

Third Regular Meeting
March 13, 2012

The Third Regular Meeting of 2012 was held on March 13, 2012 and was called to order by the Chair at 6:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. "All mighty God and eternal God you know the longings of peoples hearts and you protect their rights. In your goodness watch over those in authority so that people everywhere may enjoy freedom, security, and peace."

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

There were 22 people in attendance.

James Cornell presented Employee of the 1st quarter 2012 to Brad Talcott of the Sheriff's Department. "Thank you. I serve on the Employee Recognition Committee and on behalf of that committee I would like to take this opportunity to thank the Legislature for their continued support of the Employee Recognition Committee.

"The Employee of the Quarter for the first quarter of 2012 is Brad Talcott. Brad started with the Tioga County Sheriff's Office as a Correction Officer in 1988. He was promoted to Road Patrol Deputy in 1989 and then to Criminal Investigator in 1994. In 2004, Brad was redeployed within the Criminal Investigations Division and was assigned as the Sheriffs' Office Evidence Technician, as well as accepting sole responsibility for managing all requirements of the Sex Offender Registration Act, and the Tioga County Pistol Permit Program.

"Brad received certification through the F.B.I. as an Evidence Technician and as such, is directly responsible for managing evidence at major crimes scenes, as well as all other evidence and property which comes under the supervision of the Sheriffs' Office. He is responsible for maintaining the integrity of these items, until they can be legally disposed of. In 2005 Brad advanced the Sheriffs' Office Evidence Program by researching and procuring a digital bar-coding system. This computerized

system allows for more efficient transferring, monitoring and processing of thousands of pieces of evidence currently held at the Sheriffs' Office.

"Brad also oversees the Tioga County Pistol Permit program, which supports the Tioga County Court Judge in the issuance of handgun permits to private citizens within Tioga County. His responsibility for keeping the Sheriffs' Office compliant with the Sex Offender Registration Act requires him to keep track of more than one hundred registered Sex Offenders living within Tioga County.

"Brad is known for his calm, professional demeanor and is well respected by his co-workers. His professional experience and knowledge, matched with his exceptional attention to detail and interpersonal skills has earned him numerous commendations and respect throughout the law enforcement community.

"Brad currently resides in Tioga Center, where he lives with his wife Linda (of 25 years) and their five children. He has coached youth sports in the Tioga County area for 15 years, primarily football and wrestling. Brad says he enjoys family time and drag racing, and he and Linda have recently opened an antique business at their home."

Legislator Marte Sauerbrey spoke. "This is a great day for the Tioga County Legislature to award Brad this award because your hard work and your dedication obviously has been recognized and you can see the respect of your peers by the great outpouring of support here. That is great. You do a good job, you work hard, and we appreciate it. The entire Legislature feels the same way and representing Public Safety I am especially proud."

Sheriff Gary Howard spoke. "I want to make an apology to the Employee Recognition Committee, when I went over and spoke to about Bradley becoming employee of the quarter, I told them he had about 10,000 pieces of evidence and that is not really true and I apologize, it is just shy of 15,000 pieces of evidence. Evidence is a crucial part of the Sheriff's Office and Bradley does an outstanding job with it, from a license plate, DNA sample, all the way up to a car. The chain of evidence in a trial can throw the whole trial out the window and it is a start over. The District Attorney's Office has never said anything but good things about how our evidence is handled and that reflects directly upon Investigator Talcott.

“With the 100 sex offenders we have in the County that answer to him, that is a job in itself not counting the 15,000 pieces of evidence that he controls. Logging evidence in, getting it to the laboratory, getting it tested, getting it back, getting it to Court, testifying about it, all falls under Bradley. We will not even go into the pistol permits and the nuisance guns that he has to handle throughout the year. I cannot say enough. I was Bradley’s immediate supervisor when I was in the Investigative Division. I relied on him all the time as I did all the men in the Criminal Division. As I told the Committee, Bradley needs no supervision. He comes in, he does his job, and I wish we had a whole room full of these guys like him.”

Brad Talcott spoke. “Thank you to the Legislature for giving us the floor and thank you for the support that you do give the Committee. First time being a recipient of it, I can tell you that it is nice to be recognized and I can tell you that there are hundreds of employees throughout the County that are deserving. With that being said, I really want to thank the members of the Sheriff’s Office, Sheriff Howard, Undersheriff Jackson for really giving us a great place to work, a lot of leadership, and you do not do this without guidance and direction, and that just goes to show what type of leadership the Sheriff’s Office does have. Thanks to everybody that helps me on a daily basis, this is not a one man show, I get a lot of help, and I do appreciate it from everybody. Thank you.”

Chair Weston noted the following two recognition resolutions:

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 76-12 *RECOGNITION OF DAVID MAYO’S
YEARS OF SERVICE
INFORMATION TECHNOLOGY AND
COMMUNICATION SERVICES*

WHEREAS: David Mayo began his career as a Computer Maintenance Technician on October 24, 1999; and

WHEREAS: Mr. Mayo has seen many changes within the Information Technology and Communication Services department within the 12 years with them and has grown with these changes; and

WHEREAS: Mr. Mayo will retire on March 1, 2012; now therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize David Mayo for his 12 years of service to Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, David Mayo.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

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

REFERRED TO:

HEALTH & HUMAN SERVICES

RESOLUTION NO. 77-12

*RECOGNITION OF DAVID ROLLS'
YEARS OF SERVICE
PUBLIC HEALTH*

WHEREAS: David Rolls began his career as a Public Health Technician in the Environmental Health Department on March 14, 1988. He was promoted to Public Health Sanitarian on February 14, 1994, the position he held until his retirement; and

WHEREAS: In 2001 David was honored as County Employee of the Second Quarter by his peers in Tioga County; and

WHEREAS: In 2010 David was honored as Team Member of the First Quarter by his peers in the Tioga County Health Department; and

WHEREAS: In August of 2011 David was honored as the 2011 Public Health Works Honor Roll Winner through New York State Department of Health; and

WHEREAS: Mr. Rolls has been extremely dedicated, loyal and professional in the performance of his duties and responsibilities during the past 24 years in the Public Health Department. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Rolls retired on March 2, 2012; 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 and recognize David Rolls for his 24 years of service to Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, David Rolls.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		104.03
A1165	District Attorney		3,422.56
A1170	Public Defender		2,330.59
A1172	Assigned Counsel		39,141.06
A1185	Medical Examiners/Coroners		1,853.06
A1325	Treasurer		1,321.50
A1355	Assessments		2,865.00
A1362	Tax Advertising and Expenses		4,500.47
A1410	County Clerk		528.20

A1411	Department of Motor Vehicles		79.76
A1420	Law		1,145.54
A1430	Personnel		6,908.83
A1450	Elections		111.35
A1460	Records Management		267.32
A1490	Public Works Administration		398.33
A1620	Buildings		45,981.22
A1621	Buildings		12,558.35
A1680	Information Technology		53,830.03
A2490	Community College Tuition		755.00
A2960	Education Handicapped Children		215,703.60
A3020	Public Safety Comm E911 System	277.33	17,816.32
A3110	Sheriff	564.59	18,253.17
A3140	Probation		612.72
A3146	Sex Offender Program		9,240.00
A3150	Jail-Annex		44,993.19
A3315	Special Traffic Programs		1,001.43
A3410	Fire		4,319.27
A3640	Emergency Mgmt Office		572.61
A4010	Public Health Nursing		33,035.57
A4011	Public Health Administration		3,562.03
A4012	Public Health Education		213.51
A4042	Rabies Control		812.38
A4044	Early Intervention		36,953.93
A4053	Preventive/Primary Health Services		302.02
A4054	Preventive Dental Services		213.67
A4062	Lead Poisoning Program		36.98
A4064	Managed Care-Dental Services		2,963.19
A4070	Disease Control		1,569.66
A4090	Environmental Health		778.94
A4210	Alcohol and Drug Services		4,163.27
A4211	Council on Alcoholism		10,990.34
A4309	Mental Hygiene Co Admin		10,267.36
A4310	Mental Health Clinic		177,193.17
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		39,389.39
A4321	Intensive Case Management		1,483.65
A4333	Psycho Social Club		3,615.93
A6010	Social Services Administration		64,009.70
A6422	Economic Development		771.04
A6610	Sealer Weights & Measures		105.40
A7180	Snowmobile Grant Program		30,527.00

A8020	Planning	426.10
A8025.41	Regional Planning 7-County Board	10,000.00
A9060	Health Insurance	3,929.40
SOLID WASTE		90,936.38
SPECIAL GRANT FUND		9,370.95
LIABILITY INSURANCE FUND		2,936.50
COUNTY ROAD		59,731.39
CAPITAL FUND		314,272.44
CONSOLIDATE HEALTH INSURANCE		124,696.61
SELF-INSURANCE		<u>124,937.00</u>
GRAND TOTAL		\$ 1,656,272.57

Legislator Roberts made a motion to approve the minutes of February 14, 2012, seconded by Legislator Hollenbeck, and carried.

Chair Weston made the following appointments:

Tioga County Corrections Association Union

Legislator Sullivan

Legislator Monell

Sheriff Howard

Personnel Officer O'Rourke

Legal Rep from Roemer, Wallens, Gold & Mineaux LLP

Tioga County Law Enforcement Union

Legislator Sullivan

Legislator Monell

Sheriff Howard

Personnel Officer O'Rourke

Legal Rep from Roemer, Wallens, Gold & Mineaux LLP

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

Chair Weston gave the State of the County Address:

STATE OF THE COUNTY 3/1/2012

What's happening in Tioga County—

The Good and the Bad

Let's start with **THE BAD** and save the Good for last.

By far, the most devastating event that occurred in 2011 was the September flood. In rough figures, the potential impact of this event to the County budget could be a \$4 million dollar deficit, if no financial assistance from FEMA, the Federal Emergency Management Agency, or SEMO, the State Emergency Management Office, is forthcoming. The best funding scenario would be a 75% reimbursement, or \$3 million dollars from FEMA, and 25% reimbursement or \$1 million dollars from SEMO. I'm afraid that the truth lies somewhere in between.

The FEMA reimbursement is dependent on the acceptance of required documents called Project Worksheets (PW's). These documents list the scope of work performed and the costs that the County incurred for flood damages. The Heads of the County Departments are responsible for compiling this information. If the PW's survive the scrutiny of the Federal government representatives, we would be eligible to receive up to 75% of our total costs.

Whereas in the 2006 flood the County received a 25% reimbursement from SEMO, it appears that SEMO will only provide 12.5% of the total loss for the 2011 flood. This would leave the County to pay the remaining 12.5% of our loss, or approximately \$500,000 - \$600,000. If the State provides nothing, we would have to pay \$1 million out of pocket, which would mean an increase of 5.5 – 6% on our tax levy. By law our current tax levy increase is capped by NYS at 2%. Any amount above that 2% would have to be taken from our fund balance, which would further deplete our reserves. At this point in time, the state has not reimbursed us for any of our costs.

The following are **POINTS OF INFORMATION** regarding Tioga County in 2011 **WORTHY OF NOTE**:

- Mandates from the State are responsible for consuming an increasing proportion of county budget and are a major contributor to increases in county property taxes. Nine major mandates consume over 90 percent of a typical county's property tax levy. These include Medicaid, Early Intervention, Special Education Pre-School, Pensions, Probation, Indigent Defense, Youth Detention, Safety Net, and Child Welfare. In 2012, those 9 mandates will consume \$65 million of our \$72 million dollar budget.
- For example, retirement costs to the County for 2011 were \$2.7 million. The projected number for 2012 is \$3.2 million.
- The Medicaid mandate alone will cost Tioga County taxpayers \$8.3 million in 2012 which is up \$285,000 from 2011.

Although less dramatic, the following are just 3 examples of situations that have also impacted Tioga County residents.

- The 10 year census numbers resulted in local reapportionment. Unfortunately the County lost 659 residents. However, through the efforts of the GIS and our attorney, we avoided redistricting, a much more extensive and expensive process.
- The flood of September 2011 was devastating to the Real Property Tax Office, one of the departments that was hardest hit, as they were located in the basement of the County Clerk's Office and the majority of records were heavily damaged.
- The cost of curbside recycling to the taxpayers for 2011 was \$602,160.00.

However, **ALL IS NOT GLOOM AND DOOM** on the County horizon.

- The Governor's Budget includes mandate relief items that will be phased in, and which consist of eliminating the current 3% annual increase in the local share of Medicaid. After that 3-year phase in, Tioga County's estimated annual savings will be \$250,000. It will be interesting to see how the State will fund this self-imposed mandate.
- Pension reform is one of the state's priorities, and it would relieve us of burdensome increasing costs.
- The majority of County employees have switched to a high-deductible health plan effective February 1, 2012, providing for a significant savings in premiums for years to come.
- Distribution of Video Lottery Terminal Aid for 2012 will be approximately \$183,000.
- Medicaid recoveries from accident settlements, estates, and liens totaled \$274,367. The total of local revenues and recoveries was \$1.1 million.
- The Child Support Enforcement Unit collected \$5.5 million for the children in Tioga County.
- The number of DWI arrests decreased 15.5% for 2010.

- The County Clerk collected fees of \$6.0 million. Of that, \$4.3 million went to NYS and \$1.6 million stayed in Tioga County. Our campaign to encourage County residents to send DMV registration payments to the County netted an increase of \$4,256 over one year.
- Information Technology applied for and received a grant of \$46,416 for the County Clerk to perform back-filing activities.
- The Barton Transfer Station was severely flooded in September 2011, and due to that damage, as well as declining tonnages, and three consecutive years of loss, it was decided to close the facility and put it out to bid. Bids were received and a resolution will be forthcoming to accept the highest responsible bid. The sale saved the County money, put a \$172,000 property back on the tax roles, and the new owner has indicated that the station will continue with the same services.
- At no cost to the County, the 4th annual tire and scrap metal collection program was held in 2011, with the participation of the Towns of Barton, Owego, Spencer, and Tioga. This program resulted in the collection of 6000 tires off the rim, and it removed eyesores from our environment. We appreciate the generosity of Upstate Shredding for absorbing the cost.
- The Guthrie Clinic broke ground on a new multi-million dollar facility on Route 38, next to the Health and Human Services Building.
- Taylor Garbage has begun construction of a new recycling facility in Apalachin.
- Central New York Oil & Gas completed a \$30 million dollar gas compression station in Owego.
- Infrastructure was installed in Nichols to service a planned Army Reserve Center that is expected to start construction in the spring of 2012. This center will hire 12 full-time employees and will result in 150 people per week who will patronize our motels and restaurants.
- Tioga Downs constructed a sewage treatment facility to upgrade their property. The prospect of the addition of gaming tables will help solidify plans for a conference center.
- A \$441,000 grant was administered by Economic Development to enhance streetscape in our County seat, and to assist 12 property owners with property improvements.
- An independent auditing firm delivered a clean audit opinion with no issues regarding the 2010 County financial statements.
- 2011 County Sales Tax collections grew by 8.9% in 2011 to \$19 million. \$4.9 million of that was distributed to the towns and villages.
- Our Community College costs were down by \$240,000 in 2011.
- The Treasurer's Office netted over \$900,000 in delinquent tax enforcement operations.
- 22 properties were sold at the tax auction sale with a surplus of \$249,000.
- The Sheriff's Department operational costs came in under budget by approximately 2%. Revenues finished 13% above our goal at \$587,822.

- Economic Development applied for and received a \$500,000 Community Recovery Fund to assist businesses in rebuilding from the flood.
- A savings of \$677,000 was accomplished by the 2011 continuation of our hiring freeze and by increasing the hiring delay to 90 days.
- In 2011, the County unemployment rate decreased by ½ % compared to 2010.

It is always encouraging to focus on the **HIGHLIGHTS** of our year, and the following are but a few examples of them.

- The Law Department reviewed 240 contracts for 2011, worked with Personnel and the negotiating team on the CSEA contract, which was ratified on December 29, 2011.
- The County Attorney and Budget Officer spent massive hours due to the flood on addressing issues related to insurance and FEMA, document restoration, preparation of RFP's for consulting services, sale of the Barton Transfer Station, and updating the Tioga County All Hazard Mitigation Plan. Thanks to the Law office for stellar work!
- Floyd Hooker Foundation provided over \$340,000 in funding to youth programs that were impacted by September's flooding.
- The Emergency 911 Communications Center received 17,601 E911 calls, up nearly 19% from 2010, and they dispatched 56,025 calls-for-service, and increase of 5%.
- The ATI Weekend Work Program performed more than 4,616 man-hours of labor throughout the County during 2011.
- The Fire Bureau was significantly instrumental during the flood event by assisting the County Fire Service in the EOC for a total of 648 hours during a 2-week period; four local fire departments were assisted by 95 units manned by 322 firefighters from 25 counties throughout NYS in a 72-hour deployment.
- The Department of Environmental Health was instrumental in getting the public water systems up and running after the flood. That was closely followed by the inspection of all food service establishments that had also been affected.

Any attempt to give credit to all of those who are deserving of recognition is futile, and I apologize to those who are not included in this summary.

Looking to the future, I would like to share some of our **2012 Goals**:

- The delivery of \$500,000 to nearly 60 businesses in flood recovery assistance will be administered by Economic Development
- Important services to the County will be maintained in spite of limited revenues imposed by the 2% Property Tax Cap.

- A decision will be made after evaluating the impact of the Reassessment Law as it applies to approximately 800-900 properties affected by the 2011 flooding. This decision will address the plight of the homeowners, but also consider the implications for the remainder of Tioga County taxpayers.
- A strategy will be devised as a means of dealing with the potential loss of part of anticipated State revenue in the amount of 25% reimbursement for costs incurred in lood cleanup.
- The Public Works Department plans to
 - Rebuild bridges on Dean Creek Road, Sabin Road, Gridleyville Crossing, and Gaskill Road.
 - Reconstruct Glen Mary Drive.
 - Flood damage bridge work on Pennsylvania Avenue and Gaskill Road.

It is with mixed emotions that I proceed to address Tioga County's challenges in 2012. The immediate concern is identifying and mobilizing the resources necessary to minimize the devastating impact of the flood on our residents and infrastructure. However, it is my belief that our County must address the critical issue that in the long term, we cannot survive without economic growth. Over time we have made the transition from the creation of marketable products to the providing of services. Production generates revenues, whereas services deplete them. The question then becomes, "How do we promote economic development and reduce services in order to bring the budget and the health of our county back into balance?"

Through the tireless efforts of our flooded taxpayers, our fire/police and emergency personnel, volunteers from both inside and outside our community and our County Departments, we have come a long way from the September flooding. I am proud to report that 95% of our businesses have reopened.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 78-12

*ERRONEOUS ASSESSMENT
TOWN OF OWEGO*

WHEREAS: An application for corrected tax roll indicates that property no. 6293 assessed to Stanley L Payne on the 2012 tax roll of the Town of Owego is erroneous in that 2011/12 school taxes of \$2,004.74 were relevied to the 2012 Town/County tax bill in error due to the bank erroneously issuing a stop payment on a legitimate school tax payment; and

WHEREAS: The 2012 Town & County taxes for property no. 6293 have not yet been paid to the Town of Owego tax collector; be it therefore

RESOLVED: That a new bill be issued to Stanley L Payne for property no. 6293 (Bill #6571) by the Town of Owego tax collector as follows:

<u>Incorrect Payne Bill #6571</u>		<u>Payne Bill #6571 Corrected</u>	
County	\$ 766.74	\$ 766.74	
Recycle	34.70	34.70	
Townwide	70.17	70.17	
Part Town	165.82	165.82	
Return School	2,004.74	-	
Apalachin Fire	<u>159.27</u>	<u>159.27</u>	
	\$ 3,201.44	\$ 1,196.70	

and be it further

RESOLVED: That the erroneous school tax and interest of \$1,873.59 be charged back to the Owego-Apalachin School District; and be it further

RESOLVED: That the erroneous county penalty of \$131.15 be charged to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. 79-12

ERRONEOUS ASSESSMENT
TOWN OF NEWARK VALLEY

WHEREAS: An application for corrected tax roll indicates that property no. 492 assessed to George Hoffmier (under land contract between George Hoffmier and Steven and Rebecca Pado) on the 2012 tax roll of the Town of Newark Valley is erroneous in that the Pado's STAR exemption for the 2011-12 school tax was removed in error; and

WHEREAS: The unpaid 2011-12 school taxes were relevied to the 2012 Town and County tax bill, which has not yet been paid to the Town of Newark Valley tax collector; be it therefore

RESOLVED: That a new bill be issued to George Hoffmier c/o Steven & Rebecca Pado for property no. 492 and mailed to the Pado's at 148 Courtright Hill Rd, Newark Valley, NY 13811 by the Town of Newark Valley tax collector as follows:

	Original Bill <u>Hoffmier/Pado #1036</u>	Corrected Bill <u>Hoffmier/Pado #1036</u>
County	\$ 566.90	\$ 566.90
Recycle	25.62	25.62
Townwide	216.55	216.55
Return School	1,337.68	746.72
Newark Valley Fire	<u>66.43</u>	<u>66.43</u>
	\$ 2,213.18	\$ 1,622.22

and be it further

RESOLVED: That the erroneous school tax and interest of \$552.30 be charged back to the Newark Valley School District; and be it further

RESOLVED: That the erroneous county penalty of \$38.66 be charged to the appropriate account in the records of the County Treasurer.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 80-12 *RESOLUTION CALLING ON ALL COUNTIES
TO UNITE TO BRING ABOUT REAL AND
MEANINGFUL MANDATE RELIEF IN
NEW YORK STATE*

WHEREAS: At the 2012 NYSAC Legislative Conference in Albany, the membership of NYSAC adopted 28 separate and distinct resolutions concerning the 2012/13 State Budget and its impact on county agencies; and

WHEREAS: State mandates are the number one barrier to providing property tax relief to New Yorkers; and

WHEREAS: There are nine State mandates that consume more than 90 percent of the county property tax levy statewide, and that amount grows when the many other State mandates are included; and

WHEREAS: There is a need for counties to unify behind a common message to preserve local service delivery and stabilize local property taxes; and

WHEREAS: NYSAC will continue to provide research, education and information to the 62 counties of New York, concerning the mandate programs detailing federal and state reimbursement (if any); and

WHEREAS: To assist in informing the public, counties from across the state must continue to educate the public of the impact on local service delivery and property taxes should the state not provide meaningful mandate relief in 2012; therefore be it

RESOLVED: As follows:

Section 1: That the Tioga County Legislature hereby calls upon counties to come together in partnership with NYSAC to influence the enactment of serious mandate relief measures by the New York State Legislature, the Governor, and all Executive Agencies, NYSAC's advocacy for mandate relief requires the support of all counties.

Section 2: Each and every County Board in New York State that favors action during the 2012 Legislative session for major mandate relief is hereby urged to take all actions necessary and proper at the local level to inform the citizens of the need for mandate and the impact on local service delivery and property taxes.

Section 3: Each and every County Board that favors action during the 2012 Legislative session for major mandate relief is hereby urged to consistently communicate with the Governor and State Legislators detailing the local impact of state mandates on local service delivery and property taxes; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature is hereby directed to forward a certified copy of this Resolution to NYSAC and to each County Board in New York State.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 81-12

FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.

WHEREAS: The State of New York provides financial aid for household hazardous waste programs; and

WHEREAS: Tioga County, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS: it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now therefore be it

RESOLVED BY THE TIOGA COUNTY LEGISLATURE:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Tioga County's Legislative Chair, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 82-12 *RESOLUTION TO GOVERNOR CUOMO AND THE NEW YORK STATE LEGISLATURE TO REQUEST ADVANCE FUNDING AND EXPEDITE COMPLETION OF PROJECTS IN BROOME, DELAWARE, SULLIVAN, AND ORANGE COUNTIES, AND PLACING SIGNAGE RECOGNIZING THE DESIGNATION OF THE DANIEL PATRICK MOYNIHAN INTERSTATE HIGHWAY 86*

WHEREAS: Governors have made commitments to the revitalization and improvement of the economy of "Upstate" New York; and

WHEREAS: Steuben County, along U.S. Route 15 (Corridor U-1 I-99), Chemung County and twelve other counties along the U.S. Route 17 (Corridor T I-86) corridor make up the three Local Development Districts in the thirteen state Appalachian Regional Commission; and

WHEREAS: U.S. Route 15 is the only north/south route in Central Pennsylvania that serves as a vital and direct link between western New York and Canada and the ports of Baltimore and Philadelphia and the mid-Atlantic states; and

WHEREAS: Governor Pataki committed to a ten-to-twelve year construction program to complete the Route 17 conversion to I-86 beginning with the first designation (177 miles Chemung County West to Pennsylvania) on December 3, 1999; and

WHEREAS: Completing the I-99 U-1 Corridor fulfills the desires of both the Commonwealth of Pennsylvania and the State of New York to accelerate economic development opportunities in this area of Appalachia as well as respond to the increasing traffic volumes (primarily commercial vehicles) in the Route 15 Corridor since the passage of the North American Free Trade Agreement; and

WHEREAS: The New York State and Commonwealth of Pennsylvania Departments of Transportation are in the final stages of completing the conversion of Route 15 to Interstate standards (I-99) to meet New York State I-86 (July 2014); and

WHEREAS: The designation of New York State Route 17 to I-86 and Route 15 to I-99 provides a highway network with connection to every Interstate Highway located within New York State and Interstate Highways leading into Pennsylvania; and

WHEREAS: The upgrade and designation of Route 17 as I-86 will make the region more competitive and able to attract substantial growth in business, industry, and tourism as well as improve the safety of the traveling public; and

WHEREAS: The New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed; and

WHEREAS: With proper funding and resources for the remaining projects in Broome, Delaware, Sullivan, and Orange Counties, the conversion of Route 17 to I-86 could be completed many years sooner than on the present schedule, and it would provide the vast economic benefits to the region foreseen by the Appalachian Regional Commission in its study entitled "Economic Impact of Completing the Appalachian Development Highway System," which states in pertinent part that "Completion of the Appalachian Development Highway System (ADHS) would yield significant economic benefits for both the Appalachian Region and the nation...By facilitating national freight flows, reducing travel times, improving safety, and enhancing access to markets, completion of the ADHS would create new jobs and greater value-added activity, returning \$3 in economic benefits to the nation for every \$1 spent to complete the system;" and

WHEREAS: The Three Rivers Development Foundation, utilizing funds from the Appalachian Regional Commission, has developed an Economic Blueprint, which was released in June 2009 for the I-86/I-99 Corridor in Southeast Steuben County utilizing properties that have the potential for providing sustainable future economic development opportunities; therefore be it

RESOLVED: That the Tioga County Legislature does hereby request Governor Andrew Cuomo and the New York State Legislature advance funding and expedite completion of the projects in Broome, Delaware, Sullivan, and Orange Counties on New York State Route 17 (I-86); and be it further

RESOLVED: That the Tioga County Legislature does hereby further request the placement of signage along I-86 recognizing the designation of this highway system as the Daniel Patrick Moynihan Interstate Highway 86 as decreed by the State of New York; and be it further

RESOLVED: That the Clerk of the Legislature be and she hereby is authorized and directed to forward a certified copy of this resolution to Governor Andrew Cuomo, Honorable Sheldon Silver, Honorable Dean Skelos, Honorable Christopher Friend, Honorable Thomas O'Mara, Honorable Charles Fuschillo, Honorable David Gantt, Honorable Catherine Young, Honorable Thomas Libous, Honorable David Carlucci, Honorable John Bonacic, Honorable William Larkin, Honorable Joseph Giglio, Honorable Daniel Burling, Honorable Gary Finch, Honorable Clifford Crouch, Honorable Peter Lopez, Honorable Nancy Calhoun, Honorable Philip Palmesano, Honorable Annie Rabbit, Honorable Donna Lupardo, Honorable Aileen Gunther, Honorable Andy Goodell, Honorable Thomas Santulli, the Inter-County Association of Western New York, the New York State Association of Counties, and the I-86 Corridor Counties (Cattaraugus, Chautauqua, Allegany, Steuben, Tioga, Broome, Delaware, Sullivan, Orange).

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 83-12

*RESOLUTION TO AUTHORIZE
ACCEPTANCE OF NYS DOS LONG
TERM COMMUNITY RECOVERY
STRATEGY GRANTS FOR TOWNS OF
TIOGA AND NICHOLS*

WHEREAS: Tioga County has received award notification of said grant from NYS DOS in the amount of \$50,000 per Town, with no local match required and allowance up to 15% of award to be used for grant coordination and administration; and

WHEREAS: Tioga County Planning Department will handle the grant coordination and administration; and

WHEREAS: Town of Nichols will be allocated \$46,000 for consultant services, Town of Tioga will be allocated \$46,000 for consultant services, and Tioga County Planning will be allocated \$8,000 for grant coordination and administration; therefore be it

RESOLVED: That the Tioga County Legislature does hereby accept said grant funds in the amount of \$100,000 with up to \$8,000 dedicated as county revenue for grant coordination and administration; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign all associated grant/contract paperwork and that said funds be appropriated to the following accounts:

From: NYS DOS LTCRS Grant Revenue Account A3960.00 \$92,000

To: NYS DOS LTCRS Grant Account A8760.40-140 \$92,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 84-12 *TRANSFER OF FUNDS*
 COUNTY ATTORNEY

WHEREAS: Resolution 72-12 authorized a retainer agreement with the law firm of Roemer, Wallens, Gold & Mineaux LLP; and

WHEREAS: This retainer payment will be made from the County Attorney's Office budget with the Treasurer's Office and the Personnel Office contributing part of the retainer payment; and

WHEREAS: Funds need to be transferred from the budgets of the Treasurer's Office and the Personnel Office to the County Attorney's budget to pay for said retainer services; therefore be it

RESOLVED: That the following sums be transferred:

From: Treasurer A1325.40-330 \$10,000
 Personnel A1430-40-330 \$ 1,500

To: County Attorney A1420.40-330 \$11,500

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 85-12

*AWARDING BID FOR BARTON
TRANSFER STATION, REAL PROPERTY
AND SOLID WASTE MANAGEMENT
PERMIT*

WHEREAS: The Barton Transfer Station has suffered extensive damage due to Tropical Storm Lee; and

WHEREAS: It appears that is no longer in the best interests of the taxpayers of Tioga County to operate the Barton Transfer Station inasmuch as the cost exceeds the projected revenue; and

WHEREAS: If the Barton Transfer Station is not reopened by Tioga County, the Real Property upon which it is situated will no longer be necessary for public use; and

WHEREAS: NYS County Law Section 215(6) provides that the property may be sold only to the highest responsible bidder after public advertisement; and

WHEREAS: The Barton Transfer Station, including the real property upon which it is situate and the Solid Waste Management Permit for the facility, was put out to bid; and

WHEREAS: The following bids were received:

Taylor Garbage Service Inc	\$172,000.00
Contento Auto Service Inc	\$151,500.00
B & E Disposal Services Inc	\$100,051.51

NOW THEREFORE BE IT

RESOLVED: That the Tioga County Legislature does hereby determine that it is no longer cost effective for the County to operate the Barton Transfer Station and will not reopen the facility, and so the real property upon which the Transfer Station is situated is no longer necessary for public use; and it is further

RESOLVED: That after public advertisement and bid, Taylor Garbage Service Inc is the highest responsible bidder; and it is further

RESOLVED: That the Tioga County Legislature does hereby award the bid to Taylor Garbage Service Inc for the sum of \$172,000.00; and it is further

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute any and all documents necessary to transfer, sell and convey to Taylor Garbage Service Inc all right, title and interest in and to the Barton Transfer Station, the real property upon which it is situated and the Solid Waste Management Permit for the facility.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 86-12 APPOINT MEMBER
BOARD OF ETHICS

WHEREAS: Martha Goodsell's term on the Board of Ethics has expired and she has agreed to serve another term on the Board of Ethics; now therefore be it

RESOLVED: That Martha Goodsell, Majority appointment, be hereby appointed to the Board of Ethics for a term of 1/1/12 through 3/31/15.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 87-12 RE-APPOINT MEMBER TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member Scott McDonald expires as of March 31, 2012; and

WHEREAS: Scott McDonald has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Scott McDonald for another three-year term of 4/1/12 – 3/31/15.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 88-12 RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member Beth Johnson expires as of March 31, 2012; and

WHEREAS: Beth Johnson has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Beth Johnson for another three-year term of 4/1/12 – 3/31/15.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 89-12 *RE-APPOINT MEMBER TO THE TIOGA
COUNTY LOCAL DEVELOPMENT
CORPORATION (TCLDC)*

WHEREAS: The term of Tioga County Local Development Corporation member Eva Mae Musgrave expires as of March 31, 2012; and

WHEREAS: Eva Mae Musgrave has expressed a desire for another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Eva Mae Musgrave for another three-year term of 4/1/12 – 3/31/15.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 90-12 *RETIREE CONTRIBUTIONS FOR HIGH
DEDUCTIBLE HEALTH PLAN*

WHEREAS: Tioga County introduced a High Deductible Health Plan and Health Reimbursement Accounts for CSEA and Non-Union employees as of February 1, 2012; and

WHEREAS: Retiree contributions toward the cost of the Classic Blue or PPO coverage have been established previously; and

WHEREAS: Retiree contributions toward the cost of the High Deductible Health Plan in 2012 needs to be established; therefore be it

RESOLVED: That effective March 1, 2012, any retiree who is covered by County Policy 3, Section IV.A shall be required to pay 4½ % of the Individual Premium or 2½ % of the Family Premium; and be it further

RESOLVED: That a retiree enrolled in the High Deductible Health Plan with a retirement date during 2012 shall have the remaining balance of his/her Health Reimbursement Account available through December 31, 2012; and be it further

RESOLVED: That if, as of January 1, 2013, the High Deductible Health Plan or Health Reimbursement Account is no longer available or is changed in any way, those retirees enrolled in the High Deductible Health Plan and Health Reimbursement Accounts during 2012 shall be allowed to enroll as of January 1, 2013 in whatever plan(s) are available to retirees as of January 1, 2013.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 91-12 CREATE AND FILL TWO PART-TIME MAIL
CLERK POSITIONS
PUBLIC HEALTH

WHEREAS: Tioga County Health and Human Service (HHS) departments oversee the county-wide courier and mail metering processes through the current two part-time Mail Clerk positions; and

WHEREAS: Whenever either of the current two part-time Mail Clerks are absent, the responsibility for the tasks falls to one of the three HHS department staff to complete; and

WHEREAS: The HHS staff responsible to cover these county-wide functions are currently pulled from their higher salary grade level work, resulting in reductions in staffing in the various areas of the HHS departments; and

WHEREAS: The current two part-time Mail Clerk positions are categorized under the Public Health Department's head count; and

WHEREAS: The HHS departments desire to create and fill two part-time Mail Clerk positions to serve as substitutes in the absence of the current two part-time Mail Clerks for efficiency in operations; and

WHEREAS: No additional costs are associated with the creating/filling of the part-time Mail Clerk positions due to their being substitutes and being paid only when they are called into work (with no additional benefits offered to part-time positions) coupled with the fact the existing Mail Clerk positions are part-time hourly and therefore only paid for hours worked; and

WHEREAS: Legislative approval is required to create any new position within a Tioga County Department; and

WHEREAS: The Personnel Officer has reviewed the headcount for 2012 submitted by the Public Health Director; therefore be it

RESOLVED: That two positions of part-time Mail Clerk in the Public Health Department be created (and filled) effective March 14, 2012, at an hourly rate of \$11.32; and be it further

RESOLVED: That as a result of creating the two part-time positions, the 2012 authorized headcount for the Public Health Department for part-time positions will change from 10 to 12.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -12 REQUEST WAIVER OF 90-DAY HOLD;
AUTHORIZE BACKFILL OF VACANT FULL-TIME,
ACCOUNT CLERK-TYPIST POSITION
MENTAL HYGIENE

WHEREAS: Resolution 277-11 extended the 90-day hiring delay through December 31, 2012; and

WHEREAS: Deborah Caforio, Account Clerk-Typist, has submitted her resignation effective March 16, 2012; and

WHEREAS: The Account Clerk-Typist position provides essential office support; and

WHEREAS: The Director of Community Services abolished one clerical position as of December 31, 2011, leaving a bare minimum level of clerical staff; and

WHEREAS: The Mental Hygiene Department has extended work hours to cover due to the offering of evening appointments to clients; and

WHEREAS: The Director of Community Services wishes to ensure that support functions, client service, and accounting processes are not delayed due to this upcoming vacancy; therefore be it

RESOLVED: That the Director of Community Services is hereby granted a waiver from the 90-day hiring delay and is authorized to fill a full-time, Account Clerk-Typist vacancy from the appropriate civil service eligible list at an annual salary of 23,621 (CSEA Salary Grade IV) effective March 19, 2012.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Sullivan, Hollenbeck, and Huttleston.

No – Legislator Roberts, Standinger, Quinlan, Monell, and Weston

Absent – None.

RESOLUTION FAILED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE PERSONNEL COMMITTEE
RESOLUTION NO. 92-12	<i>AUTHORIZE CREATION OF TEMPORARY, PART TIME PUBLIC HEALTH SANITARIAN POSITION PUBLIC HEALTH</i>

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

WHEREAS: A vacancy currently exists for a Public Health Sanitarian position within the Environmental Health unit of the Public Health Department due to the retirement of David Rolls effective March 2, 2012; and

WHEREAS: Due to limited staff within the Environmental Health unit, the vacancy is causing an inability address important, on-going sanitation issues within Tioga County as well as causing a backlog of unfinished work which the prior incumbent was solely involved with at the time of his retirement; and

WHEREAS: Assistance is sought in order to transition and train a replacement for the permanent full-time vacant position; therefore be it

RESOLVED: That the Public Health Director be authorized to create a temporary, part-time Public Health Sanitarian position effective March 14, 2012, which will be filled by Mr. Rolls at an hourly rate of \$23.165; and be it further

RESOLVED: That said temporary, part-time position shall continue for a duration not to exceed four (4) months; and be it further

RESOLVED: That the 90 days toward the Hiring Delay for the Public Health Sanitarian position vacated by David Rolls shall not start being counted until 3 weeks after the date upon which the position became vacant, in order to offset the cost of this temporary part-time position which is expected to work 105 hours over the 4 months it is in place.

ROLL CALL VOTE

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

No – Legislators Roberts, Quinlan, and Monell

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 6:35 P.M.