

*Seventh Regular Meeting*  
July 13, 2010

The Seventh Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Eight Legislative members were present, Legislator Oberbeck being absent.

Chair Weston asked for a moment of prayer. "Let us bow our heads for a moment and reflect on how fortunate we are to be a part of this great Nation and all the freedoms that we enjoy."

Chair Weston led all Legislators and those in attendance in the Pledge of Allegiance.

There were 36 people in attendance.

Legislator Huttleston read and presented the following Recognition Resolution to Diane Schaumberg of the Mental Health Department.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 142-10      *RESOLUTION RECOGNIZING DIANE  
E. SCHAUMBERG'S 10 YEARS OF  
DEDICATED SERVICE TO TIOGA  
COUNTY*

Adoption moved Unanimously,  
seconded Unanimously.

WHEREAS: Diane E. Schaumberg was provisionally appointed to the position of Coordinator of Quality & Managed Care on January 31, 2000 and permanently appointed to said position on May 22, 2000; on March 19, 2001 she was promoted to the position of Clinical Program Director; and

WHEREAS: Diane E. Schaumberg has been an asset to the Tioga County Department of Mental Hygiene and has been an intelligent, skilled and knowledgeable Clinical Program Director and outstanding agency representative; and

WHEREAS: Diane E. Schaumberg has been dedicated, loyal, fair and just in the performance of her duties and responsibilities during the past 10 years and is well-respected by consumers, co-workers, and her colleagues throughout Tioga County for her calm and thoughtful approach to difficult situations; and

WHEREAS: She has used her extensive knowledge to collaborate with department employees and community agencies to advocate for Mental Hygiene clients; and

WHEREAS: Diane E. Schaumberg will retire on July 30, 2010; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, expresses sincere gratitude to Diane E. Schaumberg for her 10 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, Diane E. Schaumberg.

CARRIED UNANIMOUSLY

Legislator Huttleston spoke. "I would like to say you are probably going to retire up to Pickle Hill right. If you have not been around the triple cities or up in Broome County, the Hill Crest area is known as Pickle Hill. I do not know what the reason was, was there a pickle factory there? There was a pickle factory there years ago, but if you have been in the business that I am in, the appraisal business, you know it is called Pickle Hill by old timers. Diane is going to retire soon to Pickle Hill."

Sue Romanczuk-Smelcer, Community Services Board Director, spoke. "I just also wanted to say thank you to Diane for not only her 10 years of service in Tioga County, but she has a long and distinguished career in health and human services dating back to working at Social Services in Broome County, Catholic Charities where she ran an adolescent group home. She worked with Drug and Alcohol in Broome County and then came here and has provided excellent services for our agency. Again, I just want to thank you and we wish her well, a job well done."

Diane Schaumberg spoke. "Thank you very much. It has been a pleasure working for Tioga County for the last 10 years. Thank you."

Dick Cary, Supervisor Town of Barton, had privilege of the floor. "I am here representing the Town of Barton, as well as the Mayor for Waverly who I do not believe is here. This sales tax, changing the percentage, that just does not work. We do not waste money. There is an indication that we can find some ways of saving money. This is where I think over the years maybe you people have not done your due diligence. In our Town workers pay 20% of their health insurance and we do everything, we changed the retirees health insurance. We cover them well, but we saved a pile of money. There has got to be ways that you can cut without affecting services to a great deal.

"This is what I would like to have you look at and also there has got to be other ways, Mr. Weston indicated there are other ways that this shortfall can be filled, but I would say negotiate your contracts with your union representatives. You have got to be tougher. There is no reason that people should not have to pay a little bit more of their health insurance. People have got to start thinking of the taxpayers. There are a lot of people who cannot even pay their property tax. We have to got to start thinking of the taxpayers. Right now government jobs are the best jobs because they get a pay raise every year. Private enterprise it can go on for two or three years without any raise at all in these tough times. We have to get in the real world. Hopefully you will see the light to just forget about taking our sales tax away. Thank you."

Lewis Zorn, Supervisor Town of Tioga, had privilege of the floor. "Good afternoon Legislators. I want to say that I fully agree with Mr. Cary. Last Friday morning when I went out to the paper box and got the paper I was truly appalled, actually I was outraged. Number one, as being the Town Supervisor of Tioga, representing approximately 4500 people, why I had to find out about the issue coming up for a vote today on a public hearing, August 5<sup>th</sup> I believe, through the newspaper.

"There are a few other issues in here, number one is I do not take kindly to being judged as wasting money in our budget. If anybody has ever sat in on one of our budget meetings, my Board is all here, they will attest that we spend a lot of time on our budgets. We do not waste money. I quickly made some phone calls that morning and found that everybody I talked to, being four or five other Supervisors and other towns people, that they knew nothing about this either. I just feel that maybe

we are not in touch as much as we need to be. I think the Towns need to know about this. I do not know about you, but I think this is very important and when it is in the headlines of the paper and we do not know anything about it that makes me mad, but I just want you to know that I will not support any Legislator that supports that vote. I think we should know about this before it comes out in the paper. That is one of my biggest issues with it. Thank you."

Bob Bell had privilege of the floor. All we ever hear at the local level is consolidation. In my opinion we attack consolidation at the wrong end of the cow. I want to see consolidation in Washington. I want to see consolidation in Albany and I want to see consolidation in Tioga County Government. Mr. McEwen was quoted in the paper saying that any Legislator who voted against the cut in sales tax had better have their own plan to raise 1.4 million. Well anybody that knows me knows that I am a conservative and I think we have to darn much government already. I would like to throw some, three suggestions on the table for you to think over.

"I hold in my hand a picture of the Tioga County Sheriff's Department taken in 1960. Paul Taylor was the Sheriff and there were 17 people working in the Sheriff's Department, and geographically the County is the same size now as it was 50 years ago. I look at a county budget and I ask myself what do all these people do that work in the Sheriff's Department, and I count the number of county cars out behind the welfare building and I ask myself where do all these cars go.

"The second suggestion I will make is that back in the early 90s we had to create an Economic Development Department in this County so they could bring in federal and state grants, they would do a much better job than the Chamber of Commerce, but over the years I have watched a lot of taxpayer dollars wasted in tourism grants, agricultural grants, and just last year a proposal to consolidate town highway departments. Now fortunately there were some Town Boards in this County that had the wisdom to vote no that we are not going to participate in that program because they saw the folly of it. They were already trading work with neighboring towns. I believe they call that consolidation.

“This third point, there are County trucks going up state roads and town roads, and they are all burning \$3.00 gas, fuel. It seems to me it would be logical to turn over 90 miles of County road to the nine Towns in this County and eliminate the Highway Department. I will sum up by saying that I hope when you get to page 14, the resolution to set the date for this public hearing on cutting the sales tax, you vote it down because next year all nine of you people are up for Election and you jam this down the throats of the citizens of Tioga County the way Obama did Obama Care and I am not a betting man but I almost bet the farm will see some new faces here a year from now. Thank you.”

Esther Woods, Mayor Village of Nichols, had privilege of the floor. “I just come to say that I am also not very happy about the tax cut from one-third to one-quarter. We just recently passed our budget in June and if this kind of takes effect immediately with a reduction in sales tax we are going to be short. We have already had to increase our taxes this year for the Village residents and if you short us now we cannot go back, and so now somewhere we have got to come up with the shortfall in our budget. That is kind of hard to do on a small Village, we only have 200 residents or 200 homes in the Village, and to try and now come up with this shortfall of money, where are we going to come up with this? The sales tax that we receive is a third of our budget. That is a big chunk of change for us. To me I am just not happy with this. I understand that you guys are short on your budget, but as Legislators you guys have to do some creative thinking and budget cutting yourselves.

“We took a pay cut ourselves, the Village Board, we took half. We pretty much work for nothing, which is fine, we are for the benefit of all the residents in the Village, but we already cut our salaries. We are at a bare bones right now. I do not know where we could cut to come up with the difference that you guys want to take from us. I am just not going to support this at all, any of this tax cut. With the public meeting I see it is August 5<sup>th</sup> at 1:00 o’clock in the afternoon. Working individuals at 1:00 o’clock in the afternoon have jobs. I have a job. I had to take a day off today to come here for this and I do not see how you can have a public meeting at 1:00 o’clock in the afternoon when people work. I kind of think it should be held in an evening session so that the public can come because this is a huge impact for all the Towns and Villages, and I think everybody should have the opportunity to come. I definitely just want to say I do not support this. We just do not have the money in our budget, it is a third of our budget. Thank you.”

Joe Albrecht had privilege of the floor. "I will share some enlightening news for the Legislature. There is a website on the Internet which indicates unfunded mandates that are transferred to the States. It is about 52 pages long. I will take care of looking for unfunded mandates from the past. If under the current situation where the cutback in federal aid relative to Medicaid occurs, I think that would be extremely important for the public to know when and if it happens.

"Secondly, I think all members of the Legislature should be in attendance and involved in discussions in Legislative activity relative to mineral leases and utilization in the County. There was an article in the paper this morning about members of a Legislature being excluded from discussions and activity. I disagree with that. I think elected members of a governing body should be in attendance because they are serving at the behest of the public.

"Thirdly, I would like people to consider measuring the carbon dioxide content of the air in your automobile because I think in this weather you open the door, you get inside it is extremely warm and I never knew why until recently relative to global warming it must be the carbon dioxide content of the atmosphere in your car that makes it so warm. This is tongue and cheek. It does have far reaching ramifications, i.e., to the ozone layer. Global warming, carbon dioxide, and a number of other things tend to be misrepresented and when people in higher places can give me the answer to the increased temperature of the inside of my pickup truck in terms of carbon dioxide content I will be impressed. Until that point I am going to be very skeptical relative to the raise in the temperature inside my truck is as high as it is. I thank you very much."

Chris Bonner had privilege of the floor. "They got the greatest scam artist going, Bernie I made off with your money Madoff in jail. Before him there was Ponzi, but you see the greatest scam going is government. They are sucking us dry. You want us to spend money, why are you taking it all from us? Why are you sending all our jobs overseas? This is documented. The government, these politicians, I do not care if they are democrats, that is just a name, or republicans, it does not mean a thing. They are being scammed, just like everybody else. They are sending your jobs overseas by design. The bankers, the guys that got the money, they are the ones that are putting you birds back in. Look at Bird, I saw Mr. Bird coming down there before he died. He had two canes walking like this, 90 some odd years old, what he is doing on there? I do not think his brain

is functioning, but he is still in there and he brought money to West Virginia for a Coast Guard. West Virginia does not have any water. I wonder how that happens. What do they do with all that money?

“Now there are only three documents in my opinion that has given the average guy anything. One is your Bible, the Declaration of Independence, your Constitution, and your Bill of Rights. These are the only things that gave the average guy Joe and Jane any little thing. The rest is all monarchs and your monarchs of the world are taking over your country. This country had to be destroyed from its creation because the monarchs of the world, the Kings, your Queens, were worried. Hey if this works we are going to be out of a job. We are going to have to go to work somewhere.”

James Branston, Supervisor Town of Nichols, had privilege of the floor. I was really surprised when Louie called me the other day, I could not believe, I had not read the paper yet that morning, and to see that in the paper without hearing it from our Representatives first I just could not believe that. As a matter of fact I have not had a representative at our Town Board meeting since the last election. I do not understand that either. We went through this just a few years ago and I thought that everybody pretty much understood how every Town Supervisor, every Village Mayor, and everybody in this County felt about this when you talked about taking it away from us before. I do not see where it helps the taxpayers one little bit. You are merely taking money out of drawer A and putting it in drawer B. It may help you to reduce the amount of taxes you have to raise to the public, but it does not help us because we have to turn back around and we have to pass it on to the people from our Towns and our Villages because we are going to have to raise taxes. There is no two ways about it.

“Our sales tax revenues are already down. Last year I received \$207,882 and halfway through the year I am \$73,685 right now. The other thing I saw in there that I would like to have a clarification on if I could, is that you talked about that we got one-third of the sales tax revenue that the County gets and that you want to reduce it down to one-quarter. If you are talking about reducing it down to one-quarter, are you talking about reducing it down where we get one-quarter of the 4% or one-quarter of 3%? Because unless it has changed, the last I knew Towns and Villages shared in only 3% when it was raised to 7.5% because of the jail and it was supposed to go back down and it never did, and of course we all knew that would not happen, but the Towns and the Villages did not

share in that revenue, and when the loans were paid off for the jail we still did not share in that revenue, and when it went to 8% we did not share in that portion of the revenue anymore.

"I think that all you have to do is two things. One is to try and do a better job on the County's budget and try to find ways to either find new revenue sources or reduce your budget in some way, or have to raise taxes, but if you have to raise taxes then do the same thing that we do go to the people and tell the people we have to raise taxes because that is the only way we can balance our budget and that is the way we do it, that is the way you should do it. Not do the same thing to us that the State tries to do to you all the time, which is to take revenue away from the County. I hope that you will not let this go any further and that you certainly will not have a public hearing on it."

Chair Weston spoke. "I would make one comment because sometimes there is misrepresentation in the public and sometimes there is misrepresentation in the newspapers and so on, that when we vote today it is going to be on whether we are going to set a public hearing. It is not whether or not we are voting in favor of a Local Law as a result of it. This is a very important difference in it because voting on the public hearing is the way that we are supposed to work. We have public hearings so we can hear what people have to say and then we vote on that, and just to do away with the public hearing is not hearing everyone if there are other people out there to hear. Therefore, as I say, please do not be confused by whether a person votes yes on the public hearing that they are going to vote yes on the Local Law."

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		493.65
A1165	District Attorney		1,668.74
A1172	Assigned Counsel		23,385.42
A1185	Medical Examiners/Coroners		4,871.54
A1325	Treasurer		146.25
A1355	Assessments		2,177.14
A1410	County Clerk		509.35
A1411	Department of Motor Vehicles		44.58
A1420	Law		3,312.85
A1430	Personnel		556.70
A1450	Elections		84.29



A1460	Records Management		49.89
A1490	Public Works Administration		95.77
A1620	Buildings		53,542.94
A1680	Information Technology		8,828.88
A2490	Community College Tuition		1,042.67
A2960	Education of Handicapped Children		191,363.69
A3020	Public Safety Comm E911 System		5,049.94
A3110	Sheriff	672.97	13,791.24
A3117	Sheriff LE07-1003-EOO Grant	5,210.75	
A3140	Probation		932.50
A3142	Alternatives to Incarceration		968.35
A3146	Sex Offender Program		8,766.67
A3150	Jail		43,770.11
A3315	Special Traffic Programs		641.00
A3410	Fire	1,765.96	2,781.58
A3640	Emergency Mgmt Office		341.42
A4010	Public Health Nursing		44,113.69
A4011	Public Health Administration		4,264.17
A4012	Public Health Education	1,189.99	5,867.73
A4042	Rabies Control		2,364.38
A4044	Early Intervention	506.87	38,674.53
A4047	Handicapped Education Admin		41.91
A4053	Preventive/Primary Health Svcs		391.56
A4054	Preventive Dental Services		1,213.14
A4064	Managed Care-Dental Services		13,494.74
A4070	Disease Control		3,869.08
A4090	Environmental Health		8,592.46
A4210	Alcohol and Drug Services		56,024.55
A4211	Council on Alcoholism		19,847.32
A4309	Mental Hygiene Co Admin		30,796.98
A4310	Mental Health Clinic		160,179.87
A4315	Mental Retardation		4,604.24
A4320	Crisis Intervention Services		47,080.63
A4321	Intensive Case Management		3,942.37
A6010	Social Services Administration		41,158.78
A6422	Economic Development		160.86
A6610	Sealer Weights/Measures		786.25
A8020	Planning		85.48
A9060	Health Insurance		1,537.34
	SOLID WASTE FUND		119,963.22
	COUNTY ROAD FUND		40,529.16
	SPECIAL GRANT FUND		6,781.57

CONSOLIDATED HEALTH FUND	45,143.41
CAPITAL FUND	584,297.77
WORKERS' COMP	<u>3,733.00</u>
GRAND TOTAL	\$ 1,688,103.89

Legislator Sullivan made a motion to approve the minutes of June 15, 2010, 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.

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 143-10	<i>ERRONEOUS ASSESSMENT TOWN OF BARTON</i>

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

WHEREAS: An application for corrected tax roll indicates that property no. 303 assessed to Thomas R Blackman on the 2010 tax rolls of the Town of Barton is erroneous in that a Combat Veterans Exemption applied for in 1997 was never put on the assessment rolls; and

WHEREAS: An application for refund and credit of taxes has been submitted and approved for property no. 303 assessed to Thomas R Blackman in the Town of Barton for tax years 2008, 2009, and 2010 which were all paid to the tax collector in the respective year ; be it therefore

RESOLVED: That a refund of \$440.97 be issued to Thomas R Blackman for overpayment of the 2008, 2009, and 2010 taxes on property no. 303 in the Town of Barton; and be it further

RESOLVED: That the erroneous town tax of \$85.03 be charged back to the Town of Barton; and be it further

RESOLVED: That the erroneous solid waste tax of \$14.52 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous county tax of \$341.42 be charged to the proper account in the records of the County Treasurer

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
 CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
 FINANCE COMMITTEE

RESOLUTION NO. 144-10 APPROPRIATION OF FUNDS  
 DEPARTMENT OF SOCIAL SERVICES

Adoption moved by Legislator Huttleston,  
 seconded by Legislator McEwen.

WHEREAS: Tioga County has been allocated \$37,258 in Summer Youth Employment funding; and

WHEREAS: Broome-Tioga BOCES has agreed to administer the program; and

WHEREAS: The program will allow twenty-seven (27) TANF-eligible youth in Tioga County to obtain employment from July 12, 2010 through August 19, 2010; therefore be it

RESOLVED: That Tioga County accepts and allocates \$37,258 for the Summer Youth Employment program in Tioga County as follows:

From: A4610.00 Federal Aid: Administration	\$ 37,528
To: A6010.40.140 Contracting Services	\$ 37,528

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
 CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 145-10 *AUTHORIZE THE TRANSFER AND  
APPROPRIATION OF E911  
FUNDS*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator McEwen.

WHEREAS: The Sheriff's Office E911 Communications Center is the primary answering point for all E911 calls; and

WHEREAS: The equipment used to receive calls will be discontinued and unserviceable in the near future, thereby requiring the acquisition of new equipment; and,

WHEREAS: The Sheriff has accepted a Sales Quote from Tri-County Communications of Binghamton, Inc. in the amount of \$264,412.73 for the purchase of this equipment; and,

WHEREAS: Funds are available in the Appropriated Reserve for the specific purpose of supporting the operations of the E911 center, therefore be it

RESOLVED: That the following sum be transferred as follows for the purpose of purchasing this E911 equipment.

From: Appropriated Reserves    A511                    \$264,412.73

To:    Enhanced E911 Account -A3021.20.621    \$264,412.73

Roll Call:  
Ayes    08  
Noes    00  
Absent 01  
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 146-10 TRANSFER OF FUNDS  
SEALER OF WEIGHTS & MEASURES

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Sauerbrey.

WHEREAS: Sealer of Weights and Measures is in need of additional certification stickers; and

WHEREAS: Funds are available in the 2010 budget for the costs of the supplies; and

WHEREAS: The available funding requires transfer to the appropriate budget lines; and

WHEREAS: Transfer of funds requires Legislative approval, therefore be it

RESOLVED: That funds be transferred as follows:

From: A6610.20-130 Sealer of Weights & Measures Equipment	\$ 700
To: A6610.40-640 Sealer of Weights & Measures Supplies	\$ 700

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 147-10 APPROPRIATION OF FUNDS  
PUBLIC HEALTH

Adoption moved by Legislator Huttleston,  
Seconded by Legislator Monell.

WHEREAS: Tioga County Health Department (TCHD) has received additional funding from NYS Department of Health for Public Health Emergency Preparedness and H1N1-related items; and

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

RESOLVED: That funding be appropriated as follows:

From: A3401.00	State Aid: Public Health	\$ 71,538
To: A9950.93-715	Transfer to Capital-All Other	\$ 38,400
To: A4053.10-10	Primary & Preventive: Personnel	\$ 4,000
To: A4011.20-130	Health Admin: Equipment	\$ 11,000
To: A4011.40-487	Health Admin: Program Expense	\$ 18,138

And,

From: H5301.30	Interfund Transfer All Other	\$ 38,400
To: H4011.21	Capital Equip Health Administration	\$ 38,400

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 148-10      *TRANSFER OF FUNDS*  
*PURCHASE OF EQUIPMENT*  
*TREASURER'S OFFICE*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

WHEREAS: The Treasurer's Office has a check signer that needs to be replaced; and

WHEREAS: Funds need to be transferred into an equipment account for the purchase of said check signer; therefore be it

RESOLVED: That the Tioga County Treasurer is hereby authorized to purchase a check signer in the amount of \$1,525.80 and that the following sums be transferred as follows:

From:	Treasurer's Account A1325.40-320	\$1,525.80
To:	Treasurer's Account A1325.20-200	\$1,525.80

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
 CARRIED

REFERRED TO: PUBLIC SAFETY COMMITTEE  
 FINANCE

RESOLUTION NO. 149-10 *FUND EMERGENCY MANAGEMENT  
 OFFICE GRANT - NYS HOMELAND  
 SECURITY GRANT*

Adoption moved by Legislator Sauerbrey,  
 seconded by Legislator Sullivan.

WHEREAS: The Emergency Management Office has been awarded a NYS Homeland Security Grant (C837990-FY09) in the amount of \$86,222; and

WHEREAS: This funding now needs to be appropriated; therefore be it

RESOLVED: That the NYS Homeland Security Grant (C837990-FY09) be appropriated as follows:

From:	Revenue Account EMO (C837990-FY09)	A3308.00	\$86,222
To:	EMO C837990 Grant-Equipment	A3992.20.230	\$66,222
	EMO C837990 Grant-Contracting	A3992.40.140	\$20,000

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
 CARRIED

REFERRED TO

PUBLIC SAFETY COMMITTEE  
 FINANCE COMMITTEE

RESOLUTION NO. 150-10

*APPROPRIATION OF FUNDS FOR-  
 BUREAU OF FIRE 2009 NYS HAZ-MAT -  
 SHSP GRANT*

Adoption moved by Legislator Sauerbrey,  
 Seconded by Legislator Sullivan.

WHEREAS: The Bureau of Fire has been awarded a NYS Homeland Security SHSP Haz-Mat Grant in the amount of \$64,990; and

WHEREAS: This funding now needs to be appropriated in the Bureau of Fire Budget to be used on Hazardous Materials Equipment for the Tioga County Hazardous Materials Team; be it therefore

RESOLVED: That the Homeland Security SHSP Grant (Project # HM09-1009-E00) be appropriated as follows:

From: State Aid-Fire SH08-HM09-1009-E00	A3307.00	\$64,990
To: Fire SH08-HM09-1009-E00	A3991.20-130	\$64,990

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
 CARRIED



REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 151-10      *ALLOW THE COUNTY BUREAU OF FIRE  
TO ENTER INTO A CONTRACT WITH NYS  
OFFICE OF HOMELAND SECURITY FOR A  
WM2009 SHSP GRANT*

Adoption moved by Legislator Sauerbrey,  
Seconded by Legislator Sullivan.

WHEREAS: The New York State Office of Homeland Security has awarded the Tioga County Bureau of Fire a 2009 SHSP Haz-Mat Grant in the amount of \$64,990; and

WHEREAS: The expense of necessary equipment to be used by the Tioga County Haz-Mat Team during times of a Large Scale Hazardous Materials Incident is beyond the means of the yearly Bureau of Fire operating budget; therefore be it

RESOLVED: That, pending approval by the County Law Department, the Tioga County Bureau of Fire be permitted to enter into a contract with the New York State Office of Homeland Security for the procurement of an Ahura True Defender FTIR with a 5 year maintenance agreement. This equipment would provide the Tioga County Hazardous Materials Team a valuable tool that is capable of identifying chemical materials such as those used in the pending well drilling process.

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

Legislator McEwen introduced Local Law Introductory No. C of 2010:

County of Tioga

Local Law No. of the Year 2010.

A Local Law Amending Local Law No. 1 of 1968 establishing a Sales Tax and Compensating Use Tax for the County of Tioga.

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

SECTION 1: PURPOSE

The purpose of this Local Law is to amend Section 14-subparagraphs A and B.

SECTION 2: AMENDMENT OF PROVISIONS OF LOCAL LAW NO. 1 OF 1968

Local Law No. 1 of 1968 establishing a sales tax and compensating use tax for the County of Tioga, as amended by Local Law No. 4 of 1971 and as amended by Local Law No. 3 of 1984, is hereby further amended as follows:

A. Amendment of Section 14: Subparagraphs A and B

1. Subparagraph (a) of Section 14 is hereby amended to read as follows:

“(a) Three-quarters of such monies is hereby set aside for County purposes and shall be available for any county purpose.”

2. Subparagraph (b) of Section 14 is hereby amended to read as follows:

“(b) The remaining one-quarter of such monies shall be allocated first to reduce county taxes levied upon real property in the several towns of the county and any balance remaining shall then be applied to reduce general town taxes levied upon real property in such area.”

SECTION 3: EFFECTIVE DATE:

This law shall take effect on January 1, 2011.

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO.–10

*SCHEDULE PUBLIC HEARING LOCAL  
LAW INTRODUCTORY NO C OF 2010  
A LOCAL LAW AMENDING LOCAL  
LAW NO. 1 OF 1968 ESTABLISHING A  
SALES TAX AND COMPENSATING USE  
TAX FOR THE COUNTY OF TIOGA*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2010- A Local Law Amending Local Law No. 1 of 1968 establishing a Sales Tax and Compensating Use Tax for the County of Tioga in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York on Thursday, August 5, 2010 at 1:15 p.m. All persons desiring to present written or oral comments may do so at said time.

Legislator Sauerbrey moved to amend the above resolution, seconded by Legislator McEwen, and to read as follows:

“That the time of the public hearing be changed from 1:15 p.m. to 7:00 p.m. on August 5, 2010.”

On roll vote on the above amendment, seven Legislators voted Aye, Legislator Quinlan voting no, Legislator Oberbeck being absent, and the motion to amend was approved.

On roll call vote on the above resolution as amended, four Legislators voted Aye, Legislators Quinlan, Roberts, Sullivan, and Huttleston voting no, Legislator Oberbeck being absent, and the resolution as amended failed.

Legislator Sullivan introduced Local Law Introductory No. A of 2010:

County of Tioga

Local Law No. of the Year 2010.

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga.

BE IN ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1:

The County of Tioga hereby elects to provide all of its eligible employees with the 2010 Retirement Incentive Program – Part A, authorized by Chapter 105, Laws of 2010.

## SECTION 2:

The commencement date of the Retirement Incentive Program –Part A shall be October 3, 2010.

## SECTION 3:

The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length.

## SECTION 4:

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Tioga for each employee who receives the retirement benefits payable under this local law.

## SECTION 5:

This Local Law shall take effect upon filing with the Secretary of State and no later than August 31, 2010.

Legislator Sullivan introduced Local Law Introductory No. B of 2010:

County of Tioga

Local Law No. of the Year 2010.

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the County of Tioga.

BE IN ENACTED by the Legislature of the County of Tioga as follows:

## SECTION 1:

The County of Tioga hereby elects to provide all of its eligible employees with the 2010 Retirement Incentive Program – Part B, authorized by Chapter 105, Laws of 2010.

## SECTION 2:

The commencement date of the Retirement Incentive Program –Part B shall be October 1, 2010.

SECTION 3:

The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length.

SECTION 4:

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Tioga for each employee who receives the retirement benefits payable under this local law.

SECTION 5:

This Local Law shall take effect upon filing with the Secretary of State and no later than August 31, 2010.

REFERRED TO

PERSONNEL COMMITTEE

RESOLUTION NO. 152-10

*SCHEDULE PUBLIC HEARINGS  
 LOCAL LAW INTRODUCTORY NO A OF 2010  
 A LOCAL LAW TO ADOPT THE 2010  
 RETIREMENT INCENTIVE PROGRAM – PART A  
 AND LOCAL LAW INTRODUCTORY NO B OF  
 2010 – A LOCAL LAW TO ADOPT THE 2010  
 RETIREMENT INCENTIVE PROGRAM – PART B  
 AUTHORIZED BY CHAPTER 105 OF THE LAWS  
 OF 2010 FOR ELIGIBLE EMPLOYEES OF  
 THE COUNTY OF TIOGA*

Adoption moved by Legislator Sullivan,  
 Seconded by Legislator Roberts.

WHEREAS: New York State has made two Early Retirement Incentives available to local municipalities for 2010; and

WHEREAS: The County Legislature is still considering the impacts of participating in said incentives but must meet certain deadlines in order to have the option to participate; therefore be it

RESOLVED: That a public hearing shall be held on Local Law Introductory No. A of 2010 – A Local Law to Adopt the 2010 Retirement Incentive Program – Part A in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York on Thursday, August 5, 2010 at 1:00 p.m.; and be it further

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2010 - A Local Law to Adopt the 2010 Retirement Incentive Program – Part B authorized by Chapter 105 of the Laws of 2010 for eligible employees of the County of Tioga in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York on Thursday, August 5, 2010 at 1:05 p.m. All persons desiring to present written or oral comments may do so at said time.

CARRIED

REFERRED TO:

PERSONNEL COMMITTEE

RESOLUTION NO. 153-10

*AUTHORIZE CONTRACT WITH EBS-RMSCO,  
INC – MEDICARE PART D DRUG COVERAGE*

Adoption moved by Legislator Sauerbrey,  
seconded by Legislator Sullivan.

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 2011 Plan Year, January 1, 2011 through December 31, 2011; and

WHEREAS: Creditable coverage notices must be provided to all Part D eligible participants no later than November 15, 2010 and the deadline to file for the 2011 Plan Year subsidy is October 4, 2010, 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 2010 for the 2011 Plan Year; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer 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 2010 Plan Year at a cost of \$4,100 to be paid for out of the TCCMHIP Fund.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 154-10 AMEND RESOLUTION NOS. 111-10 AND 123-10  
STANDARD WORK DAY AND REPORTING  
RESOLUTION DISTRICT ATTORNEY'S OFFICE

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

WHEREAS: Resolution Nos. 111-10 and 123-10 regarding term begin/end dates for the 3<sup>rd</sup> Assistant District Attorney and the District Attorney Stenographer, PT had term/end dates of 10/2/2009-TERM OF OFFICE; and

WHEREAS: The New York State and Local Retirement System has contacted the Legislative Office and informed that there has to be an end date on terms of office for appointed and elected officials; and

WHEREAS: They further indicated that for the two positions in the District Attorney's Office that the terms should be consistent with the District Attorney's term of office, which current term ends 12/31/2011; therefore be it

RESOLVED: That Resolution Nos. 111-10 and 123-10 be hereby amended to reflect a term end date for the 3<sup>rd</sup> Assistant District Attorney and the District Attorney Stenographer, PT as of 12/31/2011.

Roll Call:  
 Ayes 08  
 Noes 00  
 Absent 01  
 CARRIED

REFERRED TO

PUBLIC SAFETY COMMITTEE  
 PERSONNEL COMMITTEE

RESOLUTION NO. 155-10

*AUTHORIZATION TO FILL VACANT PART-TIME  
 DEPUTY SHERIFF POSITION WITHIN  
 SHERIFF'S OFFICE*

Adoption moved by Legislator Sauerbrey,  
 Seconded by Legislator Huttleston.

WHEREAS: Due to New York State's recent passage of Leandra's Law, a mandate exists requiring Tioga County to employ a Monitor to oversee the Interlock Ignition Program associated with this child passenger protection act; and

WHEREAS: The duties associated with monitoring this program can be accomplished by utilizing a Deputy Sheriff on a part time basis; and



WHEREAS: A part time Deputy Sheriff vacancy currently exists and adequate funds are present within the Sheriff's part time staff account; therefore be it,

RESOLVED: That the Sheriff be authorized to fill the vacant part time Deputy Sheriff, not to exceed 19 hours per week, at a rate of \$17.886 per hour effective 8/2/10.

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: HEALTH & HUMAN SERVICES  
PERSONNEL COMMITTEE

RESOLUTION NO. 156–10 *CREATE AND FILL SEASONAL  
HEAP STAFF POSITIONS  
SOCIAL SERVICES*

Adoption moved by Legislator Huttleston,  
Seconded by Legislator McEwen.

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

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin Outreach in mid August and be in full season on November 1, 2010; and

WHEREAS: The Social Services budget allows for the hiring of one seasonal Social Welfare Examiner and one Typist to staff the HEAP Program; and

WHEREAS: The starting salaries for said positions are frozen at the 2009 rate per resolution 195-09 of \$13.070/hr. and \$10.841/hr. respectively; and

WHEREAS: The Federal reimbursement will be 100% with no local share; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal positions of Social Welfare Examiner at \$13.070/hr. and Typist at \$10.841/ hr. effective August 16, 2010 through May 13, 2011.

On roll call vote on the above resolution, six Legislators voted yes, Legislators Roberts and Sauerbrey voting no, Legislator Oberbeck being absent, and the resolution was adopted.

Legislator McEwen made a motion to have the following late-filed resolutions be considered, seconded by Legislator Monell and carried..

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 157-10      *AUTHORIZE SALE OF COUNTY  
OWNED PROPERTIES ACQUIRED  
FOR DELINQUENT TAXES*

Adoption moved by Legislator McEwen,  
seconded by Legislator Sauerbrey.

WHEREAS: Tioga County is the owner of numerous properties which it has acquired for delinquent taxes, which are surplus to the County needs; and

WHEREAS: It is the intent of the Tioga County Legislature to place the properties back on the tax rolls; be it therefore

RESOLVED: That the following properties be sold at public auction to be held in the Edward D. Hubbard Auditorium in the Tioga County Office Building, 56 Main Street, Owego, New York on August 6, 2010 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

166.11-1-63, Coston, John E.

166.19-5-52, Loco Holdings, LLC

166.16-2-54, Marino, Christine

166.19-2-25, McCarthy, Michael

166.15-1-71, Parmalee, Donald L.

167.15-1-12, Stewart, Frederick

13.00-1-14.12, Woodcock, George & Barbara

Town of Candor

74.00-1-32.20, Babcock, Karen A.

81.00-1-30, Coleman, Natasha Fratello

61.09-3-70, Krauss, Henry &amp; Terri R.

Town of Newark Valley

75.18-1-81, Jarvis, Louis

75.18-1-82, Jarvis, Louis

Town of Owego

132.09-1-8, Boehlert, James S.

128.08-7-68, Cedar Associates, Inc.

175.00-2-51, Groats, John C. &amp; Bertha

128.08-2-20, Haskell, Gary E.

142.14-1-14.1, Johnson, Hubert

117.20-2-42, Loco Holdings, LLC

128.08-1-4, Loco Holding, LLC

128.08-4-20, Loco Holdings, LLC

129.05-3-7, Loco Holdings, LLC

128.08-3-87, Larry Plac, Inc.

128.08-4-40, Lumnah, Michael J. &amp; Steven J.

Town of Richford

2.00-2-50, Moss, Susan &amp; Catherine Nicklaus

14.00-1-22.10, Decibus, Ronald

Town of Tioga

117.11-2-7, Loco Holdings, LLC

126.00-1-14.12, Zepkowski, Stanley &amp; Marilyn C.

Roll Call:

Ayes 08

Noes 00

Absent 01

CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 158-10

*AUTHORIZE THE SALE OF VICTORIA  
POLYNIAK PROPERTY LOCATED IN THE  
TOWN OF OWEGO TO DEBBIE MUSKA  
OR HER ASSIGNS*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

WHEREAS: Property located in the Town of Owego, assessed to Victoria Polyniak, identified as Tax Map number 87.00-1-8.2, parcel number 12634 owes 2008, 2009 and 2010 taxes and is past the last date of redemption; and

WHEREAS: The County has been approached by Debbie Muska, who has made an offer to purchase the property for \$300.00, "as is", thereby placing the property back on the tax rolls; be it therefore

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$300.00 and recording costs, a Quit Claim Deed conveying the property assessed to Katherine Garrison, located in the, Town of Owego, identified on the Town of Owego Tax Map as number 87.00-1-8.2, parcel number 12634, to Debbie Muska or her assigns.

Roll Call:  
Ayes 08  
Noes 00  
Absent 01  
CARRIED

REFERRED TO: FINANCE/LEGAL COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 159-10

*AUTHORIZE BACKFILL  
COUNTY ATTORNEY  
LAW DEPARTMENT*

Adoption moved by Legislator McEwen,  
Seconded by Legislator Monell.

WHEREAS: The position of County Attorney became vacant as of June 5, 2010; and

WHEREAS: The County Legislature has accepted the recommendation of the Interview Committee; and

WHEREAS: The selected candidate brings over 20 years of municipal law experience to the position; therefore be it

RESOLVED: That Judith Quigley is hereby appointed County Attorney effective on or after August 16, 2010 at an annual salary of \$90,000; and be it further

RESOLVED: That Ms. Quigley will continue to perform the JD PINS responsibilities in addition to the typical duties of the County Attorney; and be it further

RESOLVED: That this appointment is for the balance of the current term which runs through December 31, 2011.

Roll Call:

Ayes 07

Noes 00

Absent 01

Legislator Huttleston Abstained

CARRIED

The meeting was adjourned at 2:19 P.M.