

*Fifth Regular Meeting*  
May 12, 2020

The Fifth Regular Meeting of 2020 was held on May 12, 2020 and was called to order by the Chair at 12:01 P.M. with eight Legislators and Legislator Roberts joining the conference call at 12:05 p.m. In light of the COVID-19 pandemic, this Legislative meeting was a Zoom phone conference.

Chair Sauerbrey asked for a moment of prayer. "Heavenly Father we pray for protection for all of us and our County. We pray for peace amongst the land and good decision-making as we move forward out of the current situation. We pray that the pathway would be smooth to get businesses and organizations back running, getting the economy going, but also behaving carefully to keep lives safe."

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

In addition to the Legislators, there were seven people participating on the Zoom phone conference.

Chair Sauerbrey noted we have three Proclamations recognizing Foster Care Recognition Month, Elder Abuse Prevention Month, and Mental Health Awareness Month & Children's Mental Health Week for May that will be noted in the minutes.

**COUNTY OF TIOGA**  
**EXECUTIVE PROCLAMATION**

**FOSTER CARE RECOGNITION MONTH PROCLAMATION**

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WHEREAS: The Tioga County foster family serves as a source of safety, love, self-esteem and support for children in Tioga County; and

WHEREAS: There are 31 children in foster care in Tioga County, 22 of these children are in foster homes, with 7 being in relative foster home placements; and

WHEREAS: We have 17 certified foster homes in Tioga County with 5 of them being approved relative homes; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children in foster care, and the enduring and valuable contribution of foster parents; and

WHEREAS: It is appropriate to recognize all those who volunteer their talents and energies on behalf of children in foster care, the foster parents who serve these children and the professional staff dedicated to ensuring these children have a stable and safe foster family environment; now therefore

THE TIOGA COUNTY LEGISLATURE hereby proclaims May 2020, as

**FOSTER CARE RECOGNITION 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 recognize foster parents in Tioga County.

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: People who are elderly or have disabilities have contributed to the general welfare of Tioga County by helping to preserve customs, convictions, and traditions of many people from diverse backgrounds; and

WHEREAS: These residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS: The health and well-being of disabled and elderly people in our county should be one of our highest priorities and of concern to all Americans; and

WHEREAS: People who are elderly or have disabilities are among the most important resources of our county, and it is fitting that we recognize the need to protect their health, safety, and rights; and

WHEREAS: Abuse of the elderly and people with disabilities in domestic and institutional settings is a wide-spread problem, affecting hundreds of thousands of people across the country; and

WHEREAS: Elder abuse is underreported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS: Elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, in poor neighborhoods and in suburbia; and

WHEREAS: Many of the cases investigated by Adult Protective Services in New York involve self-neglect or financial exploitation and it is our duty as citizens to reach out to people in need; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of May 2020 to be

**ELDER ABUSE PREVENTION MONTH**

in Tioga County, and urge all citizens to work together to help reduce abuse and neglect of people who are elderly or have disabilities.

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

***Mental Health Awareness Month & Children's Mental Health Week***

WHEREAS: The citizens of Tioga County value the overall health and well-being of all the residents of Tioga County they are proud to support the observance of Mental Health Awareness Month and Children's Mental Health Week; and

WHEREAS: Mental Health is essential to everyone's overall health and well-being; and

WHEREAS: Mental illness is the leading illness-related cause of disability, a major cause of death through suicide, a factor in school failure, a contributor of poor overall health, incarceration, and homelessness; and

WHEREAS: Mental illness in adults and serious emotional and mental health disorders in children and youth are real and treatable; and

WHEREAS: There is evidence that early intervention, family-centered care for children, and person-centered treatment for adults can result in reduction and management of symptoms such that individuals with mental illness can live full, productive and meaningful lives in their communities; and

WHEREAS: Children and youth with mental health challenges, along with their families, deserve access to services and supports that are family driven, youth guided and culturally appropriate; and

WHEREAS: There is an expectation of hope, healing and recovery for the citizens of Tioga County who experience symptoms of mental illness; and

WHEREAS: Tioga County has made a commitment to a community-based system of care that promotes values of acceptance, dignity and social inclusion for individuals of all ages; therefore

THE TIOGA COUNTY LEGISLATURE does hereby ask all residents of our county to join in declaring **May 2020 as Mental Health Awareness Month** and **May 3<sup>rd</sup> – 9<sup>th</sup>, 2020 as Children's Mental Health Week** in Tioga County.

There was no Privilege of the Floor.

Legislator Monell made a motion to approve the minutes of April 14, 2020, seconded by Legislator Mullen and carried.

Chair Sauerbrey stated, in lieu of the Legislative Committees meeting this month, Departments submitted written status reports to the Clerk of the Legislature.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO: 103-20 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period October 1, 2019 to March 31, 2020 be and it hereby is accepted; therefore be it further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Barton (Town)	\$ 21,442.01
Berkshire (Town)	7,049.71
Candor (Town)	16,886.92
Candor (Village)	3,571.97
Newark Valley (Town)	13,514.17
Newark Valley (Village)	5,260.45
Nichols (Town)	5,228.21
Nichols (Village)	2,094.29
Owego (Town)	89,683.59
Owego (Village)	7,877.37
Richford (Town)	4,002.78
Spencer (Town)	14,825.48
Spencer (Village)	2,087.63
Tioga (Town)	23,000.55
Waverly (Village)	<u>23,568.10</u>
	\$240,093.23

#### ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Weston, Balliet, Hollenbeck, Monell, and Mullen.

No – None.



No – None.

Absent – Legislator Roberts

RESOLUTION ADOPTED.

*Legislator Roberts joined the meeting via phone conference at 12:05 p.m.*

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE

RESOLUTION NO. 105– 20      *AUTHORIZE CONTRACT WITH  
ACCUMEDIC COMPUTER SYSTEMS, INC.  
FOR MENTAL HYGIENE ELECTRONIC  
HEALTH RECORDS SYSTEM*

WHEREAS: Mental Hygiene has been utilizing Accumedic Computer Systems software for its Electronic Health Records System (EHRS) at the current cost of \$31,705.34 per year; and

WHEREAS: Accumedic offers a Cloud based version of its Accumedic software which the County wishes to continue using for its EHRS and to facilitate its data sharing requirements under the Affordable Care Act and Medicaid Redesign Team programs; and

WHEREAS: Required products and services include the one-time installation of the AccuMed SaaS Edition on redundant cloud servers at a cost of \$4,000 and an ongoing monthly 'Hosting, Software and Support' fee of \$75 per user at an approximate cost of \$3,375 per month/\$40,500 per year for the County's current 45 end users. The initial term of the agreement would be five years at an approximate total cost of \$206,500 which may be extended thereafter for additional one year periods; and

WHEREAS: The cost of the EMHR is being partially underwritten by Care Compass for the first year in the amount of approximately \$40,000 with additional underwriting possible in the following years; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature, upon approval of the County Attorney, to sign a contract with Accumedic Computer Systems, Inc. to provide the services outlined in the proposal.

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 106-20 APPROVE CARES ACT GRANT TO REIMBURSE  
TIOGA COUNTY FOR ELECTION EXPENSES  
INCURRED DUE TO COVID-19

WHEREAS: The federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), enacted March 27, 2020, includes \$400 million in new Help America Vote Act (HAVA) funds, made available to states to prevent, prepare for, and respond to the coronavirus for the 2020 Federal election cycle; and

WHEREAS: Tioga County is and will continue to be incurring many unanticipated costs due to the coronavirus response, including unanticipated election expenses such as postage and paper for absentee mailings, cleaning supplies, and other expenses; and

WHEREAS: On May 5, 2020, the Tioga County Board of Elections received from the New York State Board of Elections a proposed grant contract for the funding amount of \$64,618.62 for federal elections in 2020; and

WHEREAS: Tioga County will have a federal primary election for the 22<sup>nd</sup> Congressional District on June 23, 2020 and a county-wide federal election on November 3, 2020; and

WHEREAS: The executed contract is due back to the NYS Board of Elections by May 20, 2020; therefore be it

RESOLVED: That the Tioga County Board of Elections is approved to execute the aforementioned grant and submit the completed paperwork to the NYS Board of Elections, in order for Tioga County to be eligible for reimbursement of the aforesaid amount.

## ROLL CALL VOTE

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

No – None.

Absent – None.

## RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE/LEGAL COMMITTEE
RESOLUTION NO. 107-20	<i>ESTABLISH AND FUND UNEMPLOYMENT INSURANCE RESERVE IN GENERAL OPERATING FUND</i>

WHEREAS: Tioga County established an Unemployment Insurance Reserve per Resolution 243-78 with the intent of the Legislature that the reserve be maintained in an expendable Trust Account TE15 for unemployment claims; and

WHEREAS: Tioga County authorized and directed the County Treasurer to transfer into the reserve the unexpended unemployment insurance fringe (A9050-585088) at the end of each fiscal year; and

WHEREAS: Tioga County established a ceiling of \$150,000.00 and then adjusted the ceiling to \$100,000.00 per Resolution 112-91 for the Unemployment Insurance Reserve; and

WHEREAS: The current balance of the Unemployment Trust Account (TE15) is \$69,070.03; and

WHEREAS: Legislative approval is needed to establish and fund a reserve; therefore be it

RESOLVED: The Unemployment Insurance Reserve be established and funded through a transfer of unexpended funds as follows:

FROM:	TE 201500	Unemployment Insurance Reserve	\$69,070.03
TO:	A 388906	Unemployment Insurance Reserve	\$69,070.03

## ROLL CALL VOTE

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



No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 108-20 TRANSFER OF UNEMPLOYMENT INSURANCE  
RESERVE FUNDS TO UNEMPLOYMENT FRINGE

WHEREAS: The Unemployment Insurance Reserve has a current balance of \$69,070.03; and

WHEREAS: Unemployment claims for year to date 2020 total \$31,743.01 and have exceeded the 2020 budgeted amount by \$1,743.01; and

WHEREAS: Legislative approval is needed to expend funds from a reserve account; and

WHEREAS: Legislative approval is needed to modify the 2020 Budget and transfer funds; therefore be it

RESOLVED: A standing approval be given for future draws from the Unemployment Insurance Reserve as needed for over budget line items; and be it further

RESOLVED: That \$30,000.00 be expended from the Unemployment Insurance Reserve and transferred as follows:

FROM: A 388906	Unemployment Insurance Reserve	\$30,000.00
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TO: A9050 585088	Unemployment Insurance Fringe	\$30,000.00
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ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 109-20 TRANSFER FUNDS/  
FUND SELF-INSURANCE PLAN RESERVE

WHEREAS: Tioga County Local Law No. 2 of 2015 established a Contributed Reserve cap of \$6,000,000 for the Tioga County Self Insurance Plan; and

WHEREAS: Tioga County Local Law No. 2 of 2015 allows for the transfer of surplus funds from the fund balance to the reserve; and

WHEREAS: The 2019 Tioga County Self Insurance operating budget had surplus funds of \$681,700.60 in the fund balance; and

WHEREAS: The December 31, 2019 Tioga County Self Insurance Plan Fund Balance is \$1,708,118.21; and

WHEREAS: The December 31, 2019 Tioga County Self Insurance Contributed Reserve Fund is \$3,076,405.07; therefore be it

RESOLVED: That the Tioga County Treasurer is authorized to transfer funds as follows:

From: Self-Insurance Fund Balance S 390900	\$ 681,700.60
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To: Self-Insurance Contributed Reserve Fund S 375300	\$ 681,700.60
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ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 110-20 TRANSFER OF FUNDS  
BUDGET MODIFICATION  
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) is required to pay a portion of the costs for the treatment of Tioga County residents that have been assigned Criminal Psychiatric services by the NYS Court system; and

WHEREAS: TCMH has received notice that Tioga County residents were assigned these services, along with the required payment amount; and

WHEREAS: TCMH has determined the amount of additional funding needed for these already incurred mandated expenses within its own budget, yet this will require a budget modification and transfer of funds; and

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

RESOLVED: That the Mental Hygiene budget be modified and funds be transferred as follows:

From: A4310 510010 Full Time	\$12,473.56
To: A4390 540590 Criminal Psychiatric: Services Rendered	\$12,473.56

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 111-20 AMEND BUDGET & APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded additional funding from New York State Department of Health; and

WHEREAS: The funding is designated for the Healthy Neighborhoods Program; and

WHEREAS: Amending of Budget and Appropriation of Funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4090 434640 Environmental Health: State Aid	\$ 50,000
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To: A4090 540595 Environmental Health: Services	\$ 50,000
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ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 112-20      *ACCEPT INDIGENT LEGAL SERVICES AWARD  
AND AMEND BUDGET*

WHEREAS: The Assigned Counsel Administrator's Office has been awarded an Indigent Legal Services Grant (C100049) in the amount of \$61,902.00; and

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

RESOLVED: That the ILS Grant of \$61,902.00 be appropriated and the 2020 Budget be amended as follows:

Revenue Account: A1173 430260 State Aid Indigent	\$ 61,902.00
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Expense Account: A 1173 510010 Full Time Salary	\$ 4,000.00
A 1173 510020 Part Time Salary	\$ 54,909.00
A 1173 540620 Software	\$ 2,500.00
A1173 540420 Office Supplies	\$ 493.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO: 113-20 REQUEST FOR CONTINGENCY FUND  
TRANSFER TO DMV

WHEREAS: Motor vehicle sales tax for the month of March 2020, in the amount of \$69,336.14, was due the first week of April by the Tioga County DMV to the New York State Department of Taxation and Finance; and

WHEREAS: The COVID-19 shutdown resulted in a lack of revenue in the Motor Vehicles checking account at Chemung Canal Trust; and

WHEREAS: There is an existing deficiency in the Motor Vehicles checking account at Chemung Canal Trust due to a discrepancy traced back to November 2013. The discrepancy is still being explored; and

WHEREAS: The loss of revenue due to the shutdown and the existing deficiency resulted in a shortfall of \$8,579.00 for the sales tax payment due to New York State; and

WHEREAS: The County Clerk has requested that funds in the amount of \$8,600.00 be made available for use by the DMV to cover the shortfall so that the March sales tax can be remitted to New York State; now, therefore be it

RESOLVED: That a check in the amount of \$8,600.00 be drawn from the Tioga County Treasurer's contingency account and be made payable to the Tioga County Clerk for deposit to the Motor Vehicles checking account at Chemung Canal Trust.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 114-20 *AUTHORIZE EXCEPTION TO  
EMPLOYEE HANDBOOK SECTION IV.  
PERSONNEL RULES - SUBSECTION J;  
NON-UNION VACATION*

WHEREAS: The Employee Handbook Section IV. Personnel Rules - Subsection j. Non-Union Vacation Policy dictates the rules regarding vacation accruals and carry-over for Non-Union staff; and

WHEREAS: The Policy allows for carry-over of 20 days of vacation from one anniversary to the next; and

WHEREAS: The Legislative Office experienced a staffing issue on September 14, 2019 when the Deputy Legislative Clerk position was vacated and not filled until December 1, 2019; and

WHEREAS: The newly appointed Deputy Legislative Clerk resigned effective March 13, 2020 and the position remains vacant; and

WHEREAS: The Legislative Clerk has been unable to utilize her vacation time due to the current staffing issue and is in jeopardy of losing earned vacation days; therefore be it

RESOLVED: That the County Legislature hereby authorizes an exception to Employee Handbook Section IV. Personnel Rules - Subsection j. Non-Union Vacation Policy due to the current staffing issue, for Cathy Haskell to cash-in three weeks of vacation in Payroll #11 (5/9 – 5/22/2020), which exceeds the allowable 20-day carryover to her August 9, 2020 anniversary; and be it further

RESOLVED: That following the vacation payout in Payroll #11, Cathy Haskell will have four remaining vacation days to use before her August 9, 2020 anniversary and will also carry over 20 days of vacation; and be it further

RESOLVED: That should the Legislative Office budget have insufficient 2020 funds to cover the requested vacation payout, another resolution may be presented to transfer funds.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 115-20      *CREATE AND FILL TEMPORARY, FULL-TIME  
CLERK (SEASONAL) POSITION  
TREASURER'S OFFICE*

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

WHEREAS: The Treasurer's Office has a need to hire a temporary, full-time Clerk to work during the summer season to provide clerical support within the office; and

WHEREAS: The Treasurer appropriately budgeted for said position in the approved 2020 budget; and

WHEREAS: Following recruitment, a qualified candidate has been identified; therefore be it

RESOLVED: That the Treasurer is hereby authorized to create one (1) temporary, full-time position of Clerk (Seasonal) at the 2020 established rate of \$12.90/hour; and be it further

RESOLVED: That Peter Kovalovsky shall be hired to fill said position effective May 18, 2020 through August 31, 2020.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standing, Sullivan, Weston, Balliet, Hollenbeck, Monell, and Mullen.

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

The meeting adjourned at 12:13 P.M.