

*Ninth Regular Meeting*  
September 16, 2021

The Ninth Regular Meeting of 2021 was held on September 16, 2021 and was called to order by the Chair at 12:00 P.M. Legislators Balliet, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Weston were present with Legislator Sullivan being absent.

Chair Sauerbrey asked Legislator Mullen to have a moment of prayer. "Eternal Father, we beseech you to send forth the armor of the Holy Spirit upon this great nation and all nations and through the precious blood of Jesus Christ great leaders will be raised up that will hold all human life sacred. We humbly ask that this shall lead to the end of abortion, euthanasia, and the slaughter of innocent. Lord, we ask that as we take time to honor the memory of the fallen of the 20<sup>th</sup> anniversary of the attacks on September 11, 2001 that we strive to emulate the selflessness that was displayed on that faithful and tragic day. May we also remember that on September 12, 2001, we were no longer red or blue, but instead red, white and blue and that we realized we in fact are one nation under God. Father, may it be your divine will that we all shed the yoke of our selfish nature and obtain the virtue of selflessness so that we may, too, one day hear your Son, our Lord and Savior Jesus Christ, utter those glorious words welcome my good and faithful servant. Now enter into the Glory of my Father's Kingdom."

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

There were 38 people in attendance.

Chair Sauerbrey reported we have three Proclamations; *National Recovery Month in Tioga County*, *National Suicide Prevention Awareness Month in Tioga County*, and *National Preparedness Month* that will be noted in the minutes.

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

WHEREAS: Prevention, treatment and recovery efforts improve the community's welfare and provide renewed outlook on life for those who, along with their family and friends, struggle with substance use disorders; and

WHEREAS: 9.2 million adults have a co-occurring mental health and substance use disorder; and

WHEREAS: Of the 19.3 million adults in the United States with a substance use disorder, 47.7% also have a co-occurring mental health disorder; and

WHEREAS: Substance use negatively affects children, families and loved-ones and takes a great toll on our society economically and in terms of safety; and

WHEREAS: Studies have indicated that people who made an effort to get treatment, but did not receive it, were concerned that receiving treatment might cause neighbors and community members to have negative opinions of them; and

WHEREAS: Fear and stigma continue to be barriers to seeking help for an addiction; and

WHEREAS: CASA - Trinity provides prevention, education, advocacy, early intervention and referral services for individuals, friends or family members who are living with an addiction; and

WHEREAS: Tioga County Department of Mental Hygiene remains eager and prepared to provide treatment for Tioga County Citizens who choose to work toward recovery for a substance use disorder; and

WHEREAS: Such education and raising awareness is essential in overcoming misconceptions and achieving long-term recovery; and

WHEREAS: To help achieve this goal, the US Department of Health and Human Services, the Substance Use and Mental Health Services Administration, the White House Office of National Drug Control Policy, the New York State Office of Alcoholism and Substance Abuse Services, and the Tioga County Department of Mental Hygiene invite all Tioga County residents to participate in the 32<sup>nd</sup> anniversary of National Alcohol and Drug Addiction Recovery Month now known as National Recovery Month; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of September 2021 as:

**NATIONAL RECOVERY MONTH IN TIOGA COUNTY**

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: The citizens of Tioga County value the overall health and well-being of all the residents of Tioga County and are proud to support the observance of National Suicide Prevention Awareness Month; and

WHEREAS: Suicide is the 12<sup>th</sup> leading cause of death in New York State; and

WHEREAS: Suicide is the second leading cause of death for ages 10-34 and fourth leading cause of death for ages 35-54; and

WHEREAS: Suicide claimed the lives of over 1,723 New Yorkers in 2020, or an average of one person died of suicide every five hours in the state; and

WHEREAS: The total deaths to suicide reflect a total of 34,563 years of potential life lost before age 65; and

WHEREAS: Stigma works against Suicide Prevention by discouraging persons at risk from seeking lifesaving help; and

WHEREAS: Most suicides are preventable; and

WHEREAS: Tioga County Suicide Prevention Coalition's mission is to increase awareness, provide education, training, resources and coordinate community services to the public; and

WHEREAS: Tioga County is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, and parents, as partners in supporting our community in simply being available to one another; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of September 2021 as:

**NATIONAL SUICIDE PREVENTION AWARENESS MONTH IN TIOGA COUNTY**

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: The month of September is recognized as "National Preparedness Month" and creates an opportunity for every citizen to prepare themselves to be on their own for at least three days, as well as prepare their homes, businesses, and communities for emergencies and disasters; and

WHEREAS: The 2021 National Preparedness Month theme is “Prepare to Protect. Preparing for disasters is protecting everyone you love.”; and

WHEREAS: During an emergency, every second counts, and emergency preparedness programs educate individuals and families on how to prepare before, during, and after a disaster; and

WHEREAS: These programs address threats of flooding, flash flooding, severe winter storms, extreme temperatures, power outages, and other potentially life-threatening circumstances that are commonplace in Tioga County to help make our community better prepared, resilient, and safer; and

WHEREAS: The Tioga County Health Department, working alongside our community partners, promotes an all-hazards approach to emergency preparedness by providing ongoing outreach, education, training, and planning to ensure that the community is aware of how to prepare, respond, recover, and mitigate against disasters; and

WHEREAS: Emergency preparedness is the responsibility of every individual, and all county residents are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of September 2021 as:

### **NATIONAL PREPAREDNESS MONTH**

and urges all citizens of our county to participate in preparedness activities and become more prepared by making a plan, building a kit, and staying informed.

Chair Sauerbrey read a paragraph from the County’s Rules of Procedure as it relates to Privilege of the Floor and then individually called upon each resident signed up for privilege of the floor to proceed to the podium.

**Rocco Lucente – Spencer, NY spoke.** “My name is Rocco Lucente and I am the founder of the recently created Tioga County Liberty Coalition and I am a Republican Committeeman in Tioga County. I am sure some of you on the Legislature have enjoyed reading my emails over the last couple of weeks.

“I am here to address a problem in this County that has been facing us for the last 19 months and that is the official actions of this County Government via the County Public Health Department enforcing COVID mitigation efforts and

measures, which the residents of this County plainly and simply do not support. I have several examples of this. In the year 2020, according to their report, Public Health investigated 64 COVID complaints; that is 64 residents of this County that had their constitutional rights blatantly violated by our County Government. Public Health recommended the abusive practice of the forced masking of school children prior to New York State mandating it. School districts like the Candor School District used this recommendation as a cause to implement a forcible mask mandate before Kathy Hochul came in and did so herself. Public Health, according to their Facebook page, is planning to waste our taxpayer money on a 35 hour a week COVID Investigator, which will cost us nearly \$40,000 a year as a County. Public Health is further wasting our County resources on vaccine clinics that nobody uses and the majority of our county residents do not support. Public Health is parroting State and Federal messaging supporting vaccine apartheid; a situation where unvaccinated people are given different rights and different privileges than the vaccinated. A situation which would put a majority of county residents; the residents you all represent, in a situation of second class citizenship. Fifty-four percent of our residents are unvaccinated, according to the New York Vaccine Tracker, and your Public Health Department is leading the charge locally to discriminate against them. Public Health now supports universal indoor masking. I would note that nobody here is following Public Health's recommendation, which creates a lot of confusion as to the actual intentions of County Government. I would point out that they support universal vaccination despite again the majority of our county not being vaccinated and us being the second least vaccinated County in all of New York State. They support giving people unproven and potentially dangerous booster shots, which have not gone through the trials necessary to prove their efficacy. I frankly have no doubt that they would enforce any COVID measure that has come down the pike because they have done so. The fact of the matter is the biggest threat to liberty in our community is not Joe Biden, it's not Kathy Hochul, it's not Howard Zucker, it's not Anthony Fauci, it is a Republican government which does not take the necessary steps to represent us by doing what they need to do and telling their Health Department to represent the priorities of our community.

"Now, I understand there are some things you cannot do. You cannot control the schools and other aspects beyond your control, but you can control what your County employees do, say and recommend.

" In that light, I have a few recommendations:

1. Tell your County Public Health Department to cease any enforcement of any COVID mitigation efforts and do so openly. Do so via a resolution.
2. Declare that you will not enforce vaccine checks for indoor venues of 5,000 plus as it is required by New York State.

3. Declare that you will not participate in the vaccination program any further and declare that it is frankly now illegal for any State level authority to come into our County and do so.
4. Encourage other "red" rural Upstate New York counties, like ours, to do the same.
5. Resolve to make Tioga County a Republican County again by passing legislation, which actually makes a difference for the people who live here. I moved here from Tompkins County a few years ago and in Tompkins County they routinely passed legislation that defied the Federal government. Legislation that made them a Sanctuary County from illegal immigration and all sorts of other things that they made clear that they would not comply with Federal or State actions which do not align with their priorities. The one thing we should try to emulate from them is their zeal to represent their constituents. Your political opponents have it and too often you do not and that is why we get rolled on every single issue.
6. Pass a law similar to the law Cattaraugus County recently passed to make Tioga County a Constitutional Sanctuary County where unconstitutional laws will not be enforced by County Government and unconstitutional mandates will not be directed by County Departments."

"Finally, I have to conclude by admitting my own feelings of shame over my lack of having been confrontational on this over a year ago. These actions harm thousands of people. These actions that County Government took with enforcing the COVID mitigation harmed more people than anything County Government has ever done to help them and that all lays at your feet. You are responsible for that. These are your employees and at the end of the day, you have to do what is necessary to make sure that they do not do that anymore and, if not, we need to have Legislators who will do so. Thank you."

**Benjamin Luce – Little Meadows, PA spoke.** "My full name is Benjamin Luce and I am actually a Doctor of Osteopathic Medicine and recently graduated from United Health Services as a resident. I actually live just across the border in Little Meadows, PA and I asked if I could speak even though I am not a resident of Tioga County and was granted the privilege to do so.

"I would first like to thank the Legislature for the very difficult jobs you have representing a significant population and trying to take everyone's concerns into count, which is a very difficult task to do, so thank you.

"I do want to speak on two things. I am not going to be quite so overarching as the previous speaker, but I do appreciate what he said and I do have to agree. I will say that I do want to speak on the mask mandates in schools, as well as the

vaccine mandate for all healthcare workers and what seems to be extending to the rest of the populous. I will talk about the later first.

“As a healthcare professional, one of the things I swore to do was to uphold my patient's medical rights and those medical rights are very, very important. If I were to force someone to do something that I think would be best for them even though they do not want it that is considered a no-no in medicine and it is called medial coercion. This is especially true if I am holding something from them that they actually need. A mandate of the COVID vaccine takes away a very basic right and that is the right of autonomy. An autonomy is something we determine in medicine if someone retains capacity. Capacity is the ability to understand the risks, benefits, alternatives, and everything associated with accepting a certain type of medical intervention and being able to apply it to themselves and determining for themselves whether it would be a good or bad action based on their beliefs. Someone who has severe advanced Dementia and who does not really understand what is going on, unfortunately they do not have capacity anymore and a health care proxy would be assigned to make decisions for them. However, when someone does have capacity, they need to maintain that medical right of autonomy to make decisions for themselves and this vaccine mandate goes against that. It says regardless of whether or not you have capacity, you have to have the vaccine or, in the case of healthcare workers, your job may be at stake. I do feel very strongly about that and probably because I am a physician. Regardless of whether I am for or against the vaccine and I am not anti-vax, this is a very, very significant breach on our liberties here in the United States of America.

“The second thing is the mask mandate for kids in schools. I tried to do a significant amount of research on this and it seems that whenever you find an argument you find a counter argument and you are not really sure where to go. You look at statistics and statistics seem to be skewed on one side and then you look at something else and the statistics are skewed from the other side, so it is really hard to figure out what would be the best avenue. So, a lot of times we look to leaders to give us some kind of direction as to where we should go to save us from whatever is causing us fear.

“I just want to provide some basic things that we could develop a framework off. The mask mandate in schools might not be the best idea. Why do I say that? Of the masks that we have, the best is the N95. It is created specifically to filter out approximately down to 100 nanometers in size. The COVID Virus is 60-140 nanometers in size, so 60 nanometers is smaller than the 100 nanometers in size, so technically if it was just the virus particle itself it could filter through that mask and get into the respiratory system of the person wearing it. We count on and hope that those particles are actually associated with mucus or something else surrounding it that comes off of the person expiring it. However,

we are finding in schools that what we are being required to do for these kids is tell them to wear cloth masks. I submit to you that cloth masks might not be the best idea for actually trying to protect our kids. I heard a comment once that said are we trying to follow a rule for the rule's sake or are we actually trying to protect our kids. In regards to a cloth mask study, if you take a hanky and put 16 layers of hanky material folded up and put it over your nose and expel the air from your lungs, it will actually filter out about 64% of particles approximately 300 nanometers in size. So, 300 nanometers does not even get down to the 60-140 nanometers in size. So, these masks the kids are wearing expel air out of all the corners and it is not sealed tight against their face. If we actually want to protect our kids and not necessarily follow a rule, we should require them to wear N95 masks, which are not fitted for children, or wear a CAPR (Controlled Air Purifying Respirator), which is basically the space suit that filters all the air coming in and out.

"So, I would like to submit that it might be a better idea instead of having these kids wear something that does not necessarily protect them, but that is only a rule that maybe we implement something more along the lines of Plexiglas on the school desks. We do know that babies born after 2020, based on research, that their IQ is actually 21 to 22 percent lower than kids comparable in the last ten years. That is a significant decline in IQ. Thank you so much."

**Lora Kuchinski – Owego, NY spoke.** "Hi, I am Lora Kuchinski and I live in Owego, NY. I am here to speak about the mask mandate also from the Department of Health.

"First, I want to say that I appreciate the letter this Legislature sent to Governor Cuomo approximately two years ago about the full-term abortion passing and I see you really support life and children. In that regard, masking our kids in school is not helping them at all. I have a pamphlet here if anyone wants to see it that shows face masks pose serious risks to the healthy and there are 14 studies on the back of the pamphlet that were sponsored by the CDC and prove that masks do not work in filtering out viruses. This was not with the Influenza Virus, which is larger than the COVID Virus.

"I offer the following suggestions:

1. To have an opt-out form. I do not know if you are afraid of being sued, but parents will sign forms indicating they do not want their kids to wear a mask and will not sue.
2. Implement a religious exemption. It is against my religion to veil my face, therefore, it is against my kid's religion to veil their face. I do not want to see their faces veiled.



“Show me the scientific studies that show that masks are not harming any children. I have not seen any. I have seen many that say they do harm, but none that they do not. If a parent wants their child to wear a mask, that is fine. They are protected by their mask if they believe masks work. Why force everyone to wear a mask? It should be a choice. Wearing a mask is also a medical experiment and that is against our Nuremberg Law and Constitutional Rights to have our kids participate in a medical experiment of wearing a mask. My child can go anywhere else mask-free. It makes no sense that when they enter school, they have to wear a mask. This is all coming down from your Department of Health; these mask mandates. The schools are following these mandates. They pass the buck. Everyone seems to pass the buck and say it is a mandate they have been told to do. Somebody needs to take a stand for our kids.

“I thought Tioga County supported the constitutional freedom and medical autonomy over one’s body. There is no emergency right now. There is no State of Emergency in New York State. I would like to see the Department of Health for Tioga County get rid of the mask mandate for schools. Thank you.”

**Ashley Anderson – Waverly, NY spoke.** “My name is Ashely Anderson and I am speaking on behalf of my son who is a ninth grader at the Waverly School, as well as on behalf of all the parents here who are against the masks.

“I did not really know what I was going to say today. I have nothing prepared. I just have to say that the mental health aspect and the long-term effects of lack of oxygen to the brain, children’s development, and being able to concentrate in school is concerning. I do not know what can be done. I do not know if hands are tied, funding cuts are at stake, schools not willing to comply. I do not know how it all works. I do not know much about politics.

“I do know that there needs to be fresh oxygen available to our children throughout the school day. They need to have fresh drinking water. The school has shut down all of their drinking fountains, so if my son forgets to bring his water bottle because we are rushing out the door trying not to forget our mask then he has to go without. These are the little extra stressors that are put on the parents and then sending him to school knowing he is going to have his face covered. As adults, we can take the masks off. These children are being forced to feel that they cannot and that they have to comply. My son is embarrassed of me. He does not want me to make a big deal of this, saying it is not a big deal. This is a huge deal. I have never felt this violated before to protect my child or my rights.

“The community that we live in, I feel like there are so many more of us against this than for the mask. I actually have worked with and talked with healthcare providers who feel the masks are safe when worn properly. These kids

are touching their faces. Let's just take them off and see what happens. I trust the immune system. I am a healthcare worker as well. I believe in the health autonomy of our systems to be able to fight infections and diseases and when you are constantly covering your face and then promoting hand sanitizer all day long; 70% Isopropyl Alcohol on our children's hands. This is becoming normal. What happened to hand washing? Handwashing and keeping your hands out of your face. When you are sick, stay home. We are forgetting all of this and the mask is a symbol of a false sense of security. It is not accurate. To deprive a child or adolescent's brain from oxygen or to restrict it is not only dangerous to their health, it is absolutely criminal. Oxygen deficiency inhibits the development of the brain and the damage cannot be reversed. This is by a neurologist, Dr. Margaret, Ph.D. There are doctors who are for anti-masks, but they cannot say anything because they are obligated.

“What can we do on a collective to tell our children to just stop wearing the mask? There are so many questions that need answered. My son has only been in school for two weeks and he gets migraines, acne, stress and anxiety all of these things that are developing that were not before having to wear the mask. These children should not have to suffer because of the fear. Trust your immune systems, teach hand washing, and if the masks must continue then give them fresh oxygen in school with mask breaks. Take them outside and have a stress reduction session without masks. Do something for these kids. They think this is normal. This is not normal. For the little ones just entering school, this will become their normal if we do not stop this. My son had freedom two years ago and now he is mandated to do this. It is not okay. It breaches civil rights, constitutional rights, and I stand for all the moms and parents.

“My son was quarantined at least fifty (50) days last year. Someone tests positive, my son has to stay home for ten days. Another student test positive, another ten day quarantine. He misses algebra, he misses other classes and we are now stressed with having to learn virtually. He has never tested positive himself. I have never once signed the paper that they were legally allowed to test with a swab up my son's nose and they have done this four times. We received a letter that starts with a recommendation and then at the very bottom of the letter indicates that if we fail to quarantine our son they can have my son removed from our home. They can take the children and put them in a camp. I have the documents of this threat if I failed to keep my son quarantined.

“I am outraged, violated, and just angry and I do not know what to do with it. I hope that someone can hear it, acknowledge it, and we can move through this for the safety and wellness of our kids. Thank you.”

With no further public comment, Chair Sauerbrey closed the privilege of the floor section of the meeting.

Legislator Monell made a motion to approve the minutes of August 10 and August 19, 2021, seconded by Legislator Roberts and carried.

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

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 190-21 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2022 County taxes

among the several Towns are hereby established as follows:

Town of Barton	80.00
Town of Berkshire	95.00
Town of Candor	92.00
Town of Newark Valley	66.00
Town of Nichols	25.80
Town of Owego	68.00
Town of Richford	96.00
Town of Spencer	100.00
Town of Tioga	6.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 191-21      *DESIGNATION OF TIOGA COUNTY  
LOCAL DEVELOPMENT CORPORATION,  
D.B.A. TIOGA COUNTY TOURISM, AS  
AUTHORIZED TOURISM PROMOTION  
AGENCY FOR 2022*

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 2022 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 Mullen, Roberts, Sauerbrey, Standing, Weston, Balliet, Hollenbeck, and Monell.

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 192-21 REAPPOINT REAP BOARD MEMBER

WHEREAS: The By-Laws of the REAP Board require that the Legislature nominate one person to act as its member in the REAP Board of Directors; and

WHEREAS: Abbey Ortu's term expires October 14, 2021; and

WHEREAS: Abbey Ortu, Community Development Specialist, is willing to serve another two year term on the REAP Board of Directors; therefore be it

RESOLVED: That Abbey Ortu, Community Development Specialist, be hereby reappointed to the REAP Board for a two year term from October 15, 2021 through October 14, 2023.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 193-21 APPOINT MEMBER TO THE  
TIOGA COUNTY PLANNING BOARD

WHEREAS: Mike Reynolds' term serving in alternate position on the Tioga County Planning Board expires on 12/31/2022; and

WHEREAS: Mike Reynolds had to prematurely resign from serving on the Tioga County Planning due to moving outside of the county; and

WHEREAS: The Tioga County Planning Department has found Bryan Goodrich willing and able fulfill this unexpired term; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoint Bryan Goodrich to serve in an alternate position on the Tioga County Planning Board, replacing Mike Reynolds, for a term of 9/17/2021 – 12/31/2022.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO.194-21      *SEQRA CONSIDERATION FOR NEW YORK STATE  
OFFICE OF PARKS, RECREATION AND HISTORIC  
PRESERVATION (NYSOPRHP) 2021-2022  
SNOWMOBILE TRAILS GRANT-IN-AID PROGRAM,  
PHASE II APPLICATION*

WHEREAS: All new or modified snowmobile trails must have a SEQRA Determination approved; and

WHEREAS: The trail changes for upgrades/reroutes to all trails in Tioga County, as presented to NYSOPRHP are an Unlisted Action requiring Tioga County to consider the environmental significance of these changes; and

WHEREAS: A Short Form Environmental Assessment Form has been prepared for review by the Tioga County Legislature; therefore be it

RESOLVED: That the Tioga County Legislature does hereby declare itself to be the Lead Agency and that it will undertake an uncoordinated review of the project; and be it further

RESOLVED: That the Tioga County Legislature has reviewed the Short Form Environmental Assessment Form, including the impact assessment, and has determined, based on the information and analysis set forth therein that the

proposed action WILL NOT result in any significant adverse environmental impacts; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair to execute the Impact Assessment and the Determination of Significance of the Short Form Environmental Assessment Form and a Notice of Determination of Non-Significance (a Negative Declaration) in a manner consistent with this determination.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 195-21      *AUTHORIZATION FOR TIOGA COUNTY  
LEGISLATURE APPROVAL OF THE REISSUANCE AND  
CONVERSION OF REVENUE BONDS BY THE  
CENTRAL BRADFORD PROGRESS AUTHORITY AND  
DECLARING THAT IT IS DESIRABLE FOR THE HEALTH,  
SAFETY, AND WELFARE OF THE PEOPLE OF TIOGA  
COUNTY, NY FOR THE CENTRAL BRADFORD  
PROGRESS AUTHORITY TO FINANCE CERTAIN  
FACILITIES SERVING THE PEOPLE OF TIOGA  
COUNTY, NY*

WHEREAS: The Tioga County Legislature adopted Resolution 13-11 on January 11, 2011, at the request of the Central Bradford Progress Authority (the "Authority"), providing "host approval" under section 147(f) of the Internal Revenue Code (the "Code") in connection with the issuance by the "Authority" of its revenue bonds in a principal amount not to exceed \$300,000,000 for the purpose of making a loan to Guthrie Health, a Pennsylvania non-profit corporation to finance and refinance the costs of acquisition, construction, renovation, equipping, furnishing, and installation of land, buildings, equipment, furnishings, fixtures, and software for the provision of clinical, hospital, inpatient, outpatient, diagnostic, treatment, ancillary, support and/or other health care related services provided by the

members of the health care system headed by the Borrowers at various locations, including locations in Tioga County, NY; and

WHEREAS: The "Authority" is again requesting the approval of the Tioga County Legislature (the "Municipality") in connection with the proposed conversion of the interest rate on and reissuance of its Revenue Bonds (Guthrie Clinic Issue), Series 2019 (the "Bonds"), originally issued in an aggregate principal amount of \$104,520,000 to a tax-exempt rate. The proceeds of the Bonds were issued in order to finance, refinance, and reimburse a portion of the cost of a project consisting of:

(1) the refinancing of the Authority's Revenue Bonds (Guthrie Clinic Issue), Series 2011, the proceeds of which were used to accomplish:

(i) the financing, refinancing, refunding, and reimbursement of the costs of acquisition, construction, renovation, equipping, furnishing, and installation of various facilities for the provision of clinical hospital, inpatient, outpatient, diagnostic, treatment, ancillary support and other health care related services provided by the System Members, including interest during construction at various locations, including Tioga County, NY locations;

(ii) the refunding of a portion of the outstanding Health Care Facilities Authority of Sayre Revenue Bonds (Guthrie Health Issue), Series A of 2002 used to fund and refinance certain capital projects of the Corporation;

(iii) the financing of the costs of construction of a new critical access hospital for Troy Community Hospital, including interest during construction;

(iv) the refinancing of a portion of the outstanding Health Care Facilities Authority of Sayre Revenue Bonds (Guthrie Health Issue), Series 2007 used to fund and refinance certain capital projects of the Corporation; and

(v) the payment of the costs of issuance of the Series 2011 Bonds; and

(2) the payment of the costs of issuing the Bonds; and

WHEREAS: Section 147(f) of the "Code" requires the approval of the governing body or chief elected representative of each state or local government jurisdiction in which tax-exempt bond-financed facilities are located, following a public hearing by an authorized representative of the state or local government jurisdiction; and

WHEREAS: In accordance with the above-mentioned requirement, a public hearing was held by the "Authority", on behalf of, and as a joint undertaking of, Tioga County and certain of those other host jurisdictions in which Facilities



financed by the Bonds are located, respecting the proposed conversion and reissuance of the Bonds to a tax-exempt rate, after notice of the hearing (the "Hearing Notice") was published prior to the hearing date in one or more newspapers of the general circulation in Tioga County. A copy of the Hearing Notice thereof is attached to and made part of this resolution as Exhibit A hereto; therefore be it

RESOLVED: By the Legislature of the County of Tioga, NY as follows:

1. The reissuance of the Bonds as tax-exempt bonds is hereby approved in accordance with Section 147(f) of the "Code". By way of this Resolution, the Tioga County Legislature does not accept and through this approval does not impose any liability on Tioga County, NY in connection with the reissuance of the Bonds, nor shall the credit or taxing power of the Tioga County Legislature be pledged in any way for reissuance of the Bonds or the financing of any projects with respect thereto.
2. It is hereby declared desirable for the health, safety, and welfare of the people in Tioga County, NY to have the "Authority" reissue the bonds that financed and refinanced costs of the facilities located in Tioga County, NY.
3. The proper officers, authorized representatives, or designees of Tioga County are hereby authorized, directed, and empowered to execute and deliver a copy of this resolution and execute and deliver a Certificate of Approval in the form attached hereto as Exhibit B.
4. This resolution shall be effective immediately upon adoption. All prior resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

### **EXHIBIT A**

#### **TEFRA Hearing Notice**

NOTICE IS HEREBY GIVEN that a public hearing will be conducted by the Central Bradford Progress Authority (the "Authority") by and on behalf of, and as a joint undertaking of, the Pennsylvania municipalities of the Borough of Towanda; the Township of North Towanda, the Township of Towanda and the Township of Wysox, the Pennsylvania Counties of Bradford, Sullivan, Tioga and Wyoming, and the New York Counties of Broome, Chemung, Schuyler, Steuben, Tioga, and Tompkins, on August 12, 2021, at 10 a.m. local time at 1 Elizabeth Street, Suite 3, Towanda, Pennsylvania 18848.

The hearing will be held by the Authority in connection with the proposed conversion of the interest rate on and reissuance of its Revenue Bonds (The Guthrie Clinic Issue), Series 2019 (the "Bonds"), originally issued in an aggregate principal amount of \$104,520,000, to a tax-exempt rate. The Bonds were issued for the benefit of The Guthrie Clinic, a Pennsylvania nonprofit corporation ("Guthrie Clinic") and certain organizations which are members of an integrated health care delivery system headed by Guthrie Clinic (collectively, with Guthrie Clinic, the "System Members"). The proceeds of the Bonds were issued in order to finance, refinance and reimburse a portion of the cost of a project consisting of (1) the refinancing of the Authority's Revenue Bonds (Guthrie Health Issue), Series 2011, the proceeds of which were used to accomplish (i) the financing, refinancing, refunding and reimbursement of the costs of the acquisition, construction, renovation, equipping, furnishing, and installation of various facilities for the provision of clinical hospital, inpatient, outpatient, diagnostic, treatment, ancillary support and other health care related services provided by the System Members, including interest during construction at various locations listed on Schedule I attached hereto; (ii) the refunding of a portion of the outstanding Health Care Facilities Authority of Sayre Revenue Bonds (Guthrie Health Issue), Series A of 2002 (the "Series 2002A Bonds"), used to fund and refinance certain capital projects of the Corporation; (iii) the financing of the costs of construction of a new critical access hospital for Troy Community Hospital, including interest during construction; (iv) the refinancing of a portion of the outstanding Health Care Facilities Authority of Sayre Revenue Bonds (Guthrie Health Issue), Series 2007 (the "Series 2007 Bonds"), used to fund and refinance certain capital projects of the Corporation; and (v) the payment of the costs of issuance of the Series 2011 Bonds; and (2) the payment of the costs of issuing the Bonds.

Members of the public are invited to attend the public hearing and/or to submit written comments on the reissuance of the Bonds at a tax-exempt rate and the above-described projects on or before the hearing date. Written comments should be submitted to the Central Bradford Progress Authority, c/o Anthony J. Ventello, Executive Director, 1 Elizabeth Street, Suite 3, Towanda, PA 18848.

CENTRAL BRADFORD PROGRESS AUTHORITY

**EXHIBIT B****Certificate of Approval**

The undersigned, being the highest elected official(s) of Tioga County named below, on behalf of Tioga County hereby approves the reissuance and conversion by the Central Bradford Progress Authority (the "Authority") of its revenue bonds to a tax-exempt rate in an aggregate principal amount not to exceed \$104,520,000, used to finance costs of health care and related facilities for the benefit of Guthrie Clinic and its affiliates as further described in the notice of public hearing attached as Exhibit A hereto. The Tioga County Legislature does not accept and through this approval does not impose any liability on Tioga County in connection with the issuance of the Bonds, nor shall the credit or taxing power of Tioga County be pledged in any way for the issuance of the Bonds or the financing of any projects with respect thereto.

A public hearing concerning the issuance of the Tax-Exempt Bonds was held at the offices of the Authority on August 12, 2021 at 10:00 a.m. and we have received a copy of the transcript of said hearing.

IN WITNESS WHEREOF, this Certificate is executed by the undersigned elected official(s) this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

TIOGA COUNTY, NEW YORK

By: \_\_\_\_\_

Chair of the Tioga County Legislature

**Schedule I**

<u>Initial Owner</u>	<u>Municipality</u>	<u>County</u>	<u>State</u>	<u>Location of Facilities</u>
Guthrie Medical Group,	Athens	Bradford	PA	412 South Main Street Athens, PA 18810
Successor to Guthrie Clinic Ltd	Bath	Steuben	NY	7569 Route 54 Bath, NY 14810
	Big Flats	Chemung	NY	31 Arnot Road Horseheads, NY 14845
	Canton	Bradford	PA	127 Sullivan Street Canton, PA 17724
	Corning	Steuben	NY	130 Centerway Corning, NY 14830
	Dushore	Sullivan	PA	110 Main Street Dushore, PA 18614
	Erwin	Steuben	NY	9768 Lynn Morse Drive Painted Post, NY 14870
	Dryden	Tompkins	NY	1780 Hanshaw Road Ithaca, NY 14850
	Mansfield	Tioga	PA	63 South Main Street Mansfield, PA 16933
	Owego	Tioga	NY	1246 State Route 38 Owego, NY 13827
	Pine City	Chemung	NY	1243 Pennsylvania Ave. Pine City, NY 14871
	Sayre	Bradford	PA	Guthrie Square Sayre, PA 18840
	Sayre	Bradford	PA	1011 N. Elmer Ave. Sayre, PA 18840
	Sayre	Bradford	PA	307/309/311/313/315/317/319 Lockhart Street Sayre, PA 18840
	Sayre	Bradford	PA	103 South Elmer Avenue Sayre, PA 18840
	Sayre	Bradford	PA	247 Desmond Street Sayre, PA 18840
	Towanda	Bradford	PA	7 Colonial Drive Towanda, PA 18848
	Towanda	Bradford	PA	204 York Avenue Towanda, PA 18848
	Troy	Bradford	PA	285 Guthrie Drive Troy, PA 16947
	Tunkhannock	Wyoming	PA	Rt-6 Town Plaza Suite 2, Tunkhannock, PA 18657
	Vestal	Broome	NY	2517 Vestal Parkway East Vestal, NY 13850

Watkins Glen	Schuyler	NY	One First Street Watkins Glen, NY 14891
Waverly	Tioga	NY	150 Broad Street Waverly, NY 14892
Waverly	Tioga	NY	29 North Chemung Street Waverly, NY 14892
Wellsboro	Tioga	PA	7 Water Street Wellsboro, PA 16901
Wellsboro	Tioga	PA	120 Plaza Lane Wellsboro, PA 16901
Wyalusing	Bradford	PA	Route 6 West, Farm and Home Plaza Wyalusing, PA 18853

The Guthrie Clinic, Successor to Guthrie Healthcare System	Ithaca	Tompkins	NY	1780 Hanshaw Road Ithaca, NY 14850
	Owego	Tioga	NY	1246 State Route 38 Owego, NY 13827
	Sayre	Bradford	PA	Guthrie Square Sayre, PA 18840
	Sayre	Bradford	PA	307/309/311/313/315/317/319 Lockhart Street Sayre, PA 18840
	Sayre	Bradford	PA	103 South Elmer Avenue Sayre, PA 18840
	Sayre	Bradford	PA	1011 N. Elmer Avenue Sayre, PA 18840
	Sayre	Bradford	PA	302/304/306/322/324 Chemung Street Sayre, PA 18840
	Sayre	Bradford	PA	311/317/319/321/323 Hayden Street Sayre, PA 18840
	Sayre	Bradford	PA	300/304/306/308/310/312 South Wilbur Avenue Sayre, PA 18840
	Sayre	Bradford	PA	318 Chemung Street Sayre, PA 18840
	Wellsboro	Tioga	PA	120 Plaza Lane Wellsboro, PA 16901
Robert Packer Hospital	Athens	Bradford	PA	Round Top Tower, on Round Top Per Road, approximately ½ mile north of the intersection of Round Top Road and Round Top Park Road Athens Township, PA 18840
	Sayre	Bradford	PA	Guthrie Square Sayre, PA 18840
	Sayre	Bradford	PA	North Thomas Avenue, Sayre, PA 18840 (building and land containing hangar and laundry facilities)

	Sayre	Bradford	PA	North Thomas Avenue Sayre, PA 18840 (parking lot adjacent to hangar and laundry facilities)
	Sayre	Bradford	PA	96 Hayden Street Sayre, PA 18840
	Sayre	Bradford	PA	123 Lockhart Street Sayre, PA 18840
	Sayre	Bradford	PA	107 South Wilbur Avenue Sayre, PA 18840
	Towanda	Bradford	PA	603 Williams Street Towanda, PA 18848
Troy Community Hospital	Troy	Bradford	PA	275 Guthrie Drive Troy, PA 16947
Corning Hospital	Bath	Steuben	NY	47 West Steuben Street Bath, NY 14810
	Corning	Steuben	NY	1 Guthrie Drive Corning, NY 14830
	Erwin	Steuben	NY	9768 Liberty Drive Painted Post, NY 14870
Robert Packer Hospital School of Nursing	Sayre	Bradford	PA	Guthrie Square Sayre, PA 18840
	Sayre	Bradford	PA	317/319/321/323 Hayden Street Sayre, PA 18840
	Sayre	Bradford	PA	105 South Wilbur Avenue Sayre, PA 18840
	Sayre	Bradford	PA	310 South Wilbur Avenue Sayre, PA 18840
	Sayre	Bradford	PA	102/104/106/108/110/112 Hospital Place Sayre, PA 18840
	Sayre	Bradford	PA	116/118 Elmer Avenue Sayre, PA 18840
	Sayre	Bradford	PA	307/309/311/313/315/319 Lockhart Street Sayre, PA 18840
	Sayre	Bradford	PA	322/324 Chemung Street Sayre, PA 18840
Donald Guthrie Foundation for Education and Research, Inc.	Sayre	Bradford	PA	Guthrie Square Sayre, PA 18840

Guthrie Home Care	Towanda	Bradford	PA	421 Tomahawk Road Towanda, PA 18848
Sayre House of Hope	Sayre	Bradford	PA	312 Chemung Street Sayre, PA 18840

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 196-21 *AUTHORIZE SALE OF COUNTY OWNED PROPERTIES ACQUIRED FOR DELINQUENT TAXES*

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

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

RESOLVED: That the following properties be sold at public auction to be held in the former Treadway Conference Center at 1100 NY-17C, Owego, NY 13827 on October 07, 2021 at 6:00 p.m. conducted by Manasse Auctioneers.

Town of Barton:

- 166.15-1-8; Patrick Hogan
- 166.15-7-7; Lincoln J Cascio
- 166.19-4-11; Christina R Ellis
- 113.00-3-13.12; Joseph D Zarkowski
- 122.14-1-3; Estate of Ellen Zoeller
- 135.00-1-8; Tina M Manchester
- 157.00-2-18; Robert J Triolo
- 157.07-1-20; Robert J Triolo
- 166.00-1-7.20; Sally J Shea

166.00-2-20.21; Douglas K VanAllen  
166.11-5-1.1; Ronald Olsen  
167.18-1-2; William Tobey

Town of Candor:

27.00-1-9.113; James Slougher & Debra Slougher  
27.00-1-9.70; Beverly Krauss  
60.00-1-11.10; Judith Johnson  
72.06-1-3.22; Kristine S Hia

Town of Newark Valley:

64.15-2-56; William Garrapy & Keith Greene  
64.19-2-25; Brandon S Baird  
64.00-1-37; Willis Hilker & Shirley Hilker

Town of Owego:

117.19-1-66; Maurice Daniel Miller  
117.19-2-62; The Kurt J. Kemmerling Trust  
128.08-2-60; Equity First Realty  
128.08-3-9; Horizon Transport, LLC  
129.05-1-10; Gerald D Wade Jr  
129.05-2-12; Richard H Fiacco  
131.19-1-23; Cecil J Van Patten  
141.00-1-68; Hazel Youells  
142.06-1-2; David A Sayles & Jennifer L Sayles  
142.06-1-1; David A Sayles & Jennifer L Sayles  
142.10-1-6.3; Kevin E Lane & Mikaela Kelly Lane  
142.11-1-1; Lucas H Coene  
142.14-2-49; James Mosher  
142.18-1-24; Brian Hulbert  
153.05-1-20; Maurice J Duffy  
153.07-1-56.2; Drihmi Realty Inc  
164.05-1-3.14; Terry Ann Woloszyn  
98.00-1-28; Mark P Lane & Patricia M Lane  
98.00-1-54; Eric C Knapp  
98.00-1-56; Eric C Knapp

Town of Spencer

68.07-1-43; Elizabeth A Letourneau & William R Letourneau  
46.00-1-38; Jason Mott  
70.00-2-26.12; Darlene Ann Rider-Breese  
80.00-1-11; David Wemmer  
80.00-1-13.10; David Wemmer



Town of Tioga

105.00-2-7; Kenneth J Jacobson & Brandon D Jacobson

106.19-1-18; Bryan Tinnel

115.00-2-14.10; Seth Grantham

137.00-3-13.22; Henry C Beebe & Connie H Beebe

158.00-2-2; Emmanuel Sloat aka Chris W. Root

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 197-21      *RENEW POLICY WITH SHELTERPOINT LIFE  
INSURANCE COMPANY FOR SHORT-TERM  
DISABILITY*

WHEREAS: Tioga County provides a short-term disability policy to CSEA and full-time Non-Union employees, except elected officials; and

WHEREAS: Resolution 183-20 authorized Tioga County to change carriers from Guardian to ShelterPoint Life Insurance Company as of October 1, 2020 due to a one-year rate quote from ShelterPoint that was a significant savings; and

WHEREAS: ShelterPoint continues to offer a competitive rate as of October 1, 2021 renewal date; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to renew the short-term disability policy with ShelterPoint effective October 1, 2021, subject to review by the County Attorney, and annually thereafter until such time as a different carrier is selected if appropriate.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 198-21 AWARD BID FOR EMS STUDY

WHEREAS: The Tioga County Office of Emergency Services sought bids for Emergency Medical Services (EMS) study; and

WHEREAS: The requested study is part of the County's efforts to evaluate its existing EMS Operation and EMS Training to make recommendations for long term success, viability, sustainability, stability and improved efficiency and safety for both EMS services and citizens looking at a five to ten year plan; and

WHEREAS: The Tioga County Office of Emergency Services received sealed bids on September 7, 2021:

Cambridge Consulting Group	\$148,500
A.E.R. Consulting Services	\$225,000
Center for Governmental Research	\$ 63,500

And;

WHEREAS: Tioga County Office of Emergency Services has determined that Center for Governmental Research is the lowest responsible bidder in substantial and material compliance with the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature does hereby award the bid to Center for Governmental Research, the lowest responsible bidder in material and substantial compliance with the bid specifications, for \$63,500.00.

Legislator Standinger spoke. "Tioga County is in dire straits as far as EMT's and ambulance service. Hopefully, this will help address some of the issues we are undergoing now."

Legislator Mullen spoke. "I just want to thank Mike Simmons, Director of Emergency Services, for the hard work in this area and the Legislators for taking this under consideration. If you have to call for an ambulance, there are some parts in Tioga County this could be an hour wait. Think about that if it were your son, daughter, mother, or father. We need to get something done."

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

#### RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 199-21      *AUTHORIZE CONTRACT WITH UNITED HEALTH CARE (UHC) FOR RETIREE MEDICARE ADVANTAGE PLAN/MEDICARE PART D PRESCRIPTION DRUG COVERAGE THROUGH BROOME COUNTY PURCHASING ALLIANCE (BCPA)*

WHEREAS: Resolution 119-21 authorized Tioga County to participate in the Broome County Purchasing Alliance (BCPA) Request for Proposals seeking a contract for Medicare Advantage and Prescription Drug Benefit Services for Medicare-eligible retirees and their eligible spouses; and

WHEREAS: Broome County has reviewed and evaluated all of the proposals and selected United Health Care (UHC) as the carrier to provide the retiree Medicare coverage with three coverage offerings to select from; and

WHEREAS: Tioga County has reviewed the UHC Plan 1, the richest of the three offerings which most closely mirrors Tioga County retirees' current Hartford Medicare Supplemental Plan F and Express Scripts Medicare Part D prescription drug coverage; and

WHEREAS: The UHC representative confirmed that there would be zero out-of-pocket cost for any medical services covered by Medicare which is the same level of medical coverage as with the current Medicare Supplemental Plan F; and

WHEREAS: The UHC Plan 1 provides some additional benefits for services not covered by Medicare, an enhancement from Tioga County's current Medicare Supplemental plan; and

WHEREAS: The UHC representative indicated that the medical network is any provider who accepts Medicare which is the same medical network as our current Medicare Supplemental plan; and

WHEREAS: The UHC representative indicated that UHC Plan 1 prescription coverage is their richest Part D drug formulary and believes it would be similar coverage to our current Medicare Part D formulary; and

WHEREAS: The UHC prescription co-pays in Plan 1 are \$0 for generic, \$5 for preferred brand, \$20 for non-preferred brand, and \$20 for specialty tier for 30 day supply, which is lower than our current plan's 30 day co-pays; and

WHEREAS: The UHC Plan 1 does allow for 90 day prescriptions for one co-pay through mail order; and

WHEREAS: The UHC pharmacy network is all major pharmacy chains similar to our current plan's pharmacy network; and

WHEREAS: Tioga County met with the Tioga County Retirees' Association Board to discuss this potential change in benefits for 2022, and the UHC representative satisfactorily answered the questions the Board raised about the UHC Plan 1 medical coverage; and

WHEREAS: UHC is able to offer a three year rate guarantee through the BCPA seeking a two year commitment from employers who elect to participate but allows for opting out in any given year; and

WHEREAS: The UHC Plan 1 rate for 2022 and 2023 is \$260 per policy per month and \$275 for 2024, which is almost half the 2022 Medicare Supplemental plan rate of \$490.43 per policy per month, for an annual savings of over \$770,000.00 for 2022; therefore be it

RESOLVED: That the Tioga County Legislature wishes to change Tioga County Medicare eligible retirees' and eligible spouses' coverage to UHC Plan 1 effective January 1, 2022 and acknowledges the two year commitment to UHC Plan 1 through December 31, 2023; and be it further

RESOLVED: That Tioga County is authorized to execute the necessary steps to change retirees' coverage to UHC Plan 1 as of January 1, 2022; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with United Health Care, subject to review by the County Attorney, electing Plan 1 Medicare Advantage and Medicare Part D Prescription Drug Benefits for Tioga County Medicare eligible retirees and their eligible spouses for the period of January 1, 2022 through December 31, 2022.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 200-21 *AUTHORIZE 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; 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, 2022 through December 31, 2022; 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, 2022 through December 31, 2022.

## ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

## RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 201-21 *AUTHORIZE 2021-22 CONTRACTS WITH  
SADD SCHOOL ASSOCIATES  
STOP DWI*

WHEREAS: It is the desire of the STOP DWI Program to arrange five contracts with SADD School Associates which are defined as Independent contractors not entitled to County Employee benefits; and

WHEREAS: It is the desire to contract with the following five SADD School Associates for the school year 2021-22; Aria French to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Cindy Tebo to serve the Owego Apalachin School District; Erika Brown to serve the Spencer Van Etten School District, and; Janice Barto to serve the Tioga Central School District; and

WHEREAS: Each SADD School Associate will be compensated \$100 each month for the ten months of the school year, but will not exceed \$1,000 for the year; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and outlines the compensation to be paid to the STOP DWI School Associates; therefore be it

RESOLVED: That these contracts for SADD School Associates be authorized for the 2021-22 school year.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 202-21 APPROVE 2022 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 1st for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2022 STOP DWI Plan to the Tioga County Legislature for approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the 2022 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$ 6,000
Prosecution Related	\$ 1,000
Probation	\$13,000
Rehabilitation	\$ 1,000
PI&E	\$14,000
Administration	\$ <u>450</u>
	\$35,450

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 203-21      *AUTHORIZE THE SUBMISSION OF THE  
2021-2022 NYS STOP DWI HIGH VISIBILITY  
ENGAGEMENT APPLICATION  
STOP DWI*

WHEREAS: The NYS STOP-DWI Foundation Board secured funding from the Governor's Traffic Safety Committee for the High Visibility Engagement Campaign during the grant cycle of October 1, 2021 – September 30, 2022 with \$15,000 in funding set for Tioga County; and

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

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to apply for this grant.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 204-21      *AUTHORIZATION TO EXECUTE ENGAGEMENT  
LETTER FROM GOLDBERG SEGALLA TO  
PROVIDE LEGAL SERVICES*

WHEREAS: Tioga County has been named as a party in two lawsuits; and

WHEREAS: Tioga County wishes to retain the services of Goldberg Segalla to act on behalf of the County; and



WHEREAS: Goldberg Segalla has set forth the services they will provide in an engagement letter; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Chair of the Legislature to sign said engagement letter from Goldberg Segalla for said services.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 205-21      *AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS*

WHEREAS: A project for the Tioga County Bridge Preventative Maintenance Program (FFY 2021), PIN 9754.31 (the Project) is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-Federal Funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering / Design and Construction, Construction Support and Construction Inspection work.

NOW, THEREFORE, the Tioga County Legislature, duly convened does hereby

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED: That the Tioga County Legislature hereby authorized the County of Tioga to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Construction, Construction Support and Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED: That the sum of \$249,655 is hereby appropriated from account D5110.540050 and made available to cover the costs of participation in the above phases of the Project; and it is further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and it is further

RESOLVED: That the Chair of the Tioga County Legislature of the County of Tioga be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED: This Resolution shall take effect immediately.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 206-21 *AUTHORIZE APPLICATION FOR NYS EARLY VOTING  
EXPANSION GRANT AND  
BUDGET AMENDMENT*

WHEREAS: The New York State Legislature allocated a total of \$2,000,000 from the 2021 Aid to Localities Budget for use by county boards of elections for Early Voting expansion;

WHEREAS: Tioga County is authorized to receive up to \$17,694.07 reimbursement from these funds for eligible expenses related to Early Voting expansion and implementation, which have taken place between April 7, 2021 and January 28, 2022; and

WHEREAS: This funding must be accepted and appropriated; therefore be it

RESOLVED: That the Tioga County Board of Elections is authorized to apply for the NYS Early Voting Expansion (EVE) Grant Program as soon as practicable; and be it further

RESOLVED: That the 2021 budget be modified and funds be appropriated to the following accounts:

FROM: A1450-439060 EV State Aid, Early Voting Grant \$17,694.07

TO: A1450-540490 EV Elect. Exp., Early Voting Grant \$17,694.07

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 207-21 *APPLY FOR NYS TECHNOLOGY INNOVATION AND  
ELECTION RESOURCE GRANT AND  
BUDGET AMENDMENT*

WHEREAS: The New York State Legislature allocated a total of \$20,000,000 from the 2021 Capital Projects Budget for use by county boards of elections to reimburse expenses related to upgrades of software, technology, and equipment; and

WHEREAS: Tioga County is authorized to receive up to \$50,356.46 reimbursement from these funds for eligible expenses related to Early Voting expansion and implementation, which have taken place between April 7, 2021 and January 27, 2023; and

WHEREAS: This funding will be used to reimburse a portion of the expense for our new voting machines purchased in July 2021, but must first be accepted; therefore be it

RESOLVED: That the Tioga County Board of Elections is authorized to apply for the NYS Technology Innovation and Resource (TIER) Grant Program as soon as practicable; and be it further

RESOLVED: That the 2021 budget be modified to accept funds to the following account:

H1450-439060	State Aid-Elections	\$50,356.46
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ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 208-21 AMEND BUDGET & APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded funding through Broome County, as a partner in the Creating Healthy Schools and Communities (CHSC) grant; and

WHEREAS: The funding is specifically designated for Public Health efforts toward CHSC in Tioga County; and

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

RESOLVED: That funding be appropriated as follows:

From: A4053 422800 Public Health: Local Grants \$ 50,000

To: A4053 540487 Public Health: Program Expenses \$ 50,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 209-21 CONTINGENCY FUND REQUEST AND  
TRANSFER OF FUNDS  
MENTAL HYGIENE

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

WHEREAS: TCMH has received notice that a Tioga County resident was 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, yet this will require a budget modification and transfer of funds from contingency to Mental Health's 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	County Contingency Account	\$ 32,056.50
To: A4390 540590	Criminal Psychiatric: Services Rendered	\$ 32,056.50

Legislator Standinger spoke. "This is an unfunded mandate. The State dictates how much money we have to pay for an inmate who has already been incarcerated and goes to the State facility. Then they send us a bill. Obviously, we have to pay it, but I am not in favor of the way it is done."

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 210-21 *AUTHORIZATION TO RECLASSIFY VACANT PART-TIME LAND BANK DIRECTOR POSITION ECONOMIC DEVELOPMENT & PLANNING*

WHEREAS: Legislative approval is required for any position reclassification; and

WHEREAS: A part-time Land Bank Director (\$29,249-\$29,980; Non-union) position has been vacant since July 28, 2021, due to resignation; and

WHEREAS: The Director of Economic Development & Planning has reviewed and redefined work assignments within her department and has also determined said part-time vacancy would be better utilized if reclassified; and

WHEREAS: The Director of Economic Development & Planning submitted a New Position Duties Statement to the Personnel Officer who determined that the title of Office Specialist II (\$13.19/hour) was the appropriate classification for work to be performed by the part-time position; therefore be it

RESOLVED: That the part-time vacant Land Bank Director (\$29,249-\$29,980; Non-union) position is reclassified as a part-time Office Specialist II (\$13.19/hour) not to exceed 17 hours per week effective September 15, 2021; and be it further

RESOLVED: The Director of Economic Development & Planning is authorized to fill said part-time vacancy from the appropriate eligible list and in accordance with payroll processing hire date requirements.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 211-21 *AUTHORIZE SALARY REALLOCATION  
WITHIN CSEA SALARY SCHEDULE FOR  
SUPERVISING PUBLIC HEALTH SANITARIAN AND  
PUBLIC HEALTH SANITARIAN  
PUBLIC HEALTH*

WHEREAS: Legislative approval is required for a title's salary reallocation; and

WHEREAS: On July 13, 2021, the Personnel Department received position description questionnaires from Todd Kopalek, Supervising Public Health Sanitarian (CSEA SGXII, \$46,378-\$47,078); Adam Ace, Albert Knapp, and Daniel Scherrer, Public Health Sanitarians (CSEA SG IX, \$40,898-\$41,598) all of whom work within the Environmental Health division of the Public Health Department; and

WHEREAS: A desk audit occurred and involved the review of work tasks performed by the employees as well as current salary allocation; and

WHEREAS: The Personnel Officer has made a determination that due to the specific college degree requirements of the minimum qualifications as set by the New York Sanitary Code; the extent of work responsibilities inclusive of intensive case management and ongoing public health education; and the responsibility of enforcing statutes and regulations, there is justification to request a salary reallocation of said titles within the CSEA Salary Schedule; therefore be it

RESOLVED: That the title of Supervising Public Health Sanitarian shall be reallocated from CSEA Salary Grade XII to CSEA Salary Grade XV (\$55,917-\$56,617) and the title of Public Health Sanitarian shall be reallocated from CSEA Salary Grade IX to CSEA Salary Grade XI (\$44,572-\$45,272) effective retroactive to July 13, 2021; and be it further

RESOLVED: That the 2021 annual salaries of current incumbents in said titles shall increase as follows: Todd Kopalek, \$9,539; Adam Ace, Albert Knapp, and Daniel Scherrer, \$3,674 (each), effective retroactive to July 13, 2021.

#### ROLL CALL VOTE

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

No – None.

Absent – Legislator Sullivan.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:37 P.M.