

*Ninth Regular Meeting*  
September 12, 2017

The Ninth Regular Meeting of 2017 was held on September 12, 2017 and was called to order by the Chair at 6:00 P.M. Seven Legislative members were present, Legislators Monell and Sullivan being absent.

Chair Sauerbrey asked Legislator Weston to have a moment of prayer. "Dear Lord, may we all come to understand that blessings are everywhere, that our attitudes will affect outcomes and that challenges are often gifts in disguise."

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

Chair Sauerbrey spoke. "Please keep in your prayers the family of Dick LeCount. He passed away yesterday. He was our former Emergency Management Director for the County."

There were 8 people in attendance.

Chair Sauerbrey stated that there are two Proclamations, one on International Literacy Day, which will just be noted and another one on National Preparedness Month, which Legislator Standinger will read and present.

PROCLAMATION  
INTERNATIONAL LITERACY DAY 2017,  
ADULT EDUCATION AND FAMILY LITERACY WEEK 2017

WHEREAS: The need for a highly literate citizenry increases as Tioga County, New York moves toward an increasingly technological future; and

WHEREAS: Approximately fourteen percent of the Tioga County adults experience literacy issues that impact severely on their lives and families, their ability to work productively, and their full participation as citizens and residents of Tioga County, New York; and

WHEREAS: 36 Million adults in the United States cannot read, write, or do basic math above a third grade level; 72% of children whose parents have low literacy levels have a chance of being at the lowest reading levels themselves; and

WHEREAS: The Literacy Volunteers of Broome – Tioga Counties, Inc., now marking their 50<sup>th</sup> year of service, work with the Tioga County Legislature in inviting the citizens and businesses of Tioga County to join in highlighting the economic and societal importance of literacy;

NOW, THEREFORE, THE TIOGA COUNTY LEGISLATURE does hereby proclaim

September 8, 2017, as INTERNATIONAL LITERACY DAY and the dates of September 24 through September 30, 2017 as Adult Education and Family Literacy Week in Tioga County, New York

and urge fellow citizens to learn more about the importance of literacy and to become involved with literacy in their communities.

Legislator Standinger read and presented the following Proclamation on National Preparedness Month to Emily Warfle, Public Health Educator.

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: September is nationally recognized as National Preparedness Month; and

WHEREAS: In 2011, Hurricane Irene and Tropical Storm Lee moved through the Southern Tier damaging homes throughout the County. Recent national events also highlight the devastation natural disasters can cause; and

WHEREAS: Threats can come in many forms including natural disasters, terrorist attacks and pandemic disease outbreaks; and

WHEREAS: Community preparedness improves the ability of municipalities and emergency agencies to respond to disasters, secure necessary resources and quickly recover; and

WHEREAS: Trained Medical Reserve Corps volunteers are vital in events and can be called upon in hazards that pose a threat to the public's health; and

WHEREAS: Tioga County Public Health recommends citizens prepare well thought out plans for communications, sheltering in place and a strategy of escape; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of September 2017 as:

### NATIONAL PREPAREDNESS MONTH

and urges all citizens of our County to become more involved in preparing together as a community. Disasters don't plan ahead but you can.

Legislator Standinger spoke. "In my prior career I had to deal with a lot of emergency situations and my rule of thumb was always prepare for the worst and pray for the best, but if you prepare for the worst odds are you are going to be able to handle it. If you do not then you are really taking a chance. With that being said we have a Public Health Department employee here to speak to this."

Emily Warfle, Public Health Educator for the Department of Health spoke. "On behalf of the entire Public Health Department we would like to thank you for acknowledging our efforts to prepare our community better. In fact, we have a couple of free seminars coming up where we are going to reach out to the public to encourage them to be prepared because remember disasters do not plan ahead, but we can. Thank you."

There was no privilege of the floor.

Legislator Weston made a motion to approve the minutes of August 10 and 15, 2017, seconded by Legislator Mullen, and carried.

Chair Sauerbrey stated that all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

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

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. 209-17

*RESOLUTION MEMORIALIZING  
CONGRESS TO PASS THE SECOND  
AMENDMENT GUARANTEE ACT  
PERTAINING TO LIMITING STATE AND  
LOCAL GOVERNMENT'S AUTHORITY  
TO REGULATE RIFLES AND SHOTGUNS*

WHEREAS: The middle of the night passage of the NY SAFE Act in 2013 went far beyond federal law by unnecessarily regulating firearms that citizens may possess and carry. The NY SAFE Act broadened the definition of assault

weapons to include semi-automatic rifles, semi-automatic shotguns and semi-automatic pistols; and

WHEREAS: As a result, law abiding sportsmen and women were greatly impacted. Many of Tioga County residents were rightfully upset by the passing of this legislation. In response to this, the Legislators of the Tioga County Legislature submitted a memorializing resolution that called for the repeal of the NY SAFE Act, however attempts to repeal the NY SAFE Act at the State level have not been successful; and

WHEREAS: Recently Congressman Chris Collins of New York has unveiled the Second Amendment Guarantee Act (SAGA). This legislation aims to repeal many parts of the NY SAFE Act as it pertains to rifles and shotguns. Many law abiding gun owners have been left vulnerable as a result of the NY SAFE Act; the goal of SAGA is to restore Second Amendment rights that are currently being denied to citizens; and

WHEREAS: SAGA will lift the regulations that the State has unnecessarily placed on firearms, specifically rifles and shotguns, by ensuring that the maximum regulation that can be placed on these firearms cannot exceed Federal Law. Tioga County applauds Congressman Collins' efforts to ensure that all citizens Second Amendment rights are protected; therefore be it

RESOLVED: That the Tioga County Legislature joins in calling on Congress to pass Congressman Chris Collins' Second Amendment Guarantee Act; and be it further

RESOLVED: That the Clerk of the Tioga County Legislature shall forward a certified copy of this resolution to Governor Andrew Cuomo, Congressman Thomas Reed, Congresswoman Claudia Tenney, Senator Fred Akshar, and Assemblyman Christopher Friend.

#### ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 210-17 TRANSFER OF FUNDS FROM DA AND CONTINGENCY TO ASSIGNED COUNSEL

WHEREAS: The Assigned Counsel budget has had a high number of cases for 2017 and the Assigned Counsel account will not have sufficient funds for the remainder of 2017; and

WHEREAS: It is anticipated the District Attorney's Office will come in under budget and have surplus in Trial's Budget Line Item; and

WHEREAS: Funds will need to be transferred from the District Attorney's budget and Contingency Account to the Assigned Counsel Account to accommodate the increase in cases for 2017; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer as follows:

From: A1990 540715 Contingency Account	\$20,000.00
A1165 540720 District Attorney Trial Costs	\$20,000.00
To: A1172 540030 Assigned Counsel	\$40,000.00

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/ LEGAL & SAFETY

RESOLUTION NO. 211-17 REQUEST AND TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT

WHEREAS: The Law Department funds are insufficient to cover salaries through the end of 2017 due to pay out for accrued and unused vacation upon the retirement of the County Attorney as well as paying the salaries of the new County Attorney and the temporary position of Special County Attorney during March/April of 2017; and

WHEREAS: The funding is available in the Contingency Account to transfer to the Law Salary Full Time account; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the following transfer:

FROM:	A1990 540715	Contingency-Transfer	\$8,550.00
TO:	A1420 510010	Law – Salary Full Time	\$8,550.00

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE FINANCE/LEGAL COMMITTEE
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RESOLUTION NO. 212-17	<i>TRANSFER OF FUNDS FROM CONTINGENCY AND BUDGET MODIFICATION SOCIAL SERVICES</i>
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WHEREAS: Tioga County Department of Social Services (DSS) receives an annual chargeback bill from the Office of Children and Family Services (OCFS) for the county share of foster children housed in OCFS residential facilities; and

WHEREAS: DSS has received the chargeback bill for calendar year 2015 in the amount of \$246,051.37 and determined the amount exceeds budgeted funds by \$146,051.37; and

WHEREAS: The additional funding needed will require a budget modification and transfer of funds from contingency to Social Services appropriation account; and

WHEREAS: Transfer of funds and contingency fund requests requires Legislative approval; therefore be it

RESOLVED: That contingency fund use be approved and transferred as follows:

From: A1990 540715	Contingency Account Transfer	\$ 146,051.37
To: A6129 540487	State Training Schools Program Expense	\$ 146,051.37

Legislator Standinger spoke. "I would like to say that this was a surprise cost that was dumped on us by the State Government. They increased our billing by double and we are addressing this with our State Representatives, but until they can figure out how to do things up there they are going to continue to push this on to us. Unfortunately this is a cost that we have to pay."

#### ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

#### RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE
	FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 213-17	<i>TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT TO HOUSEHOLD HAZARDOUS WASTE ACCOUNT AND MODIFY 2017 BUDGET</i>
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WHEREAS: There is a significant increase in the amount of electronic waste being brought by Tioga County residents; and

WHEREAS: This increase has caused the budgeted amount to be exceeded for the 2017 Hazardous Waste Program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer from contingency and modify the budget as follows:

From: B1990 540715 Contingency Account \$10,000

To: B8160 542261 Household Hazardous Waste \$10,000

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 214-17 *REQUEST FOR RESERVE FUNDS AND BUDGET MODIFICATION/TRANSFER*

WHEREAS: Chapter 497 of the New York State Law of 1999 requires every county to establish a separate handicapped parking and education program with the purpose of providing education to increase the awareness of handicapped parking laws; and

WHEREAS: Implementation of this plan is dependent upon revenue generated from a mandatory thirty-dollar handicapped parking fine surcharge which the New York State Law of 1999 requires will be used for activities such as public service announcements, public education and awareness campaigns, distribution of literature and other activities with such purpose; and

WHEREAS: There was no budgeted line item in the general fund for these expenditures and Legislative approval is needed to access funds from a reserve account as well as to modify the budget; therefore be it

RESOLVED: That funds to cover the cost of two public service announcements be allocated as follows:

From: A388904 Reserve for Handicapped Parking Education \$206.00

To: A2989 54010 Advertising \$206.00

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 215-17 *AUTHORIZE AND FUND PURCHASE OF MICROSOFT WINDOWS 10 SOFTWARE LICENSES WITH APPROPRIATION FROM CAPITAL SOFTWARE RESERVE ACCOUNT*

WHEREAS: The Tioga County Legislature recognizes the importance of County infrastructure; and

WHEREAS: The County utilizes Microsoft Windows software for critical daily operations; and

WHEREAS: The ITCS Director has evaluated the current Microsoft licensing needs; and

WHEREAS: A need to purchase additional and new Microsoft software licenses to ensure the County is in license usage compliance has been identified; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the payment of software fees in the amount of \$67,000 to Dell, the holder of the Microsoft NYS OGS contract for software purchases from the Capital Software Reserve Fund for the purchase of Microsoft Windows 10 licenses; and be it further

RESOLVED: That the following funds be transferred:

FROM: H387804 Capital Software Reserve Fund \$67,000.00

TO: H1680-520620 Information Technology Capital Software \$67,000.00

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 216-17 *AUTHORIZE AND FUND  
NEW DATA STORAGE SYSTEM  
AND APPROPRIATE FUNDS  
FROM CAPITAL HARDWARE  
RESERVE ACCOUNT*

WHEREAS: The Tioga County Legislature recognizes the importance of County Infrastructure; and

WHEREAS: The ITCS department has identified that an upgrade is needed to the County's primary data storage system; and

WHEREAS: The Information Technology department has conducted an evaluation of available options; and

WHEREAS: VirtulT Systems has been selected to purchase said computer hardware; and

WHEREAS: The Information Technology Committee has reviewed the recommendation and agrees with the ITCS Director's recommendation; therefore be it

RESOLVED: That the ITCS Director be authorized to purchase computer hardware at a cost not to exceed \$42,929.29 from VirtulT Systems; and be it further

RESOLVED: That the following funds be transferred:

From: H 387805 Capital Hardware Reserve	\$42,929.29
TO: H1680-521090 IT Capital Computer	\$42,929.29

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 217-17 *APPROPRIATE FUNDS FROM CAPITAL SOFTWARE AND HARDWARE RESERVES FOR NORTHWOODS PURCHASE*

WHEREAS: The Tioga County Legislature recognizes the importance of County infrastructure; and

WHEREAS: Tioga County Department of Social Services (DSS) has approval to purchase a software system for Mobile Content Management for Child Welfare Services from Northwoods via resolution 189-17; and

WHEREAS: Associated hardware and licensing for support costs have been estimated at \$26,124; and

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

RESOLVED: That the funding be appropriated and transferred as follows:

FROM: H387804 Capital Software Reserve Fund	\$176,458
FROM: H6010 436100 State Aid-Social Services Admin	\$287,905
TO: H6010 540620 Software Expense	\$464,363

FROM: H387805 Capital Hardware Reserve Fund	\$ 3,800
FROM: H6010 436100 State Aid-Social Services Admin	\$ 6,200
TO: H6010 520090 Computer	\$10,000

Legislator Mullen spoke. "A large portion of this is reimbursed through the State 62% and it is going to make our DSS much more efficient with our agents being able to work from the field and have documents signed in the field level cutting back on travel and time and hours expended and more services provided to the people that need the services. It is a lot of money, but I think in the long run we are going to be better off for it."

Legislator Standinger spoke. "I concur with what Legislator Mullen has stated. This is an awful lot of money, but in the long run I think it is going to help the employees in that Department operate more efficiently and sometimes you have to spend money in that regard."

Legislator Weston spoke. "I agree with Bill. It has been a long run."

#### ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

#### RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS FINANCE
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RESOLUTION NO. 218-17	<i>AUTHORIZE ADDITIONAL EQUIPMENT PURCHASES</i>
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WHEREAS: Public Works budgeted \$54,000.00 for a Lift and Manual Press in the 2017 Capital Equipment budget line H5130.521902 Auto Shop Equip/Reno; and

WHEREAS: The cost for these 2 pieces came in under what was anticipated; and

WHEREAS: There was a need for additional items in our facility; and

WHEREAS: There were funds remaining in the amount of \$9,804.79 in H5130.521902 Auto Shop Equip/Reno; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the following purchases out of H5130.521902 Auto Shop Equip/Reno:

Bakers Garage Doors	\$5,804.00 (Garage Doors)
I D Booth Inc.	\$2,106.50 (Heaters)
Fastenal Company	\$1,639.72 (Drill Press & Vise)

#### ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

#### RESOLUTION ADOPTED.

Legislator Weston introduced Local Law Introductory No. D of 2017.

County of Tioga

Local Law No. of the Year 2017.

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

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

#### SECTION 1: TITLE

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

#### SECTION 2: PURPOSE

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

### SECTION 3: DEFINITIONS

HOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

MOTEL - Any facility providing lodging on an over-night basis, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

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

### SECTION 4: TAX

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

(B) Said tax shall be paid by the person occupying the room who shall be liable therefore to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied. Said tax shall be paid for and on account of the County of Tioga.

(C) Such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax. Such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to non-payment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge; provided, however, that the Tioga County Treasurer shall be joined as a part in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(D) The filing of returns and the payment of the tax shall be paid to the Tioga County Treasurer on a quarterly basis by such means and in such manner as may be directed by the Tioga County Treasurer.

### SECTION 5: PENALTY AND INTEREST

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

SECTION 6: EXEMPTION

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

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

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

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

SECTION 7: JUDICIAL REVIEW

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

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

(B) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the

proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

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

#### SECTION 8: LIMITATION OF TIME

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

#### SECTION 9: APPLICATION OF FUNDS

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

#### SECTION 10: EFFECTIVE DATE

This local law shall become effective December 1, 2017 and shall remain in effect until November 30, 2020.

#### SECTION 11: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the

application of its provisions to other persons or circumstances shall not be affected thereby.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 219-17      *SCHEDULE PUBLIC HEARING  
LOCAL LAW INTRODUCTORY  
NO. D of 2017*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. D of 2017 A Local Law providing for the collection of a hotel and motel tax in Tioga County in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, October 5, 2017 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

RESOLUTION NO. 220-17      *AUTHORIZATION TO ACCEPT AWARDED 2016 NEW YORK HOMES AND COMMUNITY RENEWAL FUNDING FOR \$500,000.00 FROM THE NEW YORK MAIN STREET DOWNTOWN ANCHOR PROGRAM FOR THE 2016 NEW YORK MAIN STREET DOWNTOWN ANCHOR OWEGO REVITALIZATION PROJECT AT 145 FRONT STREET OWEGO (The Parkview)*

WHEREAS: Tioga County Economic Development and Planning (TCEDP) was approved by Resolution #118-16 to apply and administer a 2016 New York Main Street Program (NYMS) grant for the 2016 New York Main Street Program Downtown Anchor Owego Revitalization Project at 145 Front Street, Owego (The Parkview); and

WHEREAS: A 2016 New York Main Street grant for \$500,000.00 has been awarded; and

WHEREAS: The Tioga County Legislature must accept this grant award of \$500,000.00; now therefore be it

RESOLVED: That the Tioga County Legislature accept the awarded 2016 New York Main Street Downtown Anchor Program total grant for \$500,000.00 to be administered by the Tioga County Economic Development and Planning Office.

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, and Standing.

No – Legislator Roberts.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

RESOLUTION NO. 221-17      *AUTHORIZATION TO APPROPRIATE FUNDS AND MODIFY 2017 BUDGET FOR THE AWARDED 2016 NEW YORK HOMES AND COMMUNITY RENEWAL FUNDING FOR \$500,000.00 FROM THE NEW YORK MAIN STREET DOWNTOWN ANCHOR PROGRAM FOR THE 2016 NEW YORK MAIN STREET DOWNTOWN ANCHOR OWEGO REVITALIZATION PROJECT AT 145 FRONT STREET OWEGO (The Parkview)*

WHEREAS: Tioga County Economic Development and Planning (TCEDP) was approved by Resolution #118-16 to apply and administer a 2016 New York Main Street Program (NYMS) grant for the 2016 New York Main Street Program

Downtown Anchor Owego Revitalization Project at 145 Front Street, Owego (The Parkview); and

WHEREAS: A 2016 New York Main Street grant for \$500,000.00 has been awarded; and

WHEREAS: Included in the grant award is a 5% administrative fee of \$25,000.00; now therefore be it

RESOLVED: That the funds be appropriated and the 2017 Budget be modified as follows:

2017 Budget Modification:

Revenue Account #ORG CE8510 OBJ 439900	\$475,000.00
Expense Account #ORG CE8510 OBJ 540487	\$475,000.00
Name: CE002 2017 Parkview Main Street	

2017 Budget Addition:

Revenue Account #ORG A6422 OBJ 437170	\$25,000.00
Name: State Aid ED Administrative Fee	

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, and Standing.

No – Legislator Roberts.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 222-17 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2018 County taxes among the several Towns are hereby established as follows:

Town of Barton	85.00
Town of Berkshire	100.00
Town of Candor	98.00
Town of Newark Valley	70.00
Town of Nichols	24.00
Town of Owego	75.90
Town of Richford	98.00
Town of Spencer	95.00
Town of Tioga	6.60

Legislator Mullen spoke. "This was brought up by several of my people that I represent down in the Waverly/Barton area and this is set by the State and it has nothing to do with us setting the tax increase rate or tax rate. This is something that is a State formula and it is out of our hands."

#### ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

#### RESOLUTION ADOPTED.

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

REFERRED TO PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 223-17 APPROVE 2018 STOP DWI PLAN

WHEREAS: The New York State Governor's Traffic Safety Committee (GTSC) requires Counties to submit an annual STOP DWI Plan by October 1<sup>st</sup>, for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2018 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2018 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$38,000
Prosecution Related	\$14,000

Probation	\$21,927
Rehabilitation	\$13,000
PI&E	\$20,000
Administration	<u>\$ 5,450</u>
	\$112,377

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standingier.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 224-17 APPOINT MEMBER TO YOUTH BOARD  
YOUTH BUREAU

WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and

WHEREAS: The purpose of the Youth Board is to carry out the provision of Section 95 of the General Municipal Law of the State of New York and Resolution No. 140 of 1981 of the Tioga County Legislature; and

WHEREAS: The Tioga County Youth Board Bylaws provides for representatives to the Youth Board be appointed by the County Legislature; and

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 48-17 and vacancies exist; now therefore be it

RESOLVED: That the following listed representative be appointed as a member of the Tioga County Youth Board with the corresponding term of office consistent with the requirement of staggered rotation.

	<u>TERM</u>
Rachel Craig (Replacing Jessica Hobler)	09/01/17-12/31/19

## ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 225-17      *CONTRACT WITH EXCELLUS BLUE CROSS/BLUE SHIELD TO ADMINISTER HEALTH INSURANCE BENEFITS*

WHEREAS: Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for Tioga County including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to administer fully insured benefits for Tioga County employees for the period of January 1, 2018 through December 31, 2018; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Excellus Blue Cross Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County for the period January 1, 2018 through December 31, 2018.

## ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 226-17 *AUTHORIZE CONTRACT WITH THE HARTFORD TO ADMINISTER MEDICARE ELIGIBLE RETIREE HEALTH INSURANCE*

WHEREAS: Effective January 1, 2014 Tioga County implemented The Hartford Medicare Supplemental Plan F coupled with a drug plan with \$5/\$15/\$30 co-pays for Medicare eligible retirees and retirees' spouses; and

WHEREAS: This Medicare plan continues to provide optimal coverage to Medicare eligible retirees at a lower cost to Tioga County than previous coverage offered; and

WHEREAS: The Hartford has submitted a new contract to administer the Medicare Supplemental Plan F and drug plan with \$5/\$15/\$30 co-pays for the period of January 1, 2018 through December 31, 2018; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with The Hartford, subject to review by the County Attorney, to administer these insurance benefits for Tioga County for the period January 1, 2018 through December 31, 2018.

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 227-17 *AUTHORIZE POSITION RECLASSIFICATION MENTAL HYGIENE*

WHEREAS: Legislative approval is required for position reclassification; and

WHEREAS: On March 30, 2017, the Personnel Department received a position description questionnaire from Linda Beers, Accounting Associate II (CSEA SG V, \$27,380), who works within the Mental Hygiene's accounting division; and

WHEREAS: A desk audit resulted and involved the review of work tasks performed by staff within said division; and

WHEREAS: Following the appeal process, the Personnel Officer has made a final determination that due to the type of work assigned to Ms. Beers and her level of autonomy in carrying out those assignments demonstrates sufficient justification to reclassify her title in order to accurately reflect the work performed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of the Accounting Associate II position currently filled by Linda Beers to Accounting Associate III (CSEA SG VII, \$33,514); and be it further:

RESOLVED: That Ms. Beers' shall be appointed from an appropriate eligible list and shall receive a salary increase of \$6,134 added to her current annual salary retroactive to March 30, 2017.

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 228-17

*AUTHORIZE BACKFILL PART TIME  
ASSISTANT FIRE COORDINATOR  
(BUREAU OF FIRE)*

WHEREAS: The Tioga County Bureau of Fire has a need to backfill an Assistant Fire Coordinator (PT) position, which has been vacant since July 4, 2017; and

WHEREAS: The Fire Coordinator has identified a qualified candidate who has been found to meet the minimum qualifications of the Assistant Fire Coordinator (PT) classification; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the appointment of Charles Bement to the vacant Assistant Fire Coordinator (PT) position effective September 18, 2017, at an annual non-union salary of \$2,600.00; and be it further

RESOLVED: In accordance with the Non-Union Benefits Policy, Mr. Bement will not receive a salary increase on January 1, 2018, and instead will be evaluated within 6 months in order to determine any salary increase at that time.

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 229-17      *AMEND RESOLUTION #280-16; CREATE AND FILL  
TEMPORARY, FULL-TIME CLERK (SEASONAL)  
POSITION (PERSONNEL DEPT)*

WHEREAS: A Seasonal Clerk position was authorized by Resolution #280-16 for the period of May 15, 2017 through September 1, 2017; and

WHEREAS: The position was not filled until May 31, 2017; and

WHEREAS: The amount budgeted for this position could cover May 31, 2017 through September 14, 2017; therefore be it

RESOLVED: That Resolution #280-16 is hereby amended to indicate that the Seasonal Clerk position in Personnel may run through September 14, 2017.

ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standinger.

No – None.

Absent – Legislators Monell and Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. 230-17      *RESOLUTION TO DECLARE WORK DAY  
STATUS FOR ELECTED AND  
APPOINTED OFFICIALS*

WHEREAS: Resolution 206-09 and 127-16 established a standard work day for elected and appointed officials for New York State and Local Employees' Retirement System reporting purposes; and

WHEREAS: New York State recently audited Tioga County's reporting of salaried elected and appointed officials; and

WHEREAS: Tioga County responded to the audit by reviewing current retirement reporting and making any necessary adjustment; and

WHEREAS: It came to light that some additional positions do not have an established standard work day; therefore be it

RESOLVED: That the Tioga County Legislature hereby establishes as a standard work day for these additional elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System as follows:

Appointed Officials

Five day work week, seven hour day:      Assigned Counsel Administrator  
Information Security Officer

## ROLL CALL VOTE

Yes – Legislators Weston, Hollenbeck, Huttleston, Mullen, Sauerbrey, Roberts, and Standing.

No – None.

Absent – Legislators Monell and Sullivan.

## RESOLUTION ADOPTED.

The meeting was adjourned at 6:17 P.M.