

***First Special & Organizational Meeting***  
**January 4, 2010**

The First Special and Organizational Meeting of 2010 was called to order by the Clerk at 9:00 A.M.

The following County Legislators were present:

**DISTRICT 1**

**Richard L. Huttleston**

**DISTRICT 5**

**Andrew J. Quinlan**

**DISTRICT 2**

**Martha C. Sauerbrey**

**DISTRICT 6**

**Dale N. Weston**

**DISTRICT 3**

**Michael Roberts**

**DISTRICT 7**

**Ronald N. McEwen**

**William Oberbeck**

**DISTRICT 4**

**Loretta A. Sullivan**

**Tracy Monell**

There were 12 people in attendance.

The Clerk asked Legislator Oberbeck to have a moment of Prayer. “Heavenly Father thank you for bringing us together and thank you for all those who have sacrificed to allow us to have this form of Government where we can meet and discuss the will of the people. Thank you for the men and women and all those who serve to protect our Country.”

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

County Clerk Robert Woodburn swore in County Treasurer James McFadden.

James McFadden, County Treasurer, spoke. “I would just like to take a minute and first of all thank my two Deputies, Jane Bradley and Margareta Olin for the wonderful work they do upstairs with the rest of the staff. Thank my family, my wife Norma is here today, and the County Legislature for all your support. I am looking forward to another four years.”

The Clerk announced that the first order of business was the election of a Chair. Legislator Huttleston nominated Legislator Weston, seconded by Legislator Oberbeck. Legislator Monell moved to close the nominations, seconded by Legislator McEwen. On roll call vote all members voted Aye and the Clerk cast one ballot and Legislator Weston was appointed Chair of the Tioga County Legislature for a one year term.

County Clerk Robert Woodburn swore Legislator Dale Weston in as Chair of the Tioga County Legislature for 2010.

Chair Weston spoke. "Thank you. I would like to offer a welcome to this, our first session of the Tioga County Legislature in 2010. At the same time I extend my thanks to you, the Legislators, for the nomination of the position of Legislative Chair. The challenge we have ahead of us in 2010 is a monumental one. In 2009 we saved money by cutting budgets, consolidating space, implanting a 60 day hiring freeze, cutting personnel, and using money from the fund balance to name a few. In my estimation the cost cutting we did in 2009 may well pale in comparison to the task confronting us in the year 2010.

"A reality check. The New York State Government has no good financial news on the horizon. We have no idea what the Federal Government will be doing with regard to our revenue potential. The Tioga County sales tax, an important source of our revenue, declined in 2009.

"Unless we continue in last year's direction, the reality is that the taxpayers of Tioga County will have to bear the burden of balancing the budget. To me this is unacceptable. So my fellow Legislators I am issuing each and every one including myself a challenge to take this burden from the taxpayers backs and yet maintain the essential services needed by our citizens and those mandated by the State of New York. We are starting this game on our own one yard line and the only thing that I can be sure of at this particular time is there will be no winners and there will be many many losers.

It is the duty of the Legislature to attempt to equalize the anticipated sacrifices. The job requires the best we Legislators each have to give. I would also like to thank my wife Joan and my son Brent for stopping down. I did not expect that they were going to be here."

The Chair announced the next order of business was the election of a Deputy Chair. Legislator McEwen nominated Legislator Sauerbrey, seconded by Legislator Oberbeck. Legislator Monell moved to close the nominations, seconded by Legislator McEwen. On roll call vote all members voted Aye and the Chair cast one ballot and Legislator Sauerbrey was appointed Deputy Chair of the Tioga County Legislature for a one year term.

County Clerk Robert Woodburn swore Legislator Sauerbrey in as Deputy Chair of the Tioga County Legislature for 2010.

The Chair called for nominations for Public Information Officer. Legislator Huttleston nominated Maureen Dougherty, seconded by Legislator Sauerbrey. Legislator Monell moved to close the nominations, seconded by Legislator Sullivan. On roll call vote all Legislators voted for Maureen Dougherty as Public Information Officer, and the Chair cast one ballot and Maureen Dougherty was appointed Public Information Officer for a one year term.

The Chair called for nominations for Republican Majority Leader. Legislator Sauerbrey nominated Legislator William Oberbeck, seconded by Legislator Roberts. Legislator McEwen moved to close the nominations, seconded by Legislator Monell. On roll call vote all Legislators voted for Legislator William Oberbeck as Republican Majority Leader, and the Chair cast one ballot and Legislator William Oberbeck was appointed Republican Majority Leader for a one year term.

Chair Weston asked if there were any disclosures to be made.

Legislator Oberbeck stated. “I have no conflicts.”

Legislator Weston stated. “I have no conflicts.”

Legislator Quinlan stated. “I have no conflicts.”

Legislator Roberts stated. “I have no conflicts.”

Legislator Sauerbrey stated. “I have no conflicts.”

Legislator Sullivan stated. “I have no conflicts.”

Legislator Huttleston read a personal disclosure. “I have my own real estate appraisal business and I do no appraisals for County owned properties or appraisals of properties for purchase or proposed purchase by Tioga County.”

Legislator McEwen stated. “I have no conflicts.”

Legislator Monell stated. “I have no conflicts.”

**REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 1-10 TRIPS AUTHORIZED**

Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.

**RESOLVED:** That the Chair and the Clerk of the County Legislature, the County Attorney, and County Legislators be, and they hereby are, authorized to make such trips as their duties may require and that their actual and necessary expenses for travel, meals and lodging incurred on such trips be a County charge.

**CARRIED**

**REFERRED TO:** FINANCE COMMITTEE

**RESOLUTION NO. 2-10** *DESIGNATION OF OFFICIAL DEPOSITORIES*

Adoption moved by Legislator McEwen,  
seconded by Legislator Monell.

**RESOLVED:** That, pursuant to the powers vested in this Legislature by Section 212 of the County Law, as amended, the following Banks within New York State be, and they hereby are designated as depositories for the deposit of all monies received by the County Treasurer, to an amount not to exceed the sum set opposite the name of each Bank as follows:

JP Morgan Chase Bank	\$25,000,000
Chemung Canal Trust Company	\$25,000,000
Citizens Bank, N.A.	\$25,000,000
Community Bank, N.A.	\$25,000,000
HSBC Bank USA, N.A.	\$25,000,000
M&T Bank	\$25,000,000
Tioga State Bank	\$25,000,000
National Bank and Trust Company, N.A.	\$25,000,000

**Roll Call**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**



**RESOLVED:** That the Tioga County Courier is hereby designated as the newspaper published in the County of Tioga for the Democratic Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd. 1.

On roll call vote on the above resolution, eight Legislators voted Aye, Legislator Huttleston voting no, and the resolution was adopted.

**REFERRED TO:** LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 6-10** *SET SALARY OF CHAIR*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Monell.

**RESOLVED:** That the salary of the Chair of the Tioga County Legislature be set at \$30,400 per year, which includes the salary received as County Legislator of \$9,400 and an additional \$21,000 to serve as Chair.

**Roll Call:**  
Ayes 09  
Noes 00  
Absent 00  
**CARRIED**

**REFERRED TO:** LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 7-10** *FIX DATES AND TIMES OF  
TIOGA COUNTY LEGISLATIVE  
MEETINGS*

Adoption moved by Legislator Oberbeck,  
seconded by Legislator Sauerbrey.

**RESOLVED:** That the Tioga County Legislature during 2010 shall meet regularly in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York at 1:30 P.M. on the Tuesday following Committees which are held during the first full work week of the month; and be it further

**RESOLVED:** That the, March, June, September and December 2010 Legislative meetings shall be held at 6:00 P.M.

**CARRIED**

**REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE**

**RESOLUTION NO. 8–10                    *SET TERM OF PUBLIC DEFENDER AND  
MAKE APPOINTMENT***

**Adoption moved by Legislator McEwen,  
seconded by Legislator Oberbeck.**

**WHEREAS: The Legislature is desirous of setting the term of the Public Defender to run concurrently with the term of the Legislature; now therefore be it**

**RESOLVED: That the Public Defender, appointed in accordance with §716 of the County Law, shall be appointed for a term to run concurrently with the term of Legislators elected in Group One as set forth in Local Law No. 2 of the year 1994, provided that said appointment continues to remain “at the pleasure” of the Legislature; and be it further**

**RESOLVED: That George Awad be, and he hereby is, appointed Public Defender for Tioga County for a term to run concurrently with the term of Legislators elected in Group One, which will be effective January 1, 2010 and run the remainder of Legislative Group One which is due to expire on December 31, 2011.**

**CARRIED**

**REFERRED TO: ADMINISTRATIVE SERVICES**

**RESOLUTION NO. 9–10                    *APPOINTMENT OF  
ADMINISTRATIVE CORONER***

**Adoption moved by Legislator Huttleston,  
seconded by Legislator Monell.**

**WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2010; and**

**WHEREAS: Such Administrative Coroner will perform the supervisory duties of managing their budget, paying the bills, and various office functions of the Coroner’s office; and**

**WHEREAS: The Administrative Coroner will have no supervisory authority over the other Coroners; therefore be it**

**RESOLVED: That W. Stewart Bennett, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2010 and be given a stipend of \$3,000.00 as set forth in the County budget.**

Roll Call:  
Ayes 09  
Noes 00  
Absent 00  
CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 10-10 *APPOINT MEMBERS  
FISH & WILDLIFE  
MANAGEMENT BOARD*

Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.

**RESOLVED:** That Robert Woodburn, County Clerk, be appointed as the Elected Official Representative to the Fish and Wildlife Management Board for a two-year term through December 31, 2011 and Jeff Barnes be appointed as the Sportsman Member to the Fish and Wildlife Management Board for a two-year term through December 31, 2011.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 11-10 *APPOINT DIRECTORS  
SOIL & WATER CONSERVATION  
DISTRICT*

Adoption moved by Legislator McEwen,  
seconded by Legislator Sullivan.

**RESOLVED:** That Legislators Dale Weston and Tracy Monell are hereby appointed Directors of the Tioga County Soil and Water Conservation District for a one year term of January 1, 2010 through December 31, 2010.

CARRIED

REFERRED TO: LEGAL COMMITTEE

RESOLUTION NO. 12-10 *AUTHORIZE CONTRACT  
KELLY SERVICES, INC.*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator McEwen.



**WHEREAS: Tioga County has provided Court Attendant services for the Tioga County Courts and the Uniform Court System Sixth Judicial District, which services cost is reimbursed to the County from the State of New York; and**

**WHEREAS: Prior to January 1, 2010, the County had contracted with the individual court attendants, paying them as independent contractors; and**

**WHEREAS: It has been determined by the Internal Revenue Service and by the New York State Workers' Compensation Board that the contracted individuals should be treated as employees; and**

**WHEREAS: Due to the liabilities and risks involved, the County does not wish to employ the court attendants as Tioga County employees; and**

**WHEREAS: The Sheriff notified the Unified Court System that the County would no longer provide such Court Attendant services to the Unified Court System effective January 1, 2010; and**

**WHEREAS: The Unified Court System has requested that we continue to provide such services up to and including the end of the New York State budget year, March 31, 2010; after which the Unified Court System will contract for such services directly; and**

**WHEREAS: The County does not wish to employ directly the individual court attendants but would rather contract with a temporary worker service to provide the services to the Court; and**

**WHEREAS: Kelly Services, Inc. is willing to provide such a service; and**

**WHEREAS: The Unified Court System is agreeable to allow Kelly Services, Inc. to provide such services on behalf of the County and is willing to reimburse the County for all costs associated with the Kelly Services, Inc. contract; and**

**WHEREAS: Kelly Services, Inc. has provided a contract providing court attendant services at \$12.33 per hour effective January 4, 2010 to March 31, 2010, which has been reviewed and approved by the County Attorney; now therefore be it**

**RESOLVED: That the Chair of the Legislature is authorized to execute the Kelly Services, Inc. contract providing Court Attendant services to the Unified Court System from January 4, 2010 to March 31, 2010 at a rate of \$12.33 per hour.**

**Roll Call:**

**Ayes 09**

**Noes 00**

**Absent 00**

**CARRIED**

**Legislator Sauerbrey made a motion to go into Executive Session for discussion about particular persons, seconded by Legislator Sullivan and carried.**

**The meeting was adjourned at 9:39 A.M.**