

*Fourth Regular Meeting*  
April 10, 2012

The Fourth Regular Meeting of 2012 was held on April 10, 2012 and was called to order by the Chair at 12:04 P.M. Eight Legislative members were present, Legislator Huttleston being absent.

Chair Weston asked Legislator Sauerbrey to have a moment of prayer. "Heavenly Father we ask for your blessing and your guidance as we meet today and make decisions for the future of the people of this community. We ask for safety and security of its residents."

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

There were 22 people in attendance.

Legislator Sauerbrey read and presented the following recognition resolution to Richard L. Gorman.

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

REFERRED TO:

PUBLIC SAFETY

RESOLUTION NO. 100-12

*RESOLUTION RECOGNIZING  
RICHARD L. GORMAN'S  
40 YEARS OF DEDICATED SERVICE TO  
TIOGA COUNTY*

WHEREAS: Richard L. Gorman was appointed as Deputy Sheriff on 9/28/71; promoted to Sergeant on 1/1/79; appointed to Investigator on 7/25/81; transferred back to Road Patrol as Sergeant on 3/16/85; and promoted to Lieutenant on 9/1/91; and

WHEREAS: Richard L. Gorman has been dedicated and loyal in the performance of his duties and responsibilities during the past 40 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Richard L. Gorman will retire from the Tioga County Sheriff's Office on April 20, 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 to Richard L. Gorman for his 40 years of dedicated and loyal service to the residents of 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, Richard L. Gorman.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Sauerbrey spoke. "We do appreciate your commitment and hanging out with us all these years, and it is people like you that make this County great."

Sheriff Gary Howard spoke. "I do not know where everybody was 40 years ago, September 28, 1971, but I was a junior in high school. I do not know what you say to a man who has served 40 years for this County. Rick was my mentor, my trainer, he was my shift supervisor, and for the last nine years it has been payback. With all that said, for the last 35 years Rick has also been one of my best friends. I do not know what else to say other than 40 years is 40 years of dedication to this County. The Sheriff's Office is certainly going to miss him, although we are hiring him back, his wife called me and asked me to hire him back just to get rid of him a couple of days out of the week, for her sake I did. He will be around the office as a part-time Deputy handling some stuff for us. Forty years of dedicated service, it goes beyond anything anybody can say. I would just like to say congratulations."

Chair Weston noted the following three proclamations on Child Abuse Prevention Month, Infant Immunization Awareness Week, and National Nurses Week.

### **Child Abuse Prevention Month Proclamation**

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WHEREAS: The Tioga County Department of Social Services received 1,036 reports of alleged abuse/neglect involving 2,256 children in 2011; and

WHEREAS: Child abuse is a community problem and finding solutions depends on the involvement among people throughout the community; and

WHEREAS: The effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS: Effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS: Programs like Cornell Cooperative Extension, Lourdes PACT and Finger Lakes Parenting Network offer support and educational services to families so families can help their child achieve his/her full potential within the community; and

WHEREAS: The Tioga County Youth Bureau and Board are again sponsoring an annual awareness event titled Building Strong, Safe Communities. This will be held April 26<sup>th</sup> at 6 p.m. at the SRAC in Waverly; and

WHEREAS: All citizens should become more aware of the negative effects of child abuse and prevention activities within the community, and become involved in supporting parents and families so that children can live in safe, nurturing homes; now therefore

THE TIOGA COUNTY LEGISLATURE, does hereby proclaim April 2012 as

#### **Child Abuse Prevention Month**

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to insure that all children are raised in safe, nurturing families, thereby strengthening the communities in which we live.

#### County of Tioga EXECUTIVE PROCLAMATION

WHEREAS: Giving babies the recommended immunizations by age two is the best way to protect them from 14 serious childhood diseases.

WHEREAS: Currently, the United States has the safest, most effective vaccine supply in its history.

WHEREAS: Vaccine-preventable diseases still circulate in the United States and around the world, so continued vaccination is necessary to protect everyone from potential outbreaks. Even when diseases are rare in the U.S., they can be brought into the country, putting unvaccinated children at risk.

WHEREAS: Most parents vaccinate their children, resulting in high vaccine coverage rates in the U.S.

WHEREAS: When people are unvaccinated, outbreaks of diseases like pertussis (whooping cough) and measles can—and do—return.

WHEREAS: It is important to vaccinate children on time, according to the childhood immunization schedule, to provide the best protection early in life, when babies are vulnerable and before they are likely to be exposed to diseases.

WHEREAS: For 18 years, National Infant Immunization Week (NIIW) has encouraged parents, caregivers, and health care professionals to participate in educational, recognition, and media events to increase the awareness of the importance of immunizing children before their second birthday.

WHEREAS: This year, National Infant Immunization Week will be celebrated as part of the first World Immunization Week, an initiative of the World Health Organization (WHO) where all six WHO regions, including more than 180 Member States, territories, and areas will simultaneously promote immunization, advance equity in the use of vaccines and universal access to vaccination services, and enable cooperation on cross-border immunization activities in April, 2012.

WHEREAS: The week of April 21 – April 28, 2012, has been declared National Infant Immunization Week to help ensure that children should be protected against 14 vaccine-preventable diseases by the age of two; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the week of April 21 – April 28, 2012 as:

#### **INFANT IMMUNIZATION AWARENESS WEEK IN TIOGA COUNTY**

and encourages parents to make vaccinating their children a priority and to talk to family and friends about protecting their children with vaccines. We encourage businesses, government agencies, national organizations, community-based organizations, and service groups to spread the immunization message throughout their communities.

#### County of Tioga EXECUTIVE PROCLAMATION

WHEREAS: The nurses who live and who work in Tioga County while serving in many roles are all members of one profession, and as such have shown strength, commitment, professional skill and compassion directed at improving the health of the residents of Tioga County; and

WHEREAS: The nursing profession is rapidly changing, requiring nurses to expand their role through critical thinking, and holistic analysis of patient care, to meet the new challenges; and

WHEREAS: Tioga County nurses serve in many capacities within Tioga County; e.g., immunization clinics, control of communicable disease, homecare, mental health, well child clinics, Department of Social Services, doctor's offices, prenatal care programs, nursing homes, and more; and

WHEREAS: The week of May 6 through 12, 2012 is "NATIONAL NURSING WEEK" and the Tioga County Legislature wishes to express their support and recognition of the nurses working and living in Tioga County, therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE does hereby Proclaim and designate the week of May 6 – 12, 2012 as:

#### NATIONAL NURSES WEEK IN TIOGA COUNTY

and encourage businesses, government agencies, community-based organizations, service groups and our fellow citizens to recognize the many nurses who work and live in Tioga County as being nurses with strength, commitment and compassion.

Ed Nizalowski had privilege of the floor. "Thank you for giving me an opportunity to speak. I am a resident of Newark Valley. I am here to express my concerns about gas drilling in Tioga County. This is something that I have studied with a great deal of time and effort going back five years now when the first gas leases were signed, and I feel I have tried to keep an open mind regarding both sides of the issue. It is one of the more controversial issues, it is not just Tioga County, but it is on a national level, and based on what I have read and reading newspaper articles, websites, going to meetings and so on, I feel that it is inherently an unsafe activity and it cannot be regulated, and it just should not take place. Where they actually are drilling for the method of hydrofracturing, they ought to stop before they do any more damage.

"There are a number of people in the County that feel the same way I do. We have formed a group called "RAFT", Residents Against Fracking Tioga. We have had a couple of public forums, which have been quite well attended, one which took place March 18 in the Auditorium here. There is also an active group that is soliciting names for a ban or moratorium in the Town of Owego. I think that is something probably most of you are aware of. We also have a couple of

meetings that are coming up, April 20 and April 28. This is kind of an ongoing effort.

“I have had a couple of letters in the Pennysaver, which some of you may have read and I had one that appeared on March 18, which I thought was really quite incredible. It was from a website I looked at that was developed by Robert Meyers. He is a PhD of Lock Haven University. He is actually an English Professor, but he is also head of Environmental Studies and he makes a statement that he looks at hydrofracturing as the greatest threat to the environment in Pennsylvania in this generation, and based on my study of environmental history and I have spent quite a bit of time on that, especially locally, I do not see any other phenomenon that is a greater threat to the environment than hydrofracturing as far as New York State is concerned. What was quite remarkable about his website and his information was that he found testimony that was given by Range Resources, which is one of the major gas drilling companies, and when they testified in front of the SEC about their business, this is back in 2006, they mentioned all the things that happen on gas drilling sites, you know, explosions, fires, pipeline ruptures, and things of that sort. At the end of it they said if any of these hazards occurs, we would sustain substantial losses as a result of injury or loss of life, severe damage to destruction of property, natural resources, and equipment, pollution or other environmental damage, cleanup responsibilities, regulatory investigations and penalties, or suspension of operations.

“As we begin drilling to deeper horizons and in more geologically complex areas, we could experience a greater increase in operating financial risk due to inherent higher reservoir pressures and unknown down hole risk exposures. I am assuming they do this that kind of helps protect them against lawsuits from their investors if they actually have these things happen, which those things have occurred. My question at the end of the letter was is this something we really want to have happen in Tioga County or in New York State, or anywhere?

“One of the other recent developments is another method for getting natural gas, using gelled propane called gas fracking and it certainly eliminates the use of millions of gallons of water per well and also the hazards of this toxic water, which comes up, and disposal problems of that plus all of the hazardous water that stays in the ground as well, but there are certain risks with gas fracking. It is a relatively new type of technology and some people are trying to see if they can squeeze it in under guidelines from New York State that are 20 years old, which I think is irresponsible. It also does not completely address casing failure, which is the main reason for poisoning of the aquifer and in

general one well out of 100 is going to fail even under the best of conditions, the best of equipment, the best crew, so on and so forth, and our aquifer is basically a big lake underneath us, so you poison it in one spot and everybody gets poisoned to a lesser or greater degree.

“The other thing that I find puzzling is that just from the business sense they are trying to go forward with this when our assets, you know the gas that you would get from Marcellus shale is at a 10-year low. What good business man or capitalist is selling their assets at what is historically low prices, that is something else, which does not make complete sense to me. Thank you very much.”

Chris Bonner had privilege of the floor. He spoke regarding gas fracking and of the Towns that have banned gas fracking.

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		317.07
A1165	District Attorney		492.52
A1170	Public Defender		2,493.15
A1172	Assigned Counsel		12,199.21
A1185	Medical Examiners/Coroners		804.17
A1325	Treasurer		1,840.15
A1355	Assessments		2,603.38
A1362	Tax Advertising/Expense		7,928.30
A1410	County Clerk		436.71
A1420	Law		6,445.17
A1430	Personnel		1,013.17
A1450	Elections		1,097.70
A1460	Records Management		242.50
A1490	Public Works Administration		281.79
A1620	Buildings		47,618.65
A1621	Buildings		20,390.57
A1680	Information Technology		15,160.43
A2490	Community College Tuition		629,094.37
A2960	Education Handicapped Children		184,135.90
A3020	Public Safety Comm E911 System		2,816.45
A3110	Sheriff	202.74	21,094.96
A3140	Probation	318.12	7,074.05
A3146	Sex Offender Program		9,240.00
A3150	Jail		53,519.35
A3315	Special Traffic Programs		749.40

A3410	Fire		5,145.04
A3640	Emergency Mgmt Office		578.95
A4010	Public Health Nursing		33,992.27
A4011	Public Health Administration	291.95	2,965.02
A4012	Public Health Education		61.45
A4042	Rabies Control		170.95
A4044	Early Intervention		28,983.58
A4053	Preventive/Primary Health Services		45.13
A4054	Preventive Dental Services		93.28
A4062	Pre-Natal Care and Assistance		3.18
A4064	Managed Care-Dental Services		846.91
A4070	Disease Control		4,604.79
A4090	Environmental Health	1,011.00	709.56
A4210	Alcohol and Drug Services		1,746.02
A4211	Council on Alcoholism		10,990.34
A4309	Mental Hygiene Co Admin		11,111.43
A4310	Mental Health Clinic		58,371.93
A4311	Rehabilitation Support Services		1,854.00
A4320	Crisis Intervention Services		5,153.32
A4321	Intensive Case Management		1,851.33
A4333	Psycho Social Club		37,546.75
A6010	Social Services Administration		37,390.96
A6422	Economic Development		202.74
A6510	Veterans' Service		173.00
A6610	Sealer Weights/Measures		257.55
A8020	Planning		41.82
SOLID WASTE FUND			89,984.28
SPECIAL GRANT FUND			7,294.18
LIABILITY INSURANCE FUND			521.68
COUNTY ROAD FUNDG			32,721.83
CAPITAL FUND			404,263.94
CONSOLIDATED HEALTH INSURANCE			542,323.07
SELF-INSURANCE			<u>10,352.00</u>
GRAND TOTAL			\$ 2,363,265.21

Legislator Roberts made a motion to approve the minutes of March 13 and 22, 2012, seconded by Legislator Monell, and carried.

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



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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 101-12 *APPOINT FREEDOM OF  
INFORMATION OFFICER*

WHEREAS: The Tioga County Sheriff's Office handles a significant number of Freedom of Information requests; and

WHEREAS: Maureen Dougherty, Clerk of the Tioga County Legislature, is the Freedom of Information Officer for Tioga County with the County Attorney acting as Freedom of Information Officer in her absence; and

WHEREAS: Lieutenant Randy Kipling who was the designated Freedom of Information Officer for the Sheriff's Office has been assigned other duties; therefore be it

RESOLVED: That Lieutenant Paul C. Rhodes of the Tioga County Sheriff's Office be and hereby is appointed Freedom of Information Officer for Tioga County to handle the Freedom of Information requests received by the Tioga County Sheriff's Office; and be it further

RESOLVED: That in the event the Freedom of Information Officer makes a personal request for information, said request shall be reviewed by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 102-12      *RESOLUTION REAPPOINTING  
MEMBERS TO COMMUNITY  
SERVICES BOARD*

WHEREAS: Carolyn Galatzan's and Jennifer Berryman's appointments to the Community Services Board will expire on March 31, 2012; and

WHEREAS: The Community Services Board has recommended Ms. Galatzan's and Ms. Berryman's reappointments; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That Ms. Galatzan and Ms. Berryman be reappointed to the Community Services Board, for terms starting April 1, 2012 and ending March 31, 2016.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 103-12      *AUTHORIZE THE COMMISSIONER OF  
PUBLIC WORKS TO PURCHASE BUCKET  
TRUCK AT AUCTION*

WHEREAS: The Department of Public Works is in need of a bucket truck; and

WHEREAS: The Commissioner of Public Works has money in the budget to purchase a used bucket truck; and

WHEREAS: The best pricing for this particular piece of equipment has been found on the internet auction; and

WHEREAS: General Municipal Law allows purchase of used or second hand equipment without bidding only if you are purchasing from certain municipalities; and

WHEREAS: According to Tioga County Policy 23 VII C5 the Tioga County Legislature can use their discretion to allow the Department of Public Works to purchase the used Bucket Truck from an auction; therefore be it

RESOLVED: That the Tioga County Legislature waive the procedure of receiving quotes and deems it justifiable to purchase the bucket truck at auction if pricing is under \$20,000.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. 104-12      *AWARD INSPECTION SERVICES CONTRACT  
MCFARLAND – JOHNSON ENGINEERS FOR  
INSPECTION SERVICES OF THE GASKILL RD BRIDGE  
OVER LITTLE NANTICOKE CREEK (BIN: 3335370)*

WHEREAS: Tioga County bonded for a program for rehabilitation of various bridges within the County; and

WHEREAS: Funds are available for the Inspection of these bridges as part of the Bond Issue; and

WHEREAS: The Gaskill RD Bridge over Little Naticoke Creek (BIN: 3335370) is one of the bridges in the program; and

WHEREAS: McFarland Johnson did the design phase for this bridge; and

WHEREAS: The Commissioner of Public Works received a proposal for the inspections services for the Gaskill Rd. Bridge Project BIN: 3335370 in the amount of \$174,362; therefore be it

RESOLVED: That the Tioga County Legislature award the inspection services contract to McFarland-Johnson Engineers, Binghamton, NY 13901 in the amount of \$174,362 to be paid out the Gaskill Rd. Bridge Account H2011.08.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 105-12

*AMEND RESOLUTION 244-11  
RESOLUTION TO AUTHORIZE AWARD  
INCREASES FOR THE 2011 NYS OFFICE OF  
COMMUNITY RENEWAL AGRICULTURE AND  
COMMUNITY RELIEF GRANT PROGRAM -  
FARM OPERATIONS GRANT*

WHEREAS: Per resolution 244-11, the Tioga County Legislature authorized acceptance of the NYS Office of Community Renewal Agriculture and Community Relief Grant – Farm Operations for \$122,000; and

WHEREAS: Since resolution 244-11, the initial amount actually received from NYS OCR was \$128,714.06, which went directly to the farm applicants; and

WHEREAS: NYS Department of Agriculture and Markets made a clerical error in one farm's application resulting in an additional \$26,750 being awarded to Tioga County in Round 1; and

WHEREAS: Additionally, NYS Office of Community Renewal has solicited and awarded grants for the same exact purpose under a Round 2 and Tioga County has been awarded \$89,143.70 for Round 2; and

WHEREAS: Tioga County is additionally eligible under this grant program up to 5% grant administration funds as well as 13% program delivery funds, and

WHEREAS: It is necessary to keep the dedicated accounts updated per resolution of the Tioga County Legislature; therefore be it

RESOLVED: That Resolution 244-11 be and is hereby amended that the Tioga County Legislature does hereby accept said grant funds in the total amount of \$244,607.76 plus grant administration and program delivery and that the funds be appropriated to the following accounts minus the initial \$122,000.00 that was already appropriated:

From: CE4910.17 NYS OCR ACRF \$122,607.76

To: CE8688.40-487 NYS OCR ACRF Exp \$122,607.76

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 106-12                      *AUTHORIZE THE SUBMISSION OF GRANT APPLICATIONS SHERIFF'S OFFICE*

WHEREAS: The NYS Office of Homeland Security has announced the FY '12 State Law Enforcement Terrorism Prevention Program (SLETPP) for Tioga County Law Enforcement; and

WHEREAS: Applications for these monies must be received no later than April 30, 2012; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant applications are submitted; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 107-12                      *AUTHORIZE THE SUBMISSION OF  
HOMELAND SECURITY GRANT  
APPLICATION  
EMERGENCY MANAGEMENT*

WHEREAS: The Office of Homeland Security will be issuing a grant to the Tioga County Office of Emergency Management. The grant will be used for the purchase of equipment to strengthen the command and control function of the County; and

WHEREAS: The Tioga County Emergency Management Office has a 30 day period to submit an application after the allocation of funds by state has been issued; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Emergency Management Office apply for this grant.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 108-12 *AUTHORIZE EXECUTION OF TASK ORDER WITH CAMP, DRESSER AND MCKEE INC. TO ASSIST COUNTY IN PREPARATION OF DOCUMENTS RELATED TO NYS CDBG DISASTER RECOVERY GRANT*

WHEREAS: The U.S. Congress has appropriated \$400 million to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Disaster Recovery (CDBG DR), of which New York State will receive \$93.2 million to assist Tioga County and other NYS Counties in disaster recovery efforts; and

WHEREAS: No less than 80% of said funds are committed to Tioga, Broome, Greene, Schoharie and Orange Counties; and

WHEREAS: The NYS Office of Community Renewal will oversee the allocation of the grant monies to the NYS Counties; and

WHEREAS: Tioga County, in partnership with their local municipalities impacted by Tropical Storm Lee, must submit a Needs Assessment and other documentation in order to be eligible for the grant monies; and

WHEREAS: Camp, Dresser and McKee Inc. (CDM) was previously awarded the contract for Tioga County Disaster Recovery, which included technical assistance in applying for CDBG grant monies; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute a Task Order with CDM to provide to Tioga County all assistance necessary to process the Needs Assessment and any other documents that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.



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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 109-12 *AUTHORIZE EXECUTION OF DOCUMENTS RELATED TO CDBG DISASTER RECOVERY GRANT*

WHEREAS: The U.S. Congress has appropriated \$400 million to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Disaster Recovery (CDBG DR), of which New York State will receive \$93.2 million to assist Tioga County and other NYS Counties in disaster recovery efforts; and

WHEREAS: No less than 80% of said funds are committed to Tioga, Broome, Greene, Schoharie and Orange Counties; and

WHEREAS: The NYS Office of Community Renewal will oversee the allocation of the grant monies to the NYS Counties; and

WHEREAS: Tioga County, in partnership with their local municipalities impacted by Tropical Storm Lee, must submit a Needs Assessment and other documentation in order to be eligible for the grant monies; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute the Needs Assessment and any other documents that may be required in the future to obtain the aforesaid grant monies for Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 110-12 *AMEND POLICY 40*  
*PERMIT REQUIRED CONFINED SPACE (PRCS)*  
*"NO ENTRY" POLICY*

WHEREAS: Policy 40 must be amended to comply with OSHA requirements pertaining to confined spaces; therefore be it

RESOLVED: That Policy 40 is hereby amended in its entirety to provide as follows:

**Tioga County Policy 40**  
**Permit Required Confined Space (PRCS)**  
**"No Entry" Policy**

Tioga County is committed to providing a safe and healthful workplace for its employees. In compliance with PESH (OSHA) Confined Space Standard, CFR 29, 1910.146 a survey of all Tioga County spaces was conducted in January 2012 to identify Permit Required Confined Spaces (PRCS). As a result of the survey, PRCS spaces were identified and a "no entry" policy was developed to protect County employees, contract employees and the public from hazards identified in the survey.

A confined space is defined by OSHA as a space that:

- Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- Has limited or restricted means for entry or exit (for example tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and
- Is not designated for continuous employee occupancy.

A permit-required confined space (permit space) is a confined space that has one or more of the following characteristics:

- Contains or has a potential to contain a hazardous atmosphere;
- Contains a material that has the potential for engulfing an entrant;
- Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- Contains any other recognized serious safety or health hazard.

An evaluation of our workplace(s) has revealed that permit-required confined spaces are present. The specific location and the hazards within the permit spaces are described in the table below:

PERMIT SPACE NAME	LOCATION	HAZARDS INSIDE THE SPACE
Diesel Fuel Tank	Highway Dept Garage Parking lot	Chemical and atmospheric
Hot Water Holding Tank #1	Public Safety Bldg Workshop	Burn and electrocution
Hot Water Tank Holding #2	Public Safety Bldg Workshop	Burn and electrocution
Sewer Manhole #1	Public Safety Bldg Jail Main Hallway	atmospheric
Sewer Manhole #2		

Because of the potential risks and dangers associated with permit space entry, **OUR EMPLOYEES ARE NOT ALLOWED TO ENTER ANY PERMIT-REQUIRED CONFINED SPACES.**

To prevent unauthorized entry, the spaces have been locked, or otherwise secured, and “Danger – Permit-Required Confined Space. Do Not Enter” signs similar to the sign depicted below have been posted on or near the permit space entry way(s).



In addition to the permit spaces identified in the table above, there may be other non-permit confined spaces at some of our workplaces. Whenever there are changes in the use or configuration of a non-permit confined space that might increase the hazards to entrants, the spaces must be reevaluated by a qualified person (e.g. the safety officer) and, if necessary, reclassified as a permit-required confined space.

If entry into a permit space becomes necessary, a qualified contractor(s) will be hired to perform the entry. The contractor(s) must be informed of the following:

- That permit spaces are present;
- Our experiences with and the specific hazards known to be present in the permit-space(s) the contractor(s) will enter;
- That entry into the permit space must be done in compliance with the OSHA Permit-required Confined Space Standard 29 CFR 1910.146; and
- The precautions and procedures that our staff will take during contractor entry to protect persons working in or near the permit space.

If employees belonging to more than one contractor will simultaneously enter our permit spaces, the entry operations must be coordinated by a qualified person (e.g. the contractor safety coordinator) to ensure the safety of all the entrants.

At the conclusion of entry operations, access to the permit space must be secured and the contractor(s) must be debriefed by a qualified person (e.g. the County Safety Officer) regarding the entry procedures followed and any unforeseen hazards confronted or created during the entry operations which may impact the safety of future entry operations.

If you have any questions regarding this policy, or if you feel that other permit spaces are present at our workplace(s) that have not been identified or evaluated, please contact the County Safety Officer.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

#### RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 111-12 *AMEND POLICY 50  
POLICY REGARDING NOTICE TO TAXPAYERS IN  
FORECLOSURE MATTERS*

WHEREAS: Policy 50, Article II should be amended to give the Treasurer more flexibility in reconveying property to former owners after entry of a foreclosure judgement; therefore be it

RESOLVED: That Policy 50, Article II. Sale to former owner(s) under certain, limited circumstances is hereby amended to provide as follows:

**II. Sale to former owner(s) under certain, limited circumstances:**

The County Treasurer is authorized and empowered to sell foreclosure acquired property back to its immediate former owner(s) within thirty days of the Treasurer's receipt of the County Court's notice of entry of judgment of a foreclosure under the following limited circumstances:

1. No other lien holders had an interest in the real property prior to foreclosure, which interest was foreclosed as a result of the judgment.
2. The sale back to the former owner(s) is in the best financial interest of the County.

Payment shall be by means of United States currency, a certified check or a bank check and shall include all delinquent taxes, all current year's taxes, all statutory penalties and interest and fees, plus an additional penalty of 20% of the total of the aforesaid items. The County Treasurer is authorized and empowered to accept such an offer and shall cause to be prepared such documents as the County Attorney deems necessary to reconvey the same to the prior owner(s) without an enabling resolution for each such act. He shall notify the Legislature immediately of any such offer and sale upon the closing thereof.

And be it further

RESOLVED: That the remainder of Policy 50 shall remain in full force and effect.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 112-12 *AUTHORIZE CONTRACT WITH EBS-RMSCO, INC –  
MEDICARE PART D DRUG SUBSIDY*

WHEREAS: Medicare-eligible beneficiaries may purchase prescription drug coverage through a Medicare Part D Plan; and

WHEREAS: An employer who provides prescription drug coverage to Medicare eligible employees, retirees, and/or their spouses must disclose to them whether or not the benefit provided is “at least as good” as the Medicare coverage, referred to as creditable coverage notice; and

WHEREAS: Plan sponsors who offer postretirement drug coverage to their qualified covered retirees may be eligible to receive a 28% tax-free subsidy of allowable drug costs for those retirees who do not elect to receive prescription benefits under a Medicare Part D Plan; and

WHEREAS: It is necessary to complete an actuarial attestation to determine that the participants in the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) provide drug coverage which meets the actuarial equivalence test in order to determine if the retiree prescription coverage is “at least as good” as the Medicare coverage and to determine if the TCCMHIP participants are eligible to apply for the subsidy for the 2013 Plan Year, January 1, 2013 through December 31, 2013; and

WHEREAS: Creditable coverage notices must be provided to all Part D eligible participants no later than October 15, 2012 and the deadline to file for the 2013 Plan Year subsidy is October 2, 2012; and

WHEREAS: EBS-RMSCO, Inc. has performed this actuarial attestation each year since 2005 and is available to perform the actuarial attestation and necessary testing again in 2012 for the 2013 Plan Year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to sign a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, to provide the necessary actuarial services for creditable coverage and the 28% tax-free subsidy related to Medicare Part D for the 2013 Plan Year at a cost of \$4,100 to be paid for out of the TCCMHIP Fund.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

## RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 113-12 *AUTHORIZE CONTRACTS WITH RURAL HEALTH NETWORK TO HOST AMERICORPS PUBLIC HEALTH*

WHEREAS: Tioga County Health Department (TCHD) has been provided an opportunity to host an AmeriCorps member through the Rural Health Network for 900 hours in 2012; and

WHEREAS: TCHD is developing a workplan with the Rural Health Network for the AmeriCorps member to work in the Diagnostic & Treatment Clinic assisting both TCHD and clients; and

WHEREAS: The AmeriCorps program has a nominal “host agency fee” to offset the costs for Rural Health Network to administer the program; and

WHEREAS: TCHD included the “host agency fee” of \$2,750 in its 2012 budget; and

WHEREAS: The AmeriCorps program is unique in that it is both a quasi-internship and quasi-contractual position as defined in County Policies 46 & 56; and

WHEREAS: TCHD may be provided additional opportunities of AmeriCorps members in the future; and

WHEREAS: Legislative approval is required to be authorized to enter into contracts per Policy 46; therefore be it

RESOLVED: That TCHD is authorized to enter into contract with Rural Health Network for an AmeriCorps member effective April 11, 2012; and be it further

RESOLVED: That TCHD is authorized to enter into future contracts with Rural Health Network for AmeriCorps members.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES  
PERSONNEL COMMITTEES

RESOLUTION NO. 114-12 RECLASSIFY VACANT PUBLIC HEALTH SANITARIAN  
PUBLIC HEALTH

WHEREAS: David Rolls retired effective March 2, 2012, creating a Public Health Sanitarian vacancy; and

WHEREAS: The Public Health Director has reviewed such vacancy and decided, at this time, to decrease the level of responsibility of the position; and

WHEREAS: In order to appropriately represent these decreased responsibilities, the Public Health Director is desirous of reclassifying the position of Public Health Sanitarian, salary grade IX (\$34,047) to Public Health Technician, salary grade VII(\$30,511); and

WHEREAS: The Personnel/Civil Service Department has reviewed the job duties and determined the appropriate title shall be Public Health Technician; therefore be it



RESOLVED: That the Tioga County Legislature authorizes the reclassification of Public Health Sanitarian to Public Health Technician, and that the Public Health Director is authorized to make said appointment from the appropriate civil service eligible list at CSEA salary grade VII, \$30,511; and be it further

RESOLVED: That in accordance with Resolution 92-12, said Public Health Technician vacancy is subject to the 90-day hiring delay and will be eligible for backfill effective June 22, 2012.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 115-12                      *APPROPRIATE FUNDS TROPICAL STORM LEE  
WATER DAMAGE TO COUNTY FACILITIES*

WHEREAS: The County suffered severe damages during Tropical Storm Lee water disaster in September, 2011; and

WHEREAS: Resolutions 180-11, 198-11, and 257-11 appropriated funds into a Tropical Storm Lee capital account totaling \$3,000,000; and

WHEREAS: Expenses are expected to total upwards of \$4,000,000; and

WHEREAS: Reimbursement is expected from FEMA, SEMO and our insurance for reimbursement of related expenses, which process will take several months; and

WHEREAS: There are outstanding bills that need to be taken care of and another \$1,000,000 needs to be transferred; therefore be it

RESOLVED: That the sum of \$1,000,000 be appropriated for transfer as follows:

General Fund

From:

H4960-Federal Aid-Emergency Disaster	\$1,000,000
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To:

H1625.20 Tropical Storm Lee Disaster-Expenditures	\$1,000,000
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ROLL CALL VOTE

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

No – None.

Absent – Legislator Huttleston.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:23. P.M.