198,000.00
Economy Paving Corp., Cortland NY	\$355,500.00

And

WHEREAS: NYSDOT concurs with the contract award; therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, R. DeVincentis Construction Co., Binghamton, NY not to exceed \$198,000.00 to be paid out of the Bridge Account D5110.540050.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 317-23 AWARD BID FOR HHS PARKING LOT PAVEMENT OVERLAY

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On July 13, 2023 the Department of Public Works received sealed bids from the following contractors:

Broome Bituminous Products, Vestal NY \$268,517.00

Lancaster Development, Richmondville NY \$289,261.03

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Broome Bituminous Products, Vestal NY not to exceed \$268,517.00 to be paid out of the HHS Parking Lot Account H1621.521914.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 318-23 AWARD BID FOR WILLSEYVILLE ROAD PAVEMENT OVERLAY

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On July 27, 2023 the Department of Public Works received sealed bids from the following contractors:

Suit-Kote Corporation, Cortland NY	\$167,177.00
Broome Bituminous Products, Vestal NY	\$188,575.00
Lancaster Development, Richmondville NY	\$219,645.30

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Suit-Kote Corporation, Cortland NY not to exceed \$167,177.00 to be paid out of the Paving Projects Account H5110.540001.H2301.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 319-23 AWARD BID FOR TANDEM TRUCK

WHEREAS: The Commissioner of Public Works budgeted for 3 Tandem Trucks; and

WHEREAS: On July 25, 2023 the Department of Public Works received 1 sealed bid from the following vendor:

Burr Truck & Trailer Sales, Inc., Vestal NY	\$305,236.72
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Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to Burr Truck & Trailer Sales, Inc., Vestal NY not to exceed \$305,236.72 per truck to be paid out of Account H5130.521908.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 320-23 *AUTHORIZE TANDEM TRUCK DOWN PAYMENT*

WHEREAS: The Commissioner of Public Works has budgeted for 3 Tandem Trucks; and

WHEREAS: Burr Truck and Trailer Sales, Inc. has 3 Tandem Trucks in stock that are pending installation of additional items; and

WHEREAS: Burr Truck and Trailer Sales, Inc. has requested a down payment for the 3 Tandem Trucks in the amount of \$439,776.81; and

WHEREAS: A down payment requires legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a down payment in the amount of \$439,776.81 to be paid out of Account H5130.521908.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
 FINANCE COMMITTEE
 PUBLIC WORKS COMMITTEE

RESOLUTION NO. 321-23 *AUTHORIZE CAPITAL PROJECT*
 AMERICAN RESCUE PLAN ACT (ARPA)
 CAPITAL APPROPRIATION REQUEST

WHEREAS: The Commissioner of Public Works and the Chief Information Officer have identified a need and made a recommendation to the Tioga County Legislature for the improvement of Security facilities by means of a Security Camera and Automated Building Access Control Systems upgrades at 477 NY-96, Owego, NY (Public Works and Highway Departments), 68 Temple Street, Owego, NY (Buildings and Grounds), and 71 Delphine Street, Owego, NY (Truck Wash Facility); and

WHEREAS: American Rescue Plan Act "ARPA" funds have been budgeted in the Tioga County 2023 Capital Budget for use specifically as designated by the Tioga County Legislature for Building Construction within Tioga County; and

WHEREAS: Camera hardware requirements were overlooked and omitted from resolution 23-23 and associated One Time ARPA request form; and

WHEREAS: The additional camera hardware and software requirements total \$14,086.32; and

WHEREAS: Upon the successful receipt and review of the One Time ARPA request form(s), both the Legislative Chair and the ARPA Fund Administrator have granted their approval of the form, and have submitted the request to the Tioga County Legislature for final review and approval; and

WHEREAS: The Tioga County Legislature shall oversee and authorize all ARPA expenditures whether budgeted or not; therefore be it

RESOLVED: That invoices related to the Security Upgrades for 477 NY-96, Owego, NY (Public Works and Highway Departments), 68 Temple Street, Owego, NY (Buildings and Grounds), and 71 Delphine Street, Owego, NY (Truck Wash Facility) to be paid with ARPA funds from the following account for no more than the amount requested:

From: **H1620 520994 M7674** **Building Construction – ARPA** **\$14,086.32**

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 322-23 *ACKNOWLEDGE AND APPROVE THE NAME CHANGE OF NYS CDBG RACKER NONPROFIT HUB GRANT AND MODIFY THE ECONOMIC DEVELOPMENT BUDGET*

WHEREAS: Tioga County Economic Development and Planning (TCEDP) was approved by Resolution No. 93-22 authorizing the submission of a grant application to New York State Community Development Block Grant (CDBG)-CV Cares Act program and authorizing Legislative Chair signature on grant related documents for Racker Non-Profit Hub Project; and

WHEREAS: TCEDP was approved by Resolution No. 94-22 to schedule a public hearing for the NYS CDBG Racker Non- Profit Hub Project; and
WHEREAS: TCEDP accepted the NYS CDBG Grant award of \$3,000,000.00 by Resolution No. 213-22 for the Racker Non-Profit Hub; and

WHEREAS: The Racker Non-Profit Hub has since established a separate LLC to manage the project; and

WHEREAS: Said LLC has been named the Neighborhood Depot LLC; and

WHEREAS: Appropriation of funds and budget modifications require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby recognizes the name change from Racker Non-Profit Hub to Neighborhood Depot LLC and will revise noted accounts to reflect the change; and be it further

RESOLVED: That the 2023 budget be modified as follows:

Revenue Account #CE8668-449100-CE005 \$3,000,000.00

Expense Account #CE8668-540487-CE005 \$3,000,000.00

Name: CDBG-Neighborhood Depot

And be it further

RESOLVED: That the Chair of the Legislature or duly authorized representative (including County Treasurer and/or Budget Officer), is hereby authorized to make any transfers of funds required within the Economic Development budget.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 323-23 *AUTHORIZE, ACKNOWLEDGE AND ACCEPT RESTORE NEW YORK GRANT FUNDS WITH NAME CHANGE TO FUDDY DUDDY'S PROJECT AND MODIFY THE ECONOMIC DEVELOPMENT BUDGET*

WHEREAS: Tioga County Economic Development and Planning (TCEDP) was approved by Resolution No. 291-22 authorizing submission of a grant application to Restore New York and authorizing Legislative Chair signature on grant related application documents for the Fuddy Duddy's Project; and

WHEREAS: TCEDP was approved by Resolution No. 256-22 to schedule a public hearing for the Restore New York Fuddy Duddy's project; and

WHEREAS: NYS Empire State Development announced said grant award to Tioga County on January 26, 2023 in the amount of one million eight hundred thousand (\$1,800,000) dollars; and

WHEREAS: Fuddy Duddy's has since established a separate LLC to manage the project; and

WHEREAS: Said LLC has been named the River House Confectionery Mercantile LLC; and

WHEREAS: Appropriation of funds and budget modifications require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby accepts said New York State Restore grant award in an amount of one million eight hundred thousand (\$1,800,000) dollars, and authorizes the Chair of the County Legislature to sign any and all grant related paperwork contingent upon review and approval of the County Attorney; and be it further

RESOLVED: That the Tioga County Legislature hereby recognizes the name change from Fuddy Duddy's to River House Confectionery Mercantile and will revise noted accounts to reflect the change; and be it further

RESOLVED: That the 2023 budget be modified as follows:

Revenue Account #CE8668-439890-CE006 \$1,800,000.00

Expense Account #CE8668-540487-CE006 \$1,800,000.00

Name: River House Confectionery Mercantile

And be it further

RESOLVED: That the Chair of the Legislature or duly authorized representative (including County Treasurer and/or Budget Officer), is hereby authorized to make any transfers of funds required within the Economic Development budget.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 324-23 *AUTHORIZE AND APPROVE ACCEPTANCE OF RESTORE NEW YORK GRANT FUNDS FOR THE TIOGA TRAILS PROJECT AND MODIFY THE ECONOMIC DEVELOPMENT BUDGET*

WHEREAS: Tioga County Economic Development and Planning (TCEDP) was approved by Resolution No. 62-23 authorizing submission of a grant application to Restore New York and authorizing Legislative Chair signature on grant related application documents for the Tioga Trails Project; and

WHEREAS: TCEDP was approved by Resolution No. 257-22 to schedule a public hearing for the Restore New York Tioga Trails project; and

WHEREAS: NYS Empire State Development announced said grant award to Tioga County on June 23, 2023 in the amount of one million (\$1,000,000) dollars; and

WHEREAS: Appropriation of funds and budget modifications require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby accepts said New York State Restore grant award in an amount of one million (\$1,000,000) dollars, and authorizes the Chair of the County Legislature to sign any and all grant related paperwork contingent upon review and approval of the County Attorney; and be it further

RESOLVED: That the 2023 budget be modified as follows:

Revenue Account #CE8668-439890-CE007 \$1,000,000.00
Expense Account #CE8668-540487-CE007 \$1,000,000.00
Name: Tioga Trails

And be it further

RESOLVED: That the Chair of the Legislature or duly authorized representative (including County Treasurer and/or Budget Officer), is hereby authorized to make any transfers of funds required within the Economic Development budget.

Legislator Mullen spoke. "This came together, and I can tell you we had many discussions about the property this resolution is referring to and this building is going to be saved and be an asset and not a liability to the Owego community. This speaks to a lot of hard work and dedicated service from Economic Development & Planning. I want to say thank you to Director Tinney and her staff because we were talking on a whole different level about what this might cost the County instead of this building being revitalized in a major part of downtown Owego. So, thank you from me personally."

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 325-23 *AUTHORIZE GRANT APPLICATION,
APPROPRIATION OF FUNDS AND
AMEND MENTAL HYGIENE 2023 BUDGET*

WHEREAS: The Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) has released grant funding opportunities to reduce substance abuse among youth; and

WHEREAS: Tioga County Mental Hygiene is seeking authorization to apply for and receive Federal funding of this Sober Truth on Preventing Underage Drinking Act (STOP ACT) Grant in partnership with Trinity CASA, Tioga County Alcohol and Substance Abuse Prevention (TC ASAP) Community Coalition; and

WHEREAS: Tioga County Mental Hygiene has been awarded said grant and the said funds need to be appropriated; and

WHEREAS: The Department deems it to be in the best interest of the community and youth of Tioga County to accept this grant funding; and

WHEREAS: The grant will be awarded annually for five years from 9/30/2023 through 9/29/2027 and this funding is designated for specific program deliverables; and

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

RESOLVED: That the grant funds be appropriated and the 2023 budget be amended as follows:

From: A4213 444863 STOP	Federal Aid STOP ACT Grant	\$ 60,000
To: A4213 540590 STOP	Services Rendered	\$ 60,000

And be it further

RESOLVED: That available funds on 12/31/23 of this amendment and appropriations will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 326-23 *AUTHORIZE GRANT RENEWAL, APPROPRIATION OF FUNDS AND AMEND 2023 BUDGET MENTAL HYGIENE*

WHEREAS: The Office of National Drug Control Policy (ONDCP) and the Centers for Disease Control and Prevention (CDC) have partnered in an effort to reduce substance abuse among youth; and

WHEREAS: Tioga County Mental Hygiene needs authorization to receive Federal funding for the Comprehensive Addiction and Recovery Act (CARA) Grant in

partnership with Trinity CASA, Tioga County Alcohol and Substance Abuse Prevention (TC ASAP) Community Coalition; and

WHEREAS: Tioga County Mental Hygiene was awarded said grant in 2021 and are awarded annually from 07/01/2021 through 06/30/2026; and

WHEREAS: The said funds need to be appropriated annually; and

WHEREAS: The Department deems it to be in the best interest of the community and youth of Tioga County to renew this grant funding; and

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

RESOLVED: That the grant funds be appropriated and the 2023 budget be amended as follows:

From: A4213 444863 CARA	Federal Aid CARA Grant	\$ 50,000
To: A4213 540590 CARA	Services Rendered	\$ 50,000

And be it further

RESOLVED: That available funds on 12/31/23 of the original \$50,000 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 327-23 *APPORTIONING FORFEITURE OF CRIME PROCEEDS FOR DRUG ENFORCEMENT ACTIVITIES*

WHEREAS: Resolution 239-20 established a system for the disposal of property, the order of priority of disbursements and the restrictions on the use of both pre-conviction and post-conviction forfeitures of crime proceeds; and

WHEREAS: Tioga County has received \$633.00 from a drug forfeiture case; and

WHEREAS: It is agreed the funds shall be divided between the agencies involved in the investigation in accordance with Section 1349 of the Civil Practice Laws and Rules; and

WHEREAS: Distribution details are as follows:

Tioga County District Attorney's Office (15%)	\$94.95
Tioga County Sheriff's Department (5%)	\$31.65
NYS Office of Alcoholism and Substance Abuse Services (OASAS)	\$202.56
Tioga County Sheriff's Department (75%)	\$227.88
Tioga County District Attorney's Office (25%)	<u>\$75.96</u>
	\$633.00

And

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

RESOLVED: That funding be appropriated as follows:

FROM:	A1165-426250	Forfeiture of Crime Proceeds	\$ 94.95
	A1165-426260	Forfeiture of Crime Proceeds Restricted	\$ 278.52
	A3110-426250	Forfeiture of Crime Proceeds	\$ 31.65
	A3110-426260	Forfeiture of Crime Proceeds Restricted	\$ 227.88
TO:	A1165-540335	Asset Forfeiture Expense	\$ 94.95
	A1165-540336	Asset Forfeiture Expense-Restricted	\$ 278.52
	A3110-540335	Asset Forfeiture Expense	\$ 31.65
	A3110-540336	Asset Forfeiture Expense-Restricted	\$227.88

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 328-23 *APPORTIONING FORFEITURE OF CRIME PROCEEDS FOR DRUG ENFORCEMENT ACTIVITIES*

WHEREAS: Resolution 239-20 established a system for the disposal of property, the order of priority of disbursements and the restrictions on the use of both pre-conviction and post-conviction forfeitures of crime proceeds; and

WHEREAS: Tioga County has received \$1,627.00 from a drug forfeiture case; and

WHEREAS: It is agreed the funds shall be divided between the agencies involved in the investigation in accordance with Section 1349 of the Civil Practice Laws and Rules; and

WHEREAS: Distribution details are as follows:

Tioga County District Attorney's Office (15%)	\$244.05
Owego Police Department (5%)	\$81.35
NYS Office of Alcoholism and Substance Abuse Services (OASAS)	\$520.64
Owego Police Department (75%)	\$585.72
Tioga County District Attorney's Office (25%)	<u>\$195.24</u>
	\$1,627.00

And

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

RESOLVED: That funding be appropriated as follows:

FROM:	A1165-426250	Forfeiture of Crime Proceeds	\$ 244.05
	A1165-426260	Forfeiture of Crime Proceeds Restricted	\$ 1,382.95
TO:	A1165-540335	Asset Forfeiture Expense	\$ 244.05
	A1165-540336	Asset Forfeiture Expense-Restricted	\$ 1,382.95

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: PERSONNEL COMMITTEE
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 329-23 *ESTABLISH NEW BUDGET LINE,
MODIFY PERSONNEL 2023 BUDGET AND
TRANSFER FUNDS FOR THE PURCHASE OF A
VIDEO CONFERENCE CAMERA*

WHEREAS: The Personnel Officer has a need for a video conference camera; and

WHEREAS: The Personnel Office Budget does not have an established Audio-Visual Equipment expense line for the purchase of this video conference camera; and

WHEREAS: Amending the Personnel Office Budget with the addition of an Audio-Visual Equipment expense line, A1430 520020 and transfer of funds requires Legislative approval; therefore be it

RESOLVED: That the Personnel Officer be authorized to purchase the video conference camera and the following funds be transferred for this purchase:

From: A1430 540140 Contracted Services \$379.00

To: A1430 520020 Audio Visual Equipment \$379.00

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 330-23 TRANSFER OF FUNDS, 2023 BUDGET MODIFICATION
FOR PURCHASE OF EQUIPMENT
COUNTY CLERK

WHEREAS: The County Clerk's office has a need to purchase a replacement photo printer for passports; and

WHEREAS: Tioga County Fixed Asset policy requires the purchase of computer equipment to be invoiced from an equipment account; and

WHEREAS: The County Clerk has money in their budget for the purchase of this equipment and such funds need to be moved into an equipment account; therefore be it

RESOLVED: That the County Clerk be authorized to purchase the equipment at a total amount not to exceed \$148.99 and that the following sums be transferred:

From: A1410 - 540420 Office Supplies \$148.99

To: A1410 – 520621 Computer Equipment \$148.99

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 331-23 *AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE
 OF A LAPTOP AND DOCKING STATION FOR
 THE ECONOMIC DEVELOPMENT &
 PLANNING DEPARTMENT*

WHEREAS: The Economic Development & Planning Department has a need for a laptop and docking station; and

WHEREAS: The Economic Development & Planning Department would like to purchase a laptop and docking station and has received the recommended quote from the ITCS Department; and

WHEREAS: The Economic Development computer expense account, A6422-520090 does not have the funds available; and

WHEREAS: The Amending of Budget and Transfer of Funds from a contractual line to an equipment line requires Legislative approval; therefore be it

RESOLVED: That the Director of Economic Development & Planning be authorized to purchase the laptop and docking station and complete the following budget transfer as follows:

From: A6422 - 540733 Training	\$800.00
To: A6422 - 520090 Computer	\$800.00

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 332-23 *AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE OF OFFICE CHAIR FOR THE DISTRICT ATTORNEY'S OFFICE*

WHEREAS: The District Attorney's Office has an office chair that is in need of replacement; and

WHEREAS: The District Attorney's Office has recommended replacement; and

WHEREAS: The District Attorney's Office chair expense account #A1165 520070 has no funds available at this time; therefore be it

RESOLVED: That the District Attorney's Office be authorized to purchase the chair for the District Attorney's Office and that the following sums be transferred for this purchase:

From:	A1165 540420 Office Supplies	\$288.33
To:	A1165 520070 Chairs	\$288.33

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standingger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
FINANCE COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 333-23 *TRANSFER AUTHORIZED CAPITAL PROJECT
AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO
PURCHASE SOPHOS FIREWALL APPLIANCES*

WHEREAS: The Chief Information Officer has identified a need and made a recommendation to the Tioga County Legislature for the upgrade of the Sophos firewall appliances; and

WHEREAS: \$70,000 of American Rescue Plan Act "ARPA" funds have been appropriated in the Tioga County 2023 Capital Budget in account H1680 520620 M7674 for use specifically as designated by the Tioga County Legislature for Access Control; and

WHEREAS: The Chief Information Officer would like to designate \$25,815.01 of those American Rescue Plan Act "ARPA" funds for use in the purchase of upgraded Sophos firewall appliances; and

WHEREAS: The Tioga County Legislature shall oversee and authorize all ARPA expenditures whether budgeted or not; and

WHEREAS: Legislative approval is needed to amend the ITCS 2023 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the ITCS 2023 Capital Budget:

From: H1680 520620 M7674	Software – ARPA	\$5,086.12
To: H1680 521090 M7674	Computers – ARPA	\$5,086.12

And be it further

RESOLVED: The Chief Information Officer is authorized to purchase (2) Sophos XGS 3300 firewall appliances, associated support, and 60-month licenses with ARPA funds appropriated from the following accounts for no more than the amount requested:

From: H1680 520620 M7674	Software – ARPA	\$20,728.89
H1680 521090 M7674	Computers – ARPA	\$5,086.12

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 334-23 AMEND 2023 BUDGET
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services receives State funding for the operation of the Child Advocacy Center; and

WHEREAS: The approved funding plan included the cost of salary and fringe for the CAC Director; and

WHEREAS: Due to the CAC Director position being unfilled for a period of time and a difference in Health Insurance costs, the funding plan was amended to ensure all revenues will be utilized; and

WHEREAS: Transfer of these funds requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A6050.510010 Full-time	\$ 3,300.00
From: A6050.586088 Health Insurance Fringe	\$ 6,000.00
To: A6050.520070 Chairs	\$ 200.00
To: A6050.520090 Computers	\$ 7,100.00
To: A6050.520210 Other Furniture	\$ 1,000.00
To: A6050.520220 Printer	\$ 500.00
To: A6050.540487 Program Expense	\$ 500.00

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 335-23 AMEND BUDGET & APPROPRIATE FUNDS
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene has been awarded additional state aid funding from the NYS Office of Alcohol and Substance Abuse Services (OASAS); and

WHEREAS: The funding is designated for specific and approved uses only; and

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

RESOLVED: That funding be appropriated as follows:

From:

H4210 434860	State Aid: OASAS Capital	\$74,154
A4210 434860	State Aid: OASAS	\$12,644

To: H4210 520060	Mental Hygiene: Capital/Vehicles	\$74,154
A4210 540640	Mental Hygiene: Supplies	\$12,644

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 336-23 *MODIFY 2023 BUDGET AND
APPROPRIATION OF FUNDS
OFFICE OF EMERGENCY SERVICES*

WHEREAS: Legislative approval is needed to modify the 2023 budget and appropriation of funds; and

WHEREAS: The Office of Emergency Services has a need to transfer monies from the State Interoperable Grant 2018 and State Interoperable Grant 2019 Contracting Services line to Equipment not Car line for the purchase of portable radios and chargers for the Road Patrol Division; therefore be it

RESOLVED: That the 2023 budget be modified and appropriation of funds be made as follows:

FROM:	A3415.540140.IO18F Contracting Services	\$22,934.43
TO:	A3415.520230.IO18F Radio & Equipment	\$22,934.43
FROM:	A3415.540140.IO19F Contracting Services	\$310,406.26
TO:	A3415.520130.IO19F Equipment not Car	\$310,406.26

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ITCS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 337-23 *AMEND RESOLUTION NO. 288-23
TRANSFER FUNDS AND AUTHORIZE PURCHASE OF
HARDWARE AND INSTALLATION SERVICES TO
UPGRADE ACCESS CONTROL AND SECURITY
CAMERA SYSTEMS AT HEALTH AND HUMAN
SERVICES AND COURT ANNEX BUILDINGS*

WHEREAS: Resolution No. 288-23 authorized a transfer of funds for the purchase of (7) Verkada CD62-E Outdoor Dome Cameras with mounts, (5) Verkada CD62 Indoor Dome Cameras, (10) Verkada AC42 4-Door Controllers, (30) Verkada AD33 Multi-format Card Readers, 10 Year licenses for all doors and cameras, and professional installation services using prevailing wage; and

WHEREAS: The Chief Information Officer would like to amend Resolution No. 288-23 to reflect the correct accounts for the software expense transfer for the Health and Human Services building portion of the project; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of (7) Verkada CD62-E Outdoor Dome Cameras with mounts, (5) Verkada CD62 Indoor Dome Cameras, (10) Verkada AC42 4-Door Controllers, (30) Verkada AD33 Multi-format Card Readers, 10 Year licenses for all doors and cameras, and professional installation services using prevailing wage rates from accounts H1621 520255 and H1621 520620 for the Health and Human Services building portion of the project and H1680 521090 and H1680 520620 for the Tioga County Court Annex portion of the project.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 338-23 *SEEKING LEGISLATIVE APPROVAL TO BE ALLOWED
TO EXCEED THE TIOGA COUNTY FOOD &
BEVERAGE PURCHASE GUIDELINES*

WHEREAS: The Tioga County Economic Development and Planning (TCEDP) Education Workforce Coordinator is planning the Annual Talent Supply Table networking event for the purpose of sharing information on work-based learning best practices to Tioga County schools, businesses, and workforce partners; and

WHEREAS: This event will provide food, beverages, and supplies; and

WHEREAS: The Talent Supply Table networking event will be held August 24, 2023 at Waverly Central High School; and

WHEREAS: Tioga County Policy Section III, Financial Rules, Subsection H, Purchase of Food and Beverage Policy limits the expense to \$150.00; and

WHEREAS: Schools may participate in assisting with the expense for this event, however the food and beverage expense will not exceed \$1,000.00; and

WHEREAS: All expenses made by the Education Workforce Coordinator is reimbursed by grant funds from the Floyd Hooker Foundation and the Appalachian Regional Commission; therefore be it

RESOLVED: That the Tioga County Legislature hereby allows the TCEDP Education Workforce Coordinator to exceed the County policy to conduct the Annual Talent Supply Table networking event and provide food and beverages not to exceed \$1,000.00.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 339-23 *REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO EXCEED FOOD & BEVERAGE PURCHASE GUIDELINES*

WHEREAS: The Tioga County Veterans Service Agency (TCVSA) conducts multiple community outreach events monthly and at these events provides food, beverages, and supplies to those in attendance as well as information on resources, benefits, and services available to veterans, military and their families; and

WHEREAS: County Policy – Section III; Subsection H. Purchase of Food, Beverages and Supplies limit expenses to \$150 per event; and

WHEREAS: The TCVSA will be holding the following events in August, with grant funds being used, that will exceed the \$150.00 per event limit, and requests to exceed the event limit must be made by resolution and require the approval of the County Legislature:

August 18 – Coffee Mess Breakfast @ Waverly Glen Park, MH Outreach: \$300.00

August 25 – Lunch & Learn @ TCVSA, MH Outreach: \$300.00

Therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to exceed the per event limit using grant funding as identified, noting that TCVSA will not exceed the total amount mentioned for each event above.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 340-23 RECLASSIFY AND FILL VACANT POSITION
SOCIAL SERVICES

WHEREAS: Legislative approval is required for all position reclassifications; and

WHEREAS: One Accounting Associate II (CSEA Salary Grade V) has been vacant since June 22, 2023; and

WHEREAS: The Commissioner of Social Services has reviewed the staffing needs within the Accounting Unit and has determined that said vacancy would be better utilized in the operations of the department if the position was classified as an Accounting Associate III (CSEA Salary Grade VII); and

WHEREAS: Funding for the increase in the position is available in 2023 from position vacancies, and funding 2024 and beyond will be covered within the Social Services budget, including State and Federal reimbursement; therefore be it
RESOLVED: That if a mandated eligible list is not available, a provisional appointment may be made; and be it further

RESOLVED: That the Legislature hereby authorizes the reclassification and filling of one vacant, full-time Accounting Associate II (CSEA Salary Grade V) to a full-time Accounting Associate III (CSEA Salary Grade VII) effective August 16, 2023.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 341-23 RECLASSIFY AND FILL VACANT POSITION
PUBLIC HEALTH

WHEREAS: Legislative approval is required for all position reclassifications; and

WHEREAS: One Office Specialist II (CSEA Salary Grade IV) has been vacant since April 12, 2019; and

WHEREAS: The Public Health Director has reviewed the staffing needs within Public Health and has determined that said vacancy would be better utilized in the operations of the department if the position was classified as an Office Specialist III (CSEA Salary Grade VII); and

WHEREAS: Funding for the increase in the position is available in 2023 from position vacancies, and funding 2024 and beyond will be covered within the Public Health budget, including some NYS Aid reimbursement; and

WHEREAS: There is need to fill the vacancy as an Office Specialist III (Grade VII); therefore be it

RESOLVED: That if a mandated eligible list is not available, a provisional appointment may be made; and be it further

RESOLVED: That the Legislature hereby authorizes the reclassification and filling of one vacant, full-time Office Specialist II (CSEA Salary Grade IV) to a full-time Office Specialist III (CSEA Salary Grade VII) effective August 16, 2023.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 342-23 *CREATE AND FILL PERMANENT, THREE
(3) FULL-TIME SENIOR CLINICAL SOCIAL
WORKER POSITIONS AND ONE (1) FULL-TIME
CLINICAL SOCIAL WORKER POSITION MENTAL
HYGIENE*

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

WHEREAS: The Mental Hygiene Department has received notice that our current contract with Helio Health will not be renewed and will end 12/31/2023; and

WHEREAS: The Director of Community Services can provide the level of services provided by that contract by creating three (3) permanent, full-time Senior Clinical Social Worker positions and one (1) permanent, full-time Clinical Social Worker position; and

WHEREAS: Funding for the positions will be transferred from the current contract budgeted amount and State Aid therefore no increase to current budget; therefore be it

RESOLVED: That the Director of Community Services is hereby authorized to create three (3) permanent, full-time positions of Senior Clinical Social Worker at an annual rate of \$64,931 (CSEA SG XVII) and one (1) permanent, full-time Clinical Social Worker position at the annual rate of \$62,105 (CSEA XVI) and be allowed to fill said positions on 9/1/2023; and be it further

RESOLVED: That if an appropriate eligible list is not available, a provisional appointment may be made; and be it further

RESOLVED: That the 2023 Budget be modified and funding be transferred as follows:

From: A4310 540130	Contracts	\$133,416.47
To: A4310 510010	Full Time Salary	\$ 85,632.60
A4310 581088	State Retirement Fringe	\$ 8,508.18
A4310 583088	Social Security Fringe	\$ 6,595.78
A4310 584088	Workers Compensation Fringe	\$ 1,697.63
A4310 585588	Disability Insurance Fringe	\$ 90.48
A4310 586088	Health Insurance Fringe	\$ 30,872.39
A4310 588988	Eap Fringe	\$ 19.41

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 343-23 *CREATE AND FILL SEASONAL SOCIAL WELFARE EXAMINER POSITIONS AND SEASONAL OFFICE SPECIALIST I POSITIONS FOR THE HEAP PROGRAM DEPARTMENT OF SOCIAL SERVICES*

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

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin outreach in mid-August and be in full season on October 2, 2023; and

WHEREAS: The Social Services budget allows for the hiring of the following staff for the HEAP Program:

Two, full-time, seasonal Social Welfare Examiners for the period September 25, 2023 through February 23, 2024 at the starting salary of \$16.41 per hour, and

One, full-time seasonal Office Specialist I for the period September 25, 2023 through March 8, 2024, at the starting salary of \$14.20 per hour, and

One, full-time, seasonal Office Specialist I for the period October 10, 2023, through February 23, 2024, at the starting salary of \$14.20 per hour, and

One, full-time, seasonal Office Specialist I for the period October 11, 2023, through January 26, 2024, at the starting salary of \$14.20 per hour; and

WHEREAS: The NYS Minimum Wage is scheduled to increase on December 31, 2023 to a rate to be published by the Commissioner of Labor on or before October 1, 2023, and Tioga County intends to pay at least minimum wage so the hourly rates for Office Specialist I positions will be adjusted accordingly as of December 31, 2023; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal HEAP positions listed above and where required, appoint from the appropriate eligible list.

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 344-23 *RATIFY COLLECTIVE BARGAINING AGREEMENT
(TCCA/NCEU)*

WHEREAS: Tioga County and the Tioga County Corrections Association/National Corrections Employees Union have been negotiating a successor agreement to the 2020-2022 collective bargaining agreement; and

WHEREAS: The parties reached agreement on a contract for the period January 1, 2023 - December 31, 2025; and

WHEREAS: The TCCA/NCEU members ratified the agreement at a vote on July 27, 2023; therefore be it

RESOLVED: That the County Legislature hereby ratifies the 2023-2025 collective bargaining agreement; and be it further

RESOLVED: That the Chair of the Legislature, along with the Sheriff, is authorized to sign the Agreement as a joint employer; and be it further

RESOLVED: That the County Legislature does hereby agree to implement the funds necessary to carry out the terms and provisions of said contract.

Chair Sauerbrey spoke. "This was a long process, and it was frustrating at many times, but we eventually came to an agreement. I appreciate all the people who worked on the negotiations to reach a settlement."

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell made a motion to bring forth four late-file resolutions for Legislature consideration, seconded by Legislator Brown. Motion carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 345-23 *ACCEPT AUCTION BIDS FOR COUNTY
OWNED PROPERTY ACQUIRED FOR
TAXES, AUTHORIZE EXECUTION OF DEEDS*

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Candor, Newark Valley, Owego, Richford, Spencer, and Tioga were offered for sale at Public Auction conducted Thursday, August 10, 2023, by the County Treasurer; and

WHEREAS: It is the intent of the Legislature to return the properties to the Tax Rolls as soon as possible; therefore be it

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Tax Map#; Prior Owner</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Village of Waverly:</u>		
166.18-2-19; Raupers Raymond	Santalucia LLC	\$33,000
<u>Town of Barton:</u>		
167.09-1-22; Casterline Deborah	Jennifer J Richards	\$49,500
<u>Village of Candor</u>		
61.09-1-10.10; Jackson Daniel J	Byrne Property Management LLC	\$16,000
<u>Town of Candor</u>		
61.05-1-11; Pettis Barbara J	David J. Ross	\$7,500
<u>Town of Newark Valley:</u>		
54.00-1-5.20; Horizon Transport	Chris Krissell	\$4,750
<u>Village of Owego:</u>		
117.20-3-42.2; County of Tioga	Griffin D. Jacobson	\$2,300
<u>Town of Owego:</u>		
143.17-1-10; Franzenburg Margaret	Joseph Catalano	\$10,166.68
143.17-1-11; Franzenburg Margaret	Joseph Catalano	\$10,166.66
143.17-1-12; Franzenburg Margaret	Joseph Catalano	\$10,166.66
143.17-1-16.1; Franzenburg Margret E	8767 Holdings LLC	\$3,000

<u>Tax Map#; Prior Owner</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Town of Richford:</u>		
11.00-2-2.12; Allen Jr. Gary D	Roger D. Pendell & Lynette K. Pendell	\$68,500
12.00-1-10; Glezen Jr. Richard	Floyd H. Drake & Lisa L. Drake	\$13,500
12.00-1-11; Glezen Jr. Richard	Robert Johnson III	\$21,000
12.00-1-12.20; Glezen Jr. Richard	William J. Ray	\$12,500
12.00-1-13.50; Glezen Jr. Richard	Daniel K. Scherrer	\$7,000
10.00-1-6, County of Tioga	Roger D. Pendell & Lynette K. Pendell	\$1,000
5.00-1-40.42; Wells Bonnie J	Roger D. Pendell & Lynette K. Pendell	\$8,000
<u>Village of Spencer:</u>		
68.12-2-26; Winans David Randolph	Kevin K. Perry & Holly J. Perry	\$49,500
<u>Town of Spencer:</u>		
57.00-1-51; Lindblad Francis Michael	Richard J. Carling Jr.	\$13,000
<u>Town of Tioga:</u>		
148.08-1-20; County of Tioga	Richard D. Santos	\$1,600

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. 346-23 *AWARD DESIGN SERVICES TO
HUNT ENGINEERS FOR THE WAVERLY ANNEX
PROJECT & APPROPRIATION OF FUNDS*

WHEREAS: The building lease for the Waverly Mental Hygiene Department ends 8/30/2023 and is not being renewed; and

WHEREAS: Tioga County needs to establish office space for the Tioga County Department of Mental Hygiene; and

WHEREAS: Unfinished space is available in the Village of Waverly Offices; and

WHEREAS: The Commissioner of Public Works has had preliminary discussions with Hunt Engineers regarding the establishment of office space within the unfinished area of the Village of Waverly offices; and

WHEREAS: The Tioga County Department of Mental Hygiene has approved the proposed floorplan; and

WHEREAS: The Commissioner of Public Works received a proposal for design services for this project from Hunt Engineers, Horseheads, NY; and

WHEREAS: The proposal amount for this project came in at \$71,500; and

WHEREAS: Budget needs to be appropriated and there are unrestricted funds available in capital fund balance (H.390900); and

WHEREAS: Appropriation of funds and budget modification requires Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature approve Hunt Engineers proposal for the Waverly Annex Project not to exceed \$71,500 to be paid out of account H4310.520004 Building Lease; and be it further

RESOLVED: That the Tioga County Legislature authorizes budget allocation from fund balance as follows:

From: H.390900	Capital Fund Balance	\$71,500.00
To: H4310.520004	Building Lease	\$71,500.00

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 347-23 *MODIFY 2023 BUDGET AND
APPROPRIATION OF FUNDS
SAFETY OFFICE*

WHEREAS: Legislative approval is needed to modify the 2023 budget and appropriation of funds; and

WHEREAS: The Safety Office has identified a need to purchase an additional Automatic External Defibrillator for the HHS Building A-Frame and funds need to be appropriated to pay for said purchase; therefore be it

RESOLVED: That the 2023 budget be modified and appropriation of funds be made as follows:

FROM:	CI8042.540733	Training/All Other	\$1,287.89
TO:	CI8042.520190	Nursing Equipment	\$1,287.89

ROLL CALL VOTE

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standing, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

Legislator Monell made a motion to have the resolution withdrawn, seconded by Legislator Brown and carried.

Chair Sauerbrey spoke. "This withdrawal was not requested by the Legislature. It seems that we have more discussion on this issue."

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -23 ACCEPT THE BURKE GROUP COMPENSATION
STUDY RECOMMENDATIONS

WHEREAS: Tioga County adopted Resolution 387-22 authorizing a contract with the Burke Group to conduct a Classification and Compensation Study for all collective bargaining employees to review and update its compensation and job classifications; and

WHEREAS: The Burke Group has presented its recommendations to the Tioga County Legislature for review; and

WHEREAS: The Tioga County Legislature agreed to accept the Burke Group's recommendation to increase the identified titles that were below the 25th percentile to the market average in order to be competitive with the market average; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to enter into and sign a Memorandum of Understanding with CSEA; and be it further

RESOLVED: That the Tioga County Legislature accepts the Burke Group Compensation Study recommendations to increase the identified titles that were below the 25th percentile to market average listed within the salary study, effective September 9, 2023.

ROLL CALL VOTE ON MOTION TO WITHDRAW

Yes – Legislators Flesher, Monell, Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – None.

RESOLUTION WITHDRAWN.

Meeting adjourned at 12:39 p.m.