

Ninth Regular Meeting
September 22, 2011

The Ninth Regular Meeting of 2011 was held on September 22, 2011 as a Seventh Special Meeting as the September 13, 2011 Regular Legislative Meeting was canceled due to flooding, and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Weston asked Legislator Sullivan to have a moment of prayer. “Dear Lord we pray for all those in our County who were affected by the storm and the flood. We ask that you comfort them as they face their losses. We ask that you give them the courage and the strength to get through what they need to get through. We offer a prayer of thanksgiving for all the Emergency Personnel and Volunteers that have so far worked tirelessly to get us through this and we thank you for them as well as all the Volunteers who continue to assist their neighbors.”

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

There were 3 people in attendance.

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		658.41
A1165	District Attorney		1,829.23
A1172	Assigned Counsel		24,474.20
A1185	Medical Examiners/Coroners		1,050.96
A1325	Treasurer		40,460.83
A1355	Assessments		2,698.16
A1364	Expense of County Owned Property		266.20
A1410	County Clerk		537.43
A1420	Law		810.20
A1430	Personnel		938.31
A1450	Elections	105.98	360.41
A1460	Records Management		49.76
A1460.41	Records Management Grant		27.50
A1490	Public Works Administration		68.01
A1620	Buildings	49.21	39,636.12
A1621	Buildings		16,236.95

A1680	Information Technology		11,608.05
A2490	Community College Tuition		6,046.67
A2960	Education of Handicapped Children		179,652.36
A3020	Public Safety Comm E911 System		7,430.46
A3110	Sheriff		14,890.32
A3140	Probation		85.69
A3146	Sex Offender Program		8,766.67
A3150	Jail	1,592.00	44,174.06
A3315	Special Traffic Programs		588.00
A3410	Fire	1,989.70	3,619.77
A3640	Emergency Mgmt Office		656.41
A4010	Public Health Nursing		39,644.05
A4011	Public Health Administration		9,586.83
A4012	Public Health Education	4,976.05	3,466.14
A4042	Rabies Control		2,684.20
A4044	Early Intervention	65.69	39,119.49
A4053	Preventive/Primary Health Svcs	89.00	56.34
A4054	Preventive Dental Services		2,097.12
A4064	Managed Care-Dental Services		14,380.53
A4070	Disease Control		2,168.00
A4090	Environmental Health		572.00
A4210	Alcohol and Drug Services		23,100.11
A4211	Council on Alcoholism		9,923.66
A4309	Mental Hygiene Co Admin	296.65	16,741.20
A4309	Mental Health Clinic		165,446.13
A4315	Mental Retardation		621.24
A4320	Crisis Intervention Services		26,977.87
A4321	Intensive Case Management		2,388.76
A6010	Social Services Administration		105,677.24
A6422	Economic Development		806.67
A6610	Sealer Weights/Measures		232.04
A9060	Health Insurance		1,596.82
SOLID WASTE FUND			70,879.33
COUNTY ROAD FUND			31,110.97
SPECIAL GRANT FUND			3,419.82
CONSOLIDATED HEALTH FUND			69,130.69
CAPITAL FUND			1,225,152.59
WORKERS' COMP			<u>1,300.00</u>
GRAND TOTAL			\$ 2,285,065.26

Legislator McEwen made a motion to approve the minutes of August 9, 2011, seconded by Legislator Roberts, and carried.

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

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 177-11 *DESIGNATION OF TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION,
D.B.A. TIOGA COUNTY TOURISM, AS
AUTHORIZED TOURISM PROMOTION
AGENCY FOR 2012*

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the state in its tourism grants program; and

WHEREAS: The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA), therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2012 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 178-11 *APPROPRIATION OF STATE AID
RECORDS MANAGEMENT GRANT
BCKFILING COUNTY CLERK'S OFFICE*

WHEREAS: The County has received funding from New York State, via NYS Education Department's Local Government Records Management Improvement Fund Grant; and

WHEREAS: The funding activity is for the County Clerk's Back-filing Project; and

WHEREAS: The funding activity for the County Clerk's Office, Records Management and Information Technology will be in progress for the 2010-2011 period; therefore be it

RESOLVED: That the amount of \$5,347.00 Records Management be appropriated from State Aid-Records Management A3060.00 to Appropriation Account A1460.41-140 Records Management State Grant Program.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE
RESOLUTION NO. 179-11	<i>TRANSFER OF FUNDS (PERSONNEL DEPARTMENT)</i>

WHEREAS: The Personnel Officer included \$2,000.00 in the 2011 budget to cover legal expenses anticipated in relation to a pending personnel matter; and

WHEREAS: The County Attorney is contracting with a law firm specializing in labor relations to represent Tioga County in this matter; and

WHEREAS: The Personnel Officer would like to transfer the amount budgeted in the Personnel Department budget to the Law Department Budget to assist with the cost of said legal representation; therefore be it

RESOLVED: That the following transfer of funds occur effective September 13, 2011:

FROM: Personnel Department Account	A1430.40 – 330	\$2,000.00
TO: Legal Department Account	A1420.40 – 330	\$2,000.00

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 180-11 *APPROPRIATE FUNDS TROPICAL LEE
STORM WATER DAMAGE TO COUNTY
FACILITIES*

WHEREAS: The County has suffered severe damages during the recent Tropical Lee Storm water disaster, and

WHEREAS: The need exists to replace items lost and cover expenses related to cleanup, and

WHEREAS: There will be claims made to FEMA, SEMO and our insurance for reimbursement of related expenses, and

WHEREAS: There needs to be a system in place for the tracking and documentation of these expenses, and

WHEREAS: Reimbursements of expenditures will take several months, therefore be it

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

General Fund

From:

A599 Appropriated Fund Balance	\$1,000,000
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To:

A9950.93 Transfer to Capital All Other	\$1,000,000
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And

Capital Fund

From:

H5031.30 Interfund Revenue All Other \$1,000,000

To:

H1624.20 Tropical Storm Lee Disaster \$1,000,000

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE

RESOLUTION NO. 181-11 *AMEND RESOLUTION 488-93
AS AMENDED BY RESOLUTION
NO. 241-10
GIS ADVISORY BOARD*

WHEREAS: The Tioga County GIS Advisory Board, created per resolution 488-93, serves to provide oversight and guidance to GIS activities in Tioga County including issues such as personnel, hardware and software resources, alternative program funding, application development and GIS program prioritization; and

WHEREAS: Resolution No. 241-10 amended resolution No. 488-93 to add the GIS Manager to the GIS Advisory Board and appoint as Chair; and

WHEREAS: The current 12 members of the GIS Advisory Board are appointed for terms of office and sometimes cannot be available to attend meetings and would like to have a designee appointed to attend in their place if unavailable; therefore be it

RESOLVED: That Resolution No. 488-93 be amended to add designees to the member appointments if such member might be unavailable to attend meetings and that the following members shall have designee appointments as follows:

County Planning Director or designee	TERM OF OFFICE
Real Property Director or designee	TERM OF OFFICE
Records Management Officer or designee	TERM OF OFFICE
Information Technology and Communication Svcs Director or designee	TERM OF OFFICE
Commissioner of Public Works or designee	TERM OF OFFICE
Sheriff or designee	TERM OF OFFICE
Fire Coordinator or designee	TERM OF OFFICE
Public Health Director or designee	TERM OF OFFICE
Emergency Mgmt Officer or designee	TERM OF OFFICE
Commissioner of DSS or designee	TERM OF OFFICE
Soil & Water Conservation District Manager or designee	TERM OF OFFICE
GIS Manager or designee	TERM OFFICE

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 182-11 *ADOPT POLICY 57 TIOGA COUNTY
BUILDING CLOSING AND/OR SERVICES
SHUTDOWN PROCEDURE*

WHEREAS: A Building Closing Procedure Committee was set up to come up with a policy on building closing and/or services shutdown procedure policy; and

WHEREAS : Said Committee has met and formulated a policy on building closing and/or services shutdown procedure; therefore be it

RESOLVED: That Policy 57 Tioga County Building Closing and/or Services Shutdown Procedure be hereby adopted as follows:

POLICY 57

TIOGA COUNTY BUILDING CLOSING AND/OR SERVICES SHUTDOWN PROCEDURE

I. PURPOSE

- A. The following procedure is adopted to facilitate decision-making in the event a County road or building needs to be closed and/or County services reduced or suspended as a result of facility failures, weather emergencies, other emergency events or unanticipated situations that create unsafe conditions for employees and/or the public.
- B. Because this procedure will be utilized when an emergency has created an unsafe condition for employees and the public, it is important that the decision process move quickly. Due to the emergency various decision makers may not be available and delegation of authority is essential for timely decision making. This procedure outlines the chain of command in such instances.

II. CHAIN OF COMMAND

- A. The Chairman of the Legislature (The Chair) shall be responsible for making the decision to close County roads, buildings and/or reduce or suspend County services to the public. The Chair shall make these decisions based on the best information and advice available at the time from Department Heads or their designated Deputies. In the case of road closures, key advice shall be sought from the Sheriff. In the case of building closures, the Commissioner of Public Works shall be consulted, in conjunction with affected Department Heads.

- B. In the absence of the Chair, the Deputy Chair shall be responsible for the decision making.
- C. In the event that neither the Chair nor the Deputy Chair is available in a timely manner (1 hour), building closure and services reduction/suspension decisions shall be made by the first available Legislator, in consultation with affected Department Heads or their designated Deputies.

III. ESSENTIAL PERSONNEL LIST

- A. Each Department Head shall maintain an Essential Personnel List, containing current contact information (home, cell phone and email) for those on the list. Department Heads may direct all or some essential personnel, at the discretion of the Department Head, to come to work/remain at work to maintain essential services in an emergency. A copy of the Essential Personnel List shall be kept in the Legislative Clerk's Office and in each Department Head's office in paper form in order to be available in case of emergency, including power failures. Every Legislator shall maintain a current copy of the list in his/her home.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

PERSONNEL COMMITTEE

RESOLUTION NO. 183-11

*AMEND COUNTY POLICY 3:
ORIENTATION, EXIT INTERVIEWS,
RECRUITMENT, RETIREMENT*

WHEREAS: In September 2010, the Tioga County Legislature adopted Resolution #178-10 which amended County Policy 3, adding Section IV.E which precluded employees hired or rehired on or after January 1, 2011, from continuing health insurance into retirement; and

WHEREAS: After further consideration, the Legislature has decided to rescind the new Section IV.E; therefore be it

RESOLVED: That County Policy 3 be amended by deleting Section IV.E effective retroactive to January 1, 2011, and be it further

RESOLVED: That the Personnel Department will contact each employee hired to date during 2011 to advise of the change; and be it further

RESOLVED: That the remainder of Policy 3 Orientation, Exit Interviews, Recruitment, Retirement shall remain in full force and effect.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 184-11 AMEND COUNTY POLICY 34:
FAMILY AND MEDICAL LEAVE

WHEREAS: Title II of the Genetic Information Nondiscrimination Act of 2008, (GINA), which took effect on November 21, 2009, requires, in part, that employers seeking medical certification in support of leave of absence requests, such as Family and Medical leaves, provide a new disclosure; and

WHEREAS: County Policy 34 includes the forms to be completed by an employee seeking Family or Medical leave but said forms do not currently contain the required disclosure language; therefore be it

RESOLVED: That the following paragraph be added to the Medical Release section of the Certification of Physician or Practitioner effective immediately:

“The Genetic Information Nondiscrimination Act of 2008, (GINA), prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law; we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic Information” as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

And be it further

RESOLVED: That the remainder of Policy 34 Family and Medical Leave shall remain in full force and effect.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE
RESOLUTION NO. 185-11	AMEND COUNTY POLICY 46: CONTRACTUAL HIRE PROCEDURE POLICY

WHEREAS: There has been some confusion as to the applicability of Policy 46 to various contractual arrangements; and

WHEREAS: A small committee of Department Heads has met to discuss the implications of Policy 46 and develop revisions to the Policy to clarify which contracts are subject to the procedure outlined in Policy 46; therefore be it

RESOLVED: That County Policy 46 be amended to read as follows:

POLICY 46

CONTRACTUAL HIRE PROCEDURE POLICY

APPLICATION:

A. This policy is intended to apply to all situations where Tioga County contracts for services to be provided to the general public by an individual, a business or New York State, where a specified person or number of people will provide the service.

B. This policy is not intended to apply where services are not being offered to the public (such as operational contracts), or where Tioga County acts as a "pass through" agency for state and federally funded programs and the County Department contracts with an agency to provide those program services (hereinafter "exempt contracts"). Examples of exempt contracts include, but are not limited to the following:

1. A New Hope Center with Mental Hygiene
2. Capabilities, Inc. with Mental Hygiene
3. Finger Lakes Parent Network with Mental Hygiene
4. Glove House with Mental Hygiene
5. Penn-York Opportunities with Mental Hygiene
6. Rehabilitation Support Services with Mental Hygiene
7. TCCASA with Mental Hygiene
8. Family and Children's Society, Inc. with Social Services
9. Sex Abuse Treatment Services with Social Services
10. Catholic Charities of Tompkins/Tioga, Inc. with Social Services
11. Youth Engagement Services (YES) with Social Services

On a semi annual basis, Department Heads will prepare a list of exempt contracts, indentifying the program and vendor that is the subject of the contract, and submit said list to the Personnel and Legislative Offices.

CONTRACTOR DESIGNATION:

A. Contracts with individuals, where one certain person must provide the services, shall name the individual as the contractor.

B. Contracts with businesses, where a business is responsible for providing a specified service without stipulation of what person(s) within that business shall perform the work, shall name the business as the contractor.

C. Contracts with New York State where New York State provides "shared staff" to work on Tioga County premises, shall name New York State as the contractor.

PROCEDURE:

For all nonexempt contracts, the following steps must be completed by the Department Head prior to the initiation of the contract:

1. Either:
 - A. Contract with an Individual – Conduct the 20-question IRS Test with the Personnel Department. If the results indicate the worker is contractual in nature, proceed to Step 2. If the results indicate the worker is employee-like in nature, either work with Personnel to change the structure of the contract or discuss with the Legislative Committee the possibility of creating a position(s). A copy of the test results shall be kept on file in the Personnel Department.
 - B. Contract with a Business – No IRS Test required. Proceed to Step 2.
 - C. Contract with New York State – No IRS Test required. Proceed to Step 2.
2. Meet with the Legislative Committee to review the need for the contract and present a resolution that authorizes the contract, which will go to the Personnel Committee as well.

****Contracts subject to this Procedure shall not be executed until the above steps have been completed****

PAYMENT:

For all nonexempt contracts, when payment is due to the contractor, a Purchase Order must be prepared by the Department initiating the contract and submitted to the Legislative Office. In addition to the invoice from the contractor, the resolution number that authorized the contract must be placed on the purchase order. Where installment payments are to be paid throughout the term of the contract, only the initial purchase order must show the resolution number. If a contract renews on a yearly or fiscal basis, then the resolution number must be placed on the first purchase order of each renewable year or fiscal year.

NOTE: All contracts, whether exempt or nonexempt, must be approved as to form by the County Attorney prior to execution.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 186-11 *AUTHORIZE HIRING DELAY WAIVER
PUBLIC HEALTH*

WHEREAS: Tioga County Health Department (TCHD) is certified to operate as a CHHA (Certified Home Health Agency); and

WHEREAS: The clients in this program are homebound with a daily plan of care for medical services to be provided on a routine basis; and

WHEREAS: NYSCRR Section 763.11(a)(2)II requires that the governing authority "ensure adequate personnel resources", providing care in the home, based on the needs of the patient served in the plan of care; and

WHEREAS: Vacant CHHA nursing positions jeopardize our ability to meet the requirements of both NYSCRR Section 763.11(a)(2)II and providing the medical services required of each patients plan of care; and

WHEREAS: CHHA nursing staff are revenue generating; and

WHEREAS: There is currently a vacant Registered Nurse position in the CHHA due to a resignation effective August 12, 2011; and

WHEREAS: TCHD desires to fill the vacant Registered Nurse position as soon as possible, requesting a waiver of the 90-day delay per Resolution # 269-10; therefore be it

RESOLVED: That TCHD is authorized to recruit and fill the existing vacant Registered Nurse Position effective September 14, 2011.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 187-11	<i>SUSPEND RESOLUTIONS #147-09 AND #269-10 HIRING DELAY</i>

WHEREAS: Resolution #147-09 established a 60-day Hiring Delay; and

WHEREAS: Resolution #269-10 amended Res #147-09, extending the delay from 60 to 90 days; and

WHEREAS: There have been various resolutions amending Res #147-09 and #269-10; and

WHEREAS: As a result of the recent flood it is expected that the need for most County services will be dramatically increased effective immediately; and

WHEREAS: County staff will be needed in order to meet the demand for services; therefore be it

RESOLVED: That effective immediately, Resolutions #147-09 and #269-10, as well as the various amendments, shall be suspended, eliminating the delay in filling vacancies; and be it further

RESOLVED: That the Hiring Freeze instituted via memo in April 2010 is also hereby suspended, allowing the backfill of vacancies with approval from the Chair of the Legislature.

Legislator McEwen made a motion to amend the resolution, seconded by Legislator Monell and to read as follows:

“RESOLVED: That effective immediately through October 31, 2011, Resolutions #147-09 and #269-10, as well as the various amendments, shall be suspended, eliminating the delay in filling vacancies; and be it further

“RESOLVED: That the Hiring Freeze instituted via memo in April 2010 is also hereby suspended, effective immediately through October 31, 2011, allowing the backfill of vacancies with approval from the Chair of the Legislature.”

ROLL CALL VOTE ON AMENDED RESOLUTION

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

No –None.

Absent – None.

AMENDMENT ADOPTED.

ROLL CALL VOTE ON RESOLUTION AS AMENDED

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Quinlan, and Sauerbrey.

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 188-11 *REQUEST PRESIDENT OF THE
UNITED STATES TO DECLARE
TIOGA COUNTY A FEMA
DISASTER AREA*

WHEREAS: The County has suffered severe damage during the recent Tropical Storm Lee and resulting flooding; and

WHEREAS: Recovery from this disaster will be extremely costly and of a long duration; and

WHEREAS: The entire County was impacted by this event, three of our Towns and two of our Villages have suffered extreme losses; now therefore be it

WHEREAS: Tioga County and its residents are in immediate need of assistance; and

RESOLVED: That the Tioga County Legislature on behalf of the County and its residents requests that the President of the United States declare Tioga County as a FEMA disaster area.

ROLL CALL VOTE

Yes – Legislators Sullivan, Hollenbeck, Huttleston, McEwen, Monell, Weston, Roberts, and Sauerbrey.

No - Legislator Quinlan.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 189-11 EMERGENCY CONTRACTS

WHEREAS: Tioga County has suffered severe damages during the recent water disaster of September 7 through September 10, 2011; and

WHEREAS: General Municipal Law Section 103 normally requires contracts for public works be let out for bid; and

WHEREAS: Subdivision 4 of General Municipal Law Section 103 provides that in the event of a "public emergency" the County may forego the bidding process; and

WHEREAS: The various departments have contracted with vendors for services including, among other things, testing, sealing of the basement, basement drying, basement demolition and environmental cleaning, and environmental consulting and testing; therefore be it

RESOLVED: That recent water disaster be deemed a "public emergency" arising out of an unforeseen occurrence affecting public buildings, public property or the life, health, safety or property of inhabitants of Tioga County as defined by the General Municipal Law Section 103(4), requiring immediate action; and be it further

RESOLVED: That the Chair is authorized to execute any and all contracts for the services and purchases required to address the emergency situation.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

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

REFERRED TO: FINANCE/LEGAL

RESOLUTION NO. 190-11 *AUTHORIZE TO APPLY FOR
FEMA FUNDS FOR TIOGA COUNTY*

WHEREAS: The County has suffered severe damages during the recent Tropical Lee Storm water disaster, and

WHEREAS: Departments have suffered losses to buildings, infrastructure, records, equipment, vehicles, etc; and

WHEREAS: Departments may need to individually apply for FEMA funding for their losses; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes all Department Heads to make application for any available FEMA funding to assist in the recovery of their departments.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 191-11 *RESOLUTION AUTHORIZING DESTRUCTION
OF BUILDING AT 17 PARKER LANE IN THE
VILLAGE OF OWEGO*

WHEREAS: The structure owned by Tioga County located at 17 Parker Lane has suffered severe damage as a result of the flooding by Tropical Storm Lee; and

WHEREAS: The cost of remediation of the building and retrofitting to prevent future flooding would exceed its current value; now therefore is it hereby

RESOLVED: That the Tioga County Legislature does hereby authorize the Chair of the Tioga County Legislature to execute a contract with Peak Environmental, Inc. to demolish the structure at 17 Parker Lane in the Village of Owego at a cost not to exceed \$5,000.00 and such costs shall be taken out of Tropical Storm Lee Disaster Account H1624.20.

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 192-11 TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: Due to change in required work for various road projects from the time the budget was created until the actual construction period changes were required; therefore be

RESOLVED: That the Tioga County Legislature approves the following transfers:

From H2011.06 (Waverly Hill Rd) to H2011.03 (E.River Rd.) \$18,000.00
H2011.06 (Waverly Hill Rd) to H2011.07 (Day Hollow Spur)\$ 7,000.00
H2011.04 (Harford Rd.)to H2011.02 (Coddington Rd.) \$15,000.00
H2011.01 (Stanton Hill Rd.)to H2011.02 (Coddington Rd.) \$60,000.00
H2011.01 (Stanton Hill Rd.)to H2011.03 (East River Rd.) \$58,000.00

ROLL CALL VOTE

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

No –None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:13 P.M.