

First Special & Organizational Meeting
January 3, 2022

The First Special and Organizational Meeting of 2022 was called to order by the Legislative Clerk at 9:03 A.M.

The following County Legislators were present:

DISTRICT 1
Ronald C. Ciotoli

DISTRICT 5
Dennis M. Mullen

DISTRICT 2
Martha C. Sauerbrey

DISTRICT 6
Dale N. Weston

DISTRICT 3
Barbara Roberts

DISTRICT 7
William H. Standinger, III
Ed Hollenbeck

DISTRICT 4
W. Jake Brown
S. Tracy Monell

There were 23 people in attendance.

The Clerk asked Legislator Weston to have a moment of Prayer.
"Let us pray. As we enter this New Year, let our prayer be this. We will be there for one another as fellow members of humanity in the finest sense of the word."

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

The Clerk welcomed and congratulated the County's newly elected Legislators for 2022; Legislator Brown, Legislator Ciotoli, and Legislator Roberts. The Clerk also congratulated and recognized incumbent Legislators Hollenbeck, Monell, Mullen, Sauerbrey, Standinger, and Weston on their new term of office for 2022.

County Clerk Andrea Klett swore in all nine elected Legislators for their new term of office for 2022.

The Clerk recognized and congratulated incumbent County Treasurer McFadden, District Attorney Martin, and newly elected Coroner Lewis on their new four-year term of office for 2022.

County Clerk Andrea Klett swore in County Treasurer McFadden and District Attorney Martin for their new four-year term of office commencing January 1, 2022 – December 31, 2025. Coroner Keith Lewis was unable to attend and will be sworn-in on a later date with County Clerk Klett.

The Clerk announced the first order of business for the Legislature was the election of Chair of the Legislature for 2022 for a one-year term. Legislator Hollenbeck nominated Legislator Sauerbrey, seconded by Legislator Mullen. Legislator Monell moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote, all members voted Aye, the Clerk cast one ballot, and Legislator Sauerbrey was appointed Chair of the Tioga County Legislature for a one-year term for 2022.

County Clerk Andrea Klett swore in Legislator Sauerbrey as Chair of the Tioga County Legislature for 2022.

Legislative Chair Sauerbrey presided over the remainder of the meeting.

Legislative Chair Sauerbrey spoke. "First of all, I am deeply honored to be elected as Chair of the Tioga County Legislature. Running a government is really important and I am very proud of the work that we have done and I am looking forward to working with our three new Legislators. I am believing that 2022 will be a much better year, that we will get over this pandemic and we can move into the future. I am really looking forward to making some positive changes for the future. Again, I thank you for your support."

The Legislative Chair announced the next order of business is the nominations for First Deputy Chair for a one-year term. Legislator Mullen nominated Legislator Hollenbeck, seconded by Legislator Monell. Legislator Monell moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote, all members voted Aye, the Legislative Chair cast one ballot, and Legislator Hollenbeck was appointed First Deputy Chair of the Tioga County Legislature for a one-year term for 2022.

The Legislative Chair called for nominations for Second Deputy Chair for a one-year term. Legislator Standinger nominated Legislator Weston, seconded by Legislator Mullen. Legislator Mullen moved to close the nominations, seconded by Legislator Hollenbeck. On roll call vote, all members voted Aye, the Chair cast

one ballot, and Legislator Weston was appointed Second Deputy Chair of the Tioga County Legislature for a one-year term for 2022.

County Clerk Andrea Klett swore in Legislators Hollenbeck and Weston as First and Second Deputy Chairs of the Tioga County Legislature for 2022.

The Legislative Chair called for nominations for County Attorney. Legislator Monell nominated Peter DeWind, seconded by Legislator Mullen. Legislator Hollenbeck moved to close the nominations, seconded by Legislator Mullen. On roll call vote, all Legislators voted for Peter DeWind as County Attorney, the Legislative Chair cast one ballot, and Peter DeWind was appointed County Attorney for a four-year term commencing January 1, 2022 – December 31, 2025.

The Legislative Chair called for nominations for Legislative Clerk. Legislator Weston nominated Cathy Haskell, seconded by Legislator Hollenbeck. Legislator Mullen moved to close the nominations, seconded by Legislator Monell. On roll call vote, all Legislators voted for Cathy Haskell as Legislative Clerk, the Legislative Chair cast one ballot, and Cathy Haskell was appointed Legislative Clerk for a four-year term commencing January 1, 2022 – December 31, 2025.

The Legislative Chair called for nominations for Budget Officer. Legislator Monell nominated Jackson Bailey, seconded by Legislator Hollenbeck. Legislator Mullen moved to close the nominations, seconded by Legislator Monell. On roll call vote, all Legislators voted for Jackson Bailey as Budget Officer, the Legislative Chair cast one ballot, and Jackson Bailey was appointed Budget Officer for a four-year term commencing January 1, 2022 – December 31, 2025.

The Legislative Chair called for nominations for Public Defender. Legislator Monell nominated George Awad, seconded by Legislator Mullen. Legislator Hollenbeck moved to close the nominations, seconded by Legislator Monell. On roll call vote, all Legislators voted for George Awad as Public Defender, the Legislative Chair cast one ballot, and George Awad was appointed Public Defender for a four-year term commencing January 1, 2022 – December 31, 2025.

County Clerk Andrea Klett swore in Peter DeWind, County Attorney, Cathy Haskell, Legislative Clerk, and Jackson Bailey, Budget Officer for their new four-year term of office commencing January 1, 2022 – December 31, 2025. Public Defender George Awad was unable to attend today's meeting, however, prior arrangements were made and County Clerk Klett swore in George Awad, Public Defender, prior to today's meeting for his four-year term commencing January 1, 2022 – December 31, 2025.

The Legislative Chair called for nominations for Public Information Officer. Legislator Monell nominated Legislative Chair Sauerbrey, seconded by Legislator Hollenbeck. Legislator Hollenbeck moved to close the nominations, seconded by Legislator Roberts. On roll call vote, all Legislators voted for Legislative Chair Sauerbrey to serve as Public Information Officer, the Chair cast one ballot, and Legislative Chair Sauerbrey was appointed Public Information Officer for a one-year term for 2022.

The Legislative Chair called for nominations for Republican Majority Leader. Legislator Weston nominated Legislator Standinger, seconded by Legislator Mullen. Legislator Hollenbeck moved to close the nominations, seconded by Legislator Monell. On roll call vote, all Legislators voted for Legislator Standinger to serve as Republican Majority Leader, the Chair cast one ballot, and Legislator Standinger was appointed Republican Majority Leader for a one-year term for 2022.

Chair Sauerbrey announced the following Standing Committees for 2022:

STANDING COMMITTEES OF THE COUNTY LEGISLATURE OF THE COUNTY OF TIOGA FOR 2022

	Chairman			
1. Administrative Services (County Clerk, Historian, Real Property, Veterans, Elections)	Ciotoli	Standinger	Brown	Hollenbeck
2. Economic Development/ Planning/Tourism/ Agriculture	Roberts	Ciotoli	Mullen	Weston
3. Finance/Legal & Safety	Monell	All Legislators		
4. Information Technology	Brown	Ciotoli	Monell	Mullen
5. Legislative Worksessions/ Legislative Support	Sauerbrey	All Legislators		
6. Health & Human Services	Standinger	Brown	Monell	Mullen
7. Public Safety/Probation & DWI	Mullen	Hollenbeck	Roberts	Standinger
8. Public Works/Capital Projects	Weston	Standinger	Roberts	Ciotoli
9. Personnel/ADA/Right to Know	Hollenbeck	Brown	Monell	Weston

Chair Sauerbrey asked if there were any disclosures to be made.

Legislator Weston stated, "I have no disclosures."

Legislator Brown stated, "I am currently employed at Lockheed Martin and I have filed a conflict of interest document with my employer. They did approve this at the beginning of December."

Legislator Ciotoli stated, "I have no disclosures."

Legislator Hollenbeck stated, "I have no disclosures."

Legislator Monell stated, "I have no disclosures."

Legislator Mullen stated, "I have no disclosures."

Legislator Roberts stated, "I have no disclosures."

Legislator Sauerbrey stated, "I have no disclosures."

Legislator Standinger stated, "I have no disclosures."

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 1-22 TRIPS AUTHORIZED

RESOLVED: That the Chair and the Clerk of the County Legislature, the County Attorney, and County Legislators be, and they hereby are, authorized to make such trips as their duties may require and that their actual and necessary expenses for travel, meals and lodging incurred on such trips be a County charge.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 2-22 DESIGNATION OF OFFICIAL DEPOSITORIES

RESOLVED: That, pursuant to the powers vested in this Legislature by Section 212 of the County Law, as amended, the following Banks within New York State be, and they hereby are designated as depositories for the deposit of all monies received by the County Treasurer, to an amount not to exceed the sum set opposite the name of each Bank as follows:

JP Morgan Chase Bank	\$30,000,000
Chemung Canal Trust Company	\$30,000,000
Community Bank, N.A.	\$30,000,000
Key Bank Corporation	\$30,000,000
M&T Bank	\$30,000,000
Tioga State Bank	\$30,000,000
National Bank and Trust Company, N.A.	\$30,000,000
M&T Securities, Inc.	\$30,000,000

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 3-22 *DESIGNATE OFFICIAL NEWSPAPERS*

RESOLVED: That the Tioga County Courier and the Morning Times are hereby designated official newspapers for the publication of all local laws, notices and other matters required by law to be published pursuant to County Law §214, Subd. 2; and be it further

RESOLVED: That the Press and Sun Bulletin, a daily newspaper, is hereby designated as the official newspaper for purposes of publishing all local laws, notices and other matters required by law to be published at such times that there is insufficient time to publish in the above two newspapers.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 4-22 *DESIGNATION OF NEWSPAPER FOR
REPUBLICAN PARTY*

RESOLVED: That the Morning Times is hereby designated as the newspaper published in the County of Tioga for the Republican Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd. 1.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 5-22 *DESIGNATION OF NEWSPAPER FOR
DEMOCRATIC PARTY*

RESOLVED: That the Tioga County Courier is hereby designated as the newspaper published in the County of Tioga for the Democratic Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd. 1.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standingr.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 6-22 *SET SALARY OF CHAIR*

RESOLVED: That the salary of the Chair of the Tioga County Legislature be set at \$50,000.00 per year, which includes the salary received as County Legislator of \$11,851.00 and an additional \$38,149.00 to serve as Chair.

Legislator Mullen spoke. "This was discussed last year and I am very pleased that the Legislature, including the three newly retired Legislators, decided this position be remunerated for the amount of work that has been done and historically been done, especially by Chair Sauerbrey. I really appreciate all your hard work over the last couple years and I am glad we were able to do something for you because it was sinful before, in my opinion, for the number of hours you put in. Not many people know how many hours Marte actually works. It's insane. Thank you."

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 7-22 *FIX DATES AND TIMES OF
TIOGA COUNTY LEGISLATIVE MEETINGS*

RESOLVED: That the Tioga County Legislature during 2022 shall meet regularly in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York at 12:00 P.M. on the Tuesday following Committees which are held during the first full work week of the month.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 8-22 *ANNUAL REVIEW OF PROCUREMENT POLICY*

WHEREAS: General Municipal Law §104-b requires an annual review of Tioga County's procurement policy and procedures; now therefore be it

RESOLVED: That the Tioga County Legislature affirms its annual review of its Procurement Policy.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 9-22 *APPOINT DIRECTORS
SOIL & WATER CONSERVATION DISTRICT*

RESOLVED: That Legislators Dale Weston and Tracy Monell are hereby appointed Directors of the Tioga County Soil and Water Conservation District for a one-year term on January 1, 2022 through December 31, 2022.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 10-22 *APPOINT COUNTY AUDITOR
AND DEPUTY COUNTY AUDITOR*

WHEREAS: The County is required to appoint a County Auditor and Deputy County Auditor to process and review the Accounts Payable transactions through Purchase Orders and Purchase Card transactions submitted by County Departments for payment of a variety of bills; and

WHEREAS: The terms for these appointments coincide with Legislator Group One and are due for reappointment as of January 1, 2022; therefore be it

RESOLVED: That Cathy Haskell, be and hereby is appointed County Auditor for a four (4) year term, commencing January 1, 2022 and ending December 31, 2025; and be it further

RESOLVED: That Amy Eiklor be and hereby is appointed Deputy Tioga County Auditor, to act in the absence of the County Auditor, said term to be the same as that of the County Auditor.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standingier.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Chair Sauerbrey thanked everyone for attending and congratulated everyone on their newly elected/appointed terms for 2022.

The meeting was adjourned at 9:31 A.M.

Second Special Meeting
January 6, 2022

The Second Special Meeting of 2022 was held on January 6, 2022 and was called to order by the Chair at 1:00 p.m. Legislators Brown, Ciotoli, Hollenbeck, Mullen, Roberts, Sauerbrey, Standinger, and Weston were present with Legislator Monell being absent.

Chair Sauerbrey asked Legislator Weston to have a moment of prayer.

"Lord, on this day we ask for guidance, wisdom, and support as we begin this meeting. Help us engage in meaningful discussion, allow us to grow closer as a group, and nurture the bonds of community for the good of all."

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

There were six people in attendance.

Legislator Hollenbeck introduced Local Law Introductory No. A of 2022.

County of Tioga

Local Law No. X of the Year 2022.

A Local Law of the Tioga County Legislature of the County of Tioga, imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337.

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

SECTION 1: PURPOSE

A Local Law amending Local Law No. 3 of 2017 and Local Law No. 1 of 1991 to authorize the County of Tioga to impose an additional surcharge of One Dollar (\$1.00) to the current surcharges which are applied to both wireless and traditional telephone services for a period of ten years.

The charge applied for prepaid and monthly wireless devices is increased from Thirty Cents (\$0.30) to One Dollar and Thirty Cents (\$1.30). The charge for traditional phone service through telephone service providers and Voice Over IP services is increased from Thirty Five Cents (\$0.35) to One Dollar and Thirty Five Cents (\$1.35). This law provides for these fees to return to their prior level after this law's expiration.

SECTION 2: WIRELESS SURCHARGES

Local Law No. 3 of 2017 is amended by adding a new Section 7 to read as follows:

SECTION 7: Imposition of additional wireless surcharges

(a) Pursuant to the authority of Tax Law § 186-g, in addition to the wireless communications surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid additional surcharges within the territorial limits of the County of Tioga on (i) wireless communications service provided to a wireless communications customer with a place of primary use within the County of Tioga, at the rate of One Dollar (\$1.00) per month on each wireless communications device in service during any part of the month. The sum of both surcharges shall be One Dollar and Thirty Five Cents (\$1.35) with the addition of the surcharge referenced herein; and (ii) retail sales of prepaid wireless communication service sold within the County of Tioga, at the rate of one dollar (\$1.00) per retail sale, whether or not any tangible personal property is sold therewith. The sum of both surcharges shall be One Dollar and Thirty Five Cents (\$1.35) with the addition of the surcharged referenced herein.

(b) Such additional surcharges shall be identical to the surcharges imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the wireless communication service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The wireless communication surcharge imposed must be reflected and made payable on bills rendered to the wireless communications customer for wireless communications service.

(e) Wireless communications service suppliers shall begin to add such surcharge to the billing of its customers and prepaid communications sellers shall begin to collect such surcharge from its customers commencing April 1, 2022.

(f) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent (3%) of its collections of the surcharges imposed by this local law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State

Commissioner of Taxation and Finance on or before the due date for that return and that payment.

SECTION 3: LOCAL SURCHARGE FOR ENHANCED EMERGENCY TELEPHONE SYSTEM
Local Law No. 1 of 1991 is amended by adding a new Section 11 to read as follows:

SECTION 11: Imposition of additional surcharges for an Enhanced Emergency Phone System

(a) Pursuant to the authority of County Law § 337, in addition to the surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid an additional surcharge of One Dollar (\$1.00) per access line per month on the customers of every service supplier within Tioga County to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system (E911) to serve Tioga. The sum of both surcharges shall be One Dollar and Thirty Cents (\$1.30) with the addition of the surcharges referenced herein.

(b) This additional surcharge shall be identical to the surcharge imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The E911 surcharge imposed must be reflected and made payable on bills rendered to the customer.

(e) Service suppliers shall begin to add such surcharge to the billing of its customers and shall begin to collect such surcharge commencing April 1, 2022.

(f) The Definition of Service Supplier provided in Section 1 (a) is hereby amended to reference the definition provided by New York County Law § 301 and will read as follows (a) "Service supplier" means (i) a telephone corporation which provides local exchange access service within a 911

service area, or (ii) a provider of "voice over internet protocol service" or "VOIP service" that provides such service within a 911 service area.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect April 1, 2022 and shall expire and be deemed repealed April 1, 2032.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 11-22 *SCHEDULE PUBLIC HEARING*
LOCAL LAW INTRODUCTORY NO. A OF 2022

RESOLVED: That a Public Hearing shall be held on Tuesday, January 11, 2022 at 12:00 p.m. in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY 13827 on Local Law Introductory No. A of 2022 A Local Law of the Tioga County Legislature of the County of Tioga, imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337. All persons desiring to present written or oral comment may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Hollenbeck introduced Local Law Introductory No. B of 2022.

County of Tioga County

Local Law No. X of the Year 2022

A Local Law Reapportioning the Tioga County Legislature.

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

SECTION 1: Effective: **January 20, 2022** the Tioga County Legislature shall consist of nine members elected from seven Legislative Districts as follows:

DISTRICT 1: That portion of the Town of Owego on the north side of the Susquehanna River bounded and described as follows:

Beginning at the northeast corner of the Town of Owego; thence in a southerly direction along the boundary line between the Town of Owego and the County of Broome to a point in the center line of the Susquehanna River; thence in a westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the easterly boundary of the Village of Owego; thence in a northerly direction along the easterly boundary of the Village of Owego to a point, said point being the intersection of the easterly boundary line of the Village of Owego and the center line of East Front Street; thence in an easterly direction along the center line of East Front Street to a point, said point being the intersection of the center line of East Front Street and the center line of Davis Hill Road; thence in a northerly direction along the center line of Davis Hill Road and Lisle Road to a point, said point being the intersection of the center line of Lisle Road and the center line of Welch Road; thence in a northerly direction along the center line of Welch Road to a point, said point being the intersection of the center line of Welch Road and the center line of Patton Road; thence in an easterly direction along the center line of Patton Road to a point, said point being the intersection of the center line of Patton Road and Lisle Road; thence in a northerly direction along the center line of Lisle Road to a point, said point being the intersection where the northern boundary line of the parcel with tax map 107.00-2-6 meets the center line of Lisle Road; thence in a westerly direction along the northerly boundaries of the parcel with tax map numbers 107.00-2-6 and 107.00-2-5 to a point, said point being the intersection of the northwestern corner of the parcel with tax map number 107.00-2-5 and the eastern property line of the parcel with tax map number 107.00-2-4.11; thence in a northerly direction along the eastern edge of the parcels with tax map number 107.00-2-4.11 and 96.00-2-27.312 to a point, said point being the intersection of the eastern edge of the parcel with tax map number 96.00-2-27.312 and the center line of a power transmission line right of way; thence in a westerly direction along the center line of the power transmission line to a point, said point being the intersection of the center line of the power transmission line right of way and the center line of East Beecher Hill Road; thence in a northerly and northeasterly direction along the center line of East Beecher Hill Road to a point, said point being the intersection of the center line of East Beecher Hill Road and the center line of Gaskill Road; thence in a northwesterly direction along the center line of Gaskill Road to a point, said point being the intersection of the center line of Gaskill Road and the center line of NYS Route 38; thence in a westerly direction along the center line of NYS Route 38 to a point, said point being the intersection of the center line of NYS Route 38 and the center

line of Sunnyfield Drive; thence in a northerly direction along the center line of Sunnyfield Drive to a point, said point being the intersection of the center line of Sunnyfield Drive and the Owego & Harford railway tracks; thence in an easterly direction along the center line of the Owego & Harford railway tracks to a point, said point being the intersection of the center line of the Owego & Harford railway tracks and the northerly boundary of the Town of Owego; thence in an easterly direction along the northerly boundary of the Town of Owego to the northeast corner of the Town of Owego, the point or place of beginning.

POPULATION: 5,100

REPRESENTATIVES: ONE

DISTRICT 2: That portion of the Town of Owego on the north side of the Susquehanna River, and the Village of Owego bounded and described as follows:

Beginning at the southwest corner of the Village of Owego; thence in a northerly direction along the westerly boundary of the Village of Owego and the center line of the Owego Creek to a point, said point being the northwest corner of the Town of Owego; thence in an easterly direction along the northerly boundary of the Town of Owego to a point, said point being the intersection of the northerly boundary of the Town of Owego and the center line of the Owego & Harford Railway tracks; thence in a southwesterly direction along the center line of the Owego & Harford Railway tracks to a point, said point being the intersection of the center line of the Owego & Harford Railway tracks and the center line of Sunnyfield Drive, thence in a southward direction to a point, said point being the intersection of the center line of NYS Route 38 and the center line of Sunnyfield Drive; thence in an easterly direction along the center line of NYS Route 38 to a point, said point being the intersection of the center line of NYS Route 38 and the center line of Gaskill Road; thence in a south easterly direction along the center line of Gaskill Road to a point, said point being the intersection of the center line of Gaskill Road and the center line of East Beecher Hill Road; thence in a southwesterly direction along the center line of East Beecher Hill Road to a point, said point being the intersection of the center line of East Beecher Hill Road and the center line of the power transmission line right of way; thence in an easterly direction along the center of the power transmission line right of way to a point, said point being the intersection of the power transmission line right of way and the eastern edge of the parcel with tax map number 96.00-2-27.312; thence in a southerly direction along the eastern edge of the parcels with tax map number 96.00-2-27.312 and 107.00-2-4.11 to a point, said point being the intersection of the northwestern corner of the parcel with tax map number 107.00-2-5 and the

eastern property line of the parcel with tax map number 107.00-2-4.11; thence in an easterly direction along the northerly boundaries of the parcel with tax map numbers 107.00-2-6 and 107.00-2-5 to a point, said point being the intersection where the northern boundary line of the parcel with tax map 107.00-2-6 meets the center line of Lisle Road; thence in a southerly direction along the center line of Lisle Road and Davis Hill Road, to a point, said point being the intersection of the center line of Davis Hill Road and the center line of East Front Street (said boundary also being the westerly boundary of Legislative District No. 1); thence in a westerly direction along the center line of East Front Street to a point, said point being the intersection of the center line of East Front Street and the easterly boundary of the Village of Owego; thence in a southerly direction along the easterly boundary of the Village of Owego to a point, said point being the intersection of the center line of the Susquehanna River and the eastern boundary of the Village of Owego; thence in an easterly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the center line of the NYS Route 434 Connector; thence in a southward direction to a point, said point being the intersection of the center line of the NYS Route 434 Connector and NYS Route 434; thence in an easterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Degroat Road; thence in a southeasterly direction along the center line of Degroat Road to a point, said point being the intersection of the center line of Degroat Road and NYS Route 434; thence in an easterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Holmes Road; thence southward along the center line of Holmes Road to a point, said point being the intersection of the center line of Holmes Road and the Montrose Turnpike; thence in a northerly direction along the center line of Montrose Turnpike to a point, said point being the intersection of the center line of Montrose Turnpike and the southern boundary line of the Village of Owego; thence in a southwesterly direction along the southerly boundary of the Village of Owego to the point or place of beginning.

POPULATION: 5,358

REPRESENTATIVES: ONE

DISTRICT 3: That portion of the Town of Owego on the south side of the Susquehanna River bounded and described as follows:

Beginning at a point on the easterly boundary of the Town of Owego, said point being the intersection of the easterly boundary of the Town of Owego and the center line of the Susquehanna River; thence in a southerly direction along the

easterly boundary of the Town of Owego and the westerly boundary of Broome County to a point, said point being the southeast corner of the Town of Owego; thence in a westerly direction along the southerly boundary of the Town of Owego and the Pennsylvania Border to a point, said point being the intersection of the southerly boundary of the Town of Owego and the center line of Fox Road; thence in a northerly direction along the center line of Fox Road to a point, said point being the intersection of the center line of Fox Road and the center line of Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of the Deerlick Creek; thence in a westerly direction along the center line of the Deerlick Creek to a point, said point being the intersection of the center line of Deerlick Creek and the outlet of a drainage swale with the coordinates 42.0523304 latitude and -76.1726567 longitude; thence in a northerly direction along said drainage swale to a point, said point being the intersection of 42.0543981 latitude and -76.1728660 longitude; thence in a northerly direction to a point, said point being 42.0546900 latitude and -76.1727897 longitude at the intersection of center line of Beach Road; thence in an easterly direction along the center line of Beach Road to a point, said point being the intersection of the center line of Beach Road and the center line of Clover Road; thence in a north and easterly direction along the center line of Clover Road to a point, said point being the intersection of the center line of Clover Road and Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of New Street; thence in a northerly direction along the center line of New Street to a point, said point being the intersection of the center line of New Street and the center line of West Main Street; thence in a westerly and northerly direction along the center line of West Main Street to a point, said point being the intersection of the center line of West Main Street and the center line of Watkins Avenue; thence in a westerly direction along said center line of Watkins Avenue to a point, said point being the intersection of the center line of Watkins Avenue and the center line of Holmes Avenue; thence northerly along said center line of Holmes Avenue to a point, said point being the intersection of the center line of Holmes Avenue and the center line of Hilton Road; thence easterly along the center line of Hilton Road to a point, said point being the intersection of the center line of Hilton Road and the center line of NYS Route 434; thence in a northerly direction to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Marshland Road Extension; thence in a northerly direction along the center line of Marshland Road Extension to a point, said point being the intersection of the center line of Marshland Road Extension and the center line of the westbound

lane of NYS Route 17 (Southern Tier Expressway); thence in a southeasterly direction along the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) to a point, said point being the intersection of the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) and the center line of the Apalachin Creek; thence in an easterly direction along the center line of the Apalachin Creek to a point, said point being the intersection of the center line of the Apalachin Creek as extended and the center line of the Susquehanna River; thence in an easterly direction along the center line of the Susquehanna River to the point or place of beginning.

POPULATION: 5,060

REPRESENTATIVES: ONE

DISTRICT 4: That portion of the Town of Owego on the south side of the Susquehanna River, that portion of the Town of Barton along its eastern border and the Towns of Barton and Tioga, bounded and described as follows:

(A) That portion of the Town of Owego on the south side of the Susquehanna River bounded and described as follows:

Beginning at a point, said point being the intersection of the southerly boundary of the Town of Owego (on the Pennsylvania Border) and the center line of Fox Road; thence in a northerly direction along the center line of Fox Road to a point, said point being the intersection of the center line of Fox Road and the center line of Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of Deerlick Creek; thence in a westerly direction along the center line of Deerlick Creek to a point, said point being the intersection of the center line of Deerlick Creek and the outlet of a drainage swale with the coordinates 42.0523304 degrees latitude and -76.1726567 degrees longitude; thence in a northerly direction along said drainage swale to a point, said point being the intersection of 42.0543981 degrees latitude and -76.1728660 degrees longitude; thence in a northerly direction to a point, said point being 42.0546900 degrees latitude and -76.1727897 degrees longitude at the intersection of center line of Beach Road; thence in an easterly direction along the center line of Beach Road to a point, said point being the intersection of the center line of Beach Road and the center line of Clover Road; thence in a north and easterly direction along the center line of Clover Road to a point, said point being the intersection of the center line of Clover Road and Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of New Street; thence in a

northerly direction along the center line of New Street to a point, said point being the intersection of the center line of New Street and the center line of West Main Street; thence in a westerly and northerly direction along the center line of West Main Street to a point, said point being the intersection of the center line of West Main Street and the center line of Watkins Avenue; thence in a westerly direction along the center line of Watkins Avenue to a point, said point being the intersection of the center line of Watkins Avenue and the center line of Holmes Avenue; thence northerly along the center line of Holmes Avenue to a point, said point being the intersection of the center line of Holmes Avenue and the center line of Hilton Road; thence easterly along said center line of Hilton Road to a point, said point being the intersection of the center line of Hilton Road and the center line of NYS Route 434; thence in a northerly direction to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Marshland Road Extension; thence in a northerly direction along the center line of Marshland Road Extension to a point, said point being the intersection of the center line of Marshland Road Extension and the center of the westbound lane of NYS Route 17 (Southern Tier Expressway); thence in a southeasterly direction along the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) to a point, said point being the intersection of the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) and the center line of the Apalachin Creek; thence in an easterly direction along the center line of the Apalachin Creek as extended to a point, said point being the intersection of the center line of the Apalachin Creek as extended and the center line of the Susquehanna River; thence in a northerly and westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the center line of NYS Route 434 Connector; thence in a southward direction to a point, said point being the intersection of the center line of the NYS Route 434 Connector and NYS Route 434; thence in an easterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Degroat Road; thence in a southeasterly direction along the center line of Degroat Road to a point, said point being the intersection of the center line of Degroat Road and NYS Route 434; thence in an easterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Holmes Road; thence southward along the center line of Holmes Road to a point, said point being the intersection of the center line of Holmes Road and Montrose Turnpike; thence in a northerly direction along the center line of Montrose Turnpike to a point, said point being the intersection of the center line of Montrose Turnpike and the southern boundary line of the Village of Owego; thence in a southwesterly

direction along the southerly boundary of the Village of Owego to a point, said point being the southwest corner of the Village of Owego; thence in a northerly direction along the westerly boundary of the Village of Owego to a point, said point being the intersection of the westerly boundary of the Village of Owego and the center line of the Susquehanna River; thence in a westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the westerly boundary of the Town of Owego; thence in a southerly direction along the westerly boundary of the Town of Owego to a point on the Pennsylvania Border, said point being the southwest corner of the Town of Owego; thence in an easterly direction and along the southerly boundary of the Town of Owego and the Pennsylvania Border to a point, said point being the intersection of the southerly boundary of the Town of Owego (and the Pennsylvania Border) and the center line of Fox Road, the point or place of beginning.

(B) All of the Town of Nichols.

(C) All of the Town of Tioga.

(D) That portion of the Town of Barton bounded and described as follows:

Beginning at a point, said point being the south eastern corner of the Town of Barton and the center line of the Susquehanna River; thence in a westerly and southward direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the Southern Tier Expressway; thence in a westerly direction along the center line of the Southern Tier Expressway to a point, said point being the intersection of the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) and the center line of Ellis Creek; thence in a northerly direction along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek and the center line of NYS Route 17c; thence in an easterly direction along the center line of NYS Route 17c to a point, said point being the intersection of the center line of NYS Route 17c and the center line of Ellis Creek Road; thence in a northerly direction along the center line of Ellis Creek Road to a point, said point being the intersection of the center line of Ellis Creek Road and the center line of Ellis Creek; thence in a northerly direction along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek at 42.0463350 degrees latitude and -76.4832091 degrees longitude; thence in a westerly direction along a tree line to the a point, said point being the center line or Ellis Creek Road at 42.0464611 degrees latitude and -76.3352553 degrees longitude; thence in a northerly direction along the center line of Ellis Creek Road to a point, said point being the intersection of the center line of Ellis Creek Road and Ellis Creek within the parcel with tax map number 134.00-1-32; thence northerly along the center line of Ellis Creek to a point, said point being the

intersection of the center line of Ellis Creek and the center line of Ellis Creek Road along the boundary of the parcel with tax map number 134.00-1-8; thence in a northerly direction along the center line of Ellis Creek Road to a point, said point being the center line of Ellis Creek Road and the center line of Ellis Creek within the parcel with tax map number 123.00-4-8.2; thence in a northerly direction along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek and the center line of Ellis Creek Road by the northeastern corner of the parcel with tax map number 123.00-4-6.12; thence in a northerly and northeasterly direction along the center line of Ellis Creek Road to a point, said point being the boundary line between the Town of Barton and Town of Tioga; thence in a southerly direction along the border between the Town of Barton and Town of Tioga to the point or place of beginning.

POPULATION: 10,086

REPRESENTATIVES: TWO, no more than one of whom shall reside in the same Town.

DISTRICT 5: That portion of the Town of Barton and the Village of Waverly bounded and described as follows:

(A) The Village of Waverly.

(B) That portion of the Town of Barton, bounded and described as follows:

Beginning at the southwest corner of the Town of Barton; thence in a northerly direction along the westerly boundary of the Town of Barton and the easterly boundary of the County of Chemung to a point, said point being the intersection of the westerly boundary of the Town of Barton and the center line of a power transmission line right of way located within the parcel with tax map number 155.00-1-51.1; thence in an eastward direction to a point, said point being the intersection of the center line of the power transmission line right of way and the center line Cayuta Creek; thence in a southerly direction along the center line of Cayuta Creek to a point, said point being the intersection of the center line of Cayuta Creek and the center line of NYS Route 34; thence in a northerly direction along the center line of NYS Route 34 to a point, said point being the intersection of the center line of NYS Route 34 and a power transmission right of way passing through the parcel with tax map number 156.00-1-30.1; thence in a southerly direction along the center line of the power transmission line right of way to a point, said point being the intersection of the center line of the power transmission line right of way and the center line of Levis Road; thence in a southerly direction to a point, said point being the intersection of the center line of Levis Road and the Center line of NYS Route 17c; thence in a westerly direction along the center line of NYS Route 17c to a point, said point being the intersection of the center line of State NYS Route 17c and the center line of Ellistown Road; thence in a

southerly direction along the center line of Ellistown Road to a point, said point being the intersection of the center line of Ellistown Road and the center line of the Norfolk Southern Rail line; thence in a westerly direction along the center line of the Norfolk Southern Rail line to a point, said point being the intersection of the center line of the Norfolk Southern Rail line and the center line of Shepard Road; thence in a southerly direction along the center line of Shepard Road to a point, said point being the intersection of the center line of Shepard Road and the center line of the NYS Route 17 (Southern Tier Expressway); thence in an easterly direction along the center line of NYS Route 17 (Southern Tier Expressway) to a point, said point being the intersection of the center line of NYS Route 17 (Southern Tier Expressway) and the westerly boundary of the Susquehanna River; thence in a southerly direction along the westerly boundary of the Susquehanna River to a point on the Pennsylvania Border; thence in a westerly direction along the southerly boundary of the Town of Barton and the Pennsylvania Border to the Southwest corner of the Town of Barton to the point or place of beginning.

POPULATION: 5842

REPRESENTATIVES: ONE

DISTRICT 6: That portion of the Town of Barton, and the Town of Spencer, bounded and described as follows:

(A) The Town of Spencer.

(B) The Town of Barton, excluding that portion which forms a portion of Districts 4 and 5.

POPULATION: 5,760

REPRESENTATIVES: ONE

DISTRICT 7: That portion of all of the following Towns, bounded and described as follows:

(A) Candor.

(B) Newark Valley.

(C) Berkshire.

(D) Richford.

POPULATION: 11,328

REPRESENTATIVES: TWO, no more than one of whom shall reside in the same Town.

SECTION 2: Such Legislators shall be elected for terms as set forth in Local Law 1 of the Year 2021.

SECTION 3: Town Supervisors, Village Mayors, Members of Town Boards, Members of Village Boards of Trustees shall be ineligible to serve simultaneously as County Legislators.

SECTION 4:

(A) For purposes of the nomination and election of County Legislators, this Local Law shall take effect immediately.

(B) For all other purposes, it shall take effect January 20, 2022, unless within forty-five days after its adoption there shall be filed with the Clerk a petition protesting against this Local Law, signed and authenticated as herein required by qualified electors of Tioga County, registered to vote therein at the last preceding general Election, in number equal to at least five per centum of the total number of votes cast for Governor at the last Gubernatorial Election in Tioga County, whereupon Section 4(B) of this Local Law shall not be effective until approved by the affirmative vote of a majority of the qualified Electors of Tioga County voting on the proposition for its approval.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 12-22 *SCHEDULE PUBLIC HEARING*
LOCAL LAW INTRODUCTORY NO. B OF 2022

RESOLVED: That a Public Hearing shall be held on Tuesday, January 11, 2022 at 12:05 p.m. in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY 13827 on Local Law Introductory No. B of 2022 A Local Law Reapportioning the Tioga County Legislature. All persons desiring to present written or oral comment may do so at said time.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:04 P.M.

*Public Hearing
Local Law Introductory No. A of 2022
January 11, 2022*

The Public Hearing on Local Law Introductory No. A of 2022 A Local Law imposing additional surcharges for telephonic communication was called to order by Chair Sauerbrey at 12:00 P.M. Eight Legislative members were present with Legislator Weston being absent.

There were 9 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

Chair Sauerbrey spoke. "To provide a little background information, this is a project we have been working on since 2019, so we have talked about this openly for three years. We submitted a request to the State and then because of COVID-19 there was a delay in moving this Bill through the State Legislature until this last fall when it was approved. The additional charge this law will implement will be used for the enhanced emergency communication system in the E911 Center. This will maintain the communication equipment and telephone services needed to provide an enhanced E911 emergency telephone system. The sum of both surcharges shall be \$1.30 with the addition of the surcharges referenced here within."

There being no public comments, the hearing was adjourned at 12:02 P.M.

*Public Hearing
Local Law Introductory No. B of 2022
January 11, 2022*

The Public Hearing on Local Law Introductory No. B of 2022 A Local Law reapportioning the Tioga County Legislature was called to order by Chair Sauerbrey at 12:05 P.M. Eight Legislative members were present with Legislator Weston being absent.

There were 11 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no public comments, the hearing was adjourned at 12:06 P.M.

First Regular Meeting
January 11, 2022

The First Regular Meeting of 2022 was held on January 11, 2022 and was called to order by the Chair at 12:05 P.M. Eight Legislative members were present with Legislator Weston being absent.

Chair Sauerbrey formally welcomed our three new Legislators; Legislator Brown, Legislator Ciotoli, and Legislator Roberts for 2022.

Chair Sauerbrey asked for a moment of prayer. "Heavenly Father, we thank you for your blessings every day and in a plain and simple prayer we ask you to guide us in our decision-making over the County and over the people we represent. We pray for COVID-19 to end and normal life to return."

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

Chair Sauerbrey asked for a moment of silence in remembrance of our former Commissioner of Public Works, Ken Del Bianco who passed away on December 25, 2021.

There were 11 people in attendance.

Chair Sauerbrey reported we have two Proclamations; Human Trafficking Awareness Month that will be read and presented by Legislator Standing and National Radon Action Month that will be noted in the minutes.

Legislator Standing spoke. "The blue candles were given to the Legislature today by Jen Green and Liz Myers as a result of this proclamation.

Legislator Standing read and presented the Human Trafficking Awareness Month proclamation to Jen Green, Child Advocacy Center Supervisor.

COUNTY OF TIOGA
EXECUTIVE PROCLAMATION

WHEREAS: Each year, January is recognized as National Human Trafficking Awareness Month and January 11 is Wear Blue for Human Trafficking Awareness Day. Tioga County's Safe Harbour Task Force takes steps each January, and throughout the year to identify, support and help keep safe youth and children in Tioga County who are impacted by the Commercial Sexual Exploitation of Children. Tioga County Safe Harbour also works with community agencies,

schools, families, and services organizations to reduce the risk of exploitation of our children by providing education, prevention, and awareness; and

WHEREAS: The commercial sexual exploitation of children is not only a global, but a local problem; the safety of our children depends on a community response; and

WHEREAS: The aftermath of child sexual exploitation is evident not only among the child affected, but their family and community at large; and

WHEREAS: The success of prevention and awareness programs such as Safe Harbour is enhanced by strong alliances with established services such as A New Hope Center, Cornell Cooperative Extension, Tioga Opportunities, the Tioga County District Attorney's Office, and many others; and

WHEREAS: All adults, youth and children should be aware of and be able to recognize the signs of commercial sexual exploitation of children, the risk it poses to our youth and the importance of children having a safe, risk-free community within which to live; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby Proclaim the month of January 2022 as

HUMAN TRAFFICKING AWARENESS MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to recognize and reduce the risk of the commercial sexual exploitation of children.

Jen Green spoke. "Thank you all for the recognition and your assistance in bringing this issue to the public's attention. Some of the things that make our County wonderful, its rural idyllic setting, are the factors that also increase children's risk of commercial sexual exploitation. It's my hope and the goal of Tioga County Safe Harbour Program that through increased awareness, education, and prevention programs our children can grow and flourish in a safe community. Thank you."

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Radon is the leading cause of lung cancer deaths among non-smokers in America and claims the lives of about 21,000 Americans each year; and

WHEREAS: Tioga County has been identified as one of five counties in New York State with the highest levels of radon. The Towns of Candor, Barton, Newark Valley, Nichols, and Berkshire have the highest rates within the county; and

WHEREAS: You can't see, smell or taste radon, but it could be present at a dangerous level in your home; and

WHEREAS: Homes tested to date in Tioga County show 57% have elevated levels above 4 picocuries per liter in the basement and 33% on the first floor; and

WHEREAS: Radon is constantly being generated by the radium in rocks, soil, water and derived materials, such as certain building supplies; and

WHEREAS: Radon can get into buildings through cracks in solid floors and walls, construction joints, gaps in suspended floors, gaps around service pipes, cavities inside walls or the water supply; and

WHEREAS: Exposure to radon is a preventable health risk, and the Environmental Protection Agency (EPA) and the U.S. Surgeon General urge all Americans to protect their health by testing their homes, schools and other buildings for radon to prevent unnecessary exposure; and

WHEREAS: Tioga County Public Health offers free radon testing for Tioga County residents through the Healthy Neighborhoods program. Appointments can be scheduled by calling 607-687-8600; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby Proclaim the month of January 2022 as:

NATIONAL RADON ACTION MONTH

and urges all residents to take steps to educate themselves, their families, and the community about the importance of radon testing.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of December 14, 2021, seconded by Legislator Hollenbeck and carried.

Chair Sauerbrey made the following appointment to the Cornell Cooperative Extension Board for a one-year term for 2022:

Legislator W. Jake Brown – 1/1/22-12/31/22

Chair Sauerbrey thanked Mr. Brown for his willingness to continue to serve.

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.

Chair Sauerbrey reported we have two very special appointments to the Board of Ethics; Clifford Balliet, Jr. and Jenny Ceccherelli.

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

REFERRED TO: LEGISLATIVE WORKSESSION
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 13-22 APPOINT MEMBER TO
BOARD OF ETHICS

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (B) – Ethics Board Membership states members who have served two full three-year terms may not be reappointed for at least one year after the expiration of their last term; and

WHEREAS: A vacancy exists on the Board of Ethics due to the prior term of Craig Jochum having expired on March 31, 2021; and

WHEREAS: Clifford Balliet Jr., a resident of Tioga County, NY has agreed to serve on the Board of Ethics for the currently vacant three-year term with an additional term being available thereafter subject to Legislative reappointment; therefore be it

RESOLVED: That Clifford Balliet Jr. be and hereby is appointed to the Board of Ethics for a retroactive term beginning April 1, 2021 through March 31, 2024.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 14-22 APPOINT MEMBER TO
BOARD OF ETHICS

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (A) excludes elected County Officials from serving on the Tioga County Board of Ethics and Section II, Subsection VI (B) allows members to serve for two full three-year terms; and

WHEREAS: The recent election of Ron Ciotoli to the position of County Legislator has created a vacancy on the Tioga Board of Ethics effective December 31, 2021; and

WHEREAS: Ron Ciotoli was appointed to continue an unexpired term which was set to expire on March 31, 2022; and

WHEREAS: Jenny Ceccherelli, a resident of Owego, NY has agreed to serve on the Board of Ethics and fill the unexpired term created by the resignation of Ron Ciotoli and continue with a new three-year term effective April 1, 2022 through March 31, 2025 with an additional term being available thereafter subject to Legislative reappointment; therefore be it

RESOLVED: That Jenny Ceccherelli be and hereby is appointed to the Board of Ethics to serve the remainder of an unexpired term retroactive to January 1, 2022 through March 31, 2022 and thereafter commence a new three-year term commencing April 1, 2022 through March 31, 2025.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

County Attorney DeWind spoke. "The Board of Ethics is fairly important and it is one of these things where every government being able to ensure that their County representatives and elected officials are doing the right thing and for the right reasons is fundamental to our democracy. If we have seen anything over the past year, it's how that can go awry and lose public confidence in what we are trying to accomplish."

County Attorney DeWind presented copies of the certified resolutions to Mr. Balliet and Ms. Ceccherelli.

Chair Sauerbrey thanked Mr. Balliet and Ms. Ceccherelli for serving.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 15-22 *RECOMMEND MEMBERS TO THE
SUSQUEHANNA HERITAGE AREA COMMISSION*

WHEREAS: Per Resolution 25-16, the Tioga County Legislature resolved that the Economic Development and Planning Committee recommend designees for the Municipal Representative and also the Advisory Board Member on the Susquehanna Heritage Area (SHA) Commission for the term of office of the County Legislative Chair who appoints said persons; and

WHEREAS: Currently Rebecca Maffei, Tioga County Tourism Director, and Abbey Ortu, Community Development Specialist of Economic Development and Planning, have been serving as the two (2) SHA Commission members; and

WHEREAS: Rebecca Maffei, Tioga County Tourism Director, and Abbey Ortu, Community Development Specialist of Economic Development and Planning, are willing to serve as the two (2) SHA Commission members; therefore be it

RESOLVED: That the Economic Development and Planning Committee recommend Rebecca Maffei, the Tioga County Tourism Director, continue to serve as the Municipal Representative and Abbey Ortu, Community Development Specialist, continue to serve as the Advisory Board member on the Susquehanna Heritage Area Commission for the term of office of the County Legislative Chair who appoints said person.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 16-22	<i>ERRONEOUS ASSESSMENT TOWN OF TIOGA</i>

WHEREAS: An application for corrected tax roll for the year 2022 indicates that parcel #104.00-2-43.42 account #1800 in the Town of Tioga assessed to State of New York Mortgage on the 2022 tax roll of the Town of Tioga is erroneous in that New York State Mortgage is exempt upon purchase; and

WHEREAS: New York State Mortgage purchased the parcel on November 8, 2021; therefore be it

RESOLVED: That tax bill 1810 in the Town of Tioga be null and void; and be it further

RESOLVED: That the erroneous county tax of \$ 963.70 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous town tax of \$355.96 be charged back to the Town of Tioga; and be it further

RESOLVED: That the erroneous FIRE TAX of \$109.47 be charged back to the Tioga Fire District.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 17-22 AUTHORIZATION FOR PRIMARY PRINT
ADVERTISING WITH THE OWEGO PENNYSAVER

WHEREAS: The Tioga County Veterans' Service Agency spends thousands of dollars on advertising each year in order to make the veteran population in Tioga County aware of our services, events, and hours of operation with a goal of reaching every veteran household in Tioga County; and

WHEREAS: The Owego Pennysaver has a distribution of 60,000 households each week that includes all of Tioga County and those in the immediate surrounding areas, many of whom seek assistance from our Agency as well; and

WHEREAS: The County Purchasing and Payment Policy requires a gathering of 3 verbal quotes for any cumulative purchase from any one vendor of \$500-\$1,499, and 3 written quotes for any cumulative purchase from any one vendor of \$1500-\$4,999, but the Legislature by resolution can waive aforementioned quote requirements, and being that we advertise extensively with them each month of the year; therefore be it

RESOLVED: That the Veterans' Service Agency be allowed to make monthly purchases from the Owego Pennysaver for Year 2022 without the need for the required quotes as the Agency's primary advertising provider, in that they reach all of our targeted households in Tioga County and its immediate surrounding area, which none of their other competitors can accomplish.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 18-22 *PURCHASING QUOTE EXEMPTION FOR THE USE OF LOCAL NEWSPAPERS, BILLBOARDS & RADIO ADVERTISING FOR TIOGA COUNTY DEPARTMENTS*

WHEREAS: Tioga County spends thousands of dollars on newspaper, billboard and radio advertising each year in order to make Tioga County residents aware of public announcements, services, events, department hours, etc.; and

WHEREAS: The County Purchasing and Payment Policy requires a gathering of three quotes for any cumulative purchase from any one vendor exceeding \$500.00; and

WHEREAS: Tioga County Departments utilize all local advertising agencies during the course of the year. The local agencies offer the best option for reaching out to Tioga County residents. Having all options available to departments will ease the purchasing process; and

WHEREAS: Section XIII of The County Purchasing and Payment Policy states that an exemption may be granted under any of the following circumstances, one including to be determined as sufficient justification by the Legislature; therefore be it

RESOLVED: That Tioga County Departments be allowed to advertise as needed with Local Newspaper, Billboard and Radio agencies without acquiring three quotes. Agencies include Park Outdoor Advertising of New York, Owego Pennysaver, Morning Times, Tioga County Courier, Press & Sun-Bulletin (Gannett CNY Newspapers) and Radigan Broadcasting Group.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 19-22 *RESOLUTION TO ENTER CONSULTANT CONTRACT
FOR MUNICIPAL SOLAR PROJECTS BEST
PRACTICES AND POLICIES*

WHEREAS: The Sustainability Manager and Planning Director submitted a Request for Proposal (RFP) for the development of Municipal Solar Development Best Practices and Policies; and

WHEREAS: Three firms responded to the RFP with scope of services and associated costs; and

WHEREAS: The Sustainability Manager and Planning Director created a committee to rank the submissions and this committee consisting of Sustainability Manager, Planning Director, Economic Development & Planning Director, Tioga County IDA Executive Administrator, and IDA Board member ranked MRB Group's proposal as the best; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the Sustainability Manager to enter into a contract with MRB Group to perform Municipal Solar Projects Practices and Policies not to exceed \$31,500 from Solid Waste Appropriation account A8160 540140, and authorizes the Tioga County Legislative Chair to sign all related contract paperwork, contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 20-22 *RESOLUTION TO APPROVE A SOLE SOURCE CONTRACT AND MAINTENANCE AGREEMENT BETWEEN THE TIOGA COUNTY PROBATION DEPARTMENT AND AUTOMON LLC TO PROVIDE SOFTWARE AND MAINTENANCE OF THE CASELOAD EXPLORER PRODUCT*

WHEREAS: The Tioga County Legislature has approved contracts between Tioga County Probation Department and AutoMon, LLC since 2008; and

WHEREAS: AutoMon, LLC has changed their contract status with New York State, therefore the Tioga County Legislature is approving that the Probation Department can contract with AutoMon, LLC as a sole source provider of Caseload Explorer, a software program that meets the qualifications of 9 NYCRR 345, which mandates Probation Departments to use a software program that automatically sends Presentence Investigation completed in the software program to the DCJS PSI Repository in Albany, NY. Caseload Explorer software is the only software in New York State that meets this criteria; and

WHEREAS: AutoMon, LLC has submitted their yearly Maintenance Agreement to Tioga County Probation which consists of the base charge of \$5,046.04, plus a fee of \$247.11 per user. Probation has 17 registered users of the software, so the total cost for basic software maintenance for 2022 is \$9,246.91; therefore be it

RESOLVED: That the Probation Director is approved to contract with AutoMon, LLC as a sole source provider for software and maintenance costs in 2022 for Caseload Explorer and Ce Assessments in the amount of \$9,246.91.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 21-22 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE
ON NY TIOGA III, LLC PAYMENT IN LIEU OF
TAX AGREEMENT*

WHEREAS: NY Tioga III, LLC has submitted a Notice of Intent to the Town of Tioga that it plans to build and operate a "Solar Energy System" with an expected total capacity of approximately 5.0 Megawatts AC; and

WHEREAS: The project location is situated at 3167 State Route 17C, tax map #137.00-3-17, Town of Tioga, County of Tioga, State of New York; and

WHEREAS: The Taxing Jurisdiction is defined as the Town of Tioga, the Tioga Central School District and The County of Tioga; and

WHEREAS: The Taxing Jurisdiction has not opted out of Real Property Tax Law (RPTL) Section 487; and

WHEREAS: The Taxing Jurisdiction has indicated its intent to require Payment in Lieu of Taxes (PILOT) Agreements with NY Tioga III, LLC; and

WHEREAS: Pursuant to RPTL 487, the Taxing Jurisdiction has agreed to place the project as exempt upon the assessment rolls of the Taxing Jurisdiction; and

WHEREAS: NY Tioga III, LLC has agreed to make annual lump sum payments to the Taxing Jurisdiction in lieu of real property taxes for a period of fifteen (15) consecutive fiscal tax years; and

WHEREAS: Such fifteen (15) year term shall commence on the first taxable status date selected by NY Tioga III, LLC following the commencement of the construction of the project, and shall end by the fifteenth fiscal year following; and

WHEREAS: The first annual payment shall be in the aggregate amount of \$4,000 per built out Megawatt AC of capacity, and thereafter annual payments shall escalate by one and one half (1.5 %) percent per year; and

WHEREAS: The annual payments for the Taxing Jurisdiction shall be made payable to the Town of Tioga and mailed to the Town of Tioga and are due no later than January 15th of each year; and

WHEREAS: The Town of Tioga shall be responsible for distributing the annual payments to the Tioga Central School District and the County of Tioga; and

WHEREAS: The Taxing Jurisdictions have agreed that the said payments shall be disbursed to the Town of Tioga, Tioga Central School District and County of Tioga in equal portions; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Payment in Lieu of Tax Agreement between NY Tioga III, LLC, and the Town of Tioga, Tioga Central School District and Tioga County.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 22-22

*AUTHORIZE THE SUBMISSION OF STATEWIDE
INTEROPERABLE COMMUNICATIONS FORMULA
GRANT (SICG 21) APPLICATION 2021
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Office of Homeland Security and Emergency Services has issued a Statewide Interoperable Communications Formula Grant 2021. The grant will be used for upgrading the radio communications in the county and there is no local share associated with said grant; and

WHEREAS: County Policy #47 requires that permission be obtained prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be authorized to submit the Statewide Interoperable Communications Formula Grant application 2021.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 23-22 *AMEND RESOLUTION # 291-19*
AUTHORIZE AMENDED AGREEMENT
WITH MOTOROLA SOLUTIONS
CHANGE ORDER #2
EMERGENCY MANAGEMENT

WHEREAS: Resolution #291-19 authorized the Director of Emergency Services to enter into an agreement with Motorola Solutions for a P25 Phase 1 Digital Simulcast Trunked Radio System at an amount not to exceed \$9,620,000; and

WHEREAS: With the progression of the radio project it was recommended that we add additional tower sites, equipment and convert to a P25 Phase 2 Digital Simulcast Trunked Radio System as it has been determined that this would provide more ample radio coverage; and

WHEREAS: The additional cost would not exceed \$3,100,000; therefore be it

RESOLVED: That the County Legislature hereby authorizes an agreement with Motorola Solutions, 500 West Monroe Street, 44th Floor, Chicago, IL 60661 for a P25

Phase 2 Digital Simulcast Trunked Radio System for the Office of Emergency Services for a period of December 20, 2019 through December 20, 2024; and be it further

RESOLVED: That the County will utilize available grant funding as the initial payment under the terms and conditions of the contract and will continue to seek and use grant funding for the project at which time the County may bond or lease for the balance of the project cost. In the event that the County does not receive the anticipated grant funding for this project, or the remaining funds are not locally appropriated, the contract may be terminated without further obligation and any balance applied toward other equipment at the County's option; and be it further

RESOLVED: That the Chairwoman of the Legislature is authorized to execute any such agreements, documents, or papers, approved as to form by the County Attorney, as may be necessary to implement the intent and purpose of this resolution.

Chair Sauerbrey spoke. "This is a change order to an agreement that the Legislature made in 2019 with Motorola for our interoperable communications project."

Legislator Roberts spoke. "I will be abstaining, as I am new and I do not have enough information."

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, and Mullen.

Abstention – Legislator Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 24-22 *AWARD DESIGN SERVICES TO
DELTA ENGINEERS FOR HVAC
CONTROLS AT HHS*

WHEREAS: Tioga County has budgeted for replacement of the HVAC controls at the HHS Building; and

WHEREAS: The Commissioner of Public Works received a proposal for design services for this project from Delta Engineers, Endwell, NY; and

WHEREAS: The proposal for the design phase of the project is \$66,000.00; therefore be it

RESOLVED: That the Tioga County Legislature approve the proposal for design services of the HVAC Controls Replacement at the HHS Building for Delta Engineers not to exceed \$66,000.00 to be paid out of the following account:

H1621.520926 HVAC Control System

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 25-22 *AWARD DESIGN SERVICES TO DELTA ENGINEERS
FOR CHILLER REPLACEMENT AT PSB*

WHEREAS: Tioga County has budgeted for the replacement of the chiller at the Public Safety Building; and

WHEREAS: The Commissioner of Public Works received a proposal for design services for this project from Delta Engineers, Endwell, NY; and

WHEREAS: The Tioga County Legislature has granted the utilization of American Recovery Plan Act (ARPA) Funds in total of \$400,000.00 to cover the upgrade of the chiller system for the Public Safety Building under the ARPA Provision of Governmental Services; and

WHEREAS: The proposal for the design phase of the project is \$75,000.00; therefore be it

RESOLVED: That the Tioga County Legislature approve the proposal for design services of the Chiller Replacement at PSB for Delta Engineers not to exceed \$75,000.00 to be paid out of the following account:

H1620 520926 M7674 ARPA HVAC Control System

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standingr, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 26-22 *RE-ESTABLISH PRIOR YEAR 2021
UNSPENT FUNDS FOR 2022 BUDGET
SOCIAL SERVICES*

WHEREAS: NYS has not billed the Department of Social Services for the local share of Secure Detention Services for 2015 through 2020; and

WHEREAS: The Department of Social Services has estimated the amount of unbilled services to be \$191,228; and

WHEREAS: Re-establishment of prior year funds requires Legislative approval; therefore be it

RESOLVED: That the following account and amount are re-established and the 2022 budget is amended.

A6010.540487 JD Program Expense	\$ 191,228.00
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ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE FINANCE COMMITTEE
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RESOLUTION NO. 27-22	<i>RE-ESTABLISH PRIOR YEAR 2021 CAPITAL EQUIPMENT FUNDS AMEND 2022 BUDGET SOCIAL SERVICES</i>
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WHEREAS: Tioga County Social Services ordered 4 vehicles utilizing 2021 budgeted monies. Due to COVID production delays, the vehicles will not be received prior to the closing of the budget year 2021; and

WHEREAS: 2021 Capital Equipment funds and related revenues need to be re-established and the 2022 budget increased accordingly; therefore be it

RESOLVED: That Capital Equipment Cars/Truck account H6010 521060 be re-established with 2021 money in the amount of \$73,461.72 and the 2022 budget be increased accordingly.

H6010 521060	Cars/Truck	\$73,461.72
H6010 436100	State Aid-Social Services Admin	\$14,692.34
H6010 446100	Federal Aid-Social Services-Admin	\$36,730.86

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE
	FINANCE COMMITTEE

RESOLUTION NO. 28-22	<i>TRANSFER OF FUNDS</i>
	<i>2021 BUDGET MODIFICATION</i>
	<i>MENTAL HYGIENE</i>

WHEREAS: Tioga County is required to pay the full costs for the treatment of Tioga County residents that have been assigned Criminal Psychiatric services by the NYS Court system; and

WHEREAS: Tioga County Mental Hygiene (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 within its own budget, yet this will require a budget modification and transfer of funds; and

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

RESOLVED: That the Mental Hygiene 2021 budget be modified and funds be transferred as follows:

From: A4210 510010 Full Time	\$ 21,814.70
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	A4310 540130 Contracts	\$100,000.00
To:	A4390 540590 Criminal Psychiatric: Services Rendered	\$121,814.70

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	ADMINISTRATIVE SERVICES COMMITTEE
	FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 29-22	<i>TRANSFER OF FUNDS</i>
	<i>2021 BUDGET MODIFICATION</i>
	<i>VETERANS' SERVICE AGENCY</i>

WHEREAS: The Veterans' Service Agency was in need of a new coffee machine and accessories used for outreach with Veterans in our office to replace the previous donated one; and

WHEREAS: Tioga County purchasing guidelines prohibit the purchasing of coffee machines and accessories with County funds, the Veterans' Service Agency shall be utilizing funds as allowed by Veterans' Outreach Grant Funding to pay for the machine; and

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

RESOLVED: That Veterans' Service Agency budget be modified and the following sums be transferred from within the Veterans' Service Agency budget to cover the costs of said office furnishings.

From: A6510 540640 Supplies (Not Office)	\$253.36
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To: A6510 520130 Equipment (Not Car)	\$253.36
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ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 30-22 *MODIFY 2021 BUDGET*
PROJECT LIFESAVER
SHERIFF'S OFFICE

WHEREAS: The Tioga County Sheriff's Office has received donations for the recently implemented Project Lifesaver Program; and

WHEREAS: An expenditure and revenue account needs to be established for said donations that will be used to purchase supplies related to this program; and

WHEREAS: Legislative approval is needed to modify the budget; therefore be it

RESOLVED: That the following expenditure and revenue accounts be established and the year-end balances be carried forward to the next year.

A3110.540640.PLS01 Supplies (not office)	\$750.00
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A3110.427050.PLS01 Gifts & Donations	\$750.00
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ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 31-22 ABOLISH AND CREATE POSITION
AMEND 2022 BUDGET
MENTAL HYGIENE

WHEREAS: Legislative approval is required to abolish and create any position within a Tioga County department or office; and

WHEREAS: After discussing with the Personnel Officer, the Director of Community Services has determined she can better address staffing needs and workload by abolishing a recently vacated position in order to create a full-time Supervising Clinical Social Worker position; therefore be it

RESOLVED: That one (1) vacant, full-time Clinical Social Worker position (\$60,296 CSEA SG XVI) shall be abolished effective January 12, 2022; and be it further

RESOLVED: That one (1) full-time Supervising Clinical Social Worker position (\$65,625 CSEA SG XVIII) shall be created effective January 12, 2022; and be it further

RESOLVED: That funding be appropriated as follows:

From: A4310 416200	Mental Health Fees	\$ 6,773.16
To: A4310 510010	Full Time Salary	\$ 5,153.80
A4310 581088	State Retirement Fringe	\$ 270.11
A4310 583088	Social Security Fringe	\$ 230.52
A4310 584088	Workers Compensation Fringe	\$ 72.98
A4310 585588	Disability Insurance Fringe	\$ 5.23
A4310 586088	Health Insurance Fringe	\$ 1,039.77
A4310 588988	Eap Fringe	\$ 0.75

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

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. 32-22 APPOINTMENT OF
ADMINISTRATIVE CORONER

WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2022; and

WHEREAS: Such Administrative Coroner will perform the supervisory duties of managing their budget, paying the bills, and various office functions of the Coroner's office; and

WHEREAS: The Administrative Coroner will have no supervisory authority over the other Coroners; therefore be it

RESOLVED: That W. Stewart Bennett, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2022 and be given a stipend of \$5,000 as set forth in the County budget.

Legislator Standinger spoke. "We are very fortunate to have Stew Bennett as a Coroner let alone an Administrative Coroner. He is very thorough in his investigations of unattended deaths. It's a good thing that he is there and keeping track of everything. I appreciate his diligence."

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 33-22 *AUTHORIZE APPOINTMENT OF
 EDUCATION WORKFORCE COORDINATOR
 IN THE ECONOMIC DEVELOPMENT &
 PLANNING DEPARTMENT*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: Resolution 263-21 authorized the creation of a full-time Education Workforce Coordinator position; and

WHEREAS: The Director of Economic Development & Planning has conducted a recruitment search and has identified a candidate, which Personnel has found to be qualified; therefore be it

RESOLVED: That the Director of Economic Development & Planning is hereby authorized to appoint Sean Lanning to the position of Education Workforce Coordinator at an annual salary of \$44,720 effective on January 31, 2022, in accordance with payroll processing standards; and be it further

RESOLVED: That said appointment shall be provisional pending the outcome of a civil service examination.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 PERSONNEL COMMITTEE
 LEGISLATIVE WORKSESSION

RESOLUTION NO. 34-22 2022 STAFF CHANGES
 DEPARTMENT OF SOCIAL SERVICES

WHEREAS: The Commissioner of Social Services requested staffing changes as part of the 2022 Budget process; and

WHEREAS: These requests were approved by the County Legislature; therefore be it

RESOLVED: That the following staffing changes be effective retroactive to January 1, 2022:

<u>Name</u>	<u>Current Title/ Salary</u>	<u>New Title/ Salary</u>	<u>Budget Impact</u>
Create		Case Supervisor, Grade B (CSEA Grade 14)	+ \$53,384
Create		Principal Social Welfare Examiner (CSEA Grade 10)	+ \$44,246
Create		Social Welfare Examiner (CSEA Grade 6)	+ \$33,416
Abolish	Accounting Associate I (Vacant) (CSEA Grade 4)		- \$28,352

and be it further:

RESOLVED: That the Department of Social Services authorized full-time headcount is increased from 86 to 88.

Legislator Standinger spoke. "One thing about the Department of Social Services is they are always examining their staffing and tailoring it to the needs of the community. That is the purpose of this resolution."

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Monell, Mullen, and Roberts.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	LEGISLATIVE WORKSESSION PERSONNEL COMMITTEE
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RESOLUTION NO. 35-22	<i>CHANGE REFERENCE TO "NON-UNION" EMPLOYEE GROUP TO "MANAGEMENT/CONFIDENTIAL"</i>
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WHEREAS: The group of salaried employees who are not represented by any labor union have traditionally been referred to as "Non-Union"; and

WHEREAS: Recently it was suggested that use of such label may be misconstrued as the County favoring either union or non-union employees; and

WHEREAS: Tioga County Legislature wishes to clarify no such intent was behind the label and in order to avoid any misinterpretation, will change the label; therefore be it

RESOLVED: That effective immediately, any and all policies, forms, procedures, etcetera which reference the "Non-Union" employee group shall be revised to instead reference "Management/Confidential", and be it further

RESOLVED: That the aforementioned policies, procedures shall include in part the Non-Union Vacation Policy, Non-Union Benefits Policy, Non-Union Evaluation Forms (PT & FT), Non-Union Salary Committee, Non-Union Vacation Sell-Back Notice, plus any other references not included listed here.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Brown, Ciotoli, Hollenbeck, Mullen, and Roberts.

No – Legislator Monell.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Chair Sauerbrey spoke. “Following this meeting, we will have our two new Board of Ethics members sworn-in by Legislative Clerk Haskell.”

The meeting was adjourned at 12:23 P.M.

Third Special Meeting
January 20, 2022

The Third Special Meeting of 2022 was held on January 20, 2022 and was called to order by the Chair at 10:01 a.m. Legislators Brown, Ciotoli, Hollenbeck, Monell, Roberts, Sauerbrey, and Weston were present with Legislators Mullen and Standinger being absent.

Chair Sauerbrey asked Legislator Weston to have a moment of prayer.

"Lord, please help all the people of the world to overcome the problems they feel are insurmountable. Sometimes it feels like you are the only one that can do it, but we would ask your help for those people who are trying to."

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

There were six people in attendance.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 36-22 ADOPT LOCAL LAW NO. 1 OF 2022

WHEREAS: A public hearing was held on January 11, 2022, following due notice thereof to consider the adoption of Local Law Introductory No. A of the Year 2022 A Local Law of the Tioga County Legislature of the County of Tioga, imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 1 of 2022; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted:

County of Tioga

Local Law No. 1 of the Year 2022.

A Local Law of the Tioga County Legislature of the County of Tioga, imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337.

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

SECTION 1: PURPOSE

A Local Law amending Local Law No. 3 of 2017 and Local Law No. 1 of 1991 to authorize the County of Tioga to impose an additional surcharge of One Dollar (\$1.00) to the current surcharges which are applied to both wireless and traditional telephone services for a period of ten years.

The charge applied for prepaid and monthly wireless devices is increased from Thirty Cents (\$0.30) to One Dollar and Thirty Cents (\$1.30). The charge for traditional phone service through telephone service providers and Voice Over IP services is increased from Thirty Five Cents (\$0.35) to One Dollar and Thirty Five Cents (\$1.35). This law provides for these fees to return to their prior level after this law's expiration.

SECTION 2: WIRELESS SURCHARGES

Local Law No. 3 of 2017 is amended by adding a new Section 7 to read as follows:

SECTION 7: Imposition of additional wireless surcharges

(a) Pursuant to the authority of Tax Law § 186-g, in addition to the wireless communications surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid additional surcharges within the territorial limits of the County of Tioga on (i) wireless communications service provided to a wireless communications customer with a place of primary use within the County of Tioga, at the rate of One Dollar (\$1.00) per month on each wireless communications device in service during any part of the month. The sum of both surcharges shall be One Dollar and Thirty Five Cents (\$1.35) with the addition of the surcharge referenced herein; and (ii) retail sales of prepaid wireless communication service sold within the County of Tioga, at the rate of one dollar (\$1.00) per retail sale, whether or not any tangible personal property is sold therewith. The sum of both surcharges shall be One Dollar and Thirty Five Cents (\$1.35) with the addition of the surcharged referenced herein.

(b) Such additional surcharges shall be identical to the surcharges imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed

by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the wireless communication service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The wireless communication surcharge imposed must be reflected and made payable on bills rendered to the wireless communications customer for wireless communications service.

(e) Wireless communications service suppliers shall begin to add such surcharge to the billing of its customers and prepaid communications sellers shall begin to collect such surcharge from its customers commencing April 1, 2022.

(f) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent (3%) of its collections of the surcharges imposed by this local law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before the due date for that return and that payment.

SECTION 3: LOCAL SURCHARGE FOR ENHANCED EMERGENCY TELEPHONE SYSTEM

Local Law No. 1 of 1991 is amended by adding a new Section 11 to read as follows:

SECTION 11: Imposition of additional surcharges for an Enhanced Emergency Phone System

(a) Pursuant to the authority of County Law § 337, in addition to the surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid an additional surcharge of One Dollar (\$1.00) per access line per month on the customers of every service supplier within Tioga County to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system (E911) to serve Tioga. The sum of both surcharges shall be One Dollar and Thirty Cents (\$1.30) with the addition of the surcharges referenced herein.

(b) This additional surcharge shall be identical to the surcharge imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The E911 surcharge imposed must be reflected and made payable on bills rendered to the customer.

(e) Service suppliers shall begin to add such surcharge to the billing of its customers and shall begin to collect such surcharge commencing April 1, 2022.

(f) The Definition of Service Supplier provided in Section 1 (a) is hereby amended to reference the definition provided by New York County Law § 301 and will read as follows (a) "Service supplier" means (i) a telephone corporation which provides local exchange access service within a 911 service area, or (ii) a provider of "voice over internet protocol service" or "VOIP service" that provides such service within a 911 service area.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect April 1, 2022 and shall expire and be deemed repealed April 1, 2032.

Chair Sauerbrey spoke. "As a reminder, this is a project that we have been working on for three years for additional surcharges on landlines and cell phones for income that would be used for the 911 operations.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Roberts, and Sauerbrey.

No – None.

Absent – Legislators Mullen and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 37-22 ADOPT LOCAL LAW NO. 2 OF 2022

WHEREAS: A public hearing was held on January 11, 2022, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2022 A Local Law Reapportioning the Tioga County Legislature; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 2 of 2022; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted:

County of Tioga County

Local Law No. 2 of the Year 2022

A Local Law Reapportioning the Tioga County Legislature.

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

SECTION 1: Effective: **January 20, 2022** the Tioga County Legislature shall consist of nine members elected from seven Legislative Districts as follows:

DISTRICT 1: That portion of the Town of Owego on the north side of the Susquehanna River bounded and described as follows:

Beginning at the northeast corner of the Town of Owego; thence in a southerly direction along the boundary line between the Town of Owego and the County of Broome to a point in the center line of the Susquehanna River; thence in a westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the easterly boundary of the Village of Owego; thence in a northerly direction along the easterly boundary of the Village of Owego to a point, said point being the intersection of the easterly boundary line of the Village of Owego and the center line of East Front Street; thence in an easterly direction along the center line of East Front Street to a point, said point being the intersection of the center line of East Front Street and the center line of Davis Hill Road; thence in a northerly direction along the center line of Davis Hill Road and Lisle Road to a point, said point being the intersection of the center line of Lisle Road and the center line of Welch Road; thence in a northerly direction along the center line of Welch Road to a point, said point being the intersection of the center line of Welch Road and the center line of Patton Road; thence in an easterly direction along the center line of Patton Road to a point, said point being the intersection of the center line

of Patton Road and Lisle Road; thence in a northerly direction along the center line of Lisle Road to a point, said point being the intersection where the northern boundary line of the parcel with tax map 107.00-2-6 meets the center line of Lisle Road; thence in a westerly direction along the northerly boundaries of the parcel with tax map numbers 107.00-2-6 and 107.00-2-5 to a point, said point being the intersection of the northwestern corner of the parcel with tax map number 107.00-2-5 and the eastern property line of the parcel with tax map number 107.00-2-4.11; thence in a northerly direction along the eastern edge of the parcels with tax map number 107.00-2-4.11 and 96.00-2-27.312 to a point, said point being the intersection of the eastern edge of the parcel with tax map number 96.00-2-27.312 and the center line of a power transmission line right of way; thence in a westerly direction along the center line of the power transmission line to a point, said point being the intersection of the center line of the power transmission line right of way and the center line of East Beecher Hill Road; thence in a northerly and northeasterly direction along the center line of East Beecher Hill Road to a point, said point being the intersection of the center line of East Beecher Hill Road and the center line of Gaskill Road; thence in a northwesterly direction along the center line of Gaskill Road to a point, said point being the intersection of the center line of Gaskill Road and the center line of NYS Route 38; thence in a westerly direction along the center line of NYS Route 38 to a point, said point being the intersection of the center line of NYS Route 38 and the center line of Sunnyfield Drive; thence in a northerly direction along the center line of Sunnyfield Drive to a point, said point being the intersection of the center line of Sunnyfield Drive and the Owego & Harford railway tracks; thence in an easterly direction along the center line of the Owego & Harford railway tracks to a point, said point being the intersection of the center line of the Owego & Harford railway tracks and the northerly boundary of the Town of Owego; thence in an easterly direction along the northerly boundary of the Town of Owego to the northeast corner of the Town of Owego, the point or place of beginning.

POPULATION: 5,100

REPRESENTATIVES: ONE

DISTRICT 2: That portion of the Town of Owego on the north side of the Susquehanna River, and the Village of Owego bounded and described as follows:

Beginning at the southwest corner of the Village of Owego; thence in a northerly direction along the westerly boundary of the Village of Owego and the center line of the Owego Creek to a point, said point being the northwest corner of the Town of Owego; thence in an easterly direction along the northerly boundary of the Town of Owego to a point, said point being the intersection of the northerly boundary of the Town of Owego and the center line of the Owego & Harford Railway tracks; thence in a southwesterly direction along the center line of the Owego & Harford Railway tracks to a point, said point being the intersection of the center line of the Owego & Harford Railway tracks and the center line of

Sunnyfield Drive, thence in a southward direction to a point, said point being the intersection of the center line of NYS Route 38 and the center line of Sunnyfield Drive; thence in an easterly direction along the center line of NYS Route 38 to a point, said point being the intersection of the center line of NYS Route 38 and the center line of Gaskill Road; thence in a south easterly direction along the center line of Gaskill Road to a point, said point being the intersection of the center line of Gaskill Road and the center line of East Beecher Hill Road; thence in a southwesterly direction along the center line of East Beecher Hill Road to a point, said point being the intersection of the center line of East Beecher Hill Road and the center line of the power transmission line right of way; thence in an easterly direction along the center of the power transmission line right of way to a point, said point being the intersection of the power transmission line right of way and the eastern edge of the parcel with tax map number 96.00-2-27.312; thence in a southerly direction along the eastern edge of the parcels with tax map number 96.00-2-27.312 and 107.00-2-4.11 to a point, said point being the intersection of the northwestern corner of the parcel with tax map number 107.00-2-5 and the eastern property line of the parcel with tax map number 107.00-2-4.11; thence in an easterly direction along the northerly boundaries of the parcel with tax map numbers 107.00-2-6 and 107.00-2-5 to a point, said point being the intersection where the northern boundary line of the parcel with tax map 107.00-2-6 meets the center line of Lisle Road; thence in a southerly direction along the center line of Lisle Road and Davis Hill Road, to a point, said point being the intersection of the center line of Davis Hill Road and the center line of East Front Street (said boundary also being the westerly boundary of Legislative District No. 1); thence in a westerly direction along the center line of East Front Street to a point, said point being the intersection of the center line of East Front Street and the easterly boundary of the Village of Owego; thence in a southerly direction along the easterly boundary of the Village of Owego to a point, said point being the intersection of the center line of the Susquehanna River and the eastern boundary of the Village of Owego; thence in an easterly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the center line of the NYS Route 434 Connector; thence in a southward direction to a point, said point being the intersection of the center line of the NYS Route 434 Connector and NYS Route 434; thence in an easterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Degroat Road; thence in a southeasterly direction along the center line of Degroat Road to a point, said point being the intersection of the center line of Degroat Road and NYS Route 434; thence in an easterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Holmes Road; thence southward along the center line of Holmes Road to a point, said point being the intersection of the center line of Holmes Road and the Montrose Turnpike; thence in a northerly direction along the center line of Montrose Turnpike to a point, said

point being the intersection of the center line of Montrose Turnpike and the southern boundary line of the Village of Owego; thence in a southwesterly direction along the southerly boundary of the Village of Owego to the point or place of beginning.

POPULATION: 5,358

REPRESENTATIVES: ONE

DISTRICT 3: That portion of the Town of Owego on the south side of the Susquehanna River bounded and described as follows:

Beginning at a point on the easterly boundary of the Town of Owego, said point being the intersection of the easterly boundary of the Town of Owego and the center line of the Susquehanna River; thence in a southerly direction along the easterly boundary of the Town of Owego and the westerly boundary of Broome County to a point, said point being the southeast corner of the Town of Owego; thence in a westerly direction along the southerly boundary of the Town of Owego and the Pennsylvania Border to a point, said point being the intersection of the southerly boundary of the Town of Owego and the center line of Fox Road; thence in a northerly direction along the center line of Fox Road to a point, said point being the intersection of the center line of Fox Road and the center line of Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of the Deerlick Creek; thence in a westerly direction along the center line of the Deerlick Creek to a point, said point being the intersection of the center line of Deerlick Creek and the outlet of a drainage swale with the coordinates 42.0523304 latitude and -76.1726567 longitude; thence in a northerly direction along said drainage swale to a point, said point being the intersection of 42.0543981 latitude and -76.1728660 longitude; thence in a northerly direction to a point, said point being 42.0546900 latitude and -76.1727897 longitude at the intersection of center line of Beach Road; thence in an easterly direction along the center line of Beach Road to a point, said point being the intersection of the center line of Beach Road and the center line of Clover Road; thence in a north and easterly direction along the center line of Clover Road to a point, said point being the intersection of the center line of Clover Road and Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of New Street; thence in a northerly direction along the center line of New Street to a point, said point being the intersection of the center line of New Street and the center line of West Main Street; thence in a westerly and northerly direction along the center line of West Main Street to a point, said point being the intersection of the center line of West Main Street and the center line of Watkins Avenue; thence in a westerly direction along said center line of Watkins Avenue to a point, said point being the intersection of the center line of Watkins Avenue and the center line of Holmes Avenue; thence northerly along said center line of Holmes Avenue to a point, said

point being the intersection of the center line of Holmes Avenue and the center line of Hilton Road; thence easterly along the center line of Hilton Road to a point, said point being the intersection of the center line of Hilton Road and the center line of NYS Route 434; thence in a northerly direction to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Marshland Road Extension; thence in a northerly direction along the center line of Marshland Road Extension to a point, said point being the intersection of the center line of Marshland Road Extension and the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway); thence in a southeasterly direction along the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) to a point, said point being the intersection of the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) and the center line of the Apalachin Creek; thence in an easterly direction along the center line of the Apalachin Creek to a point, said point being the intersection of the center line of the Apalachin Creek as extended and the center line of the Susquehanna River; thence in an easterly direction along the center line of the Susquehanna River to the point or place of beginning.

POPULATION: 5,060

REPRESENTATIVES: ONE

DISTRICT 4: That portion of the Town of Owego on the south side of the Susquehanna River, that portion of the Town of Barton along its eastern border and the Towns of Barton and Tioga, bounded and described as follows:

(A) That portion of the Town of Owego on the south side of the Susquehanna River bounded and described as follows:

Beginning at a point, said point being the intersection of the southerly boundary of the Town of Owego (on the Pennsylvania Border) and the center line of Fox Road; thence in a northerly direction along the center line of Fox Road to a point, said point being the intersection of the center line of Fox Road and the center line of Pennsylvania Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of Deerlick Creek; thence in a westerly direction along the center line of Deerlick Creek to a point, said point being the intersection of the center line of Deerlick Creek and the outlet of a drainage swale with the coordinates 42.0523304 degrees latitude and -76.1726567 degrees longitude; thence in a northerly direction along said drainage swale to a point, said point being the intersection of 42.0543981 degrees latitude and -76.1728660 degrees longitude; thence in a northerly direction to a point, said point being 42.0546900 degrees latitude and -76.1727897 degrees longitude at the intersection of center line of Beach Road; thence in an easterly direction along the center line of Beach Road to a point, said point being the intersection of the center line of Beach Road and the center line of Clover Road; thence in a north and easterly direction along the center line of Clover Road to a point, said point being the intersection of the center line of Clover Road and Pennsylvania

Avenue; thence in a northerly direction along the center line of Pennsylvania Avenue to a point, said point being the intersection of the center line of Pennsylvania Avenue and the center line of New Street; thence in a northerly direction along the center line of New Street to a point, said point being the intersection of the center line of New Street and the center line of West Main Street; thence in a westerly and northerly direction along the center line of West Main Street to a point, said point being the intersection of the center line of West Main Street and the center line of Watkins Avenue; thence in a westerly direction along the center line of Watkins Avenue to a point, said point being the intersection of the center line of Watkins Avenue and the center line of Holmes Avenue; thence northerly along the center line of Holmes Avenue to a point, said point being the intersection of the center line of Holmes Avenue and the center line of Hilton Road; thence easterly along said center line of Hilton Road to a point, said point being the intersection of the center line of Hilton Road and the center line of NYS Route 434; thence in a northerly direction to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Marshland Road Extension; thence in a northerly direction along the center line of Marshland Road Extension to a point, said point being the intersection of the center line of Marshland Road Extension and the center of the westbound lane of NYS Route 17 (Southern Tier Expressway); thence in a southeasterly direction along the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) to a point, said point being the intersection of the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) and the center line of the Apalachin Creek; thence in an easterly direction along the center line of the Apalachin Creek as extended to a point, said point being the intersection of the center line of the Apalachin Creek as extended and the center line of the Susquehanna River; thence in a northerly and westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the center line of NYS Route 434 Connector; thence in a southward direction to a point, said point being the intersection of the center line of the NYS Route 434 Connector and NYS Route 434; thence in an easterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Degroat Road; thence in a southeasterly direction along the center line of Degroat Road to a point, said point being the intersection of the center line of Degroat Road and NYS Route 434; thence in an easterly direction along the center line of NYS Route 434 to a point, said point being the intersection of the center line of NYS Route 434 and the center line of Holmes Road; thence southward along the center line of Holmes Road to a point, said point being the intersection of the center line of Holmes Road and Montrose Turnpike; thence in a northerly direction along the center line of Montrose Turnpike to a point, said point being the intersection of the center line of Montrose Turnpike and the southern boundary line of the Village of Owego; thence in a southwesterly direction along the southerly boundary of the Village of Owego to a point, said

point being the southwest corner of the Village of Owego; thence in a northerly direction along the westerly boundary of the Village of Owego to a point, said point being the intersection of the westerly boundary of the Village of Owego and the center line of the Susquehanna River; thence in a westerly direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the westerly boundary of the Town of Owego; thence in a southerly direction along the westerly boundary of the Town of Owego to a point on the Pennsylvania Border, said point being the southwest corner of the Town of Owego; thence in an easterly direction and along the southerly boundary of the Town of Owego and the Pennsylvania Border to a point, said point being the intersection of the southerly boundary of the Town of Owego (and the Pennsylvania Border) and the center line of Fox Road, the point or place of beginning.

(B) All of the Town of Nichols.

(C) All of the Town of Tioga.

(D) That portion of the Town of Barton bounded and described as follows:

Beginning at a point, said point being the south eastern corner of the Town of Barton and the center line of the Susquehanna River; thence in a westerly and southward direction along the center line of the Susquehanna River to a point, said point being the intersection of the center line of the Susquehanna River and the Southern Tier Expressway; thence in a westerly direction along the center line of the Southern Tier Expressway to a point, said point being the intersection of the center line of the westbound lane of NYS Route 17 (Southern Tier Expressway) and the center line of Ellis Creek; thence in a northerly direction along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek and the center line of NYS Route 17c; thence in an easterly direction along the center line of NYS Route 17c to a point, said point being the intersection of the center line of NYS Route 17c and the center line of Ellis Creek Road; thence in a northerly direction along the center line of Ellis Creek Road to a point, said point being the intersection of the center line of Ellis Creek Road and the center line of Ellis Creek; thence in a northerly direction along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek at 42.0463350 degrees latitude and -76.4832091 degrees longitude; thence in a westerly direction along a tree line to the a point, said point being the center line or Ellis Creek Road at 42.0464611 degrees latitude and -76.3352553 degrees longitude; thence in a northerly direction along the center line of Ellis Creek Road to a point, said point being the intersection of the center line of Ellis Creek Road and Ellis Creek within the parcel with tax map number 134.00-1-32; thence northerly along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek and the center line of Ellis Creek Road along the boundary of the parcel with tax map number 134.00-1-8; thence in a northerly direction along the center line of Ellis Creek Road to a point, said point being the center line of Ellis Creek Road and the center line of Ellis Creek within the parcel with tax map number 123.00-4-8.2; thence in a northerly direction

along the center line of Ellis Creek to a point, said point being the intersection of the center line of Ellis Creek and the center line of Ellis Creek Road by the northeastern corner of the parcel with tax map number 123.00-4-6.12; thence in a northerly and northeasterly direction along the center line of Ellis Creek Road to a point, said point being the boundary line between the Town of Barton and Town of Tioga; thence in a southerly direction along the border between the Town of Barton and Town of Tioga to the point or place of beginning.

POPULATION: 10,086

REPRESENTATIVES: TWO, no more than one of whom shall reside in the same Town.

DISTRICT 5: That portion of the Town of Barton and the Village of Waverly bounded and described as follows:

(A) The Village of Waverly.

(B) That portion of the Town of Barton, bounded and described as follows:

Beginning at the southwest corner of the Town of Barton; thence in a northerly direction along the westerly boundary of the Town of Barton and the easterly boundary of the County of Chemung to a point, said point being the intersection of the westerly boundary of the Town of Barton and the center line of a power transmission line right of way located within the parcel with tax map number 155.00-1-51.1; thence in an eastward direction to a point, said point being the intersection of the center line of the power transmission line right of way and the center line Cayuta Creek; thence in a southerly direction along the center line of Cayuta Creek to a point, said point being the intersection of the center line of Cayuta Creek and the center line of NYS Route 34; thence in a northerly direction along the center line of NYS Route 34 to a point, said point being the intersection of the center line of NYS Route 34 and a power transmission right of way passing through the parcel with tax map number 156.00-1-30.1; thence in a southerly direction along the center line of the power transmission line right of way to a point, said point being the intersection of the center line of the power transmission line right of way and the center line of Levis Road; thence in a southerly direction to a point, said point being the intersection of the center line of Levis Road and the Center line of NYS Route 17c; thence in a westerly direction along the center line of NYS Route 17c to a point, said point being the intersection of the center line of State NYS Route 17c and the center line of Ellistown Road; thence in a southerly direction along the center line of Ellistown Road to a point, said point being the intersection of the center line of Ellistown Road and the center line of the Norfolk Southern Rail line; thence in a westerly direction along the center line of the Norfolk Southern Rail line to a point, said point being the intersection of the center line of the Norfolk Southern Rail line and the center line of Shepard Road; thence in a southerly direction along the center line of Shepard Road to a point, said point being the intersection of the center line of Shepard Road and the center line of the NYS Route 17 (Southern Tier Expressway); thence in an easterly direction along the center line of NYS Route 17 (Southern Tier Expressway) to a point, said point being the intersection of the center line of NYS Route 17 (Southern

Tier Expressway) and the westerly boundary of the Susquehanna River; thence in a southerly direction along the westerly boundary of the Susquehanna River to a point on the Pennsylvania Border; thence in a westerly direction along the southerly boundary of the Town of Barton and the Pennsylvania Border to the Southwest corner of the Town of Barton to the point or place of beginning.

POPULATION: 5842

REPRESENTATIVES: ONE

DISTRICT 6: That portion of the Town of Barton, and the Town of Spencer, bounded and described as follows:

(A) The Town of Spencer.

(B) The Town of Barton, excluding that portion which forms a portion of Districts 4 and 5.

POPULATION: 5,760

REPRESENTATIVES: ONE

DISTRICT 7: That portion of all of the following Towns, bounded and described as follows:

(A) Candor.

(B) Newark Valley.

(C) Berkshire.

(D) Richford.

POPULATION: 11,328

REPRESENTATIVES: TWO, no more than one of whom shall reside in the same Town.

SECTION 2: Such Legislators shall be elected for terms as set forth in Local Law 1 of the Year 2021.

SECTION 3: Town Supervisors, Village Mayors, Members of Town Boards, Members of Village Boards of Trustees shall be ineligible to serve simultaneously as County Legislators.

SECTION 4:

(A) For purposes of the nomination and election of County Legislators, this Local Law shall take effect immediately.

(B) For all other purposes, it shall take effect January 20, 2022, unless within forty-five days after its adoption there shall be filed with the Clerk a petition protesting against this Local Law, signed and authenticated as herein required by qualified electors of Tioga County, registered to vote therein at the last preceding general Election, in number equal to at least five per centum of the total number of votes cast for Governor at the last Gubernatorial Election in Tioga County, whereupon Section 4(B) of this Local Law shall not be effective until approved by the affirmative vote of a majority of the qualified Electors of Tioga County voting on the proposition for its approval.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Hollenbeck, Monell, Roberts, and Sauerbrey.

No – None.

Absent – Legislators Mullen and Standingier.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:04 A.M.

Second Regular Meeting
February 15, 2022

The Second Regular Meeting of 2022 was held on February 15, 2022 and was called to order by the Deputy Chair at 12:00 P.M. Eight Legislative members were present with Legislator/Chair Sauerbrey being absent.

Deputy Chair Hollenbeck asked Legislator Brown to have a moment of prayer. "Lord, thank you for this day. Thank you for allowing us to gather to decide the business for Tioga County."

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

There were 5 people in attendance.

Deputy Chair Hollenbeck reported we have one Proclamation; **Sleep Awareness Month** that will be read by Legislator Standinger and presented to Katie Wait, Public Health Educator.

COUNTY OF TIOGA
EXECUTIVE PROCLAMATION

WHEREAS: Sleep is an essential part of a healthy lifestyle; and

WHEREAS: Insufficient sleep is detrimental to one's own health. Chronic health conditions such as heart disease, kidney disease, high blood pressure, and stroke result from ongoing sleep deprivation; and

WHEREAS: Drowsiness can lead to potential motor vehicle accidents, putting others in harm's way; and

WHEREAS: The CDC recommendation for hours of sleep per day for adults 18 and older is 7-9 hours; and

WHEREAS: In 2018, 40% of adults in Tioga County reported having fewer than 7 hours of sleep on average; and

WHEREAS: Creating a sleep schedule and following a consistent nightly routine, including limiting alcohol/caffeine, avoiding large meals before bedtime, and shutting off electronics at least 1 hour prior to bed are beneficial to a good night's sleep; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of February 2022 as:

SLEEP AWARENESS MONTH

and urges all residents to get the recommended amount of sleep per night to help reduce chronic health conditions and drowsiness.

Public Health Educator, Katie Wait spoke. "Thank you, Legislator Standinger and thank you to the Tioga County Legislature for recognizing the month of February as Sleep Awareness Month.

"When we think of health, we tend to think of our eating habits and exercise or, in my case, lack thereof, but neglect to think of our sleep habits. We often sacrifice our sleep quantity and quality to achieve success in other areas of our life, however, I hope this proclamation will help highlight the importance of sleep and encourages us and our community to prioritize our sleep as a way to achieve our health and life goals. Thank you."

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of January 3, 6, 11, and 20, 2022, seconded by Legislator Mullen and carried.

Deputy Chair Hollenbeck made the following appointment to the Binghamton Metropolitan Transportation Study (BMTS) Committee:

Legislator Ron Ciotoli – 2/15/22 – TERM OF OFFICE

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 38-22 APPOINT MEMBERS ALTERNATIVES TO
INCARCERATION ADVISORY BOARD

RESOLVED: That the following members be appointed to the Alternatives to Incarceration Advisory Board for the following terms:

	TERM
Ex-Offender	4/1/22-3/31/23
Crime Victim	4/1/22-3/31/23
State Certified Provider of Alcohol and/or Substance Abuse Treatment	4/1/22-3/31/23

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
 LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 39-22 *APPOINT MEMBER TO BOARD OF ETHICS*

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (B) – Ethics Board Membership states members who have served two full three-year terms may not be reappointed for at least one year after the expiration of their last term; and

WHEREAS: A vacancy exists on the Board of Ethics due to Barbara Crannell resigning from the Board effective December 31, 2021; and

WHEREAS: John Hitchings, a resident of Tioga County, NY has agreed to serve on the Board of Ethics for the current vacant term with an additional term being available thereafter subject to Legislative reappointment; therefore be it

RESOLVED: That John Hitchings be and hereby is appointed to the Board of Ethics for a retroactive term beginning January 1, 2022 through March 31, 2023.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 40-22 RE-APPOINT AND EXTEND
YOUTH BOARD MEMBERS TERMS
YOUTH BUREAU

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

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

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

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 60-19 and Lauran Murphy's term has expired as of 12/31/2021; therefore be it

RESOLVED: That Lauran Murphy be re-appointed as a member of the Tioga County Youth Board with the corresponding term of office consistent with the requirement of staggered rotation of 1/1/2022 – 12/31/2023.

Lauran Murphy (Extending Term) 1/1/2022 – 12/31/2023

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 41-22 RE-APPOINT AND EXTEND
YOUTH BOARD MEMBERS TERMS
YOUTH BUREAU

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

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

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

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 60-19 and Becky Shuey's term has expired as of 12/31/2021; therefore be it

RESOLVED: That Becky Shuey be re-appointed as a member of the Tioga County Youth Board with the corresponding term of office consistent with the requirement of staggered rotation of 1/1/2022 – 12/31/2023.

Becky Shuey (Extending Term) 1/1/2022 – 12/31/2023

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 42-22 RE-APPOINT AND EXTEND
YOUTH BOARD MEMBERS TERMS
YOUTH BUREAU

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

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

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

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 60-19 and Cheri Roys term has expired; therefore be it

RESOLVED: That Cheri Roys be re-appointed as a member of the Tioga County Youth Board with the corresponding term of office consistent with the requirement of staggered rotation of 1/1/2022 – 12/31/2023.

Cheri Roys (Extending Term) 1/1/2022 – 12/31/2023

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 43-22 RESOLUTION REAPPOINTING
MEMBER TO COMMUNITY SERVICES BOARD

WHEREAS: Carolyn Galatzan's appointment to the Community Services Board expired on December 31, 2021; and

WHEREAS: The Community Services Board has recommended Carolyn Galatzan's reappointment; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That Carolyn Galatzan be reappointed to the Community Services Board, for term starting January 1, 2022 and ending December 31, 2025.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

Legislator Monell introduced Local Law Introductory No. C of 2022.

County of Tioga

Local Law No. X of the Year 2022.

A Local Law of the Tioga County Legislature of the County of Tioga, repealing and replacing Local Law No. 1 of the Year 2022 imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337.

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

SECTION 1: PURPOSE

A Local Law repealing and replacing Local Law No. 1 of the Year 2022, that amended Local Law No. 3 of 2017 and Local Law No. 1 of 1991 to authorize the County of Tioga to impose an additional surcharge of One Dollar (\$1.00) to the current surcharges which are applied to both wireless and traditional telephone services for a period of ten years.

The charge applied for prepaid and monthly wireless devices is increased from Thirty Cents (\$0.30) to One Dollar and Thirty Cents (\$1.30). The charge for traditional phone service through telephone service providers and Voice Over IP services is increased from Thirty Five Cents (\$0.35) to One Dollar and Thirty Five Cents (\$1.35). This law provides for these fees to return to their prior level after this law's expiration.

SECTION 2: WIRELESS SURCHARGES

Local Law No. 1 of 2022, which amended Local Law No. 3 of 2017, is repealed and replaced by adding a new Section 7 to read as follows:

SECTION 7: Imposition of additional wireless surcharges

(a) Pursuant to the authority of Tax Law § 186-g, in addition to the wireless communications surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid additional surcharges within the territorial limits of the County of Tioga on (i) wireless communications service provided to a wireless communications customer with a place of primary use within the County of Tioga, at the rate of One Dollar (\$1.00) per month on each wireless communications device in service during any part of the month. The sum of both surcharges shall be One Dollar and Thirty Cents (\$1.30) with the addition of the surcharge referenced herein; and (ii) retail sales of prepaid wireless communication service sold within the County of Tioga, at the rate of one dollar (\$1.00) per retail sale, whether or not any tangible personal property is sold therewith. The sum of both surcharges shall be One Dollar and Thirty Cents (\$1.30) with the addition of the surcharged referenced herein.

(b) Such additional surcharges shall be identical to the surcharges imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the wireless communication service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The wireless communication surcharge imposed must be reflected and made payable on bills rendered to the wireless communications customer for wireless communications service.

(e) Wireless communications service suppliers shall begin to add such surcharge to the billing of its customers and prepaid communications sellers shall begin to collect such surcharge from its customers commencing June 1, 2022 and shall cease collection August 31, 2031.

(f) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent (3%) of its collections of the surcharges imposed by this local law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before the due date for that return and that payment.

SECTION 3: LOCAL SURCHARGE FOR ENHANCED EMERGENCY TELEPHONE SYSTEM
Local Law No. 1 of 2022, as amended by Local Law No. 1 of 1991, is repealed and replaced by adding a new Section 11 to read as follows:

SECTION 11: Imposition of additional surcharges for an Enhanced Emergency Phone System

(a) Pursuant to the authority of County Law § 337, in addition to the surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid an additional surcharge of One Dollar (\$1.00) per access line per month on the customers of every service supplier within Tioga County to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system (E911) to serve Tioga. The sum of both surcharges shall be One Dollar and Thirty Five Cents (\$1.35) with the addition of the surcharges referenced herein.

(b) This additional surcharge shall be identical to the surcharge imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The E911 surcharge imposed must be reflected and made payable on bills rendered to the customer.

(e) Service suppliers shall begin to add such surcharge to the billing of its customers and shall begin to collect such surcharge commencing June 1, 2022 and shall cease collection August 31, 2031.

(f) The Definition of Service Supplier provided in Section 1 (a) is hereby amended to reference the definition provided by New York County Law § 301 and will read as follows (a) "Service supplier" means (i) a telephone corporation which provides local exchange access service within a 911 service area, or (ii) a provider of "voice over internet protocol service" or "VOIP service" that provides such service within a 911 service area.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect June 1, 2022 and shall expire and be deemed repealed November 3, 2031 with all collection ceasing August 31, 2031.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 44-22 SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY NO. C OF 2022

RESOLVED: That a Public Hearing shall be held on February 24, 2022 at 10:00 a.m. in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY 13827 on Local Law Introductory No. C of 2022; a Local Law of the Tioga County Legislature of the County of Tioga, repealing and replacing Local Law No. 1 of the Year 2022 imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337. All persons desiring to present written or oral comment may do so at said time.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
 RESOLUTION NO. 45-22 ERRONEOUS ASSESSMENT
 TOWN OF NEWARK VALLEY

WHEREAS: An application for Corrected Tax Roll for the year 2022 indicates that parcel #86.00-1-48.123 acct#3066 in the Town of Newark Valley assessed to George Hoffmier, Sr. on the 2022 tax roll of the Town of Newark Valley is erroneous in that the improvement placed on the assessment roll does not exist; therefore be it

RESOLVED: That a new 2022 tax bill be issued by the Town of Newark Valley Tax Collector to George Hoffmier, Sr. for parcel 86.00-1-48.123 as follows:

	Original Bill #1063	Corrected Bill #1063
County	1511.58	67.48
Townwide	730.21	32.60
Return School	3656.47	163.24
Fire	298.95	13.35
Total	6197.21	276.67

And be it further

RESOLVED: That the erroneous county tax of \$1,444.10 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous town tax of \$697.61 be charged back to the Town of Newark Valley; and be it further

RESOLVED: That the erroneous School tax of \$3,264.70 be charged back to the Newark Valley Central School District; and be it further

RESOLVED: That the erroneous penalty on the return school tax of \$228.53 be charged back to the correct accounts in the Office of the Treasurer.

RESOLVED: That the erroneous Fire Tax of \$285.61 be charged back to the Newark Valley Fire District.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 46-22	<i>ERRONEOUS ASSESSMENT TOWN OF RICHFORD</i>

WHEREAS: An application for Corrected Tax Roll for the years 2020 and 2021 indicates that parcel #8.00-1-37.2 account #997 in the Town of Richford assessed to State of New York on the 2020 and 2021 tax roll of the Town of Richford is erroneous in that the State of New York should have been wholly exempt until approved for roll section 3 by N.Y.S. and that the exempt code was not applied; therefore be it

RESOLVED: The tax bills for 2020 and 2021 in the Town of Richford be null and void; and be it further

RESOLVED: That the erroneous County Tax of \$402.78 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous Town Tax of \$577.39 be charged back to the Town of Richford; and be it further

RESOLVED: That the Solid Waste Tax of \$14.00 be charged back to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous Fire Tax of \$84.75 be charged back to the Richford Fire District.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
 RESOLUTION NO. 47-22 ERRONEOUS ASSESSMENT
 TOWN OF OWEGO

WHEREAS: An application for corrected tax roll for parcel 143.13-1-41, assessed to Miloslave & Miroslav Herzog on the 2022 tax roll of the Town of Owego indicates that a SCAR decision reducing the assessment from \$105,300 to \$100,200 was not received in time to change the assessment before tax rolls and bills were printed; therefore be it

RESOLVED: That a new 2022 tax bill be issued by the Town of Owego Tax Collector to Miloslave & Miroslav Herzog for parcel 143.13-1-41 as follows:

	<u>Original Bill #4379</u>	<u>Corrected Bill #4379</u>
County	\$1375.04	\$1308.45
Townwide	\$132.25	\$125.84
Part-Town	\$319.67	\$304.19
LT003 Lighting 3	\$46.88	\$44.61
FD001 Owego Fire	\$365.60	\$347.89

And be it further

RESOLVED: That the erroneous County Tax of \$66.59 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous Town and Lighting Tax of \$24.16 be charged back to the Town of Owego; and be it further

RESOLVED: That the erroneous Fire Tax of \$17.71 be charged back to the Owego Fire District.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 48-22

*AWARD DESIGN SERVICES TO
BARTON AND LOGUIDICE FOR
MICHIGAN HOLLOW ROAD CULVERT*

WHEREAS: The Michigan Hollow Road Culvert is a culvert that needs repair due to a Tioga County DPW inspection; and

WHEREAS: The Commissioner of Public Works received a proposal for design services for this project from Barton and Loguidice Engineers, Syracuse, NY; and

WHEREAS: The proposal for the culvert design bridge came in at \$65,400; therefore be it

RESOLVED: That the Tioga County Legislature approve the proposal for the Michigan Hollow Road culvert for Barton and Loguidice Engineers not to exceed \$65,400 to be paid out of the following account:

D5110.540050 Bridge Projects

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 49-22 *AUTHORIZE ACCEPTANCE OF YEAR FOUR FUNDING FROM THE NYS OFFICE OF INDIGENT LEGAL SERVICES AND ACCEPT YEAR FOUR FUNDING FOR HURRELL-HARRING GRANT AND AMEND 2022 BUDGET*

WHEREAS: By Resolution No. 257-18 adopted on November 13, 2018, Tioga County entered into a five-year agreement with the New York State Office of Indigent Legal Services for distribution of funds to provide representation to persons legally entitled to counsel but unable to hire an attorney; and

WHEREAS: The allocated amount to Tioga County from NYS Office of Indigent Legal Services for the fiscal year April 2021 – March 2022 is \$616,811.54; and

WHEREAS: It is necessary for Tioga County to adopt the fourth year funding budget for said distribution in said amount of \$616,811.54; and

WHEREAS: Said funding in the amount of \$616,811.54 needs to be appropriated and the 2022 budget be amended; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the fourth year budget of said distribution in the amount of \$616,811.54 and the Chair of the Legislature is hereby authorized to execute the fourth year ILS Hurrell–Harring contract amendment.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 50-22 *AUTHORIZE ACCEPTANCE OF
2022 NYS PTS GRANT
(PTS-2022-TIOGA CO SO-00195-054)
APPROPRIATION OF FUNDS &
MODIFY 2022 BUDGET
SHERIFF'S OFFICE*

WHEREAS: The Sheriff's Office applied for and was awarded a NYS PTS (Police Traffic Services) grant (PTS-2022-Tioga Co-SO-00195-054) in the amount of \$12,150; and

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

RESOLVED: That the Tioga County Legislature authorize the acceptance of this award; and be it further

RESOLVED: That the 2022 budget be modified and funds be appropriated to the following accounts:

FROM:	A3110.433900 Sheriff-State Aid	\$12,150
TO:	A3110.510030 Sheriff Overtime	\$12,150

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 51-22 ACCEPT GRANT AWARD FOR
TIOGA COUNTY ITCS SHARED SERVICES;
APPROPRIATE FUNDS AND MODIFY 2022 BUDGET

WHEREAS: The Tioga County Legislature recognizes the need to improve services and save costs by supporting shared services with other municipalities; and

WHEREAS: The Information Technology and Communication Services department has applied for and received a Local Government Efficiency reimbursable grant from the New York State Department of State in the amount of \$103,522; and

WHEREAS: This grant covers many costs to implement shared services with the Village of Owego and Town of Candor; and

WHEREAS: Legislative approval is needed to amend or modify budget and appropriate funds; and

WHEREAS: The Information Technology and Communication Services department needs to place the funds into appropriate accounts to implement; therefore be it

RESOLVED: That the Tioga County Legislature accepts said grant for the Tioga County ITCS shared services and authorizes the ITCS department to spend the grant dollars per the submitted budget; and be it further

RESOLVED: That the following funds be transferred and the 2022 budget be modified as follows:

FROM:	H1680 430970 SSG21 Capital SSG – State Aid	\$61,400.00
	H1680 430891 SSG21 General SSG State Aid	\$42,122.00
TO:	H1680 521090 SSG21 Capital Computer	\$61,400.00
	A1680 540140 SSG21 Contracting Services	\$39,622.00
	A1680 540640 SSG21 Supplies (Not Office)	\$ 2,500.00

and be it further

RESOLVED: That any of the original \$103,522 funds that remain unspent as of 12/31/2022 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 52-22 APPLY FOR INDIGENT LEGAL SERVICES GRANT

WHEREAS: The New York State Office of Indigent Legal Services has made available to Tioga County a three year, non-competitive grant totaling \$61,902.00 to improve the quality of Indigent Legal Services provided under Article 18-B of the County Law; and

WHEREAS: Tioga County realizes the importance of providing quality representation to indigent individuals; and

WHEREAS: The grant funds will be used:

1. To fully fund the position of Part-time Paralegal plus Fringe for the Public Defender's Office.
2. To partially fund the positions listed below:
 1. Chief Public Defender
 2. Family Court Public Defender
 3. Part-time First Assistant Public Defender
 4. Part-time Second Assistant Public Defender
 5. Part-time Secretary for the Public Defender
3. To fund the on-line research tool for the Public Defender's Office.
4. To fund the annual support for the PD CMS system.
5. To partially fund Investigative, Expert Witness, Transcripts, and Training for the Public Defender's Office.

therefore be it

RESOLVED: That the Assigned Counsel Administrator be authorized to submit the appropriate grant application for the purpose of securing this funding.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 53-22 *AUTHORIZE THE SUBMISSION OF THE
2021-2022 PSAP OPERATIONS GRANT
SHERIFF'S OFFICE*

WHEREAS: The NYS Office of Interoperable and Emergency Communications has announced the 2021-2022 PSAP (Public Safety Answering Point) Operations grant funding; and

WHEREAS: County Policy Section 9 (e) (formerly policy #47) requires that a resolution be approved before any such grant application is submitted; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 54-22 *AUTHORIZE THE SUBMISSION OF PTS
(POLICE TRAFFIC SERVICES)
GRANT APPLICATION 2023
SHERIFF'S OFFICE*

WHEREAS: The NYS Governor's Traffic Safety Council has announced a Fiscal Year 2023 PTS (Police Traffic Services) grant; and

WHEREAS: Applications for this grant must be received no later than May 1, 2022; and

WHEREAS: County Policy Section 9 (e) (formerly policy #47) requires that a resolution be approved before any such grant applications are submitted; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for the purpose of securing this funding and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 55-22 *AUTHORIZE THE SUBMISSION OF STATEWIDE
INTEROPERABLE COMMUNICATIONS FORMULA
GRANT APPLICATION (SICG 21)
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Office of Homeland Security and Emergency Services has issued a Statewide Interoperable Communications Formula Grant 2021. The grant will be used for upgrading the radio communications in the county and there is no local share associated with said grant; and

WHEREAS: County Policy # 47 requires that permission be obtained prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be authorized to submit the Statewide Interoperable Communications Formula Grant application 2021.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 56-22 *AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT WITH ALLERGAN CONCERNING CLAIMS RELATED TO THE OPIOID CRISIS*

WHEREAS: Tioga County has joined in a legal action seeking compensation from those who are responsible for causing and perpetuating the opioid addiction crisis (the “Action”); and

WHEREAS: The Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS: The Action alleges several causes of action against defendant Allergan based on claims that Allergan contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various “front groups” and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in New York; and

WHEREAS: Allergan has offered to settle the claims against it by paying a sum to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids; and

WHEREAS: The final amount to be received by Tioga County will vary depending on several factors including the number of Plaintiff's ultimately agreeing to the settlement but will have an approximate value to Tioga of \$108,486.48; and

WHEREAS: It is in the best interest of Tioga County to resolve this matter with respect to Allergan without further litigation and enter into an agreement to settle all allegations against Allergan and avoid protracted litigation; therefore be it

RESOLVED: That Tioga County is authorized to settle its claim with Allergan and Tioga County Chair of the Legislature, Martha Sauerbrey, is authorized to execute such forms and agreements, as approved by the County Attorney to compromise the claim the Defendants Allergan and distribute the proceeds between the participating Plaintiffs.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 57-22

AUTHORIZATION TO USE AMERICAN RESCUE PLAN ACT FUNDS AS MATCH FOR SOUTHERN TIER NETWORK USDA RECONNECT GRANT APPLICATION FOR EXTENSION OF BROADBAND IN THE TOWN OF NICHOLS

WHEREAS: The United States Department of Agriculture (USDA) Broadband ReConnect Program furnishes loans and grants to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas; and

WHEREAS: Rural areas include cities, villages, townships and towns with no more than 20,000 residents according to the latest US Census Data; and

WHEREAS: The Town of Nichols fits the USDA defined criteria under the Broadband ReConnect Program; and

WHEREAS: The Town of Nichols has identified a need for the extension of broadband services to unserved and underserved areas; and

WHEREAS: Tioga County supports and encourages the extension of broadband services within the County; and

WHEREAS: The Southern Tier Network (STN) is a nonprofit open access communication organization that enables fast affordable reliable internet access in New York State's Southern Tier Region; and

WHEREAS: The Town of Nichols is in support of an application to the USDA Broadband ReConnect Program by STN; and

WHEREAS: The USDA Broadband ReConnect grant requires a match not less than twenty-five percent (25%) of the total project cost; and

WHEREAS: The ultimate numbers for the build out have not been finalized, but are estimated at \$1.7 million dollars; and

WHEREAS: Tioga County has pledged American Rescue Plan Act (ARPA) funds toward the effort to extend broadband services to unserved and underserved areas of the County; and

WHEREAS: The Town of Nichols and Tioga County have agreed to provide an equal match injection not to exceed \$300,000 each; and

WHEREAS: \$300,000 will be provided using American Rescue Plan Act (ARPA) funding which will be allocated to account A1680 540140 M7674 Contracted Services with a separate Resolution provided by the ARPA Fund Administrator; and

WHEREAS: The USDA Broadband ReConnect grant application will be in the name of STN and submitted for a total of approximately \$1,275,000 in grant funds; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the use of ARPA Funds to be utilized as matching funds for the purpose of extending broadband to the unserved and underserved areas of the Town of Nichols in an amount not more than the Town of Nichols match and not to exceed \$300,000.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 58-22 *AUTHORIZE PURCHASE OF STORAGE AREA
 NETWORK (SAN) ARRAYS USING CAPITAL AND
 AMERICAN RESCUE PLAN ACT (ARPA) FUNDS*

WHEREAS: The Tioga County Information Technology and Communication Services department has determined the existing data storage hardware devices have reached the end of their operational life; and

WHEREAS: The Tioga County Information Technology and Communication Services department has determined, after investigating several vendors and SAN devices, the NETAPP AFF-C190 device as the recommended hardware to replace existing storage arrays; and

WHEREAS: The NETAPP AFF-C190 devices increase Tioga County Information Security posture by offering Data-At-Rest (DAR) encryption and increased compression while reducing both power consumption and hardware failure points; and

WHEREAS: \$60,000 will be provided using American Rescue Plan Act (ARPA) funding which will be allocated to account H1680 521090 M7674 with a separate Resolution provided by the ARPA Fund Administrator, with remaining \$43,290.78 to be paid out of Capital funding allocated to H1680 521090; and

WHEREAS: The Tioga County Information Technology and Communications Services department will purchase the Storage Area Network devices using the NY-OGS Contract PM20920 (Group 72600 – Award 22802); therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of two (2) Storage Area Network (SAN) devices from Lynx Technologies, 2680 Grand Island

Blvd, STE 2, Grand Island, NY 14072 not to exceed \$103,290.78 to be paid out of the following accounts:

H1680 521090	Computer	\$43,290.78
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ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 59-22 *AUTHORIZE TO AMEND EXISTING ENTERPRISE AGREEMENT WITH MICROSOFT INC. TO INCLUDE MICROSOFT OFFICE 365 SUBSCRIPTIONS*

WHEREAS: The Tioga County Information Technology and Communication Services department has a current Enterprise Agreement (Enrollment ID: 6127199) with Microsoft Incorporated for Windows Server and Windows 10 Client Access Licenses (CALs); and

WHEREAS: The Tioga County Information Technology and Communication Services department is currently in year two of this three-year Enterprise Agreement with Microsoft Incorporated; and

WHEREAS: The Chief Information Officer would like to amend existing Enterprise Agreement to include Office 365 software services at a total cost of \$137,854.30 for the period of March 1, 2022 through December 31, 2023; and

WHEREAS: Funding will be provided for using Information Technology and Communication Services Capital funds H1680 520620 (Software). Year one, prorated cost is \$55,140.00 and year two anticipated cost is \$82,714.30; therefore be it

RESOLVED: That the Chair of the County Legislature is authorized to execute an agreement amendment between Tioga County and Microsoft, Inc. upon review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 60-22 RE-ESTABLISH PRIOR YEAR 2021 CAPITAL FOR 2022 BUDGET FOR FIRE/EMO

WHEREAS: Personal Protective Equipment order was placed in 2021 for the Fire/EMO department but will not be received prior to the closing of 2021; and

WHEREAS: Prior year Capital Equipment requests need to be re-established for the remaining unspent balance as of year-end 2021 for purchase or completion in 2022; therefore it be

RESOLVED: That the following accounts and amounts be re-established:

Capital Equipment

A3410 520215	Personal Protective Equipment	\$5,756.51
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ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 61-22 RE-ESTABLISH PRIOR YEAR 2021
PUBLIC WORKS PROJECTS

WHEREAS: Prior Year Public Works Projects Funds need to be re-established for the remaining unspent balance as of year-end 2021 for purchase or completion in 2022; therefore be it

RESOLVED: That the following account and amounts be re-established and the 2022 budget is amended:

<u>Capital Construction</u>		<u>Amount to Re-Establish</u>
H1620.520911	Renovations 56 Main Street	\$68,305.56
H1620.520994.BG001	Truck Wash Building	\$26,580.00
H1620.521988	Courthouse Renovations	\$19,141.68
H1621.520929	Boiler-HHS	\$20,000.00
<u>Bridge and Culverts</u>		<u>Amount to Re-Establish</u>
D5110.540050	Bridge Projects	\$199,000.00
D5110.540262	Culverts	\$98,000.00

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
 RESOLUTION NO. 62-22 AMEND 2022 BUDGET
 APPROPRIATION OF FUNDS
 AMERICAN RESCUE PLAN ACT
 BUDGET OFFICE REQUEST 2022-002

WHEREAS: On March 11th, 2021 the State and Local Coronavirus Fiscal Recovery Fund legislation, part of the American Rescue Plan Act, hereinafter referred to as ARPA, was signed into law, awarding Tioga County \$9,362,868 in fiscal recovery funds, half of the funds were received in 2021, and the other half are to be received in 2022; and

WHEREAS: On May 10th, 2021 the U.S. Department of Treasury released guidance as to how the fiscal recovery funds are to be spent in the response effort against the COVID-19 pandemic including support of the public health response, replacement of public sector revenue losses, and water & sewer infrastructure; and

WHEREAS: The Tioga County Legislature has identified internal departments and external agencies that would greatly benefit from the provision of the ARPA funds, that also meet the treasury's guidelines for use and provide the greatest benefit to Tioga County residents, and

WHEREAS: Upon the successful receipt and review of the One Time ARPA request form(s), both the Legislative Chair and the ARPA Fund Administrator have granted their approval of the form, and have submitted the request to the Tioga County Legislature for final review and approval; and

WHEREAS: Amending of the 2022 Budget and appropriation of Fiscal Recovery Funds require Legislative Approval; therefore be it

RESOLVED: That the 2022 Budget be amended, and funds be appropriated as follows:

TO: A6510 540640 M7674 Supplies (Not Office)	\$25,000.00
Requestor: Tioga County Veterans Service Agency (Internal)	
ARPA Category: 1.10 Mental Health Services	
Veterans Suicide Prevention	
Budget Amendment	

<p>TO: A6773 540429 M7674 Outside Support</p> <p>VID: 534 "A New Hope Center, Inc."</p> <p>ARPA Category: 1.10 Mental Health Services</p> <p>Tioga County Suicide Prevention</p> <p>Manual Check Payment</p>	<p>\$50,000.00</p>
<p>TO: A6773 540429 M7674 Outside Support</p> <p>VID: 534 "A New Hope Center, Inc."</p> <p>ARPA Category: 3.10 Housing Support: Affordable Housing</p> <p>A New Hope Center</p> <p>Manual Check Payment</p>	<p>\$100,000.00</p>
<p>TO: A1680 540140 M7674 Contracted Services</p> <p>VID: 5683 "Southern Tier Network, Inc."</p> <p>ARPA Category: 5.17 Broadband: Other Projects</p> <p>Broadband Upgrade for the Town of Nichols</p> <p>Budget Amendment</p>	<p>\$300,000.00</p>
<p>TO: H1680 520620 M7674 Software</p> <p>VID: 7043 "Lynx Technologies, Inc."</p> <p>ARPA Category: 6.10 Provision of Governmental Services</p> <p>IT – Data at Rest (DAR) Encryption Upgrade</p> <p>Budget Amendment</p>	<p>\$60,000.00</p>
<p>FROM: H1620 520911 M7674 Renovations</p> <p>TO: H1621 520255 M7674 Security Equipment</p> <p>VID: 7102 "Smiths Detection"</p> <p>ARPA Category: 6.10 Provision of Governmental Services</p> <p>Replace Malfunctioning X-Ray system at HHS Security Station</p> <p>Budget Transfer</p>	<p>\$28,111.00</p>
<p>FROM: H1620 520911 M7674 Renovations</p> <p>TO: H1621 520255 M7674 Security Equipment</p> <p>VID: 7101 "CEIA USA"</p> <p>ARPA Category: 6.10 Provision of Governmental Services</p> <p>Replace Malfunctioning Walk thru metal detector at HHS Security Station</p> <p>Budget Transfer</p>	<p>\$3,455.60</p>
<p>ROLL CALL VOTE</p> <p>Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.</p>	

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 63-22 *APPROPRIATION OF FUNDS*
 2021 HOMELAND SECURITY GRANT
 MODIFY 2021 BUDGET
 OFFICE OF EMERGENCY MANAGEMENT
 SHERIFF'S OFFICE

WHEREAS: The New York State Office of Homeland Security Program (SHSP) has been awarded a grant of \$59,750 (contract #C192610) to the Tioga County Office of Emergency Management; and

WHEREAS: 75% (\$44,812) of said grant will be appropriated to Emergency Management and 25% (\$14,938) will be appropriated to the Sheriff's Office; and

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

RESOLVED: That the 2021 NYS Homeland Security Grant (contract # C192610) be appropriated as follows:

FROM:
A3360.433567 SHS21 Homeland Security 2021 Revenue \$44,812

TO:
A3360.540140 SHS21 Homeland Security Grant –Contracted Services \$13,988
A3360.520130 SHS21 Homeland Security Grant – Equipment(not car) \$30,824

FROM:
A3361.433567 SHS21 Homeland Security 2021 Revenue \$14,938

TO:

A3361.520130 SHS21 Homeland Security Grant – Equipment(not car)\$14,938

and be it further

RESOLVED: That the remaining balance at year end be carried forward into the next budget year.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 64-22

*APPROPRIATION OF FUNDS AND
BUDGET MODIFICATION
MENTAL HYGIENE*

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated additional pass through federal aid funding as a grant through the Office of Mental Health (OMH) for the purpose of Workforce Enhancement and Development; and

WHEREAS: Eligible expenses to spend these funds include but are not limited to: Recruitment and Retention Incentives, Educational Expenses, Career Development and Training Expenses; and

WHEREAS: Tioga County Mental Hygiene has identified the best use of these funds as retention incentive for the department psychiatrist and training for select staff; and

WHEREAS: TCMH will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: Appropriation of funds and Budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4310-444310-WEG1 FA-COVID R	\$38,000.00
To: A4310-510050-WEG1 Salary Oth	\$10,000.00
To: A4310-583088-WEG1 Social Sec	\$ 765.00
To: A4310-540733-WEG1 Training Oth	\$27,235.00

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 65-22 APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: A Supplemental Appropriations for Disaster Relief Act of 2019 allocation of \$11,458 has been awarded to Tioga County because a qualifying disaster took place in our service area in October 2019; and

WHEREAS: Family Enrichment Network proposes to contract with Tioga County DSS to conduct an Emergency Preparedness Program which would fall under Quality Improvement Activities for the child care programs in Tioga County; and

WHEREAS: Appropriation of funds and budget modification requires legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A6010.446100 Federal Aid: Admin \$ 11,458

To: A6010.540140 Contractual \$ 11,458

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 66-22 *APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES*

WHEREAS: Safe Harbor NY funding has been awarded to Tioga County Department of Social Services from the Office of Children and Family Services to raise awareness about sexually exploited youth: and

WHEREAS: Appropriation of funds and budget modification requires legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A6010.436100 State Aid: Administration \$ 44,217

To: A6010.540487 Program Expense \$ 44,217

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 67-22 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

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

WHEREAS: The award is designated for Community Cancer Prevention in Action, which is a partnership between Broome and Tioga Counties; and

WHEREAS: Cancer Prevention is an area of focus for Public Health; and

WHEREAS: The funding will pass through Broome County to Tioga County Public Health; 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 \$ 10,000

To: A4053 540640 Public Health: Supplies \$ 10,000

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 68-22 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

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

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

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

RESOLVED: That funding be appropriated as follows:

From: A4090 434640 Environmental Health: State Aid \$ 23,420

To: A4090 540595 Environmental Health: Services \$ 23,420

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 69-22 TRANSFER OF FUNDS
2021 BUDGET MODIFICATION
MENTAL HYGIENE

WHEREAS: Tioga County is required to pay the full costs for Criminal Court Ordered Psychiatric Care for persons assigned Criminal Psychiatric services by Tioga County Courts; and

WHEREAS: Tioga County Mental Hygiene (TCMH) has received notice by New York State Office of Mental Health that a person was assigned these services, along with the required documentation and payment amount; and

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

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

RESOLVED: That the Mental Hygiene 2021 budget be modified and funds be transferred as follows:

From: A4210 586088	Health Ins	\$ 29,688.50
A4309 586088	Health Ins	\$ 10,000.00
A4310 581088	St Ret	\$ 10,000.00
A4310 586088	Health Ins	\$ 10,000.00
To: A4390 540590	Criminal Psychiatric: Services Rendered	\$ 59,688.50

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 70-22 AMEND EMPLOYEE HANDBOOK:
SECTION I: RULES OF THE LEGISLATURE;
SUBSECTION 2- COMMITTEES (11) AND
SUBSECTION 4 - APPOINTMENTS

WHEREAS: During the 2022 budget process, the Sustainability Manager's position was transferred from the Department of Public Works to the Department of Economic Development & Planning effective January 1, 2022; and

WHEREAS: This Departmental transfer warrants changes to the Rules of the Legislature Policy, SECTION 2 – COMMITTEES (11) in regards to the Economic Development/Planning/Tourism/Agriculture (AKA Economic Development) and Public Works & Capital Projects Legislative Standing Committees; and

WHEREAS: The following statement needs to be deleted from the Public Works & Capital Projects Legislative Standing Committee:

(4) All matters pertaining to curbside recycling issues.

and

WHEREAS: The following statement needs to be added to the Economic Development/Planning/Tourism/Agriculture (AKA Economic Development) Legislative Standing Committee:

(5) All matters pertaining to recycling, household hazardous waste, and renewable energy.

and

WHEREAS: SECTION 4 – APPOINTMENTS references committees and boards that were previously abolished but never removed from the policy listing; therefore be it

RESOLVED: That SECTION 2 – COMMITTEES be amended to read as follows:

(11) There shall be the following standing committees and their duties shall be as required by law, as directed by the Chair of the Legislature, or as so, designated herein.

Economic Development/Planning/Tourism/Agriculture - (AKA Economic Development) - Within the jurisdiction of this committee shall fall all matters pertaining to the following:

- (1) All matters pertaining to the operation of the Economic Development Office. This specifically includes the interfaces to the Tioga County Industrial Development Agency, the Tioga County Local Development Corporation, the Tioga County Property Development Corporation (Land Bank) and any subsequent entities created by the Legislature in support of economic development within Tioga County.
- (2) All matters pertaining to County Planning.

- (3) All matters pertaining to the operation of the Tourism Office.
- (4) Agriculture - All matters pertaining to societies and/or organizations for the prevention of cruelty to animals, County extension service associations, Soil & Water Conservation District, Agricultural Districts, District Forest Practice Board, Environmental Management Council (EMC), and all matters of reforestation including management of County forests and parks.
- (5) All matters pertaining to recycling, household hazardous waste, and renewable energy.

Public Works & Capital Projects - Within the jurisdiction of this committee shall fall the following:

- (1) All matters pertaining to the maintenance of all County-owned or leased real property, and the capital construction and improvements thereon.
- (2) All matters pertaining to the maintenance and construction of highways and bridges in which the County has responsibility, together with general overall supervision of the Commissioner of Public Works.
- (3) All matters relating to the County's fleet of vehicles.

And be it further

RESOLVED: That SECTION 4 – APPOINTMENTS be amended with the removal of the following committees and boards:

- Committee on Preschool Education
- Medical Advisory Board
- Professional Advisory/Utilization Review Certified Home Health Agency
- Professional Advisory/Utilization Review Long Term Home Health Care Program
- Rabies Donation Clinic
- Transit Advisory Board

And be it further

RESOLVED: That the remainder of the Rules of the Legislature Policy is unchanged.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 71-22 AMEND EMPLOYEE HANDBOOK;
SECTION IV: PERSONNEL RULES;
SUBSECTION P – SOCIAL MEDIA USE

WHEREAS: The Social Media Use Policy needs to be amended in whole due to numerous updates and changes; and

WHEREAS: The Chief Information Officer and Information Security Officer have reviewed the County's Social Media Use Policy and made recommendations that the policy should be amended in its entirety and replaced; therefore be it

RESOLVED: That the Social Media Use Policy be amended in its entirety and replaced as follows:

Social Media Use

Sections:

- I. Purpose
- II. Definitions
- III. Regulations on Employees' Personal Use
- IV. Regulations on Use for County Business
- V. Policy Violations

I: PURPOSE

Tioga County recognizes that traditional communication methods are now supplemented or replaced by use of various Social Media technologies. Using Social Media technologies to share news about municipal events, disseminate

emergency information, and promote work being done by staff and community groups is an effective, low-cost way to inform and interact with our community. Tioga County has developed this policy to provide direction to officers, employees and volunteers when engaged in using social media as a method of communication.

Please read this policy carefully and in its entirety before making use of social media. If you are not sure how this policy may apply to you, or whether it applies to new types of technology, please contact your Department Head before you engage in social media.

Please be cognizant that participation in anonymous internet communications regarding County business may undermine the principle that all County employees and officials should conduct the official business of Tioga County in an open and accessible manner. Information posted, blogged, or tweeted by County employees and officials reflects on the entire community and can adversely impact Tioga County's mission, goals and reputation. Remember: What you post is, in effect, instantaneous and permanent, and can be viewed and reposted by people not in your intended audience. Given the nature of social media, something you intend to be private may not remain private. Employees should not assume any electronic communication using County equipment is private. (This Policy is to be read in conjunction with the Comprehensive Information Security Policy.)

II: DEFINITIONS

- A. *Social Media technologies* means the various forms of discussion and information sharing that use technology to create web content that produces communication and conversations. Forms may include but are not limited to: social networking, blogs, video sharing, podcasts, wikis, message boards, online forums, RSS and other syndicated web feeds. Technologies include but are not limited to: picture-sharing, wall postings, e-mail, and instant messaging. Examples of social media applications include, but are not limited to, Google and Yahoo Groups (reference), social networking), Wikipedia (reference), Facebook (Social networking), YouTube (social networking and video sharing), Twitter (social networking and microblogging), LinkedIn (business networking) and news media comment sharing/blogging.
- B. *Devices* include, but are not limited to: computers, PCs, laptops, tablets, smart phones, and networks.
- C. *Employee* means any agent or officer employed by Tioga County.
- D. *Volunteer* means an unpaid agent of Tioga County.

III: REGULATIONS ON **PERSONAL** USE

1. If an employee chooses to use a social media site, it is imperative that s/he:
 - Only post information or check personal networking sites on non-work time and on non-county owned device(s), in accordance with the Comprehensive Information Security Policy; and
 - Make it clear that the views they express are personal and do not represent the views of Tioga County and are not related to their employment in any way; and
 - Never use or reference one's formal position with Tioga County when writing/posting in a non-official capacity.
 - Views that they express regarding county business, affairs or operations are personal and do not represent the county and do not relate to their employment with the county in any way.
2. All devices provided by Tioga County are the County's property and shall only be utilized in compliance with the Acceptable Use provisions defined in the Comprehensive Information Security Policy.
 - By using County property, the employee consents to the monitoring of communication and access to stored information. Tioga County may review employee use of County-owned devices at any time and without notice. Employees have no reasonable expectation of privacy when using County-owned devices or using personal devices on County-owned systems or networks.
3. Confidential information, business-related information, or County logos shall not be disclosed or otherwise released.
4. Access to social media from County-owned devices is limited to individuals performing official County business on social media.
5. Posting of disparaging, vulgar, obscene, intimidating, harassing, or threatening comments, critical discussion and/or statements about co-workers, customers, clients, patients and/or vendors may not be protected free speech. If an employee has a concern with information posted on social media, they should address it with their supervisor, Department Head, Personnel, or union representative. (This Policy should be read in conjunction with the Work Place Violence Prevention Policy and Discriminatory Harassment Policy.
6. Posting of statements or pictures that breach security, embarrass or harm Tioga County's reputation or business are prohibited.
7. Posting images of County employees in County uniforms, County equipment, vehicles, offices, or real estate is prohibited unless authorized by the Department Head.
8. Employees assume any and all risk associated with personal use of social media.
- 9.

IV: REGULATIONS ON USE FOR COUNTY BUSINESS

1. County policies, rules, regulations and standards of conduct apply to County employees and contracted service providers that engage in social media activities while conducting County business or on behalf of County departments.
2. A Department Head's decision to use social media must be reviewed by the Information Technology and Communication Services department, approved by the department's Legislative committee and supported by underlying justification pertaining to the department's goals and mission, audience, legal risks, technical capabilities and potential benefits. Any official County social media sites which exist at the time of the enactment of this policy must immediately submit this information to their Legislative committee in order to determine whether approval for the ongoing use of the site will be granted.
3. Department Heads who choose to use social media must have a strong understanding of the risks associated with use. Department Heads shall engage the Information Technology and Communications Services Department for guidance in assessing the risks associated with a specific social media site in comparison with the business opportunities expected. The County Attorney's office may also be consulted regarding anything related to social media use.
4. Department Heads are responsible for designating which employees will be the "site administrator" in their department and therefore authorized to use social media on behalf of the department, and for designating appropriate levels of access, including what sites, or types of sites, the employee is approved to use, as well as defining capability: publish, edit, or view only.
5. County social media network accounts must be requested by the Department Head to the Information Technology and Communications Services Department and must be created by the Information Technology and Communications Services Department using an official County email address.
6. Social Media sites must contain visible elements that identify them as official Tioga County sites, such as: the County seal, department logos, contact information, and a link to the main Tioga County website.
7. If the Department Head is unsure about the appropriateness of posting information, the Department Head shall ensure that any questions about the appropriateness of releasing information on social media shall be reviewed by the Chair of the Legislature prior to being posted to a department's profile or page.
8. Account password information shall only be shared with authorized employees who have been designated by the Department Head to fulfill the role of site administrator. Passwords utilized must meet minimum requirements defined in the Comprehensive Information Security Policy.

Passwords to social media sites should be changed every 90 days or when a person responsible for maintaining a site leaves employment with the County. In the event of a compromise, or suspected compromise, passwords should be changed immediately.

9. Each departmental site administrator is responsible for monitoring the postings of their department.
10. Public comment must be disabled on all official County social media sites. The site administrator must ensure that each official County social media site is set up so that public comments are not permitted.
11. Records management – Department use of social media shall be documented and maintained by the site administrator in an easily accessible format that tracks account information and preserves items that may be considered public record subject to disclosure under the New York State Freedom of Information Law (NYSFOIL).
12. Departmental use of social media must comply with the Comprehensive Information Security Policy as well as all applicable Federal, State, and County laws and procedures including, but not limited to copyright, records retention, public records laws, e-discovery, privacy protection laws, fair use and financial disclosure laws, HIPAA and any other applicable laws. Questions are to be referred to the County Attorney.
13. Departments shall not disclose confidential or proprietary information on social media sites.
14. Citing or posting images of vendors, clients, citizens, or employees is prohibited without their approval and approval of the Department Head or delegated site administrator.

V: POLICY VIOLATIONS

Violations of this policy may result in disciplinary action, up to and including termination of employment, and/or civil or criminal action, if appropriate.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standingier, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

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. 72-22 AUTHORIZATION TO RECLASSIFY
ACCOUNT CLERK-TYPIST TO OFFICE SPECIALIST III
EMERGENCY SERVICES

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

WHEREAS: In late November 2021, a desk audit was requested and conducted by the Personnel Department on a part-time Account Clerk-Typist position held by Debra Stubecki; and

WHEREAS: Upon analysis of the work performed by Ms. Stubecki, the Personnel Officer has recommended reclassification of said position to the title of Office Specialist III; therefore be it

RESOLVED: That the part-time Account Clerk-Typist position (\$13.79/hour) filled by Ms. Stubecki shall be reclassified as a part-time Office Specialist III effective retroactive to November 22, 2021, at the 2021 hourly rate of 17.04 and increase to the 2022 hourly rate of \$17.81 effective January 1, 2022.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 73-22 *AUTHORIZE APPOINTMENT OF
SYSTEMS ADMINISTRATOR
INFORMATION TECHNOLOGY &
COMMUNICATION SERVICES*

WHEREAS: Legislative approval is required for any appointment to a management/confidential position within Tioga County; and

WHEREAS: Resolution 312-21 created the position of Systems Administrator (\$54,937 - \$64,937 M/C) and following active recruitment, the Chief Information Officer has identified a qualified candidate to fill said position; therefore be it

RESOLVED: That the Chief Information Officer is authorized to provisionally appoint Charles Root as Systems Administrator at an annual salary of \$54,937 effective March 1, 2022, pending successful completion of civil service examination requirements.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 74-22 *DONATION OF TIME
SHERIFF'S OFFICE*

WHEREAS: The Sheriff's Office has an employee who has been out on medical leave since September 17, 2021 and will exhaust all of their benefit time as of February 16, 2022; and

WHEREAS: Members of the Tioga County Sheriff's Office are interested in donating vacation and/or comp time to said employee; and

WHEREAS: Legislative approval is required for all requests for donation of time; therefore be it

RESOLVED: That the members of the Tioga County Sheriff's Office be authorized to donate vacation and/or comp time to William White, effective February 17, 2022, and said donated days will be permitted up to and including February 28, 2022.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, and Weston.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:17 P.M.

*Public Hearing
Local Law Introductory No. C of 2022
February 24, 2022*

The Public Hearing on Local Law Introductory No. C of 2022 A Local Law repealing Local Law No. 1 of 2022 and imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337 was called to order by Chair Sauerbrey at 10:03 A.M. Legislators Brown, Monell, Mullen, Roberts, Sauerbrey, Standingger, and Weston were present with Legislators Ciotoli and Hollenbeck being absent.

There were four people in attendance.

The Clerk read the legal notice as published in the official newspapers.

County Attorney DeWind spoke. "We have already done this by passing Local Law No. 1 of 2022, which did effectively the same thing; adding a one dollar (\$1.00) surcharge to wireless and landline communication. After the local law was passed, we received some feedback from the New York State Department of Taxation and Finance, which is the entity that collects the wireless surcharges. They required some changes, so this effectively repeals Local Law No. 1 of 2022 and replaces it with Local Law No. 3 of 2022 to change the effective collection date particularly for the wireless communication. Otherwise, functionally it largely works the same way and it just extends both additional fees for a period of ten years. Unfortunately, we did not find out about that until literally the day this Legislative body had passed Local Law No. 1 of 2022. Unfortunately, this requires repealing the local law and this new local law should take care of the matter."

Legislator Standingger spoke. "I am not enthused about taxing our citizens, myself included, but unfortunately we have a dire situation with the radio communication system for emergency response vehicles in the County. So, the goal of this added tax will help us replace that system and make it better functioning for the citizens who live here."

Legislator Mullen spoke. "As Chair of the Public Safety Committee, a lot of work went into this and what I hope we achieve out of this is that we do not have to do this again and that we use this money appropriately to keep our system updated as technology advances. In my opinion, we, at some point along the line, faltered. I want to thank County Attorney DeWind, Legislative Chair Sauerbrey, Director of Emergency Services Simmons and others who worked on this because this was not something we did hastily or without a lot of forethought. I appreciate all the efforts that were made."

There being no public comments, the hearing was adjourned at 10:07 A.M.

Third Regular Meeting
March 15, 2022

The Third Regular Meeting of 2022 was held on March 15, 2022 and was called to order by the Deputy Chair at 12:00 P.M. Eight Legislative members were present with Legislator/Chair Sauerbrey being absent.

Deputy Chair Hollenbeck asked Legislator Ciotoli to have a moment of prayer. "O Heavenly Father, we thank you today for the opportunity to recognize these five individuals and their 117 years of service to Tioga County and to guide us over our meeting today."

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

There were 61 people in attendance.

Deputy Chair Hollenbeck asked for a unanimous motion for the following five recognition resolutions, seconded unanimously and carried.

Legislator Standinger read and presented the following resolution to Sheri McCall, Tioga Career Center.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 75-22 *RECOGNIZE SHERI M. MCCALL
24 YEARS OF DEDICATED SERVICE
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Sheri began her career with the Tioga County Employment Center on February 2, 1998 as an Employment & Training Assistant. In August 1999, Sheri was promoted to Employment & Training Counselor, and to Senior Employment & Training Counselor in May 2005. Sheri was promoted to her current position as Employment Center Supervisor in September 2007; and

WHEREAS: Sheri McCall has been a dedicated and loyal employee in the performance of her duties; and

WHEREAS: Sheri McCall has shown the highest levels of reliability, trust, loyalty, and competence in the performance of her duties; and

WHEREAS: Sheri McCall will retire on March 26, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Sheri McCall for her twenty-four years of dedicated and loyal service to the Tioga County Employment Center and its most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated, and outstanding employee, Sheri M. McCall.

ROLL CALL VOTE

Unanimously Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Standinger spoke. "I know you have had a tough job there and I am glad you were doing it. I think I told you a long time ago that you couldn't retire until you found a suitable replacement, so hopefully you have done that. I know that retirement is one of the best things that can happen to a person and you are going to continue doing something I am sure. You are not just going to sit around. I know you better than that."

Commissioner of Social Services Yetter spoke. "Sheri, it is always a pleasure to come here and acknowledge the work and accomplishments of a retiring employee.

"The Employment Center was put under the Department of Social Services umbrella and neither Sheri nor I were jumping for joy about that, but we figured out how to make it work and here's why it worked. It worked because of Sheri's strong work ethic and commitment to the people she has been charged with serving over the years. It worked because Sheri is very smart and can walk circles around everyone else regarding her depth of knowledge about WIOA and Department of Labor rules and regulations. And, it worked because Sheri does not back down when she knows she is doing the right thing and from my vantage point of supervising her, she consistently did the right thing.

“I would be remiss if I did not specifically mention the last two years of the pandemic that all of Sheri’s positive traits came through very strongly. While most people across the State, both working in employment centers and Department of Labor, seemed to disappear from view, we remained present and active throughout. Sheri became a ‘go-to’ person for people with unemployment benefit issues and questions not only in Tioga County, but also for many people from counties across the State who could find no other helpful ear.

“When the unemployment benefit fraud scams kicked into gear and many Tioga County employees were hit by that, myself included, Sheri helped anyone who reached out to her without complaint and putting in the extra hours to make sure everyone’s questions were answered. These past two years define the same level of commitment and expertise that Sheri has applied to her entire 24 years with the County.

“Of course, I have to mention that Sheri is not perfect. I do not want to make her sound that way. Most notably, she has an advanced chocolate addiction that she should seek help for.

“Sheri, it has been a pleasure to work with you for these many years and thank you for everything you have given to the residents of Tioga County.”

Legislator Ciotoli read and presented the following resolution to Bernadette Toombs, Board of Elections.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO:	ADMINISTRATIVE SERVICES COMMITTEE
RESOLUTION NO. 76-22	<i>RESOLUTION RECOGNIZING BERNADETTE TOOMBS' 23 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY</i>

WHEREAS: Bernadette Toombs began her employment with Tioga County on August 11, 1998 as the Republican Deputy Commissioner of the Tioga County Board of Elections. On January 1, 2006, Bernadette was appointed as the Republican Commissioner of Elections, which is the position she has retired from; and

WHEREAS: Bernadette Toombs has been a dedicated and loyal employee in the performance of her duties and responsibilities during the past 23 years. During those 23 years, she was committed to serving the voters of Tioga County and supporting the foundation of our democracy by ensuring free and fair elections. In addition, Bernadette faithfully served many years on the Executive and Legislative

Committees of the New York State Election Commissioners' Association, and as a historian of the New York State Election Commissioners' Association; and

WHEREAS: Bernadette Toombs has retired as of February 26, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Bernadette Toombs for her twenty-three years of dedicated and loyal service to Tioga County and its voters; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this dedicated, devoted and exceptional employee, Bernadette Toombs.

ROLL CALL VOTE

Unanimously Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Republican Committee Chairman Castellucci spoke. “Good Afternoon. Back in 1998 when I first started in politics, I got the pleasure of meeting Bernadette and at that time we appointed her as Deputy Commissioner. In 2006, I and many of my colleagues were able to put forth her nomination for Election Commissioner and we have never regretted that decision.

“We have a monthly luncheon with some of our local Republicans and in January, I told them we have to start looking for people to replace those starting to retire. Bernadette and Lin just looked at me funny and I felt bad because I thought they were thinking I was trying to push them out, but I was just trying to say we are all getting older here. A couple weeks later, Bernadette asked to go to lunch to talk about things and the process of the upcoming election, etc. or so I thought that is what we were going to talk about. Little did I know, we were having lunch to talk about her retirement. She started talking about it and I said, ‘you’re kidding me’. We went through the process and she told me she is going to be leaving and after I got over the news we talked about the business at hand.

“Over the past 22 years, she has served the Republican Party very well and more importantly Tioga County and this electorate with honesty and integrity. She has been committed to her responsibilities and took on extra responsibilities by representing the County with distinction at the State level.

“It should be noted that the Board of Elections was recently recognized for not having any discrepancies during the Tenney/Brindisi Race. Tioga County was the only county that had that designation. That speaks not only to Bernadette’s work, but the office as a whole.

“While myself and the Republican Committee will miss you and your dedication and commitment to the Republican Party and the election process in general, we wish you a Happy, Healthy, and Blessed Retirement. May God Bless you in your future endeavors.”

Legislator Hollenbeck read and presented the following resolution to Bethany O’Rourke, Personnel Office.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 77-22 *RESOLUTION RECOGNIZING
BETHANY O’ROURKE’S 24 YEARS OF DEDICATED
SERVICE TO TIOGA COUNTY*

WHEREAS: Bethany O’Rourke began her career with Tioga County as Personnel Officer on March 18, 1998, bringing 10 years of experience with her from Cortland County; and

WHEREAS: Bethany has been dedicated and loyal in the performance of her duties and responsibilities throughout the past 24 years and has earned the respect of her fellow Department Heads, County employees and retirees, labor unions, the Legislature as well as her colleagues across the State; and

WHEREAS: During Bethany’s tenure she navigated a variety of challenges such as changes in Federal and State regulations including the Affordable Care Act and most recently the paid COVID leave programs; and

WHEREAS: Bethany monitored employee benefits and was successful in implementing significant changes that maintained the level of benefits for employees while reducing County expenses; and

WHEREAS: In 2018 Bethany was very instrumental in the formation of Tioga County’s Institute for Advancement (I4A), a training program developed to offer county employees opportunities for professional development, with the goal of enhancing their careers with the County; and

WHEREAS: Since the establishment of I4A, Bethany has devoted her time and energy to the success of the program and became a *Real Colors & Real Solutions* facilitator and conducts this training geared toward building sound working relationships with peers for all I4A participants; and

WHEREAS: Throughout her tenure with Tioga County, Bethany has been an integral member of the New York State Association of Personnel & Civil Service Officers, serving on the Executive Committee for many years and then as President from 2005 to 2007, and was awarded the President's Award by the New York State Civil Service Commission in 2007 in recognition of that service; and

WHEREAS: Bethany assumed the role of Secretary for the New York State Association of Personnel & Civil Service Officers in 2013, an office she held until her retirement; and

WHEREAS: The New York State Association of Personnel & Civil Service Officers honored Bethany with the 2014 Merit and Fitness Award for her commitment to the mission and ideals of the Association by providing continuity of knowledge, sage advice, and stability to the membership; and

WHEREAS: Bethany will be retiring on March 18, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, expresses sincere gratitude to Bethany O'Rourke for her 24 years of dedicated and loyal service as Personnel Officer to Tioga County and its residents; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to Bethany O'Rourke.

ROLL CALL VOTE

Unanimously Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Hollenbeck spoke. "Bethany and her staff do a great job for this County and we are proud of them. Thank you."

Bethany O'Rourke spoke. "I appreciate that the Legislature that was sitting in 1998 took a leap of faith and appointed me at such a young age to a responsible position in the County. I very much appreciate the support of the subsequent Legislators appointing me for three additional terms. I am very

thankful that I had the opportunity to learn the lay of the land here in Tioga County from then County Attorney Tom Emmett, who was just a wealth of knowledge and a true professional. I am thankful that I had the opportunity to work with so many great staff throughout the years here in Tioga County, many of those in the Personnel Department, some of whom are here today. I appreciate you coming today.

"This has been a great place to work and I worked with a lot of great people, faced a lot of great challenges, but for me it is time for a change.

"I thank you for this plaque and recognition. It means a lot. Thank you."

Legislator Mullen read and presented the following resolution to Sherri Harris, Probation Department.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 78-22 *RESOLUTION RECOGNIZING
SHERRI HARRIS' 25 YEARS OF
DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Sherri Harris began her employment with Tioga County on August 9, 1996 as a temporary typist at the Probation Department. On September 5, 1996 her temporary typist position then became a Senior Typist still with Probation until September 30, 1996. On October 1, 1996, Sherri accepted the position of Account Clerk-Typist for the Tioga County Clerk's office. On April 14, 2000, she resigned from that position to adventure back into the banking industry. On September 18, 2000, Sherri was reinstated as an Account Clerk-Typist for DMV which is under the County Clerk's office. On September 30, 2002, she took a lateral position at Tioga County Department of Social Services in the Child Support and Enforcement Unit. On September 4, 2012, Sherri accepted the position Accounting Associate III with the Tioga County Probation Department which is the position she will retire from; and

WHEREAS: Sherri Harris has been dedicated and loyal in the performance of her duties and responsibilities during the past 25 years; and

WHEREAS: Sherri Harris will retire on March 31, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Sherri Harris for her 25

years of dedicated and loyal service to the Tioga County Probation Department and it's most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Sherri Harris.

ROLL CALL VOTE

Unanimously Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Probation Director Cain spoke. "Good Afternoon. I wrote what I wanted to say because Joy tells me I ramble if I don't, so it is going to be short.

"I worked alongside Sherri since she came to Probation, but never really worked with her. The financial person was always the person you knew was important, but weren't really sure why. Then, as our former Director, Joy Bennett, started including me in various Director duties prior to her retirement, I started to gain an understanding of exactly what Sherri did. After I became Director, it became crystal clear why Sherri was so important and vital to the daily functioning of the Probation Department.

"To use lingo that Sherri is more comfortable with, I would say her value is hard to quantify. She completes her tasks so quietly and efficiently you wonder if it is even a challenge for her. Then, I sit and think about the multitude of claims, budget lines, invoices, credit card statements, contracts, etc. that she keeps track of and it is mindboggling.

"Sherri always has an answer or will get the answer to whatever question I have and I have lots of them.

"Sherri is one of the many people that makes my job easier because of how hard she works and how good she is at what she does. As they say in sports, 'the great ones make it look easy'. There is also another saying that fits even better in this situation and that is 'you don't know what you have until it's gone'.

"Over the past several months during our search for a new Accounting Associate III, facing the stark reality of no Sherri has been terrifying. While Kristen and Lisa scramble to fill the void until we find someone, we have come to truly

appreciate how valuable Sherri has been to our Department and to Tioga County in general.

"So, since I have not been able to convince her to stay, I will say congratulations and enjoy a long and healthy retirement."

Legislator Mullen read and presented the following resolution to William White, Sheriff's Office.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 79-22 *RESOLUTION RECOGNIZING
WILLIAM WHITE'S 21 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY SHERIFF'S OFFICE*

WHEREAS: William White was hired as a part-time Guard on September 27, 1993 through December 31, 1996 and appointed to the position of Deputy Sheriff on December 13, 2003; appointed to Road Patrol Sergeant on March 17, 2009; and appointed to Lieutenant of Road Patrol on June 11, 2020; and

WHEREAS: William White has been dedicated and loyal in the performance of his duties and responsibilities during his 21 years of service, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: William White will retire from the Tioga County Sheriff's Office on February 28, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to William White for his 21 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, William White.

ROLL CALL VOTE

Unanimously Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Mullen spoke. "These resolutions are tough for me because these are my brothers for many years out on the roads in Tioga County. There is a very special man right here. There is a fine human being standing right next to me.

"I am going to tell a quick story and what this man means to all the police officers in Tioga County. I worked with Bill the whole time I was on the road in Tioga County as a State Trooper for 17 ½ years.

"Bill was with the Owego Police Department when I started here and when I retired in 2012, Bill was still here as the Road Patrol Sergeant for the Tioga County Sheriff's Office.

"I remember when Bill became a Sergeant in 2009 when I had just gotten back from a tenure teaching at the State Police Academy and it was always a relief when I knew Sergeant White was the superintendent over at the Sheriff's Office for the night shift when I was working the night shift at the barracks. But, I knew Bill back in the day when we were both young and dumb. The job is addicting. You come to work every day and you say 'Boy, I wonder if I am going to run into somebody that is worse off than me' and you always, always do.

"I will never forget the car/deer accident (a reported car/deer accident) up on Red Brush Road in the Town of Nichols many years ago. Bill and I were both working the afternoon shift, prior to his promotion to Sergeant, and we get the call of a car/deer accident. He is working his post and I am working my post and we both head to the scene and cannot find a car, cannot find a deer, and a lady waves us down and says, 'Come over here'. She took us in her trailer and she had gutted the deer inside the trailer and we weren't sure if we walked into a murder scene or not. Bill is right behind me and I walk in and take a step back and Bill is drawing out his weapon and asking if they were human organs on the couch and then I saw the deer hanging in the kitchen where they had tied it to the ceiling light. Bill looks at me and I look at him and I stated, 'I have no idea how to write this one up' and Bill stated, 'all I am going to put is that I assisted you and you can put down that you assisted me and we are going to leave it at that.' We handed her a deer tag and walked outside, shook our heads, and said, 'I am going to go have a sandwich; I cannot deal with this.'

“So, I can tell you there are many times when you end up on a call out here as a cop in rural Upstate New York covering 572 square miles in Tioga County with one State Trooper car on at night and maybe three Sheriff Deputy cars, with one being the supervisor, and during the day you might have two State Trooper cars and four or five Sheriff Deputy cars covering this entire county. You knew you were going to be all right if your backup was Bill White. He is calm, doesn't say much, but when you park cars tail to nose, he does a lot of head shaking.

“I can tell you this is a hard one because he is a good man. A good man is leaving us today and moving on. I just want to say, 'Brother, I love you, congratulations, and you are going to be missed.'”

Sheriff Howard spoke. “I just want to say that it is with great honor that I got to work with Bill over the years and it is with a heavy heart that he is retiring.

“Bill comes from a family of community service. I worked with his dad, Bill Sr., his sister works in law enforcement, and his whole family was committed to the community. Bill Sr. and I became close friends, we went hunting and fishing together, not that we always brought anything back, but we always had a good time. The White house was always open and coffee was always on for the Deputies and it is still on and that is the family that Bill came from.

“Bill has always been there for anybody that needed help being at the office or home, Bill was always there for us. That tradition has been passed on down through and we are so grateful for it.

“Bill, your calm demeanor and commitment to the citizens of Tioga County and the men and women of the Sheriff's Office will be missed, but not forgotten. From all the citizens in Tioga County, we love you.”

William White spoke. “I just want to say it's been my honor to work for the Sheriff and work with the many fine men and women of the Sheriff's Office. I did not want to have to retire, but unfortunately with medical reasons, I had to. I have been so humbled by my fellow employees who are truly part of my family and if you ever need anything, just ask. Thank you all.”

Deputy Chair Hollenbeck reported we have two Proclamations; **National Nutrition Month and Public Health Week (April 4-10, 2022)** that will be noted in the minutes.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: National Nutrition Month is an annual nutrition education and information campaign created by the Academy of Nutrition and Dietetics used to promote healthy eating and physical activity habits; and

WHEREAS: Good nutrition reduces the risk of costly chronic diseases that shorten the lifespan, such as heart disease, type 2 diabetes, and obesity; and

WHEREAS: According to the Centers for Disease Control and Prevention, only 4 in 10 children and 1 in 7 adults eat the daily recommended amount of fruit. In Tioga County, nearly 30% of residents reported eating fruit less than once per day; and

WHEREAS: Making small consistent changes to improve the nutritional quality of one's diet can make a large impact on their overall health status; and

WHEREAS: There are key messages for everyone regarding their health and nutrition: Eat a variety of nutritious foods from different food groups, practice portion control to avoid overeating, plan healthy meals and snacks, exercise most days of the week, take time to enjoy food, and visit a Registered Dietitian Nutritionist (RDN) for personalized nutrition information; and

WHEREAS: Sharing evidence-based nutrition information is a crucial step toward improving the eating habits of Tioga County residents; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of March 2022 as

NATIONAL NUTRITION MONTH

and encourages Tioga County residents to make informed food choices and seek nutrition advice from local resources such as Tioga County Public Health and SNAP-Ed New York.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: The people of Tioga County benefit every day from the efforts of the public health workforce when eating at restaurants, drinking tap water, and learning about prevention of diseases; and

WHEREAS: Throughout the COVID-19 pandemic Public Health has worked diligently to minimize the burden of disease through community outreach, collaboration with community partners, contact tracing, issuing isolation and quarantine orders, and COVID-19 vaccination and booster clinics; and

WHEREAS: Public Health activities protect Tioga County residents from infectious and chronic diseases, environmental and workplace hazards, unintentional injuries and violence; and

WHEREAS: Educating people about the benefits of healthy behaviors is an essential element in attaining good health and preventing premature illness and death; and

WHEREAS: Public Health efforts alone cannot accomplish the goal of a healthier Tioga County without cooperation and partnership with communities and individuals; and

WHEREAS: Each of us needs to do our part by taking personal responsibility to improve behaviors by following public health recommendations: abstaining from tobacco use, prioritizing sleep, staying up-to-date on vaccinations, making time for regular, safe physical activity, and eating more fruits and vegetables in order to prevent disease; and

WHEREAS: National Public Health Week provides an opportunity for our county to learn about public health concerns and success stories that are vital to healthy communities, such as immunizing against infectious disease, providing services for children with developmental delays, ensuring safe living conditions, enforcing environmental health regulations, providing dental services to underserved families, and preventing lead poisoning; and

WHEREAS: The residents of Tioga County recognize the essential role public health plays in their everyday lives; therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the week of April 4 – 10, 2022 as

PUBLIC HEALTH WEEK

and urges all residents to take steps to educate and recognize the role of public health in our community.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of February 15 and 24, 2022, seconded by Legislator Mullen and carried.

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

REFERRED TO: LEGISLATIVE WORKSESSION
 RESOLUTION NO. 80-22 APPOINT MEMBER TO BOARD OF ETHICS

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (B) – Ethics Board Membership states members who have served two full three-year terms may not be reappointed for at least one year after the expiration of their last term; and

WHEREAS: A vacancy exists on the Board of Ethics due to Reverend James Stevens term ending; and

WHEREAS: Thomas Mullen, a resident of Tioga County, NY has agreed to serve on the Board of Ethics; therefore be it

RESOLVED: That Thomas Mullen be and hereby is appointed to the Board of Ethics for a term beginning April 1, 2022 through March 31, 2025.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 RESOLUTION NO. 81-22 APPOINT MEMBER TO THE
 TIOGA COUNTY BOARD OF HEALTH

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six year staggered terms; and

WHEREAS: Maureen Hawley resigned from the Board of Health November 11, 2020; and

WHEREAS: The appointed term for Maureen Hawley on the Board of Health expires June 13, 2022; and

WHEREAS: William Simmons has agreed to fill the unexpired term of Maureen Hawley and continue with a new six-year term effective June 14, 2022 through June 13, 2028 ; and

WHEREAS: The Board of Health voted, on February 17, 2022, to recommend to the Tioga County Legislature the appointment of William Simmons to the Board of Health; therefore be it

RESOLVED: That William Simmons be appointed to the Board of Health to serve the remainder of the unexpired term of Maureen Hawley and thereafter commence a new six-year term effective June 14, 2022 through June 13, 2028.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 82-22 RESOLUTION REAPPOINTING
MEMBER TO COMMUNITY SERVICES BOARD

WHEREAS: Larrisa Pierce's appointment to the Community Services Board will expire on March 31st, 2021; and

WHEREAS: The Community Services Board has recommended Larissa Pierce's reappointment; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That Larissa Pierce be reappointed to the Community Services Board, for term starting April 1st, 2022 and ending March 31st, 2026.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 83-22 RE-APPOINT MEMBERS TO TRAFFIC SAFETY BOARD
SHERIFF'S OFFICE

WHEREAS: The terms of the Traffic Safety Board members will expire March 31, 2022; therefore be it

RESOLVED: That the following members be appointed to the Traffic Safety Board for a term as follows:

<u>TITLE</u>	<u>TERM</u>
Tioga County Public Works Commissioner or Designee	4/1/22-3/31/25
Tioga County Emergency Services Director	4/1/22-3/31/25
Tioga County Sheriff or Designee	4/1/22-3/31/25
Tioga County Economic Development or Designee	4/1/22-3/31/25
Tioga County Public Health Director or Designee	4/1/22-3/31/25
Art Cacciola - Candor	4/1/22-3/31/25

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 84-22 RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member, Jon Ward, will expire as of March 31, 2022; and

WHEREAS: Jon Ward has expressed a desire for re-appointment to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Jon Ward for another three-year term of 4/1/22 – 3/31/25.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 85-22 RE-APPOINT MEMBER TO THE TIOGA COUNTY LOCAL DEVELOPMENT CORPORATION (TCLDC)

WHEREAS: The term of Tioga County Local Development Corporation member, Marcia Kiechle, will expire as of March 31, 2022; and

WHEREAS: Marcia Kiechle has expressed a desire for re-appointment to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Marcia Kiechle for another three-year term of 4/1/22 – 3/31/25.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 86-22

*ERRONEOUS ASSESSMENT
TOWN OF SPENCER*

WHEREAS: An application for Corrected Tax Roll for the year 2020 indicates that parcels #68.00-1-13.2-1, 68.00-1-13.3-1, 68.00-1-13.4-1, 68.00-1-13.5-1, 68.00-1-29.11-1, 68.00-1-67.-1, 68.00-1-68.-1 account #5284, 5285, 5286, 5287, 5288, 5289, 5290, in the Town of Spencer assessed to Spencer-Tioga Solar LLC (c/o SUN8 PDC LLC) on the 2020 tax roll of the Town of Spencer is erroneous in that the Spencer-Tioga Solar LLC should have been wholly exempt due to their IDA PILOT for solar farm started in the 2019 roll year and that the exempt code was not applied; therefore be it

RESOLVED: The tax bills for 2020 in the Town of Spencer be null and void; and be it further

RESOLVED: That the erroneous County Tax of \$6.72 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous Town Tax of \$4.76 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the Solid Waste Tax of \$.42 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the School Tax of \$15.26 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous Fire Tax of \$.42 be charged to the proper account in the records of the County Treasurer;

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 87-22 ADOPT LOCAL LAW NO. 3 OF 2022

WHEREAS: A public hearing was held on February 24, 2022, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2022; a Local Law repealing Local Law No. 1 of 2022 and imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local law which will be Local Law No. 3 of 2022; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted:

County of Tioga

Local Law No. 3 of the Year 2022.

A Local Law of the Tioga County Legislature of the County of Tioga, repealing Local Law No. 1 of the Year 2022 and imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337.

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

SECTION 1: PURPOSE

A Local Law repealing and replacing Local Law No. 1 of the Year 2022, that amended Local Law No. 3 of 2017 and Local Law No. 1 of 1991 to authorize the County of Tioga to impose an additional surcharge of One Dollar (\$1.00) to the current surcharges which are applied to both wireless and traditional telephone services for a period of ten years.

The charge applied for prepaid and monthly wireless devices is increased from Thirty Cents (\$0.30) to One Dollar and Thirty Cents (\$1.30). The charge for traditional phone service through telephone service providers and Voice Over IP services is increased from Thirty Five Cents (\$0.35) to One Dollar and Thirty Five Cents (\$1.35). This law provides for these fees to return to their prior level after this law's expiration.

SECTION 2:

Local Law No. 1 of 2022, which amended Local Law No. 3 of 2017, is hereby repealed.

SECTION 3: WIRELESS SURCHARGES

Local Law No. 3 of 2017 is amended by adding a new Section 2-A to read as follows:

SECTION 2-A: Imposition of additional wireless surcharges

(a) Pursuant to the authority of Tax Law § 186-g, in addition to the wireless communications surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid additional surcharges within the territorial limits of the County of Tioga on (i) wireless communications service provided to a wireless communications customer with a place of primary use within the County of Tioga, at the rate of One Dollar (\$1.00) per month on each wireless communications device in service during any part of the month; and (ii) retail sales of prepaid wireless communication service sold within the territorial limits of County of Tioga, at the rate of One Dollar (\$1.00) per retail sale, whether or not any tangible personal property is sold therewith.

(b) Such additional surcharges shall be identical to the surcharges imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

SECTION 4: LOCAL SURCHARGE FOR ENHANCED EMERGENCY TELEPHONE SYSTEM

Local Law No. 1 of 1991 is amended by adding a new Section 11 to read as follows:

SECTION 11: Imposition of additional surcharges for an Enhanced Emergency Phone System

(a) Pursuant to the authority of County Law §337, in addition to the surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid an additional surcharge of One Dollar (\$1.00) per access line per month on the customers of every service supplier within Tioga County to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system (E911) to serve Tioga.

(b) This additional surcharge shall be identical to the surcharge imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The E911 surcharge imposed must be reflected and made payable on bills rendered to the customer.

(e) Service suppliers shall begin to add such surcharge to the billing of its customers and shall begin to collect such surcharge commencing June 1, 2022.

(f) The Definition of Service Supplier provided in Section 1 (a) is hereby amended to reference the definition provided by New York County Law §301 and will read as follows (a) "Service supplier" means (i) a telephone corporation which provides local exchange access service within a 911 service area, or (ii) a provider of "voice over internet protocol service" or "VOIP service" that provides such service within a 911 service area.

SECTION 5: EFFECTIVE DATE

This Local Law shall take effect June 1, 2022, provided however new section 2-A of Local Law No. 3 of 2017, as added by Section 3 of this local law, and new section 11 of Local Law No. 1 of 1991, as added by Section 4 of this local law, shall expire and be deemed repealed August 31, 2031.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE
 INFORMATION TECHNOLOGY COMMITTEE
 PUBLIC SAFETY COMMITTEE
 HEALTH AND HUMAN SERVICES COMMITTEE

RESOLUTION NO. 88-22 *AUTHORIZE EXECUTION OF COOPERATIVE
 AGREEMENTS BETWEEN THE LAW DEPARTMENT,
 ITCS, SHERIFF, PUBLIC HEALTH, DSS, AND
 MENTAL HYGIENE*

WHEREAS: Tioga County has implemented a Direct Charge Pilot Program that will maximize State reimbursement for legal and IT expenses while eliminating the administrative burden of charging all departments for those expenses; and

WHEREAS: The Law Department and ITCS will directly charge the Department of Social Services, Public Health and Mental Hygiene for its services and support pursuant to Cooperative Agreements; and

WHEREAS: The Sheriff's Department will directly charge the Department of Social Services for security services, escort, protection and transport services; and

WHEREAS: It may be necessary for the Budget Officer to make budget adjustments to reflect the budgeted amounts and year end actuals in the cooperative agreements between ITCS and DSS, Public Health and Mental Hygiene and to reflect the budgeted amount in the cooperative agreement between the Sheriff and DSS; therefore be it

RESOLVED: That the Legislature authorizes and directs the Chair to execute Cooperative Agreements between the Law Department and DSS, Public Health and Mental Hygiene; and be it further

RESOLVED: That the Legislature authorizes and directs the Chair to execute Cooperative Agreements between the ITCS Department and DSS, Public Health and Mental Hygiene; and be it further

RESOLVED: That the Legislature authorizes and directs the Chair to execute a Cooperative Agreement between the Sheriff's Department and DSS; and be it further

RESOLVED: That the Cooperative Agreements between DSS and the Law Department, ITCS and Sheriff shall be submitted to the New York State Office of Temporary and Disability Assistance and the Office of Children and Family Services for approval; and be it further

RESOLVED: That the Budget Officer is authorized to make budget adjustments to reflect the budgeted amounts and year end actuals in the cooperative agreements between ITCS and DSS, Public Health and Mental Hygiene and to reflect the budgeted amount in the cooperative agreement between the Sheriff and DSS.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 89-22 *AUTHORIZE CONTRACT WITH
PUBLIC SAFETY PSYCHOLOGY*

WHEREAS: Part 6000 of the NYS Register, which governs medical and physical standards for law enforcement recruits, was revised in late 2021; and

WHEREAS: A significant change was made to the psychological testing regulations, to now require examination by a Psychologist or Psychiatrist certified in New York State; and

WHEREAS: Tioga County has for many years completed this testing utilizing a tool issued and evaluated by an agency in Georgia, which no longer satisfies the revised regulations; and

WHEREAS: The Personnel Department has sought quotes from three agencies to conduct psychological tests that satisfy the new regulations; and

WHEREAS: Only one of the agencies contracted is able to offer the required services; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Public Safety Psychology retroactive to March 7, 2022 at a cost of \$325.00/exam, subject to review by the County Attorney, for the administration of psychological testing of law enforcement candidates in accordance with Part 6000 of the NYS Register; and be it further

RESOLVED: That the cost of this contract will be paid out of account A1430-540470.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 90-22 *AWARD TALCOTT STREET BRIDGE
CONSTRUCTION CONTRACT*

WHEREAS: Tioga County has budgeted for the repairs to Talcott Street Bridge; and

WHEREAS: The Commissioner of Public Works received sealed bids on February 9, 2022 and the bids results were as follows:

R. DeVincentis Construction Co., Inc.	\$378,000.00
Economy Paving Co. Inc.	\$399,399.00

WHEREAS: Tioga County DPW have completed the review of the bids and finds the low bidder R. DeVincentis Construction Co. Inc., Binghamton, NY meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to R. DeVincentis Construction Co. Inc., Binghamton, NY not to exceed \$378,000.00 to be paid out of the following account: H5110.540004.H2101 – Talcott Street Bridge.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 91-22 *AUTHORIZE INCREASE IN ADMINISTERING
MORTGAGE TAX BY THE TIOGA COUNTY CLERK AS
APPROVED BY NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE*

WHEREAS: Section 262 (Article 11) of the New York State tax law mandates that recording officers are entitled to receive for the county all necessary expenses for the purpose of administration of the mortgage tax in their office and approved allowance by the New York State Department of Taxation and Finance; and

WHEREAS: The Tioga County Clerk has requested proper compensation that are reasonable and necessary allowances to cover county expenditures for collection, disbursements of the mortgage tax; and

WHEREAS: The Tioga County Clerk's office has submitted to the New York State Department of Taxation and Finance a mortgage expense request of \$150,774.00 per year; and

WHEREAS: The Tioga County Clerk has been authorized by New York State Department of Taxation and Finance to increase the mortgage expense to be \$150,774.00 for the period of April 1, 2022 – March 31, 2023; therefore be it

RESOLVED: That the County Clerk be authorized to collect or withhold from its

disbursements in twelve (12) equal monthly installments of \$12,564.50 at a total annum amount of \$150,774.00.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 92-22 *AUTHORIZE SUBMISSION OF HAZARDOUS MITIGATION
PLANNING GRANT APPLICATION
EMERGENCY MANAGEMENT, SOIL & WATER,
ECONOMIC DEVELOPMENT & PLANNING*

WHEREAS: Tioga County currently has an approved Federal Emergency Management Agency (FEMA) Multijurisdictional Multi Hazards Mitigation Plan (HMP); and

WHEREAS: The County's current HMP expires in August of 2024 and FEMA requires five-year HMP updates to be completed before their current expiration date; and

WHEREAS: FEMA has made funding available to NYS Department of Homeland Security and Emergency Services (DHSES) to update Hazard Mitigation Plans; and

WHEREAS: Tioga County Departments of Economic Development & Planning, Emergency Services and Soil & Water Conservation District partner on these HMP updates; and

WHEREAS: Tioga County is eligible for these funds and has been encouraged by NYS DHSES staff to apply this year for our County's HMP Update; and

WHEREAS: This funding is available to cover 75% of the project cost with a required local match of 25%; and

WHEREAS: In 2023, Economic Development and Planning will have \$22,000 available between budget line items of A8020.540140 Contract Services and A8020.540590 Services Rendered and Emergency Services will have \$3,000 available in budget line item A3640.540140 Contract Services totaling a \$25,000 local match and enabling a \$100,000 total grant application; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes said grant application to FEMA for a Tioga County HMP Update in an amount not to exceed \$100,000 and authorizes the Chair of the County Legislature to sign any and all grant related paperwork upon review of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 93-22 *AUTHORIZATION FOR ECONOMIC DEVELOPMENT AND PLANNING TO SUBMIT GRANT APPLICATION TO NYS CDBG-CV CARES ACT PROGRAM AND AUTHORIZE LEGISLATIVE CHAIR SIGNATURE ON GRANT RELATED DOCUMENTS FOR RACKER NON-PROFIT HUB PROJECT*

WHEREAS: Racker intends to construct a 15,000 SF non-profit hub on a 1.6-acre parcel on North Depot Street in the Village of Owego estimated at \$5,824,000 that will address an abundance of needs in Tioga County for the vulnerable and underserved populations disproportionately impacted by the COVID-19 crisis; and

WHEREAS: The non-profit hub will allow Racker and partnering organizations to provide services and programs for people with disabilities and poverty stricken families, early childhood services, immigrant services, and various other community needs; and

WHEREAS: The Community Development Block Grant (CDBG)-CV Cares Act program is administered by the NYS Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$127,000,000 for Small Business Assistance, Public Facilities/Infrastructure, Housing Improvements, and Public Services activities that respond to the impacts of COVID-19 crisis; and

WHEREAS: Tioga County is proposing the submittal of an application under the CDBG-CV program in the amount of \$3,000,000 to assist Racker with the aforementioned project; and

WHEREAS: Racker will be providing the balance of the project cost through a combination of other committed grants sources and cash match; and

WHEREAS: The proposed project is an eligible activity under the CDBG-CV program and Tioga County, NY, as a non-entitlement unit of local government, is an eligible entity to apply for and receive CDBG-CV funds; therefore be it

RESOLVED: That the Tioga County Legislature authorizes said grant application in the amount of \$3,000,000 and upon award, authorizes the Chair of the Legislature to sign any and all grant-related contract and other paperwork, contingent upon review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 94-22 *SCHEDULE PUBLIC HEARING FOR NEW YORK STATE
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
RACKER NON-PROFIT HUB PROJECT*

WHEREAS: Racker intends to construct a 15,000 SF non-profit hub on a 1.6-acre parcel on North Depot Street in the Village of Owego estimated at \$5,824,000 that will address an abundance of needs in Tioga County for the vulnerable and underserved populations disproportionately impacted by the COVID-19 crisis; and

WHEREAS: The non-profit hub will allow Racker and partnering organizations to provide services and programs for people with disabilities and poverty stricken families, early childhood services, immigrant services, and various other community needs; and

WHEREAS: The Community Development Block Grant (CDBG)-CV program is administered by the NYS Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$127,000,000 for Small Business Assistance, Public Facilities/Infrastructure, Housing Improvements, and Public Services activities that respond to the impacts of COVID-19 crisis; and

WHEREAS: The proposed project is an eligible activity under the NYS CDBG-CV Cares Act program and Tioga County, NY, as a non-entitlement unit of local government, is an eligible entity to apply for and receive CDBG-CV funds; and

WHEREAS: The Tioga County Legislature is required to hold a public hearing allowing for citizen feedback on the community and economic development needs of Tioga County and the proposed project; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing for community input in regards to the current Community Development Block Grant project in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, March 24, 2022 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 95-22 *AUTHORIZATION FOR ECONOMIC DEVELOPMENT AND PLANNING TO SUBMIT GRANT APPLICATION TO NYS CDBG-CV CARES ACT PROGRAM AND AUTHORIZE LEGISLATIVE CHAIR SIGNATURE ON GRANT RELATED DOCUMENTS FOR TIOGA OPPORTUNITIES, INC. BUILDING UPGRADE AND GENERATOR PURCHASE PROJECT*

WHEREAS: Tioga Opportunities, Inc. (TOI) intends to upgrade and expand the existing HVAC system at the Countryside Community Center, located at 9 Sheldon Guile Blvd, Owego, NY 13827 to provide ventilation throughout the entire building, enhance air filtration, and sanitize air to keep vulnerable populations safe, improve air quality, and reduce transmission of airborne illnesses and risk of exposure; and

WHEREAS: TOI also intends to install a 24kw generator at the Nichols Schoolhouse Apartments, located at 84 Cady Ave, Nichols, NY 13812 to power the complex's common room so that in the event of a power outage, residents could power necessary medical equipment, charge personal items, and prepare food; and

WHEREAS: The Community Development Block Grant (CDBG)-CV program is administered by the NYS Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$127,000,000 for Small Business Assistance, Public Facilities/Infrastructure, Housing Improvements, and Public Services activities that respond to the impacts of COVID-19 crisis; and

WHEREAS: Tioga County is proposing the submittal of an application under the CDBG-CV program in the amount of \$300,000 to assist TOI with the aforementioned project; and

WHEREAS: The proposed project is an eligible activity under the CDBG-CV program and Tioga County, NY, as a non-entitlement unit of local government, is an eligible entity to apply for and receive CDBG-CV funds; therefore be it

RESOLVED: That the Tioga County Legislature authorizes said grant application in the amount of \$300,000 and upon award, authorizes the Chair of the Legislature to sign any and all grant-related contract and other paperwork, contingent upon review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 96-22 *SCHEDULE PUBLIC HEARING FOR NEW YORK STATE
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
TIOGA OPPORTUNITIES, INC. BUILDING UPGRADE
AND GENERATOR PURCHASE PROJECT*

WHEREAS: Tioga Opportunities, Inc. (TOI) intends to upgrade and expand the existing HVAC system at the Countryside Community Center, located at 9 Sheldon Guile Blvd, Owego, NY 13827 to provide ventilation throughout entire building, enhance air filtration, and sanitize air to keep vulnerable populations safe, improve air quality, and reduce transmission of airborne illnesses and risk of exposure; and

WHEREAS: TOI also intends to install a 24kw generator at the Nichols Schoolhouse Apartments, located at 84 Cady Ave, Nichols, NY 13812 to power the complex's common room so that in the event of a power outage, residents could power necessary medical equipment, charge personal items, and prepare food; and

WHEREAS: The Community Development Block Grant (CDBG)-CV program is administered by the NYS Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$127,000,000 for Small Business Assistance, Public Facilities/Infrastructure, Housing Improvements, and Public Services activities that respond to the impacts of COVID-19 crisis; and

WHEREAS: The proposed project is an eligible activity under the NYS CDBG-CV Cares Act program and Tioga County, NY, as a non-entitlement unit of local government, is an eligible entity to apply for and receive CDBG-CV funds; and

WHEREAS: The Tioga County Legislature is required to hold a public hearing allowing for citizen feedback on the community and economic development needs of Tioga County and the proposed project; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing for community input in regards to the current Community Development Block Grant project in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, March 24, 2022 at 10:05 A.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 97-22 *FILING OF AN APPLICATION FOR STATE GRANT FROM DEC MUNICIPAL WASTE REDUCTION AND RECYCLING (MWRR) PROGRAM*

WHEREAS: The State of New York announced a grant from the DEC municipal waste reduction and recycling (MWRR) program to assist counties and local governments with their waste reduction program expenses; and

WHEREAS: Through this grant Solid Waste would be partially reimbursed for their eligible costs of their Reduce, Reuse and Recycling program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sustainability Manager to apply and administer said grant via NYS Grants Gateway; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to sign the application via Grants Gateway for grant upon approval by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 98-22 *REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO PURSUE A GRANT KNOWN AS NY CARES UP GRANT*

WHEREAS: The New York State Office of Mental Health's Suicide Prevention Center of New York is offering a two-year Veteran Serving Organization Grant that will award \$70,000 to be used to set-up and implement a model national program called the Expiration Term of Service - Sponsorship Program (ETS-SP); and

WHEREAS: This community-based program serves to assist Transitioning Service members and veterans (TSMs/Vs) as they shift from military to civilian life, by connecting them with a local volunteer peer sponsor. The program focuses on the first year of post-military life, a timeframe often referred to as the “deadly gap” due to the high rate of homelessness, criminal justice involvement, alcohol and substance use, unemployment, and suicide. ETS Sponsors are trained and certified to build relationships and resiliency; and

WHEREAS: The grant funding will be used to aid us in becoming an approved ETS-SP program that includes certification as Community Integration Coordinators. Applicants for this grant are encouraged to do so on a regional level; therefore, we have created the Southern Tier Finger Lakes Regional Collaborative that is currently comprised of the Veteran Service Agencies of Tioga (lead entity for grant), Cayuga, Chemung, Cortland, Schuyler and Tompkins Counties as well as, the Tioga County Department of Mental Hygiene, Tioga County Suicide Prevention Coalition and the Tioga ASAP Coalition; therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to pursue this grant application to establish and maintain an ETS-SP program within the Regional Collaborative as previously described.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO	HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 99- 22	<i>AUTHORIZATION TO APPLY FOR GRANT DEPARTMENT OF SOCIAL SERVICES</i>

WHEREAS: New York State has released a grant opportunity titled "Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program"; and

WHEREAS: The Tioga County Department of Social Services desires to pursue this grant opportunity to assist in the implementation of their recently developed Child Advocacy Center; and

WHEREAS: Although the amount of the grant funding is not yet determined, as it will be based upon the competitive award process, the Department of Social Services will be requesting approximately \$450,000 over 3 years; and

WHEREAS: While the grant does require 25% matching expenditures in years two and three, the Department of Social Services will seek all matching costs from community partners and in-kind expenditures; and

WHEREAS: The Tioga County Department of Social Services has partnered with A New Hope Center on this potential grant opportunity; and

WHEREAS: County Policy 47 requires Legislative approval for grant applications that will require the signature of the Chief Elected Official; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to submit an application for the "Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program" grant.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 100-22 *AUTHORIZE APPROPRIATION OF YEAR FOUR
FUNDING FROM THE NYS OFFICE OF INDIGENT LEGAL
SERVICES FOR HURRELL-HARRING GRANT AND
AMEND 2022 BUDGET*

WHEREAS: By Resolution No. 257-18 adopted on November 13, 2018, Tioga County entered into a five-year agreement with the New York State Office of Indigent Legal Services for distribution of funds to provide representation to persons legally entitled to counsel but unable to hire an attorney; and

WHEREAS: By Resolution No. 49-22 the fourth year contract amendment was adopted and executed on February 15, 2022 for fiscal year April 2021 – March 2022; and

WHEREAS: The NYS Expense Report has a current balance remaining of \$619,149.17; and

WHEREAS: The 2022 budget and the 2021 carry forward (Resolution 283-21) allocated \$409,350.40 of the \$619,149.17 into the Hurrell-Harring Grant. The remaining \$209,798.77 needs to be allocated to equal the remaining balance of \$619,149.17; and

WHEREAS: The 2022 budget allocated \$359,979.36 in State Aid revenue of the \$619,149.17. The remaining \$259,169.81 needs to be allocated to equal the remaining balance of \$619,149.17; and

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

RESOLVED: That the 2022 Budget be amended and brought into balance with the NYS Expense report in the Amount of \$619,149.17; and amended as follows:

Revenue Account: A 1174 430260 State Aid Indigent	\$ 259,169.81
Expense Account: A 1174 510010 Full Time Salary	\$ - 29,817.36
A 1174 510020 Part Time Salary	\$ 30,757.69
A 1174 520090 Info Tech	\$ - 5,108.09
A 1174 520200 Office Equipment	\$ 10,684.15
A 1174 540140 Contracted Services	\$ 27,345.73
A 1174 540040 Books	\$ 1,493.38
A 1174 540180 Dues	\$ 2,500.00
A 1174 540280 Investigations	\$ 71,312.23
A 1174 540320 Leased Services	\$ -
A 1174 540390 Mileage	\$ 3,483.68
A 1174 540420 Supplies	\$ 9,857.91
A 1174 540480 Postage	\$ -
A 1174 540550 Rent	\$ 11,500.00
A 1174 540620 Software Expenses	\$ 10,633.94
A 1174 540733 Training/CLE	\$ 6,264.00
A 1174 581088 Retirement	\$ 14,634.78
A 1174 583088 Social Security	\$ 16,262.04
A 1174 585588 Disability	\$ 49.85
A 1174 584088 Workers Comp	\$ 3,116.10
A 1174 586088 Health Ins/HRA	\$ 24,795.40
A 1174 588988 EAP	\$ 33.34

And be it further

RESOLVED: Available funds on 12/31 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 101-22 AMEND BUDGET AND TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: The Commissioner of Public Works has budgeted funds for Talcott Street Bridge repairs; and

WHEREAS: Bids were received for the subject bridge repairs and the budgeted amount of the repairs are insufficient; and

WHEREAS: Budget Amendments and Interfund Transfers require Legislative approval; therefore be it

RESOLVED: That the following Interfund Transfer be approved:

From- H5110.450310	Interfund Transfers	\$155,000
To- D9950.590715	Transfer to Capital	\$155,000

And be it further

RESOLVED: That the following Budget Amendments be approved:

Decrease: D5110.540050	Bridge Projects	\$155,000
Increase: D9950.590715	Transfer to Capital	\$155,000
Increase: H5110-450310	Interfund Transfers	\$155,000
Increase: H5110.540004.H2101	Talcott Street Bridge	\$155,000

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 102-22 *RESOLUTION APPORTIONING FORFEITURE OF CRIME PROCEEDS FOR DRUG ENFORCEMENT ACTIVITIES*

WHEREAS: Resolution 239-20 established a system for the disposal of property, the order of priority of disbursements and the restrictions on the use of both pre-conviction and post-conviction forfeitures of crime proceeds; and

WHEREAS: Amounts received in general fund of County restricted for Law enforcement purposes should be used for Law enforcement purposes by the District Attorney in the year received. If not used, the unexpended balance shall be transferred to Criminal Proceed Forfeiture Reserve Fund (Account A388901/A388905). The amounts in these accounts must be used in the next succeeding fiscal year for Law enforcement purposes by the District Attorney; and

WHEREAS: There are two Crime Proceeds reserve accounts that have balances that need to be allocated into the District Attorney's budget. Crime Proceeds Restricted (A388901) \$680.57 and Crime Proceeds Unrestricted (A388905) \$18,095.19; and

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

RESOLVED: That funding be appropriated as follows:

FROM: A388901	Forfeiture of Crime Proceeds	\$18,095.19
A388905	Forfeiture of Crime Proceeds Restricted	\$ 680.57
TO: A1165 540335	Asset Forfeiture Expense	\$ 18,095.19
A1165 540336	Asset Forf. Exp Restricted	\$ 680.57

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

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

RESOLUTION NO. 103-22 APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services has received a Pandemic Emergency Assistance Fund (PEAF) allocation to provide financial assistance for the cost of diapers for children under the age of three, to provide food assistance to multi-generational households with older family members, and to provide financial assistance to victims of domestic violence and their families in paying reasonable costs associated with relocation; and

WHEREAS: Appropriation of funds and budget modification requires legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A6109.446090 Federal Aid: Family Assistance \$ 145,580

To: A6109.540487 Family Assistance Program Expense \$ 145,580

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 104-22 AUTHORIZE SALARY ABOVE CSEA BASE FOR
PROBATION OFFICER 1 (MICHELLE DUNHAM)
PROBATION DEPARTMENT

WHEREAS: Legislative approval is required to hire above the established CSEA salary base; and

WHEREAS: The Probation Director has identified a candidate to fill the Probation Officer 1 (CSEA SG XI, \$46,132 – 47,132) vacancy who is currently employed with Tioga County and who has over 13 years of prior relevant work experience; therefore be it

RESOLVED: That Michelle Dunham is hereby provisionally appointed to the title of Probation Officer 1 at \$47,132 / year (increment stage 2) effective retroactive to March 14, 2022, pending successful completion of civil service examination requirements; and be it further

RESOLVED: That on Ms. Dunham's anniversary date, she will be eligible for her seventh year increment in April 2024.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 105 -22 *AUTHORIZE SALARY ABOVE CSEA BASE
FOR PROBATION OFFICER 1 (MICHAEL FRANZ)
PROBATION DEPARTMENT*

WHEREAS: Legislative approval is required to hire above the established CSEA salary base; and

WHEREAS: The Probation Director has identified a candidate to fill the Probation Officer 1 (CSEA SG XI, \$46,132 – 47,132) vacancy who has 3 years of prior relevant work experience; therefore be it

RESOLVED: That Michael Franz is hereby appointed to the title of Probation Officer 1 at \$47,132 / year (increment stage 2) effective retroactive to March 14, 2022; and be it further

RESOLVED: That Mr. Franz will be eligible for an increment upon completion of his seventh year of service.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 106-22 APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER
BOARD OF ELECTIONS

WHEREAS: Legislative approval is required for any appointment to a management/confidential position within Tioga County; and

WHEREAS: Due to retirement, the Republican Election Commissioner for the Republican Party became vacant as of February 26, 2022; and

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Vera Lin Layman be and hereby is appointed Election Commissioner for the Republican Party retroactive effective February 28, 2022 through December 31, 2022, at the annual M/C salary of \$49,749.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 107-22 *CREATE AND FILL TWO (2) HIGHWAY WORKER
(SEASONAL) POSITIONS
PUBLIC WORKS*

WHEREAS: There will be a need for the Highway Department to employ two (2) Highway Workers (Seasonal) for 2022; and

WHEREAS: The Commissioner of Public Works has budgeted money to cover expenditures of such employment; therefore be it

RESOLVED: That the Commissioner of Public Works is hereby authorized to create and fill two (2) temporary full-time Highway Worker (Seasonal) positions effective April 1, 2022 through October 7, 2022 at an hourly rate of \$13.20 (minimum wage), however no more than 800 hours may be worked by each worker April 1, 2022 – October 7, 2022.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standing, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 108-22 *CONTRACT FOR CONSULTANT SERVICES*

WHEREAS: Legislative approval is required to contract for professional services; and

WHEREAS: The Personnel Officer position will become vacant on March 18, 2022 due to a planned retirement, and a replacement has not yet been hired; and

WHEREAS: There is a need to contract with the recently retired Personnel Officer for continuity of operations and training of the successor; therefore be it

RESOLVED: That the County Legislature authorizes a contract with Bethany O'Rourke for consulting services at the rate of \$150.00 per hour from March 21, 2022 through May 27, 2022; and be it further

RESOLVED: That Ms. O'Rourke shall determine her hours each week, but is not expected to work more than 15 hours per week; and be it further

RESOLVED: That the end date of this arrangement may be earlier than May 27, 2022 upon agreement by both parties.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 109-22 *AMEND EMPLOYEE HANDBOOK; SECTION X:
BUILDING AND VEHICLE PROCEDURES – SUBSECTION
C. ASSIGNMENT & USE OF COUNTY VEHICLES*

WHEREAS: During the revamping of the required driver safety training by the County Safety Officer, it has been determined it is in the best interest of the County to replace the full-day driver safety training course with a driver safety training course identified by the County Safety Officer effective April 1, 2022; and

WHEREAS: The change in driver safety training warrants revisions in several areas of the Building and Vehicle Procedures policy; therefore be it

RESOLVED: That Section IV: APPROVED DRIVER LIST, paragraphs B, C, D, and E be revised to read as follows:

B. All employees who operate a County vehicle and/or personal vehicle for County business and who are on an approved driver list shall be required to certify by attending the County's driver training course. The driver training course shall be identified by the County Safety Officer with the approval of the Finance, Legal, and Safety Legislative Standing Committee. The employee must initially complete the course within 60 days of having been approved as a County driver. There will be a recertification date every three years. All drivers must thereafter recertify by the recertification date. The first recertification date shall be June 1, 2022 and occur every three years thereafter.

C. The County Safety Officer shall monitor the driver's license status of each person on the Approved Driver List through the New York State Department of Motor Vehicles License Event Notification System (LENS). In the event the driving privileges of an individual on the list is suspended or revoked, the County Safety Officer shall immediately notify the individual and Department Head, and that individual shall be removed immediately from the Approved Driver List. In NO EVENT shall said individual operate a County vehicle or personal vehicle for County business until driving privileges are restored and verified through the LENS system.

D. All employees and Legislators who receive reimbursement for using their personal vehicle for County business shall be required to complete the Tioga County Driver Safety Training within 60 days of assuming their duties and must retake the course on the same schedule as referenced in Section (B) above.

E. Employees who have been involved in an accident where they were at fault may be required to recertify or take other training as directed by their supervisor or Department Head with the advice of the County Safety Officer.

And be it further

RESOLVED: That Section V: POLICY, paragraphs F.1. and G.2. be revised to read as follows:

F.1. The first two letters preceding the serial number will identify County departments (e.g., PW: Public Works; SH: Sheriff's Office; MH: Mental Hygiene; PH: Public Health; FC: Fire Coordinator; PR: Probation; SS: Social Services; TR: Treasurer; EPD and EPA: Economic Development & Planning).

G.2. Vehicles are assigned to the following individuals:

- a. Commissioner of Public Works
- b. Deputy Commissioner of Public Works
- c. Commissioner of Social Services
- d. Director of Public Health
- e. Sheriff
- f. Undersheriff

And be it further

RESOLVED: That Section VI. RESTRICTIONS ON USE OF VEHICLES, paragraphs A.5. and A.6. be revised to read as follows:

5. Stopping while in transit to purchase items for personal and/or family use that are not required for the purpose of the trip. (Except for "de Minimis" use of vehicles [e.g., stopping for lunch or dinner on the way home]).

6. Transporting family members or any other non-County employee while the employee is on/or off-duty. The exception, when on duty, is the transportation of DSS clients who have an open case with Services.

And be it further

RESOLVED: That Section VIII. MAINTENANCE, paragraph H be deleted in its entirety.

And be it further

RESOLVED: That Section IX. ACCIDENT REPORTING, paragraphs A and B be revised to read as follows:

- A. Law enforcement must be notified for all accidents involving County vehicles, regardless of severity or fault, except minor accidents only involving Public Works vehicles with damages of less than \$1,000, which occurred entirely on County property. When reporting an accident, obtain the name of the investigating officer, agency, and the report number.
- B. Employees are also to report the nature and extent of all vehicle accidents, acts of vandalism, burglary, and or theft to their direct supervisor and Department Head immediately. Such information shall also be reported to the County Law Department and County mechanic as shall all vehicle accidents involving Department Heads and elected officials. An Incident Report, which can be obtained on the Tioga County Intranet under County Attorney forms, must be filed with the Tioga County Attorney's Office as soon as possible, but no later than the close of the next

business day. All invoices must be sent to the County Law Department as soon as they are received for review.

And be it further

RESOLVED: That Section X. GENERAL INFORMATION, paragraph B. be revised to read as follows:

- B. Operation of vehicles while under the influence of drugs or alcohol, or consumption of alcohol and/or drugs when in County vehicles, is strictly prohibited. Smoking, vaping and/or marijuana usage is prohibited in all County-owned vehicles.

And be it further

RESOLVED: That the remainder of the Building and Vehicle Procedures policy remains unchanged

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

Legislator Monell made a motion to have the following late-file resolution move forward for consideration, seconded by Legislator Mullen and carried.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 110-22 *AMEND 2022 BUDGET
APPROPRIATION OF FUNDS
AMERICAN RESCUE PLAN ACT
BUDGET OFFICE REQUEST 2022-003*

WHEREAS: On March 11th, 2021 the State and Local Coronavirus Fiscal Recovery Fund legislation, part of the American Rescue Plan Act, hereinafter referred to as ARPA, was signed into law, awarding Tioga County \$9,362,868 in fiscal recovery funds, half of the funds were received in 2021, and the other half are to be received in 2022; and

WHEREAS: On May 10th, 2021 the U.S. Department of Treasury released guidance as to how the fiscal recovery funds are to be spent in the response effort against the COVID-19 pandemic including support of the public health response, replacement of public sector revenue losses, and water & sewer infrastructure; and

WHEREAS: The Tioga County Legislature has identified internal departments and external agencies that would greatly benefit from the provision of the ARPA funds, that also meet the treasury's guidelines for use and provide the greatest benefit to Tioga County residents, and

WHEREAS: Upon the successful receipt and review of the One Time ARPA request form(s), both the Legislative Chair and the ARPA Fund Administrator have granted their approval of the form, and have submitted the request to the Tioga County Legislature for final review and approval; and

WHEREAS: Amending of the 2022 Budget and appropriation of Fiscal Recovery Funds require Legislative Approval; therefore be it

RESOLVED: That the 2022 Budget be amended, and funds be appropriated as follows:

TO: A1325 540429 M7674 Outside Support	\$50,000.00
VID: 5105 CASA-Trinity, Inc.	
ARPA Category: 1.10 Mental Health Services	
TC ASAP Community Organization Youth Substance Abuse Prevention	
Manual Check Payment	

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Mullen, Roberts, Standinger, Weston, and Brown.

No – None.

Absent – Legislator/Chair Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:48 P.M.

Public Hearing
New York State Community Development Block Grant CARES
(CDBG-CV) Application for 2020 Program Year
Racker Non-Profit Hub Project
March 24, 2022

The Public Hearing on New York State Community Development Block Grant CARES (CDBG-CV) application for 2020 program year regarding the Racker Non-Profit Hub Project was called to order by the Chair at 10:00 A.M. Seven Legislative members were present with Legislators Mullen and Standingier being absent.

There were seven people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no public comments, the hearing was adjourned at 10:02 A.M.

*Public Hearing
New York State Community Development Block Grant CARES
(CDBG-CV) Application for 2020 Program Year
Tioga Opportunities, Inc. Building Upgrade and
Generator Purchase Project
March 24, 2022*

The Public Hearing on New York State Community Development Block Grant CARES (CDBG-CV) application for 2020 program year regarding the Tioga Opportunities, Inc. Building Upgrade and Generator Purchase Project was called to order by the Chair at 10:05 A.M. Seven Legislative members were present with Legislators Mullen and Standingger being absent.

There were six people in attendance.

The Clerk read the legal notice as published in the official newspapers.

There being no public comments, the hearing was adjourned at 10:07 A.M.

Fourth Special Meeting
March 24, 2022

The Fourth Special Meeting of 2022 was held on March 24, 2022 and was called to order by the Chair at 10:10 a.m. Legislators Brown, Ciotoli, Hollenbeck, Monell, Roberts, Sauerbrey, and Weston were present with Legislators Mullen and Standingier being absent.

Chair Sauerbrey asked Legislator Ciotoli to have a moment of prayer.

"Heavenly Father, thank you for allowing us to meet today and I ask that you guide us as we make decisions in our meeting."

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

There were five people in attendance.

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

REFERRED TO:	LEGISLATIVE WORKSESSION
RESOLUTION NO. 111-22	<i>AUTHORIZE APPOINTMENT OF PERSONNEL OFFICER (PERSONNEL DEPARTMENT)</i>

WHEREAS: Tioga County has previously authorized an agreement with Bethany O'Rourke to provide continuity of operations after the term for the previous Tioga County Personnel Officer expired on March 17, 2022; and

WHEREAS: As the position of Personnel Officer remains unfilled at this time and the County Legislature would like to appoint Bethany O'Rourke to the position of Personnel Officer; and

WHEREAS: Ms. O'Rourke is willing to serve Tioga County in that capacity on a part-time basis on the same terms as authorized by Resolution 108-22; therefore be it

RESOLVED: That Bethany O'Rourke is hereby appointed as Personnel Officer for a 6 year term commencing March 21, 2022 through March 20, 2028 at the rate and hours as previously authorized by Resolution 108-22.

County Attorney DeWind spoke. "I briefly summarized in an email the reason for this resolution, which covers one very narrow set of paperwork that the State requires a particular kind of authority for signature, but we cannot wait as we have law enforcement that needs to attend the academy next week".

ROLL CALL VOTE

Yes – Legislators Ciotoli, Hollenbeck, Monell, Roberts, Sauerbrey, Weston, and Brown.

No – None.

Absent – Legislators Mullen and Standingier.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:13 A.M.

Fourth Regular Meeting
April 12, 2022

The Fourth Regular Meeting of 2022 was held on April 12, 2022 and was called to order by the Chair at 12:00 P.M. Eight Legislative members were present with Legislator Weston being absent.

Chair Sauerbrey asked Legislator Hollenbeck to have a moment of prayer. "God Bless the Ukrainian people, as they try to survive the Russian invasion of their Country. Please keep them in your thoughts and prayers."

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

There were 13 people in attendance.

Chair Sauerbrey reported we have two Proclamations; **Tioga County Council on the Arts 50th Anniversary** that will be read by Legislator Roberts and presented to Christina Di Stefano, Executive Director, Tioga County Council on the Arts, and **Child Abuse Prevention Month** that will be noted in the minutes.

COUNTY OF TIOGA
EXECUTIVE PROCLAMATION

WHEREAS: The Tioga County Council on the Arts' vision is to inspire and support a vibrant creative community in and around Tioga County, New York; and

WHEREAS: The Tioga County Council on the Arts and will be presenting several special programs and events in celebration of its 50th anniversary of serving Tioga County, NY artists and residents; and

WHEREAS: The Tioga County Council on the Arts provides resources to Tioga County, NY artists; and

WHEREAS: The Tioga County Council on the Arts promotes Tioga County, NY artists and galleries; and

WHEREAS: The Tioga County Council on the Arts operates two galleries for the public exhibition and sales of local artist's work and provides studio space; and

WHEREAS: The Tioga County Council on the Arts presents multiple events annually that bring local art, live music, and literature to the community; and

WHEREAS: The Tioga County Council on the Arts has added a retail shop to their

location to enhance the Village of Owego Historic Owego Marketplace Shopping District; and

WHEREAS: The Tioga County Council on the Arts operates Art A La Carte, a program that provides free art supplies to children who attend Summer Meal Sites around the county; and

WHEREAS: The Tioga County Council on the Arts supports county initiatives by collaborating with municipal and nonprofit organizations for the betterment of the community; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, supports the 50th Anniversary Celebration of the Tioga County Council on the Arts in the year 2022.

Legislator Roberts spoke. "Thank you so much for your contribution to our community."

Christina Di Stefano spoke. "Thank you all so much for supporting us and recognizing us today here at the Tioga County Legislature meeting. We are celebrating 50 years at Tioga Arts Council and, thanks in part to the community, the Legislature, artists, creatives, etc., we have been able to not only survive over the years, but thrive. This year we have a lot of events planned. We have a wonderful committee supporting us, some of the people are here today; Rebecca Maffei, Tioga County Tourism, and Mary Mack, Tioga Arts Council Board member. Thank you for recognizing us and supporting the arts in our community. We strive to make it a more vibrant and creative place through a series of different events. We hope you will be part of the celebration in the coming year. Thank you so much for his honor and all of your support."

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: The Tioga County Department of Social Services received 1,215 reports of alleged abuse/neglect involving 2,620 children in 2021; and

WHEREAS: Child abuse is a community problem and finding solutions depends on the involvement among people throughout the community; and

WHEREAS: The effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS: Effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and

civic organizations, law enforcement agencies, and the business community;
and

WHEREAS: Programs like Cornell Cooperative Extension, Lourdes PACT, Catholic Charities, Hillside's Regional Permanency Center, and Aspire Hope NY offer support and educational services to families so families can help their child achieve his/her full potential within the community; and

WHEREAS: All citizens should become more aware of the negative effects of child abuse and prevention activities within the community, and become involved in supporting parents and families so that children can live in safe, nurturing homes; now therefore

THE TIOGA COUNTY LEGISLATURE, does hereby proclaim April 2022 as

CHILD ABUSE PREVENTION MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to ensure that all children are raised in safe, nurturing families, thereby strengthening the communities in which we live.

Chair Sauerbrey presented the State of the County Address for 2021 as follows:

"Good Afternoon. You may read about them in the newspaper or see them plowing snow along our roads, or when you get your license renewed. You will need them when looking for support for a disabled child, have mental health issues, or a Veteran transitioning out of the military. You will meet them when you vote, look for a better job, open a new restaurant or get a rabies shot for your dog. They will be there for you when you need help with heating costs, have an auto accident or the river floods over your street. They keep us safe, protect us from harm, and help bring new business to our communities. These are the public servants paid for by your tax dollars that show up every day with one goal in mind; to provide a better life for you, your family and your community.

"During the last round of COVID-19 in 2021, County agencies provided vaccinations, COVID-19 test kits, PPE, and financial assistance. We stepped up and provided needed support to the community; that is what we do.

"Tioga County Government is the framework that holds up the services, County employees are the boots on the ground that provide the services needed by our community.

“It is no surprise that as we come out of the COVID-19 pandemic, the after effects are presenting problems. Some of the major issues we are seeing is an uptick in people seeking mental health assistance and a significant increase with juvenile delinquency and adolescent offenders. County agencies are addressing the issues, collaborating with each other and working with schools, addressing the issue of truancy, and creating strategies to address these issues.

“Another problem is employee retention. After the successful shift to remote work for many government agencies in 2020 and 2021, the public sector has begun to weigh the benefits of hybrid work environments and reassess hiring practices. The challenge for government leaders is to be open to new ways of doing business, and still be responsible to the taxpayers. The Legislature has implemented a pilot program to test how remote work could work at the County. We saw an employment issue coming with retirements and we put plans in place but because of the pandemic, today's workforce does not seem interested or ready to come back to work. This is happening across the country. What needs to be done to attract employees in the future is yet to be seen.

“2021 was a year of gains and losses on the Legislature. All nine County Legislators were up for election last year with three legislators deciding not to run again. New to the Legislature are: Jake Brown, replacing Loretta Sullivan in District #4, Ron Ciotoli replacing Cliff Balliet in District #1, and Barbara Roberts replacing Mike Roberts in District #3.

“Sadly, the Legislature and the community lost two former Legislators in 2021; Ron Dougherty who passed away in November and Richard Huttleston who passed away in April. We are grateful for their time and their contributions to the County and we are deeply sorry for their loss.

“Financially, the County is strong. Sales tax collections in 2021 were up 19.2% or \$4 million over 2020 keeping in mind the County shares 25% of these collections with our towns and villages. Sales tax increases are largely across the State. As part of this picture in 2020 and 2021, we cut our county budgets 10% for each year not knowing what the shut down and pandemic would bring. It turned out that despite business restrictions the County did not suffer. The influx of cash from the Federal stimulus checks enabled citizens to shop online and that brought in sales tax revenue. The same is holding true in 2022 with sales tax collections holding strong.

“In 2021, the County paid \$2.7 million in Community College tuition bills, this State mandated education service represented 11% of our County tax levy last year with 1,741 residents benefitting by this program.

“Last fall, the County received the first payment of our American Recovery Funds with the second payment in late April. We will receive a total of \$9.7 million from the Federal American Rescue Plan Act, which was part of the Federal Stimulus Bill to aid public health and economic recovery from the COVID-19 pandemic. It has been a complicated process with many rule changes along the way, but we are happy to receive the support from the Federal Government. The Legislature identified projects and we have begun to fund them. Projects that are identified are: Veterans Suicide Prevention, Tioga ASAP Community Organization, Broadband Projects, Tioga County Suicide Prevention, Tioga County Tourism, Neighborhood Depot Project, Tioga County Land Bank, Transitional Housing/Catholic Charities, A New Hope Center, Communications Towers for the Interoperable Radio Communications Project, EMO/Ambulance Study, Cyber Security Upgrades, Orthos Mapping Imaging, Public Safety Building Upgrades, Security Upgrade to 56 Main Street and a Truck Wash Facility. The largest amount of funds, \$4 million dollars, has been designated as a critical funding source of the ongoing \$15 million dollar project to upgrade our Interoperable Radio Communications for the County.

“Tioga County opted to participate in a Request for Proposal (RFP) process created by the Broome County Purchasing Alliance for a group purchase of Medicare Advantage Plans for Medicare eligible retirees. The end result was a change in coverage for January 2022 that provides equal or better coverage and saves Tioga County \$770,000 in premiums in 2022. Because this is a shared service we also qualify for reimbursement from the State for their Shared Services Program.

“We don't know what the future will be, but we are hopeful that things will continue to get better. With the challenges of inflation and continuing supply chain problems, we will spend cautiously. The Legislature will continue to be prudent when it comes to spending and that is an absolute.

“Looking ahead, the County is working on an upgrade in cyber security and expansion of IT services. Employee safety and building safety will be a focus for the future.

“You will see an expansion of services for Veterans and because of election redistricting, voters will need to check in with the Board of Elections for any changes to election districts.

“Staff training within the county will continue in regards to employee development and leadership. When possible, employees will be cross-trained to be more effective in providing services.

“County departments and organizations will continue working with schools to improve workforce for the future. Housing blight and housing needs will continue

to be addressed in a collaborative way with towns and villages in order to make more housing available.

“Civil Service tests are back in person and online applications are available – check our website.

“As we come out of the COVID-19 pandemic, we have been advised by health officials to remain cautious and monitor your health, keeping in mind – if you are sick stay home. But let’s face it, we are ready for this to be done and over with. Good weather is in front of us and we are looking forward to being outside, celebrating community events and enjoying our families.

“I am optimistic that things are going to get better. So let’s get involved and help things along!

“Let’s help our communities and volunteer for a community project, attend a fundraiser for a non-profit or join the fire department. Fly your American flag, talk to your neighbors, or clean up your neighborhood. If we invest our time in our communities, they will come back to life again.

“It’s time to come out of the darkness and go into the light.”

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of March 15 and 24, 2022, seconded by Legislator Mullen 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 Standinger moved for the adoption of the following resolution, seconded by Legislator Mullen.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 112-22 APPOINT MEMBER TO THE
TIOGA COUNTY BOARD OF HEALTH

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: Erica Haray-Butcher, MS, resigned from the Board of Health 3/17/2022; and

WHEREAS: The appointed term for Erica Haray-Butcher, MS, on the Board of Health expires 12/31/2026; and

WHEREAS: Teresea Leary, FNP, has agreed to fill the unexpired term of Erica Haray-Butcher, MS; therefore be it

RESOLVED: That Teresea Leary, FNP, be appointed to the Board of Health to fill the unexpired term of Erica Haray-Butcher, MS, for a term of 4/12/2022-12/31/2026.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 113-22 EXTENSION OF ELC COVID
ENHANCED DETECTION GRANT
PUBLIC HEALTH DEPARTMENT

WHEREAS: Resolution #246-20 authorized the creation and fill of two (2) temporary, full time Public Health Educators through June 30, 2022 via the Epidemiology and Laboratory Capacity (ELC) Enhanced Detection grant that was appropriated via Resolution #160-20; and

WHEREAS: Tioga County Public Health (TCPH) has received additional funding and extension of the ELC Enhanced Detection grant through March 31, 2023; and

WHEREAS: TCPH continues to have need for the funded Covid-related temporary positions through the extended period; and

WHEREAS: The Public Health Director has determined that having the two (2) temporary, full-time Public Health Educators would help with said duties; therefore be it:

RESOLVED: That the Public Health Department be authorized to extend the two (2) temporary, full-time Public Health Educator positions from June 30, 2022 through March 31, 2023, at an hourly rate of \$21.67.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 114-22 *AUTHORIZE SUBMISSION OF
APPALACHIAN REGIONAL COMMISSION
POWER GRANT APPLICATION*

WHEREAS: Tioga County has an opportunity to apply to the Appalachian Regional Commission's (ARC) Partnerships for Opportunity and Workforce and Economic Revitalization (POWER) Initiative to bring dark fiber to northern Tioga County; and

WHEREAS: Southern Tier Network (STN) has agreed to partner in this project and construct, own, and operate the approximate 20 mile route along the TCIDA railroad from the Village of Owego to Route 79 in Richford; and

WHEREAS: The Tioga County Legislature has allocated \$750,000 to broadband expansion from the ARPA funding, of which there is \$450,000 unallocated; and

WHEREAS: The ARC POWER program requires a 50% match and Tioga County has this \$450,000 available as match for this broadband expansion project; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes said grant application to the ARC POWER Initiative, including a \$450,000 match, to expand STN dark fiber from the Village of Owego to Richford in an amount not to exceed \$900,000; and further authorizes the Chair of the County Legislature to sign any and all grant related paperwork upon review of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 115-22 *AUTHORIZATION TO RENEW THE AGREEMENT
WITH TOWNS TO ACCEPT HOUSEHOLD ELECTRONIC
WASTE FROM TIOGA COUNTY RESIDENTS*

WHEREAS: In January of 2015, New York State banned consumers from disposing of certain types of electronic waste in landfills, waste-to-energy facilities, in the trash, or at curbside for trash pickup; and

WHEREAS: Due to this ban, Tioga County's only drop off for residents is through the County's Household Hazardous Waste program which is located at the Broome County Landfill; and

WHEREAS: The Department of Solid Waste will pay for the recycling costs for acceptable household electronic waste brought to the Town either during their cleanup event or at an agreed upon permanent drop off location; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to enter the said agreement for the year 2022 upon its approval by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 116-22 *RESOLUTION AUTHORIZING AND APPROVING THE ACCEPTANCE OF ADMINISTRATIVE SERVICE FUNDS AND MODIFY THE ECONOMIC DEVELOPMENT BUDGET*

WHEREAS: Tioga County Economic Development and Planning (TCEDP) was approved by Resolution #231-21 to create the Education Workforce Coordinator position that will be funded by way of grant funds and Resolution #33-22 to authorize the appointment of Sean Lanning to the position of Education Workforce Coordinator; and

WHEREAS: TCEDP is to provide the Education Workforce Coordinator with salary, fringe benefits, administrative services, office space and equipment necessary for the performance of the Workforce Development Program (WDP); and

WHEREAS: The Hooker Foundation (HF) will be providing the funds for this position by way of a grant in the amount of \$100,000 annually over three (3) years to offset all expenses associated with the newly created position and it's program expenses; and

WHEREAS: Salaries have been appropriated in the 2022 budget in the amount of \$47,009.00 the remaining funds will need to be appropriated to the TCEDP budget; and

WHEREAS: The annual amount requested to be paid by the Hooker Foundation for the calendar year 2022 is not to exceed \$100,000.00; and

WHEREAS: Appropriation of funds and budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

To: A6422 422800 Grant-Non State Federal (HF)	\$100,000.00
From: A6422 540487 Program Expense (WDP)	\$ 52,991.00

And be it further

RESOLVED: That the Tioga County Legislature hereby authorizes and approves the acceptance of up to \$100,000.00 annually from the Hooker Foundation to provide for the cost of salary, fringe benefits, office space and equipment for the

performance of the duties of the Education Workforce Coordinator; and be it further

RESOLVED: That the Chair of the Legislature or duly authorized representative (including County Treasurer and/or Budget Officer), is hereby authorized to make any transfers of funds required within the Economic Development budget.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 117-22 *AUTHORIZE TRANSFER OF FUNDS FOR
PURCHASE OF AN IPAD FOR THE
ECONOMIC DEVELOPMENT & PLANNING OFFICE*

WHEREAS: The Economic Development & Planning Department has a need for an iPad; and

WHEREAS: The Economic Development & Planning Department would like to purchase an iPad and has acquired 3 quotes from the ITCS Department; and

WHEREAS: The Economic Development computer expense account, A6422-520090 has no funds available; and

WHEREAS: The Amending of Budget and Transfer of Funds from a contractual line to an equipment line requires Legislative approval; therefore be it

RESOLVED: That the Director of Economic Development & Planning be authorized to purchase the iPad and complete the following budget transfer as follows:

From: A6422 - 540733 Training \$998.98

To: A6422 - 520090 Computer \$998.98

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 118-22 AMENDING RESOLUTION 102-22 RESOLVED AND APPORTIONING FORFEITURE OF CRIME PROCEEDS FOR DRUG ENFORCEMENT ACTIVITIES

WHEREAS: Resolution 102-22 needs to be amended to correct the reserve account numbers in the RESOLVED, which incorrectly read from A388901 Forfeiture of Crime Proceeds and A388905 Forfeiture of Crime Proceeds Restricted; and

WHEREAS: Resolution 239-20 established a system for the disposal of property, the order of priority of disbursements and the restrictions on the use of both pre-conviction and post-conviction forfeitures of crime proceeds; and

WHEREAS: Tioga County has received \$1,000.00 from the Dustin Dunbar drug forfeiture case; and

WHEREAS: It is agreed the funds shall be divided between the agencies involved in the investigation in accordance with Section 1349 of the Civil Practice Laws and Rules; and

WHEREAS: Distribution details are as follows:

Tioga County District Attorney's Office (15%)	\$150.00
Tioga County Sheriff's Department (5%)	\$ 50.00
NYS Office of Alcoholism and Substance Abuse Services (OASAS)	\$320.00
Tioga County Sheriff's Department (75%)	\$360.00

Tioga County District Attorney's Office (25%)	\$120.00
	\$1,000.00

And;

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

RESOLVED: That the account numbers in resolution 102-22 be amended as follows:

FROM: A388905	Forfeiture of Crime Proceeds	\$18,095.19
A388901	Forfeiture of Crime Proceeds Restricted	\$ 680.57

And be it further

RESOLVED: That funding be appropriated as follows:

FROM: A1165-426250	Forfeiture of Crime Proceeds	\$ 150.00
A1165-426260	Forfeiture of Crime Proceeds Restricted	\$ 440.00
A3110-426250	Forfeiture of Crime Proceeds	\$ 50.00
A3110-426260	Forfeiture of Crime Proceeds Restricted	\$ 360.00
TO: A1165-540335	Asset Forfeiture Expense	\$ 150.00
A1165-540336	Asset Forfeiture Expense-Restricted	\$ 440.00
A3110-540335	Asset Forfeiture Expense	\$ 50.00
A3110-540336	Asset Forfeiture Expense-Restricted	\$ 360.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 ADMINISTRATIVE SERVICES COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 119-22 APPROPRIATION OF FUNDS AND
 BUDGET MODIFICATION
 MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated pass through state aid funding for The Dwyer Program; funding is to provide services including non-clinical interventions, outreach, suicide prevention, and peer-to-peer counseling for Veterans suffering from PTSD, Traumatic Brain Injury and any Veteran looking to reintegrate into civilian society. The Dwyer Program is available to all Veterans, members of the Armed Forces, National Guard, Army Reserve, and their families; and

WHEREAS: TCMH intends to contract with Tioga County Veterans' Service Agency (TCVSA), to provide these services to Tioga County residents; and

WHEREAS: TCMH and TCVSA will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: Appropriation of funds and Budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4310-434900 State Aid-Mental Health	\$100,000.00
To: A4320-540590 Services Rendered	\$100,000.00
From: A6510-427700-DP22 Other Unclassified Revenue DP	\$100,000.00
To: A6510-540487-DP22 Program Expense DP	\$100,000.00

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 120-22 APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services has received funding through the American Rescue Plan Act of 2021: Grants To Enhance Adult Protective Services administered by the Administration of Community Living (ACL); and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.446100 Federal Aid: Administration \$ 12,080

To: A6010.540487 Program Expense \$ 12,080

And be it further

RESOLVED: Available funds on 12/31/22 of the original \$12,080 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 121-22 *APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES*

WHEREAS: Tioga County Department of Social Services has received a grant through the Regional Youth Justice Team in the amount of \$10,000 to decrease youth's progression in the Juvenile Justice System; and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.436100 State Aid: Administration \$ 10,000

To: A6010.540487 Program Expense \$ 10,000

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 122-22 *APPROPRIATION OF FUNDS AND
BUDGET MODIFICATION
TIOGA COUNTY VETERANS' SERVICE AGENCY*

WHEREAS: Tioga County Veterans' Service Agency (TCVSA) applied for a New York State Office of Mental Health's Suicide Prevention Center two-year "CARES UP" grant to set-up and implement a model national program called the Expiration Term of Service – Sponsorship Program (ETS-SP) in collaboration with the counties of Cayuga, Chemung, Cortland, Schuyler and Tompkins Counties; and

WHEREAS: TCVSA was notified that it had received the two-year grant in a total of \$70,000 (\$40,000 year one, \$30,000 year two) to implement the ETS-SP community based program throughout the six counties in order to assist transitioning service members and veterans (TSMs/Vs) as they shift from military to civilian life; and

WHEREAS: TCVSA will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: Appropriation of funds and Budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A6510-437100-ETSSP	State Aid-Veterans Services	\$70,000.00
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To: A6510-540487-ETSSP	Program Expense ETSSP	\$70,000.00
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And be it further

RESOLVED: Available funds on 12/31/2022 of the original \$70,000 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 123-22 AUTHORITY SALARY INCREASE
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Legislative approval is required for salary increases within Tioga County; and

WHEREAS: The Commissioner of Social Services requested the Personnel Department review the salary of the Director of Social Services, in comparison to other salaries of Management/Confidential employees in Tioga County; and

WHEREAS: The Personnel Officer conducted the review and determined that an increase was warranted based on factors including job duties, level of responsibility, tenure, and performance evaluation results; and

WHEREAS: The appropriate annual increase for the incumbent is determined to be \$8,000; therefore be it

RESOLVED: That Elizabeth Myers', Director of Social Services, 2022 annual salary be increased from \$72,066 to \$80,066 retroactive to March 10, 2022, the date the request for review was received by Personnel.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 124-22 *AUTHORIZE SALARY REALLOCATION WITHIN
CSEA SALARY SCHEDULE
PUBLIC HEALTH*

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

WHEREAS: On February 25, 2022, the Personnel Department received position description questionnaire from Kim Thomas, Dental Hygienist (CSEA SG VIII, \$40,114-\$41,114); and

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

WHEREAS: The Personnel Officer has made a determination that due to the specific college degree and licensing requirements of the minimum qualifications there is justification to request a salary reallocation of the Dental Hygienist title within the CSEA Salary Schedule; therefore be it

RESOLVED: That the title of Dental Hygienist shall be reallocated from CSEA Salary Grade VIII to CSEA Salary Grade IX (\$42,329-\$43,329) effective retroactive to February 25, 2022; and be it further

RESOLVED: That the 2022 annual salary of Ms. Thomas increase by \$2,215 to \$42,829 retroactive to February 25, 2022.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 125-22 *AUTHORIZE CREATION AND FILLING OF TEMPORARY POSITION – ACTING DIRECTOR OF COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES REAL PROPERTY TAX SERVICES*

WHEREAS: Legislative approval is required for the creation and appointment of any management/confidential position within Tioga County; and

WHEREAS: Due to an announced resignation, the position of County Director of Real Property Tax Services (M/C \$57,689 - \$67,689) will become vacant effective at the close of business on April 15, 2022, prior to the end of the outgoing Director's term; and

WHEREAS: An internal candidate exists who, at the direction of the NYS Office of Real Property Tax Services (ORPTS), will be eligible for a qualification review within six (6) months to determine his eligibility as County Director of Real Property Tax Services; and

WHEREAS: According to NYS ORPTS, said candidate can be appointed as acting County Director of Real Property Tax Services for the six (6) month duration; and

WHEREAS: The Personnel Officer has reviewed and approves of creating the classification of Acting County Director of Real Property Tax Services for this purpose; therefore be it

RESOLVED: That the position of Acting County Director of Real Property Tax Services shall be created and filled by Steven Palinosky effective April 18, 2022 for a duration not to exceed December 31, 2022, at an annual salary of \$65,000; and be it further

RESOLVED: That following the qualification review by the NYS ORPTS, and by no later than December 2022, Steven Palinosky shall be further considered for appointment to the title of County Director of Real Property Tax Services; and be it further

RESOLVED: That while serving as the Acting County Director of Real Property Tax Services, Mr. Palinosky shall be granted a leave of absence from his current title, Office Specialist III, and shall be allowed to return to this position in the event NYS ORPTS finds him ineligible to be appointed to the title of County Director of Real Property Tax Services.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 126-22

*AUTHORIZATION TO CREATE AND FILL
TWO (2) POSITIONS:
ASSISTANT FIRE COORDINATOR (PT)
EMERGENCY SERVICES*

WHEREAS: Legislative approval is required for the creation of positions; and

WHEREAS: The Director of Emergency Services has identified a need to create additional part-time positions to assist with mutual aid programs and related projects; and

WHEREAS: The Director of Emergency Services submitted a New Position Duties Statement to create the additional positions and the Personnel Officer has determined the appropriate classifications; therefore be it

RESOLVED: That the Legislature hereby authorizes the Director of Emergency Services to create two (2) Assistant Fire Coordinator (PT) positions and fill said positions with the appointment of Steve Solomon and Michael Roden effective April 25, 2022, at an annual rate of \$5,200.00, per person; and be it further

RESOLVED: That the Department of Emergency Services authorized part-time headcount shall increase from 10 to 12.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 127-22 CREATE AND FILL TEMPORARY, FULL-TIME
CLERK (SEASONAL) POSITION
TREASURER'S OFFICE

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

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

WHEREAS: The Treasurer appropriately budgeted for said position in the approved 2022 budget; therefore be it

RESOLVED: That one (1) temporary, full-time Clerk (Seasonal) position is created at the hourly rate of \$14.20 in accordance with Resolution 196-09, effective May 23, 2022; and be it further

RESOLVED: The Treasurer shall be allowed to fill said position for a duration not to exceed beyond August 31, 2022.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Standinger moved to withdraw the following resolution, seconded by Legislator Roberts.

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. -22 CREATE AND FILL TEMPORARY POSITION
(PUBLIC WORKS)

WHEREAS: The Public Works Department is in need of additional auto mechanic assistance due to an unexpected leave of absence; and

WHEREAS: It is anticipated the additional help will be needed through July 29, 2022; therefore be it

RESOLVED: That one temporary full-time position of Automotive Mechanic II be created with authorization to fill effective April 25, 2022 – July 29, 2022; and be it further

RESOLVED: That the wage for this temporary position shall be \$18.96/hour.

ROLL CALL VOTE ON MOTION TO WITHDRAW

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

MOTION TO WITHDRAW APPROVED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 128-22 APPOINTMENT OF REPUBLICAN
DEPUTY COMMISSIONER OF ELECTIONS BOARD

WHEREAS: Legislative approval is required for any appointment to a management/confidential position within Tioga County; and

WHEREAS: The position of Deputy Commissioner of Elections Board (Republican) has been vacant since February 28, 2022, due to promotion; and

WHEREAS: The Republican Election Commissioner has selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Kelly Johnson shall be appointed as Deputy Commissioner of Elections effective April 25, 2022, at an annual management/confidential salary of \$41,235.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 129-22 APPOINTMENT OF PART-TIME
ELECTION WORKER (DEMOCRATIC)

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the management/confidential listing; and

WHEREAS: The position of Election Worker (Part-Time, Democratic) has been vacant since November 29, 2021, due to resignation; and

WHEREAS: Authorization to backfill the vacancy was approved on December 7, 2021; and

WHEREAS: The Democratic Election Commissioner has selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Joan Davis shall be appointed as an Election Worker (PT) effective May 11, 2022, at the rate of \$13.85/hr.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 130-22 APPOINTMENT OF ELECTION CLERK PT

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the management/confidential listing; and

WHEREAS: Two positions for Election Clerk PT, one Republican and one Democrat, were approved by the County Legislature to be added to the Board of Elections authorized part-time employee head count, effective January 1, 2022; and

WHEREAS: The Election Clerk positions have been vacant since January 1, 2022; and

WHEREAS: The Election Commissioners have selected candidates to fill said vacancies; therefore be it

RESOLVED: That Kristine Fitzgerald and Margaret Head shall be appointed as Election Clerks PT, effective April 25, 2022, at the rate of \$17.00/hr.

Legislator Ciotoli spoke. "Kristine Fitzgerald, one of the candidates named in this resolution, has declined employment at this time."

Legislator Ciotoli made a motion to amend the resolution by removing this candidate's name, seconded by Legislator Monell to read as follows:

"4th WHEREAS: The Democratic Election Commissioner has selected a candidate to fill his vacancy; therefore be it

RESOLVED: That Margaret Head shall be appointed as Election Clerk PT, effective April 25, 2022, at the rate of \$17.00/hr."

ROLL CALL VOTE ON AMENDMENT

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

AMENDMENT ADOPTED.

ROLL CALL VOTE ON RESOLUTION AS AMENDED

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED AS AMENDED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 131-22 *AUTHORIZE VACATION TIME ADVANCE
FOR LISA BAKER
PROBATION DEPARTMENT*

WHEREAS: Lisa Baker has been a dedicated employee of Tioga County for 18 years; and

WHEREAS: Lisa Baker's leave accruals may not cover her entire scheduled medical leave of absence due to prior unforeseen medical absences; and

WHEREAS: Lisa Baker has requested an advance of her earned vacation time to cover the remaining portion of her leave; and

WHEREAS: Lisa Baker's anniversary date with Tioga County is May 12th, upon which her vacation time would normally become available; and

WHEREAS: Similar requests have been reviewed on a case by case basis with some approved in the past; and

WHEREAS: The Tioga County Legislature believes the circumstances surrounding this request merit approval; therefore be it

RESOLVED: That this Legislature authorizes 49 hours of vacation time be advanced to Lisa Baker for use as needed in her May 12th (payroll period April 25th-May 6th) and May 26th (payroll period May 9th-May 20th) paychecks; and be it further

RESOLVED: That advanced vacation hours used shall immediately be deducted from Lisa Baker's balance on May 12, 2022 when her earned time is made available.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Legislator Monell made a motion to bring forth three late-file resolutions for Legislature consideration, seconded by Legislator Hollenbeck. Motion carried.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 132-22 *CREATE AND FILL TEMPORARY POSITION
(DISTRICT ATTORNEY)*

WHEREAS: The District Attorney is in need of additional legal clerical assistance within his office; and

WHEREAS: It is anticipated the additional help will be needed for a temporary duration over the summer not to exceed beyond August 31, 2022; and

WHEREAS: The Personnel Officer has reviewed the new position duties statement provided by the District Attorney's office and has determined the appropriate classification; therefore be it

RESOLVED: That one temporary, full-time position of Paralegal (Seasonal) be created with authorization to fill effective April 25, 2022 – August 31, 2022; and be it further

RESOLVED: That the wage for this temporary position shall be \$18.02/hour.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 133-22 *AMEND RESOLUTION 107-22*
DEPARTMENT OF PUBLIC WORKS

WHEREAS: Resolution 107-22 authorized the creation of two Highway Worker (Seasonal) positions within the Public Works Department from April 1 through October 7, 2022, at an hourly rate of \$13.20 (minimum wage); and

WHEREAS: The Commissioner of Public Works has not received any applications and is concerned that the hourly wage rate will cause an inability to fill these positions; and

WHEREAS: The Commissioner of Public Works considers these positions to be entry level involving manual labor and equivalent to the title of Laborer listed in CSEA Grade 9 (\$14.43) which has no minimum qualifications associated with it; therefore be it

RESOLVED: Resolution 107-22 be amended to reflect the 2022 hourly rate for Highway Worker (Seasonal) as \$14.43.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standing, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 134-22 *AUTHORIZATION TO CREATE AND FILL*
AUTOMOTIVE MECHANIC II;
TEMPORARILY INCREASE FULL-TIME HEADCOUNT
DEPARTMENT OF PUBLIC WORKS

WHEREAS: The Public Works Department is in need of additional Automotive Mechanic II due to an unexpected leave of absence lasting through July 29, 2022, and resulting in a change in work assignments; and

WHEREAS: In an attempt to better attract and retain an applicant to this position, the Commissioner of Public Works would like to temporarily increase his authorized full-time headcount to offer the employee benefits; therefore be it

RESOLVED: That one full-time permanent Automotive Mechanic II position shall be created effective April 25, 2022, at an hourly rate of \$18.96 (CSEA Grade 4); and be it further

RESOLVED: That the authorized full-time headcount for the Public Works Department shall increase from 38 to 39 through July 29, 2022, and shall revert back to 38 as of July 30, 2022.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Monell, Mullen, Roberts, Sauerbrey, Standinger, Brown, and Ciotoli.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:26 P.M.

Fifth Special Meeting
April 21, 2022

The Fifth Special Meeting of 2022 was held on April 21, 2022 and was called to order by the Chair at 10:02 a.m. Legislators Brown, Ciotoli, Hollenbeck, Mullen, Sauerbrey, Standinger, and Weston were present with Legislators Monell and Roberts being absent.

Chair Sauerbrey asked Legislator Hollenbeck to have a moment of prayer.

“Please remember our friends and family in your prayers as everyone copes with the devastation that came from this most recent storm.”

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

There were six people in attendance.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 135-22 APPOINTMENT OF REPUBLICAN ELECTION CLERK PT

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the management/confidential listing; and

WHEREAS: The Republican Election Clerk PT position was approved by the County Legislature to be added to the Board of Elections authorized part-time employee headcount, effective January 1, 2022; and

WHEREAS: The Republican Election Clerk PT position has been vacant since January 1, 2022; and

WHEREAS: The Republican Election Commissioner has selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Kelsey Chandler shall be appointed as the Republican Election Clerk PT, effective April 25, 2022, at the rate of \$17.00/hr.

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Mullen, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – Legislators Monell and Roberts.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO:	FINANCE/LEGAL/SAFETY COMMITTEE
RESOLUTION NO. 136-22	<i>AUTHORIZATION TO APPLY FOR A STATE GRANT FROM NEW YORK STATE HOMELAND SECURITY AND EMERGENCY SERVICES</i>

WHEREAS: New York State has released a grant opportunity titled “FY2020 Critical Infrastructure Grant Program Request for Applications (RFA)”; and

WHEREAS: The Tioga County Safety Office desires to pursue this grant opportunity to assist in the implementation of security measures for 56 Main Street; and

WHEREAS: Although the amount of the grant funding is not yet determined, as it will be based upon the competitive award process, the Safety Office will be requesting \$50,000; and

WHEREAS: The Tioga County Safety Office has partnered with the Sheriff’s Office, Emergency Services, and the Department of Public Works on this potential grant opportunity; and

WHEREAS: Section 9, former County Policy 47, requires Legislative approval for grant applications that will require the signature of the Chief Elected Official; therefore be it

RESOLVED: That the Tioga County Safety Office is authorized to submit an application for the “FY2020 Critical Infrastructure Grant Program Request for Applications (RFA)” grant.

Chair Sauerbrey spoke. “Our Safety Officer is writing a grant for some of the security improvements to this building.”

ROLL CALL VOTE

Yes – Legislators Hollenbeck, Mullen, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – Legislators Monell and Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:04 A.M.

Fifth Regular Meeting
May 10, 2022

The Fifth Regular Meeting of 2022 was held on May 10, 2022 and was called to order by the Chair at 12:03 P.M. Eight Legislative members were present with Legislator Monell being absent.

Chair Sauerbrey asked for a moment of prayer. "Dear Lord, last week was the National Day of Prayer where people gathered to pray for their Nation. We ask you to continue hearing those prayers and we ask for protection on this Nation and all of the people in it, for the leaders of government, and pray we make good decisions on behalf of all the citizens that we represent."

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

There were 11 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Legislator Standinger read and presented the following resolution to Betty Chilson, Mental Hygiene.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 137-22	<i>RECOGNITION OF BETTY CHILSON'S 24 YEARS OF DEDICATED SERVICE TO THE TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE</i>

WHEREAS: Betty Chilson was hired as a part-time Typist with the Tiers Program on January 29, 1992, transferred to Mental Hygiene on January 1, 1994 as a part-time Typist and was promoted to full-time Account Clerk Typist on May 5, 1999. On January 25, 2017 her title changed to Accounting Associate I with Tioga County Department of Mental Hygiene; the position she still holds; and

WHEREAS: Betty Chilson has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 24 years to the Mental

Hygiene Department. She has earned the respect of her director, colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Chilson will retire on June 30, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Betty Chilson for her 24 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Betty Chilson.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Hollenbeck, Mullen, and Roberts.

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED UNANIMOUSLY.

Director of Community Services Morgan spoke. “I would like to thank Betty for 24 years of service. It has been my pleasure to serve with her over the past 20 years. Betty has always had an exceptional understanding of the clinic, its needs and the mission of the agency. I am sure Betty will enjoy spending time with her three children and five grandchildren. I know Betty has been such an important person to our team and she will be missed by all of us. Thank you, Betty and congratulations on your retirement.”

Chair Sauerbrey reported we have six Proclamations: **American Stroke Month in Tioga County** and **End Food Waste Month** that will be read and presented by Legislator Standinger to Public Health Educators Katie Wait and Laura Bennett and Sustainability Manager Pratt; **Military Caregiver Month** that will be read and presented by Legislator Ciotoli to Director of Veterans Service Agency Middaugh; and **Elder Abuse Prevention Month, Foster Care Recognition Month, and Mental Health Awareness Month & Children’s Mental Health Awareness Week** that will be noted in the minutes.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Stroke is a leading cause of serious long-term disability and the fifth leading cause of death in the United States, killing over 150,000 people nationwide and more than 20 citizens of Tioga County each year; and

WHEREAS: Three out of every four strokes in the United States occur as new or first-time strokes; and

WHEREAS: Strokes can occur at anytime, anywhere, to any person and we all likely know someone who has been affected by a stroke; and

WHEREAS: Warning signs of stroke include sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and sudden severe headache with no known cause; and

WHEREAS: Ninety-three percent of Americans recognized that sudden numbness on one side is a symptom of stroke, but only 38% were aware of all major symptoms and knew to call 9-1-1 when someone was having a stroke; and

WHEREAS: Patients who arrive at the emergency room within 3 hours of their first symptoms often have less disability 3 months after a stroke than those who received delayed care; and

WHEREAS: New and effective treatments have been developed to treat and minimize the severity and damaging effect of strokes, but much more research is needed, therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of May 2022 as:

AMERICAN STROKE MONTH IN TIOGA COUNTY

and urges all the citizens of our County to familiarize themselves with the risk factors associated with stroke, recognize the warning signs and symptoms, and on the first signs of a stroke dial 9-1-1 immediately so that we might begin to reduce the devastating effects of stroke on our population.

Legislator Standinger spoke. "Here's one that I actually have some personal experience in. It was May 6, 2009, so that was 13 years ago. But, I hope that people heed the proclamation because it is a terrible thing to go through and I wouldn't wish it on my worst enemy. When I had my stroke I had no clue I was having one. I was fortunate enough to be able to call a colleague who responded to my location

and recognized I was having a medical problem and got me an ambulance. If that had not happened, I would not be here today. So, if you notice anyone experiencing symptoms, do not be afraid to call. I know I argued with my co-worker about it. I said 'I am not bleeding, I am not cut, I am not hurt', but he recognized there was something wrong. Every year I congratulate him for responding to my call, identifying the problem, and arguing with me even though I am twice the size of him. He won. And, I won because he won."

Public Health Educator Wait spoke. "I would like to express the gratitude that we have for Public Health and, on behalf of our citizens, for your continued support in recognizing May as American Stroke Month. It can be a very devastating condition to experience, so we made these wallet cards with the acronym BE FAST with some of the common warning signs and obviously the indication to contact 911. Thank you."

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: According to the United States Department of Agriculture (USDA), food waste is estimated at between 30%-40% of the food supply in the United States; and

WHEREAS: Food waste has detrimental impacts on society, as the resources used to produce and transport food, such as land, water, labor, and energy go to waste; and

WHEREAS: Safe and healthful food that is currently being thrown away could be used to help feed the 10% of food insecure Tioga County residents; and

WHEREAS: Food waste can occur at any stage in the production process. Common causes of food waste include spoilage, exposure to pests or toxins, equipment malfunction, temperature control issues, or the removal of produce that is safe to be eaten but looks undesirable or abnormal; and

WHEREAS: Consumers contribute to food waste by buying or cooking more food than necessary and choosing to throw out the leftovers; and

WHEREAS: The USDA and Environmental Protection Agency (EPA) have set a goal to decrease food waste by 50% by the year 2030; and

WHEREAS: We can all help to reduce food waste by planning meals and creating shopping lists, preparing perishable foods soon after shopping, being mindful of ingredients or leftovers that need to be used, and composting food that can no longer be eaten; and

WHEREAS: Tioga County Public Health in partnership with Tioga County Sustainability strive to provide education and outreach on reducing food waste to achieve a healthier and more sustainable Tioga County; now therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of May 2022 as:

END FOOD WASTE MONTH

and urges all residents to take steps to minimize the amount of food wasted in their household.

Legislator Standinger spoke. "I grew up in a family with seven children, as did Legislator Weston, and I can guarantee you there was no food waste in our households. What was there got eaten and we grew up with that mindset. I understand that not everybody has that mindset and they do not consider the wastefulness sometimes that happens. It is something now especially with inflation that you should consider and composting is pretty easy. Thank you."

Sustainability Manager Pratt spoke. "First, I would like to thank Public Health and the Legislature for supporting this, as it is very important. I am learning every day and actually in a webinar this morning I found out that, on average in the United States, \$1,300 per person annually is lost due to food waste. I was thinking if I could just even save a quarter of that amount, that's over \$300.00. So, there is a financial reason to get behind this. You can find lots of information on the County's website under Recycling and I will be posting a video soon for you to check out. Thank you."

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: May is Month of the Military Caregiver; and

WHEREAS: Tioga County has 3,475 veterans living here, many of whom have serious service connected disabilities, requiring the care of another person; and

WHEREAS: There are 5.5 million military and veteran caregivers in our country, 97% of them are women, 10% are veterans themselves, 1/3 of them have no health insurance, and over half have given up their careers to care for their wounded warrior; and

WHEREAS: These caregivers have no formal training, they average 20-30 hours per week caring for America's Heroes, the isolation and stress and strain is often overwhelming but still they forge on; let us ask who these hidden heroes are: they are spouses, partners, mothers, sisters, aunts, nieces, daughters and granddaughters – they sacrifice their time, their jobs, their health to provide

services worth billions of dollars but receive little recognition, support or thanks from a Nation who owes them so much; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of May 2022 to be

Military Caregiver Month

in Tioga County to honor and thank those who give so much to care for our nation's warriors and encourages Tioga County citizens to recognize and thank those silent, hidden heroes.....our military and veteran caregivers!

Veterans Service Agency Director Middaugh spoke. "Thank you for recognizing our hidden heroes. We recognized them at a luncheon in March, but I think it is important to recognize them more than just one day a year. They give so much to our veterans and military members who come home ravaged by war and the toll it takes on them. As statistics state, they are often not given any thanks for that and even as we speak there are hearings in progress as the Veterans Administration is trying to take away the Military Caregiver Program to provide support and help to those people who provide so much care at no cost to our veterans. I am thankful to the Legislature for stepping up and recognizing those folks that help us as we beg, borrow, and steal with the Veterans Administration to not cut the program and to reinstate it so that they can continue to provide the care for the wounded warriors. Thank you."

Chair Sauerbrey reported the following three proclamations will be noted for the record.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

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

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

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

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

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

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

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

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

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of May 2022 to be

Elder Abuse Prevention Month

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

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

FOSTER CARE RECOGNITION MONTH PROCLAMATION

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

WHEREAS: There are 45 children in foster care in Tioga County, 36 of these children are in foster homes, with 15 being in relative foster home placements; and

WHEREAS: We have 21 certified foster homes in Tioga County with 12 of them being approved relative homes; and

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

WHEREAS: It is appropriate to recognize all those who volunteer their talents and energies on behalf of children in foster care, the foster parents who serve these

children and the professional staff dedicated to ensuring these children have a stable and safe foster family environment; now therefore

THE TIOGA COUNTY LEGISLATURE hereby proclaims May 2022, as

FOSTER CARE RECOGNITION MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to recognize foster parents in Tioga County.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

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

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

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

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

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

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

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

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

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

THE TIOGA COUNTY LEGISLATURE does hereby ask all residents of our County to join in declaring May 2022 as *Mental Health Awareness Month* and May 1st – 5th, 2022 as *Children's Mental Health Awareness Week* in Tioga County.

There was no privilege of the floor.

Legislator Mullen made a motion to approve the minutes of April 12 and 21, 2022, seconded by Legislator Hollenbeck 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.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 138-22 APPOINT DIRECTOR AT LARGE
SOIL & WATER CONSERVATION DISTRICT

WHEREAS: A Director at Large vacancy exists on the Tioga County Soil & Water Conservation District Board due to the passing of Ronald E. Dougherty on November 23, 2021; and

WHEREAS: The Tioga County Soil & Water Conservation District has found a candidate who is willing and able to fill this vacancy for the unexpired term of January 1, 2021 through December 31, 2023; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Eileen Selnekovic as the Director at Large to the Tioga County Soil & Water Conservation District Board to fill the remainder of Mr. Dougherty's unexpired term of January 1, 2021 – December 31, 2023, effective May 11, 2022.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 139-22 *RESOLUTION REAPPOINTING MEMBER TO
COMMUNITY SERVICES BOARD*

WHEREAS: Shawn Nalepa's appointment to the Community Services Board will expire on May 31st, 2022; and

WHEREAS: The Community Services Board has recommended Shawn Nalepa's reappointment; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That Shawn Nalepa be reappointed to the Community Services Board, for term starting June 1st, 2022 and ending May 31st, 2026.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 140-22 *RESOLUTION REAPPOINTING MEMBER TO
COMMUNITY SERVICES BOARD*

WHEREAS: John Bezirganian's appointment to the Community Services Board expires on May 31st, 2022; and

WHEREAS: The Community Services Board has recommended John Bezirganian's reappointment; and

WHEREAS: Section Article 41.11 (d) of the Mental Hygiene Law allows counties to determine the length of term of Community Services Board members; therefore be it

RESOLVED: That John Bezirganian be reappointed to the Community Services Board, for term starting June 1st, 2022 and ending May 31st, 2026.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO: 141-22 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period October 1, 2021 to March 31, 2022 be and it hereby is accepted; and be it further

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

Barton (Town)	\$ 32,036.18
Berkshire (Town)	8,261.14
Candor (Town)	23,609.77
Candor (Village)	6,394.82
Newark Valley (Town)	22,829.22
Newark Valley (Village)	5,888.45
Nichols (Town)	10,680.63
Nichols (Village)	2,119.07
Owego (Town)	150,596.65
Owego (Village)	18,107.88
Richford (Town)	8,730.79
Spencer (Town)	18,082.95
Spencer (Village)	4,111.77
Tioga (Town)	31,593.94
Waverly (Village)	<u>27,330.60</u>
	\$370,373.86

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 142-22

*APPROVE ALTERNATIVES TO INCARCERATION
2022-2023 SERVICE PLAN*

WHEREAS: The Alternatives to Incarceration Service Plan for 2022-2023 was presented to the Alternatives to Incarceration Board meeting on April 21, 2022; and

WHEREAS: The Alternatives to Incarceration Programs in Tioga County for Pre-Trial Release and Community Service have a long standing tradition of being an effective tool to reduce the amount of inmates in the Tioga County Jail; the ATI Board approves the plan, the Tioga County Legislature will also support it; therefore be it

RESOLVED: That the Tioga County Legislature approves the Alternatives to Incarceration Service Plan for the time period of 7/1/2022 to 6/30/2023 and submit same to the NYS Division of Criminal Justice Services and Office of Probation and Correctional Alternatives to continue state-grant funding for Pre-Trial Release, Community Service, and Specialized Treatment.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 143-22 TRANSFER FUNDS/
FUND SELF-INSURANCE PLAN RESERVE

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

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

WHEREAS: The 2021 Tioga County Self Insurance operating budget had surplus funds of \$134,879.94 in the fund balance; and

WHEREAS: The December 31, 2021 Tioga County Self Insurance Plan Fund Balance is \$1,161,297.55; and

WHEREAS: The December 31, 2021 Tioga County Self Insurance Contributed Reserve Fund is \$4,216,378.26; therefore be it

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

From: Self-Insurance Fund Balance S 390900	\$134,879.94
To: Self-Insurance Contributed Reserve Fund S 375300	\$134,879.94

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 144-22 APPORTIONING FORFEITURE OF CRIME PROCEEDS
FOR DRUG ENFORCEMENT ACTIVITIES

WHEREAS: Resolution 239-20 established a system for the disposal of property, the order of priority of disbursements and the restrictions on the use of both pre-conviction and post-conviction forfeitures of crime proceeds; and

WHEREAS: Tioga County has received \$1,300.00 from a drug forfeiture case; and

WHEREAS: It is agreed the funds shall be divided between the agencies involved in the investigation in accordance with Section 1349 of the Civil Practice Laws and Rules; and

WHEREAS: Distribution details are as follows:

Tioga County District Attorney's Office (15%)	\$195.00
Tioga County Sheriff's Department (5%)	\$ 65.00
NYS Office of Alcoholism and Substance Abuse Services (OASAS)	\$416.00
Tioga County Sheriff's Department (75%)	\$468.00
Tioga County District Attorney's Office (25%)	<u>\$156.00</u>
	\$1,300.00

And;

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

RESOLVED: That funding be appropriated as follows:

FROM:	A1165-426250	Forfeiture of Crime Proceeds	\$195.00
	A1165-426260	Forfeiture of Crime Proceeds Restricted	\$572.00
	A3110-426250	Forfeiture of Crime Proceeds	\$ 65.00
	A3110-426260	Forfeiture of Crime Proceeds Restricted	\$468.00
TO:	A1165-540335	Asset Forfeiture Expense	\$ 195.00
	A1165-540336	Asset Forfeiture Expense-Restricted	\$ 572.00
	A3110-540335	Asset Forfeiture Expense	\$ 65.00
	A3110-540336	Asset Forfeiture Expense-Restricted	\$ 468.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE
	FINANCE COMMITTEE
	PERSONNEL COMMITTEE

RESOLUTION NO. 145-22	<i>APPROPRIATION OF FUNDS, TRANSFER OF FUNDS, AND BUDGET MODIFICATION MENTAL HYGIENE</i>
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WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated additional pass through federal aid funding as a grant through the Office of Alcohol and Substance Abuse (OASAS) and previously from the Office of Mental Health (OMH) for the purpose of Workforce Enhancement and Development; and

WHEREAS: Eligible expenses to spend these funds include but are not limited to: Recruitment and Retention Incentives, Educational Expenses, Career Development and Training Expenses; and

WHEREAS: Tioga County Mental Hygiene has identified the best use of these funds as retention incentive for the entire departments staff and training for select staff; and

WHEREAS: Personnel has negotiated a Memorandum of Agreement between Tioga County and the CSEA Union to distribute \$1,000 per each Union Member of the Mental Hygiene Department; and

WHEREAS: TCMH has determined the allowable retention incentives for non-union staff: \$5,000 Medical Director, \$1,218 Director of Community Services, \$1,000 for each full-time therapists and full-time support staff, \$1,000 Clinic Program Director, \$832 Deputy Director of Community Services, \$817 to each of the two Part-Time Account Clerks, \$745 Director of Administrative Services, and \$730 Secretary to the Director of Community Services; and

WHEREAS: TCMH will incur no local share increase, yet this will require a Budget Modification, Transfer of Funds and an Appropriation of Funds into the proper account codes; and

WHEREAS: Budget Modifications, Transfer of Funds and Appropriation of Funds require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4210-444310-WEG1 FA-COVID R	\$13,796.00
To: A4210-510050-WEG1 Salary Other	\$12,543.00
To: A4210-583088-WEG1 Social Sec Fringe	\$ 960.00
To: A4210-540733-WEG1 Training Other	\$ 293.00

And be it further

RESOLVED: That funding be transferred as follows:

From: A4310-540733-WEG1 Training Other	\$24,346.00
To: A4310-510050-WEG1 Salary Other	\$22,616.00
To: A4310-583088-WEG1 Social Sec Fringe	\$ 1,730.00

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

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. 146-22 AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services plans to advertise the availability of Day Care Assistance to the eligible working families of Tioga County; and

WHEREAS: The Office of Children and Family Services has approved the direct charge of these expenses with 100% reimbursement; and

WHEREAS: Funds need to be transferred from the Daycare program budget line to the appropriate administrative budget lines; therefore be it

RESOLVED: That funding be transferred as follows:

From: A6055.540487 Day Care Program Expense	\$ 11,125
To: A6010.540485 Printing/Paper	\$ 1,425
To: A6010.540010 Advertising	\$ 9,700

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

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. 147-22 *AMEND 2022 BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH*

WHEREAS: Tioga County Public Health has received funding from the NYS Association of County Health Officials; and

WHEREAS: Funding is specific to Tioga County Public Health; and

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

RESOLVED: That funding be appropriated as follows;

From: A4053 416890 Public Health: Other Income	\$ 1,785
To: A4053 540640 Public Health: Supplies	\$ 1,785

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

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. 148-22 RE-ESTABLISH PRIOR YEAR 2021
CAPITAL EQUIPMENT FUNDS AND
AMEND 2022 BUDGET
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has a vehicle fleet replacement plan as part of the Public Works Five Year Capital Plan; and

WHEREAS: TCPH was not able to order or purchase their planned and budgeted vehicle in 2021 as a result of industry shortages due to complications with Covid-19; and

WHEREAS: TCPH had a \$20,000 remaining in 2021 budget for the purchase of cars; and

WHEREAS: TCPH has opportunity to order an extra car in 2022 that will allow it to “catch up” with the replacement plan in 2022, which the Commissioner of Public Works supports; and

WHEREAS: TCPH receives at least 36% reimbursement for purchase of this vehicle, reducing local cost; and

WHEREAS: TCPH would like to re-establish 2021 Capital Equipment funds in the amount of \$17,712 and increase the 2022 budget accordingly; and

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

RESOLVED: That Capital Equipment Car/Truck account H4011 520060 be re-established with 2021 funds in the amount of \$17,712 and the 2022 budget be increased accordingly:

To: H4011 520060 Public Health Capital: Car/Truck \$ 17,712

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 149-22 *AMEND 2022 BUDGET AND TRANSFER FUNDS
PUBLIC WORKS*

WHEREAS: The space that was previously occupied by CCE in the County Office Building is currently being remodeled by Building and Grounds staff. There is a need to upgrade the existing HVAC system in that space, along with some HVAC work in the DMV office; and

WHEREAS: The Commissioner has received bids for the new installation of the HVAC system and there are insufficient funds for this project in the current budget; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From:		
H390900	Fund Balance-Unrestricted	\$250,000
To:		
H1620.520911	Renovations 56 Main Street	\$250,000

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 150-22 *REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO PURSUE A GRANT KNOWN AS SSG FOX SUICIDE PREVENTION GRANT*

WHEREAS: The Veterans Administration (VA) is offering SSG Parker Gordon Fox Suicide Prevention Grants for up to \$750,000 per year and renewable for up to two additional years to assist communities in implementing a public health approach that blends community-based prevention with evidence-based clinical strategies through combined community efforts; and

WHEREAS: This community-based grant program is part of the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019, signed into law on October 17, 2020. These grants will enable the VA to provide resources to rural community local governments to be used toward community-based suicide prevention efforts to meet the needs of veterans and their families through outreach, suicide prevention services and connection to the VA and community resources; and

WHEREAS: The grant funding will be used to aid us in expanding and strengthening clinical services for emergency mental health treatment, assisting with emergent needs related to health care services, daily living services, personal financial planning and counseling, transportation services, legal services, outreach to those at risk; as well as using non-traditional and innovative approaches, treatment practices and other services that improve the mental health status of veterans and their families; therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to pursue this VA grant application to establish, expand, strengthen, and maintain suicide prevention and intervention services as previously described.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 151-22 *AUTHORIZE THE SUBMISSION OF STATEWIDE
INTEROPERABLE COMMUNICATIONS FORMULA
GRANT APPLICATION (SICG 22)
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Office of Homeland Security and Emergency Services has issued a Statewide Interoperable Communications Formula Grant 2022. The grant will be used for upgrading the radio communications in the county and there is no local share associated with said grant; and

WHEREAS: County Policy #47 requires that permission be obtained prior to submitting said application; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be authorized to submit the Statewide Interoperable Communications Formula Grant application 2022.

Legislator Mullen spoke. "I want to thank everybody and especially Chair Sauerbrey for being on top of this thing. We have been waiting a long time for this and it has been a long time coming, so I just want to say thank you."

Chair Sauerbrey spoke. "It is a very involved process and now when we receive the grant, which we believe we are going to, we are going to have to all work together and do what we can as a team to bring people together to get this project underway. We will have a celebration when it is up and running. I would also like to thank County Attorney DeWind for his assistance in getting this application to the State. He is going to be helping us tremendously as we move forward with this project."

Legislator Standinger spoke. "Emergency Services played a very important role in this. For the record, Mike Simmons and Bob Williams facilitated this with expertise in the radio and emergency management issues."

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

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. 152-22 *AMEND RESOLUTION #291-19
AUTHORIZE AMENDED AGREEMENT WITH
MOTOROLA SOLUTIONS CHANGE ORDER #3
EMERGENCY MANAGEMENT*

WHEREAS: Resolution #291-19 authorized the Director of Emergency Services to enter into an agreement with Motorola Solutions for a P25 Phase 1 Digital Simulcast Trunked Radio System at an amount not to exceed \$9,620,000; and

WHEREAS: Resolution #23-22 authorized the Director of Emergency Services to enter in an agreement with Motorola for an additional \$3,100,000 to convert to a P25 Phase 2 Digital Simulcast Trunked Radio System; and

WHEREAS: With the progression of the project it is necessary to include the following: Add Owego Police to the CAD; Add Digital Evidence Module for Owego; Add Pictometry for Mapping; add Rapid Notification Module; and add Data Transfer Costs; and

WHEREAS: The additional cost would not exceed \$133,020.84; therefore be it

RESOLVED: That the County Legislature hereby authorizes an agreement with Motorola Solutions, 500 West Monroe Street, 44th Floor, Chicago, IL 60661 for a P25 Phase 2 Digital Simulcast Trunked Radio System for the Office of Emergency Services for a period of December 20, 2019 through December 20, 2024; and be it further

RESOLVED: That the County will utilize available grant funding as the initial payment under the terms and conditions of the contract and will continue to seek and use grant funding for the project at which time the County may bond or lease for the balance of the project cost. In the event that the County does not receive the anticipated grant funding for this project and after the County's best efforts to seek alternative funding the remaining funds are not locally appropriated, the contract may be terminated after paying for any equipment delivered and services performed to date; and be it further

RESOLVED: That the Chairwoman of the Legislature is authorized to execute any such agreements, documents, or papers, approved as to form by the County Attorney, as may be necessary to implement the intent and purpose of this resolution.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ITCS COMMITTEE
 PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 153-22 *AUTHORIZE MIGRATION TO HOSTED PLATFORM
 FOR AUTOMON PROBATION SOFTWARE*

WHEREAS: AutoMon provides case and data management solutions to City, County, and State Probation, Pretrial, Specialty Court and Corrections agencies throughout North America; and

WHEREAS: Tioga County currently hosts its Probation Case Management software, AutoMon, on internal Information Technology infrastructure; and

WHEREAS: That internal Information Technology infrastructure has reached end of life, requiring extensive upgrades and maintenance; therefore be it

RESOLVED: That the Chair of the Legislature is authorized, on behalf of Tioga County, New York, to enter into a Master Subscription Agreement with AutoMon, LLC to host

its probation system and migrate data to AutoMon's Information Technology infrastructure; and be it further

RESOLVED: That a prorated fee of \$3,910.00 shall be paid to AutoMon, LLC for hosting services beginning June 1, 2022 through December 31, 2022.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: FINANCE/LEGAL/SAFETY COMMITTEE

RESOLUTION NO. 154-22 *AUTHORIZE CONTRACT WITH CORNELL
COOPERATIVE EXTENSION FOR KITCHEN SPACE*

WHEREAS: Cornell Cooperative Extension has been providing various services in and to Tioga County including efforts showcasing local farm products and receives support from the County as an outside agency; and

WHEREAS: Cornell Cooperative Extension is in need of kitchen space to prepare food for their local events and farmers markets; and

WHEREAS: Tioga County has provided space to Cornell Cooperative Extension in the past for kitchen activities in the former Cornell Cooperative Extension kitchen area at 56 Main Street; and

WHEREAS: Cornell Cooperative Extension has asked Tioga County to allow it to use their former kitchen area on an ongoing basis; therefore be it

RESOLVED: That the Tioga County Legislature does hereby grant permission to Cornell Cooperative Extension to utilize the kitchen area in the basement of 56 Main Street for a period of one year which may thereafter be extended for two additional one year terms; and be it further

RESOLVED: That the Chair of the Tioga County Legislature be authorized to sign a use of space agreement with Cornell Cooperative Extension for the purpose of facilitating this use as approved to form by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 155-22 AUTHORIZATION TO RENEW CONTRACT
WITH TK ELEVATOR

WHEREAS: Tioga County uses the services of TK Elevator to maintain and service the elevators for all Tioga County owned elevators. This agreement includes parts and labor for annual planned maintenance; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute a contract with TK Elevator, upon approval by the County Attorney, renewable every year, with the initial first year cost to be **\$16,140**, with successive year costs to be adjusted annually based on changes in the cost of service.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 156-22 *AWARD BRIDGE PREVENTATIVE
MAINTENANCE PHASE VIII, PIN 9754.57
CONSTRUCTION CONTRACT*

WHEREAS: Tioga County was awarded funding for this project through NYSDOT; and

WHEREAS: Funding is available for this portion of the project; and

WHEREAS: The Commissioner of Public Works received sealed bids on April 25, 2022 and the bid results were as follows:

R. DeVincentis Construction, Inc.	\$285,000.00
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And;

WHEREAS: Tioga County DPW has completed the review of the bids and finds the low bidder R. DeVincentis Construction Inc., Binghamton NY, meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to R. DeVincentis Construction Inc., Binghamton NY, not to exceed \$285,000.00 to be paid out of the following account: D51 10.540050 – Bridge Projects.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 157-22 *AWARD HVAC CONTRACT FOR
COUNTY OFFICE BUILDING*

WHEREAS: Tioga County Public Works solicited bids for the HVAC work at the County Office Building; and

WHEREAS: The Commissioner of Public Works received three sealed bids on April 28, 2022 and the bids came in to as follows:

Postler & Jaeckle Corporation, Endicott NY	\$246,900.00
J&K Plumbing and Heating, Binghamton NY	\$255,000.00
AFT Mechanical, Elmira NY	\$335,000.00

And;

WHEREAS: Tioga County DPW completed the review of the bid and finds the low bidder Postler & Jaeckle Corporation, Endicott, NY meets all of the qualifications of the specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the contract to Postler & Jaeckle Corporation, Endicott, NY not to exceed \$246,900.00 to be paid out of the following account: H1620.520911 – Renovations 56 Main Street.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE PERSONNEL COMMITTEE
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RESOLUTION NO. 158-22	<i>AUTHORIZE OUT OF TITLE PAY PUBLIC WORKS DEPARTMENT</i>
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WHEREAS: In accordance with the CSEA collective bargaining agreement Article 4, Section E, Legislative approval is required to authorize out of title pay; and

WHEREAS: Due to an unexpected extended leave of absence, the work of the

Mechanic Working Supervisor (CSEA SG 1) position would not be done by the incumbent from March 9, 2022 through June 18, 2022; and

WHEREAS: Due to the needs of the department, the Commissioner of Public Works assigned Mechanic Working Supervisor duties to Derek Grier, Automotive Mechanic II (CSEA SG 4), as of March 10, 2022; and

WHEREAS: The Commissioner of Public Works will have an ongoing need to continue having Grier perform out-of-title work beyond 20 calendar days and through June 18, 2022; therefore be it

RESOLVED: That the Legislature authorizes out-of-title pay for Derek Grier, which is reflective of a retroactive hourly rate increase of \$4.93/hour effective March 10, 2022; and be it further

RESOLVED: That said out-of-title pay shall continue through June 18, 2022.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 159-22 *AUTHORIZE WAGE REALLOCATIONS WITHIN
CSEA SALARY SCHEDULE
PUBLIC WORKS*

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

WHEREAS: Effective February 7, 2022, the Federal Department of Transportation imposed much stricter and costly requirements for obtaining a Commercial Driver's License (CDL); and

WHEREAS: These new requirements will not only impact recruiting of new CDL drivers but also place greater importance on retaining existing staff in positions requiring CDLs; and

WHEREAS: In reviewing the current wage structure for Public Works titles, the Commissioner of Public Works noted a disparity between the Highway titles which require CDLs and the titles which do not require CDLs, further justifying an increase in wages for titles requiring CDLs; and

WHEREAS: Upon review by the Personnel Officer, two Highway positions need reclassifying to distinguish them from other positions that currently have the same title but do not require a CDL license; and

WHEREAS: The Legislature is aware of the shortage of CDL drivers in Tioga County and elsewhere, and is supportive of reallocating those titles which require CDLs; therefore be it

RESOLVED: That one position of Mechanic Working Supervisor in the Highway division of Public Works be reclassified to Heavy Mechanic Working Supervisor and one position of Working Supervisor in the Highway division of Public Works be reclassified to Highway Working Supervisor effective June 4, 2022 with both new titles requiring possession of a CDL license; and be it further

RESOLVED: That effective June 4, 2022 the following titles shall be reallocated as indicated below:

Title:	Current Wage:	New Wage:
Heavy Mechanic Working Supervisor	\$23.89/hr	\$25.89/hr
Highway Working Supervisor	\$23.89	\$25.89
HEO Site Leader	\$21.80	\$23.89
HEO III	\$19.70	\$21.80
HEO II	\$18.96	\$21.03
HEO I	\$18.20	\$19.70
MEO III	\$17.45	\$18.96
MEO II	\$16.69	\$18.20

And be it further

RESOLVED: That the employees holding the above listed titles shall receive corresponding increases to their 2022 wages effective June 4, 2022.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE
 PERSONNEL COMMITTEE
 LEGISLATIVE WORKSESSION

RESOLUTION NO. 160-22 *AUTHORIZE TEMPORARY STIPEND
 (TREASURER'S OFFICE)*

WHEREAS: The Chief Information Officer is designated in County Policy as the responsible person for overseeing the administrative details of Tioga County's purchasing program; and

WHEREAS: This designation continues to be appropriate for all Information Technology equipment purchases and leases in obtaining the necessary quotes, entering into contracts, disseminating Requests for Proposals (RFP), Requests for Qualifications (RFQ), bid specifications and, in conjunction with the Legislature, approving online purchasing agreements in accordance with the Purchasing and Payment Policy; and

WHEREAS: The Chief Accountant in the Treasurer's Office has a role in reviewing, in MUNIS, purchases made by all departments and is willing to take on additional duties to ensure proper procurement procedures and protocols are followed including, but not limited to: auditing of purchase orders over established threshold for requiring quotes, assisting Departments with acquiring quotes and bids, assisting Departments with State contract purchasing, updating procurement policy and financial guidelines, in accordance with Legislative approval, providing Departments with procurement training, and continuous research of available purchasing opportunities; and

WHEREAS: The County Treasurer is agreeable with Ms. Jerzak taking on this additional responsibility; and

WHEREAS: The Legislature is agreeable with a temporary trial basis arrangement until December 31, 2022; therefore be it

RESOLVED: That effective May 11, 2022, Stephanie Jerzak will assume the additional purchasing/procurement duties on a temporary trial basis through December 31, 2022; and be it further

RESOLVED: That in recognition of the additional responsibility, Ms. Jerzak will be granted an additional \$3,000 stipend annually to be prorated for the remainder of 2022; and be it further

RESOLVED: That should it be determined for any reason the designation is not working as expected, the designation, responsibilities and stipend shall terminate.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 161-22 APPOINTMENT OF
BOARD OF ELECTIONS DRIVERS PT

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the management/confidential listing; and

WHEREAS: Two positions for Driver PT for voting machine transportation, one Republican and one Democrat, were approved by the County Legislature to be added to the Board of Elections authorized part-time employee head count, effective January 1, 2022; and

WHEREAS: The Driver positions have been vacant since January 1, 2022; and

WHEREAS: The Election Commissioners have selected candidates to fill said vacancies; therefore be it

RESOLVED: That Charles W. Truman, Jr. and Kenneth I. Smith shall be appointed as Drivers PT, effective May 11, 2022, at the rate of \$15.00/hr.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 162-22 STANDARD WORK DAY AND
REPORTING RESOLUTION

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Days/Month (based on Record of Activities)	Pay Frequency	Not Submitted
Elected Officials						
District Attorney	Kirk Martin	7	1/1/22-12/31/25	31.62	Biweekly	
Legislator	Martha Sauerbrey	6	1/1/22-12/31/25	25.20	Biweekly	
Legislator	S Tracy Monell	6	1/1/22-12/31/25	6.42	Monthly	
Treasurer	James McFadden	7	1/1/22-12/31/25	22.10	Biweekly	
Appointed Officials						
Budget Officer (PT)	Jackson Bailey	6	1/1/22-12/31/25	12.10	Biweekly	
1 st Assistant Public Defender	Todd Miller	7	1/1/22-12/31/25	18.92	Biweekly	
Assistant Public Defender	Rhonda Pasto	7	1/1/22-12/31/25	11	Biweekly	

I, Cathy Haskell, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 10th day of May, 2022 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this 10th day of May, 2022.

Tioga County Legislative Clerk

Affidavit of Posting: I, Cathy Haskell, being duly sworn, depose and say that the posting of the resolution began on May 10, 2022 and continued for at least 30 days. That the resolution was available to the public on the

- [] Employer's website at www.tiogacountyny.gov
[] Official sign board at Tioga County Legislative Office.
[] Main Entrance Clerk's Office at _____

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

Legislator Mullen made a motion to bring forth two late-file resolutions for Legislature consideration, seconded by Legislator Brown. Motion carried.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORK SESSION

RESOLUTION NO. 163-22 AUTHORIZED APPOINTMENT:
PERSONNEL OFFICER

WHEREAS: Legislative approval is required for any appointment to a management/confidential position within Tioga County; and

WHEREAS: The position of Personnel Officer (\$73,441 – 83,441 Management/Confidential) became vacant on March 18, 2022 due to a planned retirement; and

WHEREAS: A committee was formed to recruit for a replacement and after interviewing a number of candidates, the committee has identified a qualified candidate; therefore be it

RESOLVED: That the Tioga County Legislature appoints Linda Parke to the position of Personnel Officer at an annual salary of \$78,000 effective June 6, 2022 for the balance of the six-year term which shall continue through March 20, 2028; and be it further

RESOLVED: That in accordance with Tioga County's Civil Service Rules, Ms. Parke shall serve a probationary period of eight to fifty-two weeks.

ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 164-22 AMEND RESOLUTION 108-22:
CONTRACT FOR CONSULTANT SERVICES

WHEREAS: Resolution 108-22 contracted with the recently retired Personnel Officer for continuity of operations and training of the successor; and

WHEREAS: The County Legislature authorized a contract with Bethany O'Rourke for consulting services at the rate of \$150.00 per hour from March 21, 2022 through May 27, 2022; and

WHEREAS: A new Personnel Officer will be appointed as of June 6, 2022, and it is the intent of the Legislature to have training available for her; therefore be it

RESOLVED: That Resolution 108-22 be amended to continue contractual services through June 24, 2022.

+ROLL CALL VOTE

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

No – None.

Absent – Legislator Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:33 P.M.

Sixth Regular Meeting
June 14, 2022

The Sixth Regular Meeting of 2022 was held on June 14, 2022 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Mullen to have a moment of prayer. "Dear Lord, we ask you to watch over our meeting today and help guide us in our decision-making for the residents of Tioga County. We say a special prayer of thanks for the freedoms we receive and have in this country and the protection of our members in the U.S. Armed Forces, as they continue to protect our nation and its freedom."

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

There were 15 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Legislator Weston read and presented the following resolution to Alan Ervay, Public Works.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 165-22 *RECOGNIZING ALAN ERVAY'S
20 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY*

WHEREAS: Alan Ervay started his employment with Tioga County as Automotive Mechanic II of Public Works June 10, 2002 and was promoted to Mechanic/Working Supervisor on July 26, 2006; and

WHEREAS: Alan Ervay has been a dedicated and loyal employee in the performance of his duties and responsibilities during the past 20 years to the Public Works Department. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Ervay is retiring on June 18, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Alan Ervay for his 20 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this dedicated and outstanding employee, Alan Ervay.

ROLL CALL VOTE

Unanimously Yes – Legislators Mullen, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, Hollenbeck, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Mr. Ervay spoke. "These past 20 years I have really enjoyed working for Tioga County and with a lot of nice people. Everyone has always treated me with respect. I am really going to miss working even though retirement sounds good, but I would rather be working. Thank you for employing me and all the good things you have done for me."

Commissioner of Public Works Hammond spoke. "I would like to say a couple of things about Alan while I have the opportunity. The first thing I will say is that I was going to spend some time putting a speech together, but I ran out of time and I realized that if I could not say something nice about Al, I really should not be up here.

"Al has been, as stated, an auto mechanic for 20 years for Tioga County. He is also a CDL driver and could always be counted on to show up in the middle of the night and plow snow for the citizens of Tioga County if there was a shortage of drivers. He is the kind of man that every supervisor wants to have. At no point in time was I ever concerned that Al Ervay wasn't giving the taxpayers of Tioga County their due. He could always be counted on to go the extra mile and I am going to miss it. The resolution states that he had the admiration of his colleagues and peers, but he also had the admiration of his supervisors. Thank you, Al for everything you have done for Tioga County. One of the things that Al did above and beyond was every time a Sheriff's cruiser came in, he would put that into priority. Every time a vehicle needed to be picked up, he would go get it all hours of the day or night. If the Sheriff's vehicle hit a deer, which tends to happen in a rural county like ours, he would haul it back and get it back in service in a timely fashion. When new police cruisers come in, they do not have the lights, sirens,

cages, push bars, or anything that makes it a police cruiser besides the actual vehicle itself and Al would put it all together. Often times, he would use parts from the old cruisers to save the taxpayers money. Again, these are just a few of the things that Al has done for us and it is going to be tough to fill his shoes. Thank you."

Chair Sauerbrey reported we have one Proclamation; **Skin Cancer Awareness Month** that will be noted in the minutes.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: Skin cancer is the most common cancer in the United States and worldwide, affecting 1 in 5 Americans by the age of 70; and

WHEREAS: Melanoma, the third most common form of skin cancer and the most deadly, is estimated to kill approximately 7,650 individuals in 2022; and

WHEREAS: According to the New York State Cancer Registry, Tioga County averages about 20 cases of melanoma annually; and

WHEREAS: If caught early, melanoma has a 5-year survival rate of 99%; and

WHEREAS: Routine skin cancer screenings and self-examinations for abnormal moles and spots can help catch melanomas early on; and

WHEREAS: Rates of melanoma and other skin cancers can be further reduced through routine sun safety practices including: applying sunscreen with a minimum of SPF 15, seeking shaded areas, dressing in long sleeved clothing, wearing sun glasses and wide-brimmed hats, and limiting time outdoors between the hours of 10am and 4pm when the sun's UV rays are strongest; and

WHEREAS: Tioga County Public Health in partnership with the Cancer Prevention in Action grant funded by New York State, emphasize the importance of sun safety through education and outreach to local daycares, outdoor recreation facilities, outdoor worksites, and the community in general; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim the month of June 2022 as

SKIN CANCER AWARENESS MONTH

and urges all residents to practice sun safety year round and seek medical advice for any abnormal moles or spots.

There was no privilege of the floor.

Legislator Mullen made a motion to approve the minutes of May 10, 2022, seconded by Legislator Hollenbeck and carried.

Chair Sauerbrey officially welcomed our new Personnel Officer, Linda Parke, to Tioga County and wished her well.

Chair Sauerbrey made the following appointment to the Tioga County Council of Governments:

Legislator William Standinger – 6/14/2022

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

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 166-22 *APPOINT MEMBER TO THE TIOGA COUNTY
LOCAL DEVELOPMENT CORPORATION*

WHEREAS: Sandy Layman resigned from the Tioga County Local Development Corporation Board effective 3/31/22; and

WHEREAS: Keith Flesher has expressed his desire to serve on the Tioga County Local Development Corporation Board to fill Sandy Layman's term that expired 3/31/22; and

WHEREAS: The Tioga County Local Development Corporation Board of Directors has found Keith Flesher willing and able to fill said vacancy; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoint Keith Flesher to fill Sandy Layman's expired term 6/14/22 – 3/31/25.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 167-22 *AUTHORIZE SUBMISSION OF APPALACHIAN
REGIONAL COMMISSION GRANT APPLICATION
FOR STRATEGIC PLAN*

WHEREAS: Tioga County's current strategic plan, Tioga County 2020 Strategic Plan, was adopted in 2016 and is now mostly complete and out of date; and

WHEREAS: Tioga County has an opportunity to create a new strategic plan with 50% funding from the Appalachian Regional Commission's (ARC) Area Development Program 2022 round, which also requires a 50% local match; and

WHEREAS: MRB |group has provided Tioga County with a cost estimate for such strategic plan at approximately \$50,000; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes said grant application to ARC for a Tioga County Strategic Plan update in an amount not to exceed \$50,000, commits the \$25,000 local cash match from the General Fund Balance and authorizes the Chair of the County Legislature to sign any and all grant related paperwork upon review and approval of the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 168-22 *AUTHORIZE THE SUBMISSION OF THE
FISCAL YEAR 2022 BODY WORN CAMERA GRANT
SHERIFF'S OFFICE*

WHEREAS: United States Department of Justice has announced the fiscal year 2022 BWC (Body Worn Camera) grant funding; and

WHEREAS: Applications for this grant are required to be submitted in May of 2022; and

WHEREAS: County Policy Section III (e) requires that a resolution be approved before any such grant application is submitted. However, due to the short notification period, the Tioga County Sheriff's Office had to submit an application for this funding by May 25, 2022; therefore be it

RESOLVED: That the Tioga County Sheriff's Office be authorized to submit the appropriate grant application for securing this funding, after the fact, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 169-22 *AUTHORIZE THE SUBMISSION OF
EMPG22 GRANT APPLICATION
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The NYS Department of Homeland Security/Federal Emergency Management Agency has issued an Emergency Management Performance Grant (EMPG22) in the amount of \$24,278; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application is submitted. However, due to the short notification period, the Tioga County Office of Emergency Services had to submit an application for this funding by June 6, 2022; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be given authorization to apply for the 2022 EMPG grant application, after the fact to be in compliance with county policy, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 170-22 *AUTHORIZE THE SUBMISSION OF
HOMELAND SECURITY GRANT
APPLICATION (SHSP22)
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The NYS Department of Homeland Security/Federal Emergency Management Agency has issued a grant of \$59,750 to the Tioga County Office of Emergency Services. 30% of the monies will be appropriated to the Sheriff's Office (\$17,925) and 70% to Emergency Management (\$41,825); and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application is submitted. However, due to the short notification period, the Tioga County Office of Emergency Services had to submit an application for this funding by June 6, 2022; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be given authorization to apply for the 2022 Homeland Security grant application, after the fact to be in compliance with county policy, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 171-22 *AUTHORIZE THE CHAIR OF THE LEGISLATURE
TO ENTER INTO THE CENTRAL NEW YORK
INTEROPERABLE COMMUNICATIONS
CONSORTIUM (CNYICC) AGREEMENT
OFFICE OF EMERGENCY SERVICES*

WHEREAS: There is a need to cooperate and establish an interoperability communications network for emergency services communications to serve the Southern Tier East and Central New York Regions; and

WHEREAS: This need has been expressed in the National SAFECOM program, is encouraged by the Federal Government through a number of federal grant programs, and is well recognized as the future for planning interoperable communications systems; and

WHEREAS: In order to seek federal funding for such initiatives, it is the desire of the counties of Broome, Cayuga, Cortland, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Tioga, and St. Lawrence, to form the Central New York Interoperable Communications Consortium; and

WHEREAS: It is desirable that the Central New York Interoperable Communications Consortium be endorsed by its participant active counties and that its responsibilities be formally set forth; therefore be it

RESOLVED: That the County of Tioga, for the reasons set forth above, and pursuant to the authority provided under Article 5-G of the New York State General Municipal Law, hereby expresses its desire to work with its neighboring counties as an active member of the Central New York Interoperable Communications Consortium and officially designates its E-911 Coordinator, Emergency Services Coordinator, Chief Communications Officer, or Fire Coordinator to be its official representative to said alliance; and be it further

RESOLVED: That once activated, the Regional Interoperable Communications Alliance will be governed in the manner set forth in the Memorandum of Understanding; and be it further

RESOLVED: That the Regional Interoperable Communications Alliance shall be activated upon the adoption of this resolution by this county and any two other counties listed as potential member counties, and that the Alliance shall only represent those counties with active memberships.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 172-22 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE
ON NY OWEGO II, LLC PAYMENT IN LIEU
OF TAX AGREEMENT*

WHEREAS: NY Owego II, LLC has submitted a Notice of Intent to the Town of Owego that it plans to build and operate a “Solar Energy System” with an expected total capacity of approximately 5.0 Megawatts AC; and

WHEREAS: The project location is situated at 267 Cafferty Hill Road, tax map #143.06-1-1.1, Town of Owego, County of Tioga, State of New York; and

WHEREAS: The Taxing Jurisdiction is defined as the Town of Owego, the Union Endicott Central School District and the County of Tioga; and

WHEREAS: The Taxing Jurisdiction has not opted out of Real Property Tax Law (RPTL) Section 487; and

WHEREAS: The Taxing Jurisdiction has indicated its intent to require Payment in Lieu of Taxes (PILOT) Agreements with NY Owego II, LLC; and

WHEREAS: Pursuant to RPTL 487, the Taxing Jurisdiction has agreed to place the project as exempt upon the assessment rolls of the Taxing Jurisdiction; and

WHEREAS: NY Owego II, LLC has agreed to make annual lump sum payments to the Taxing Jurisdiction in lieu of real property taxes for a period of fifteen (15) consecutive fiscal tax years; and

WHEREAS: Such fifteen (15) year term shall commence on the first taxable status date selected by NY Owego II, LLC following the commencement of the construction of the project, and shall end by the fifteenth fiscal year following; and

WHEREAS: The first annual payment shall be in the aggregate amount of \$4,000 per built out Megawatt AC of capacity, and thereafter annual payments shall escalate by two (2.0 %) percent per year; and

WHEREAS: The annual payments for the Taxing Jurisdiction shall be made payable to the Town of Owego and mailed to the Town of Owego and are due no later than January 15th of each year; and

WHEREAS; The Town of Owego shall be responsible for distributing the annual payments to the Union Endicott Central School District and the County of Tioga; and

WHEREAS: The Taxing Jurisdictions have agreed that the said payments shall be disbursed to the Town of Owego, Union Endicott Central School District and County of Tioga in equal portions; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Payment in Lieu of Tax Agreement between NY Owego II, LLC, the Town of Owego, Union Endicott Central School District and Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 173-22 *AUTHORIZE LEGISLATIVE CHAIR SIGNATURE
ON NY OWEGO III, LLC PAYMENT IN LIEU
OF TAX AGREEMENT*

WHEREAS: NY Owego III, LLC has submitted a Notice of Intent to the Town of Owego that it plans to build and operate a "Solar Energy System" with an expected total capacity of approximately 5.0 Megawatts AC; and

WHEREAS: The project location is situated at 2635 Day Hollow Road, tax map # 119.00-2-25, Town of Owego, County of Tioga, State of New York; and

WHEREAS: The Taxing Jurisdiction is defined as the Town of Owego, the Owego Apalachin Central School District and the County of Tioga; and

WHEREAS: The Taxing Jurisdiction has not opted out of Real Property Tax Law (RPTL) Section 487; and

WHEREAS: The Taxing Jurisdiction has indicated its intent to require Payment in Lieu of Taxes (PILOT) Agreements with NY Owego III, LLC; and

WHEREAS: Pursuant to RPTL 487, the Taxing Jurisdiction has agreed to place the project as exempt upon the assessment rolls of the Taxing Jurisdiction; and

WHEREAS: NY Owego III, LLC has agreed to make annual lump sum payments to the Taxing Jurisdiction in lieu of real property taxes for a period of fifteen (15) consecutive fiscal tax years; and

WHEREAS: Such fifteen (15) year term shall commence on the first taxable status date selected by NY Owego III, LLC following the commencement of the construction of the project, and shall end by the fifteenth fiscal year following; and

WHEREAS: The first annual payment shall be in the aggregate amount of \$4,000 per built out Megawatt AC of capacity, and thereafter annual payments shall escalate by two (2.0 %) percent per year; and

WHEREAS: The annual payments for the Taxing Jurisdiction shall be made payable to the Town of Owego and mailed to the Town of Owego and are due no later than January 15th of each year; and

WHEREAS; The Town of Owego shall be responsible for distributing the annual payments to the Owego Apalachin Central School District and the County of Tioga; and

WHEREAS: The Taxing Jurisdictions have agreed that the said payments shall be disbursed to the Town of Owego, Owego Apalachin Central School District and County of Tioga in equal portions; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Payment in Lieu of Tax Agreement between NY Owego III, LLC, the Town of Owego, Owego Apalachin Central School District and Tioga County.

Legislator Mullen spoke. "This one I will vote yes, but it was a big issue where this one went. I hope in the future there is a little more cooperation amongst other jurisdictions and municipalities when something like this comes up. I am very concerned for some of the property values of the people on Day Hollow Road."

ROLL CALL VOTE

Yes – Legislators Mullen, Roberts, Standinger, Weston, Brown, Ciotoli, Hollenbeck, and Monell.

No – Legislator/Chair Sauerbrey.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 174-22 *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 Culvert Program Phase 1 (FFY 2022), PIN 9754.94 (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, Right-of-Way Incidentals and Right-of-Way Acquisition work.

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

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

RESOLVED: That the Tioga County Legislature hereby authorizes the County of Tioga to pay in the first instance 100% of the Federal and non-Federal share of the

cost of the Right-of-Way Incidentals and Right-of-Way Acquisition work for the Project or portions thereof; and it is further

RESOLVED: That the sum of \$17,400 is hereby appropriated from account H5110.520003.H1008 and made available to cover the costs of participation in the above phase 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 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, Standinger, Weston, Brown, Ciotoli, Hollenbeck, and Monell.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 175-22 *AWARD BID FOR TRANSPORTATION SERVICES
TO EARLY INTERVENTION AND PRESCHOOL
SPECIAL EDUCATION CHILDREN'S PROGRAM
PUBLIC HEALTH*

WHEREAS: Bids have been received for the Provision of Transportation Services to Early Intervention and Pre-School Special Education Children; and

WHEREAS: The bids (pricing based on a one-way trip) were received and opened on May 19, 2022, and the bid results were as follows:

Serafini Transportation Corp. Zone 1 - \$105; Zone 2 - \$118

And

WHEREAS: Funds have been included in the Public Health Department budget for this service; and

WHEREAS: Serafini Transportation Corp. has been determined to be the responsible bidder proposing the lowest unit price per child based on a one-way transportation cost, and whose proposal complies with all provisions to render it formal and legal and whose proposal is considered to be in the best interest of Tioga County; and

WHEREAS: The Director of Public Health is in agreement with this determination in the provision of transportation of Tioga County's most vulnerable young citizens; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Department of Public Health to enter into a contract with Serafini Transportation Corp. for the Provision of Transportation Services to Early Intervention and Preschool Special Education Children based on stated stipulated cost of \$105 for Zone 1 and \$118 for Zone 2 per one-way trip for the period of July 1, 2022 through June 30, 2025.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 176-22 *AWARD CONTRACT FOR THE REPAIRS TO
PARK SETTLEMENT BRIDGE*

WHEREAS: Tioga County has a bridge in need of repair due to a NYSDOT inspection; and

WHEREAS: The Commissioner of Public Works received two sealed bids on June 2, 2022 and the bids came in as follows:

Economy Paving Co. Inc.	\$164,644.46
R. DeVincentis Construction	\$178,000.00

And

WHEREAS: Tioga County DPW completed the review of the bids and finds the low bidder, Economy Paving Co. Inc., Cortland, NY meets all of the qualifications of the specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the contract to Economy Paving Co. Inc., Cortland, NY not to exceed \$164,644.46 to be paid out of the following account:

H5110.540002.H1504 – Park Settlement Bridge

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 177-22 *AWARD HVAC CONTROL CONTRACT
FOR THE HHS BUILDING*

WHEREAS: Tioga County has budgeted funds for the replacement of the HVAC Controls at the HHS Building; and

WHEREAS: The Commissioner of Public Works received one sealed bid on June 1, 2022 and the bid came in as follows:

Postler & Jaeckle Corporation, Endicott NY	\$492,420.00 Base Bid
	\$229,115.00 Alt #1

And

WHEREAS: Tioga County DPW completed the review of the bid and finds the low bidder Postler & Jaeckle Corporation, Endicott, NY meets all of the qualifications of the specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the BASE BID contract to Postler & Jaeckle Corporation, Endicott, NY not to exceed \$492,420.00 to be paid out of the following account:

H1621.520926 – HVAC Control System

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 178-22 *EXTEND CONTRACT CBH MEDICAL FOR
JAIL MEDICAL AND MENTAL HEALTH SERVICES
SHERIFF'S OFFICE*

WHEREAS: Resolution 274-20 authorized the execution of an agreement for medical and mental health services for inmates at the Tioga County Jail with the option to renew for three additional one-year terms; and

WHEREAS: This agreement will expire December 31, 2022 and the Sheriff's Office would like to extend it an additional year at a cost not to exceed \$798,060; therefore be it

RESOLVED: That the agreement with CBH Medical to provide comprehensive medical and mental health services for the inmates at the Tioga County Jail be extended for a one-year period beginning January 1, 2023; and be it further

RESOLVED: That the Tioga County Legislature authorizes the execution of this agreement with CBH Medical to provide such services.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 179-22 *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, New York 13827 on August 4, 2022 conducted by Manasse Auctioneers.

Village of Waverly

166.19-3-47.1; James E Goodwin

166.15-1-75; Samuel J King & Stefania Rose King

Town of Barton

155.00-1-10.10; James M Gay, Sr & Carol D Gay

168.00-1-13.40; Peggy S Hazard & Stephen B Hazard

Village of Candor

61.18-1-28; Mark H Brown

Town of Newark Valley

44.00-1-10; Melody A Barnett

75.18-1-84; Yibo Lin

75.18-1-85; Yibo Lin

55.00-1-6.11; Grigoriy Vlasyuk

Town of Nichols

150.00-1-37; Stephen Bailey

Village of Owego

128.08-3-79; Joanne E Ellerson

129.05-4-12; Joanne E Ellerson

129.05-2-26; Vicki L Harrell & Paul Rathke

128.08-3-31; Mary Franzenburg, Casey Sauer & Cody George John Sauer

117.20-2-6; Nichole Stables

117.20-3-42.2; Pauline Sherwood

Town of Owego

153.06-2-14; Leon Anastaskos

142.18-2-15; Jeanette Jansen & Kermit A Jansen

143.13-2-50.1; Thomas J Robinson & Candice VanSchaick

Town of Richford5.00-1-35.20; Donna InmanTown of Spencer92.00-1-22.10; Ralph G Cobb & Eleanor M Cobb91.00-1-31; Shyrlee A Gardner59.00-1-39; William R GrenoldsTown of Tioga106.19-1-20; James Haines & Esther Haines127.00-1-39; Margaret Henson &/or Sandy Root158.00-1-23.10; James R Peppard Jr158.12-1-29; John Weaver

Legislator Standinger spoke. "It is unfortunate that there are situations where people cannot pay their taxes and we have to do this, but it is something that needs to be done."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 180-22 *AUTHORIZING TIOGA COUNTY TO MAKE
PURCHASES THROUGH COOPERATIVE
CONTRACTS AWARDED PURSUANT TO
BEST VALUE CONTRACTING*

WHEREAS: Local Law No. 4 of the Year 2015, Tioga County Best Value Competitive Bidding Law, authorizes the use of Best Value Award methodology, in the competitive bidding process, for purchase contracts (including contracts for service work (article 9), but excluding any purchase contracts necessary for the completion of a public works contract pursuant to (article 8) of the Labor Law) may be awarded on the basis of low bid or best value, as authorized by Section

103 of the General Municipal Law and as defined in Section 163 of the State Finance Law; and

WHEREAS: Cooperative Contracts and Agreements utilize state of the art procurement resources and solutions that ensure public agencies are receiving the best value for products and services of the highest quality at the lowest prices; and

WHEREAS: Tioga County Departments will be able to reduce the time it takes to independently solicit goods and services and will have the benefit of economies of scale while being compliant with purchasing guidelines; therefore be it

RESOLVED: That Tioga County departments are authorized to make purchases through Cooperative Contracts and Agreements when such contracts and purchases are the Best Value to Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 181-22 *AUTHORIZE PARTICIPATION IN OMNIA PARTNERS
COOPERATIVE PURCHASING PROGRAM*

WHEREAS: Tioga County is dedicated to the procurement of the right good and services at the right price for the various County departments in a timely manner assuring the prudent and economical use of public monies; and

WHEREAS: Tioga County declares its intention to purchase competitively without prejudice and to seek maximum operational value for every dollar expended; and

WHEREAS: Tioga County's purchasing policy shall be administered in accordance with all ethical rules called for by the County of Tioga and the National Institute of Governmental Purchasing Code of Ethics; and

WHEREAS: OMNIA Partners is a cooperative purchasing organization that is driving excellence in local government purchasing. Its extensive scope of competitively-solicited local government contracts from world-class suppliers streamlines the purchasing process and helps local government agencies achieve their strategic goals; and

WHEREAS: Tioga County purchasing procedures shall be subject to the approval of the Legislature; therefore be it

RESOLVED: That the OMNIA Partners Cooperative Purchasing program satisfies certain purchasing requirements and is hereby authorized for use by all Tioga County departments within the scope of Section VII – Purchasing and Payment Policy of the Tioga County Employee Handbook.

ROLL CALL VOTE

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

No – None.

Absent – None.

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. 182-22 APPROVE FUNDING
2022 YOUTH BUREAU PROGRAM FUNDING

WHEREAS: Youth Sports and Education Opportunity Funding (22-OCFS-LCM-09) has been awarded to the Tioga County Youth Bureau from the Office of Children and Family Services; and

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

RESOLVED: That funding be appropriated as follows:

From: A7310.438200 State Aid – Youth Programs \$6,653.00

To: A7310.541540 Reimbursements \$6,653.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 183-22 APPROVE FUNDING
2022 SUMMER YOUTH EMPLOYMENT
PROGRAM FUNDING

WHEREAS: Additional funding has been awarded (22-LCM-08) to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance for Summer Youth Employment Programs; and

WHEREAS: The plan submitted for expenditure of these funds has been approved; and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.446100 Federal Aid: Administration \$118,459

To: A6010.540140 Contractual \$118,459

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 184-22 AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services has moved high density filing from the Services area to accommodate the need for more office space; and

WHEREAS: Office furniture for staff moving to the new office space needs to be purchased; and

WHEREAS: Transfer of funds between Program (54) and Other Furniture (52) requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A6010.540487 Program Expense	\$ 10,000.00
To: A6010.520210 Other Furniture	\$ 10,000.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 185-22 AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services appropriated Safe Harbor funding in (54) Program Expense; and

WHEREAS: The Department has identified the need for an iPad and accessories for the Safe Harbor program and received a quote from Information Technology; and

WHEREAS: Transfer of funds between Program (54) and Computer (52) requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A6010.540487 Program Expense	\$ 1,439.00
To: A6010.520090 Computer	\$ 1,439.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 186-22 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

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

WHEREAS: The award is for successful participation in the NYSDOH Local Health Department Performance Incentive Program; and

WHEREAS: The funding is designated for Public Health program related expenses; and

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

RESOLVED: That funding be appropriated as follows:

From: A4011 434010	Public Health: State Aid	\$22,000
To: A4011 540010	Public Health: Advertising	\$15,000
A4011 540640	Public Health: Supplies	\$ 7,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 187-22 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health received two funding awards from Delta Dental; and

WHEREAS: The awards are specifically for Tioga County Mobile Dental Services; and

WHEREAS: The funding was received previously, and is in a deferred revenue account; and

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

RESOLVED: That funding be appropriated as follows:

From: A 269100-DR004 Public Health Deferred Revenue \$25,000

To: A4064 540595 Dental: Services Rendered \$25,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 188-22 *AMEND BUDGET AND TRANSFER FUNDS
PUBLIC WORKS*

WHEREAS: Tioga County has a bridge in need of repair due to an inspection by NYSDOT; and

WHEREAS: The Commissioner has received bids for the pier repair to Park Settlement Bridge and there are no funds for this project in the current budget; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H390900 Fund Balance-Unrestricted \$170,000

To: H5110.540002.H1504 Park Settlement Bridge \$170,000

Legislator Standinger spoke. "This is in the Town of Candor and it is, to my understanding, the largest wooden bridge in the County and maybe in the State. The longer we can keep this bridge in service the better it is because it costs a lot of money to put a new bridge in, so I appreciate the Commissioner of Public Works for repairing this bridge."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 189-22 AMEND BUDGET AND TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: Tioga County has budgeted for replacement of the HVAC controls at the HHS Building; and

WHEREAS: The Commissioner has received bids for the new installation of the HVAC system and there are insufficient funds for this project in the current budget; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H390900	Fund Balance-Unrestricted	\$166,000
To: H1621.520926	HVAC Control System	\$166,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 190-22 *BUDGET MODIFICATION TO TIOGA COUNTY
VETERANS' SERVICE AGENCY 2022 BUDGET*

WHEREAS: The Tioga County Veteran Services' Agency (TCVSA) has received increased direct State Aid to Localities money, increase from \$10,000 to \$25,000 for 2022; and

WHEREAS: TCVSA has received new State Aid to Localities money for the PFC Dwyer Program in the amount of \$100,000 from the Tioga County Mental Hygiene Department; and

WHEREAS: TCVSA has already allocated this funding in its 2022 budget; yet this will require a 2022 budget modification and appropriation with a transfer of funds within TCSVA to cover the expenses created by changing one part-time Veterans Service Officer position to full-time (40-hour), and changing the Director of Veterans' Services position from a 35-hour workweek to a 40-hour workweek, and changing remaining part-time Veteran Service Officer from 17-hour workweek to a 19.5-hour workweek effective June 18, 2022; and

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

RESOLVED: That 2022 budget modification/transfer be approved as follows:

From: A6510 510020	Part Time Payroll	\$15,667.00
To: A6510 510010	Full Time Payroll	\$15,667.00

And be it further

RESOLVED: That a 2022 budget appropriation be approved as follows:

From: A6510 437100	State Aid – Veterans	\$ 3,339.00
To: A6510 510010	Full Time Payroll	\$ 1,887.00
To: A6510 585588	Disability Insurance Fringe	\$ 34.00
To: A6510 583088	Social Security Fringe	\$ 1,418.00

Legislator Standinger spoke. "We have a Navy Veteran in charge of the Veterans Service Agency and I just want to say he does an outstanding job with his budget. I appreciate what he does for the Veterans, myself included, as well as Legislator Mullen who is a Marine Corps Veteran sitting here next to me."

Legislator Mullen spoke. "I am not on this committee anymore, but we have a Veterans Service Agency in this county. We basically did not when I first became a Legislator 6-7 years ago. The Director has done a fantastic job and it is very much appreciated."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 FINANCE COMMITTEE
 PERSONNEL COMMITTEE

RESOLUTION NO. 191-22 APPROPRIATION OF FUNDS, TRANSFER OF FUNDS,
 AND BUDGET MODIFICATION
 MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated additional pass through federal aid funding as a grant through the Office of Alcohol and Substance Abuse (OASAS) and previously from the Office of Mental Health (OMH) for the purpose of Workforce Enhancement and Development; and

WHEREAS: Eligible expenses to spend these funds include but are not limited to: Recruitment and Retention Incentives, Educational Expenses, Career Development and Training Expenses; and

WHEREAS: Tioga County Mental Hygiene has identified the best use of these funds as retention incentive for the entire departments staff and training for select staff; and

WHEREAS: Personnel has negotiated a Memorandum of Agreement between Tioga County and the CSEA Union to distribute \$1,000 per each Union Member of the Mental Hygiene Department; and

WHEREAS: TCMH has determined the allowable retention incentives for full time therapists: \$1,000; and

WHEREAS: TCMH will incur no local share increase, yet this will require a Budget Modification, Transfer of Funds and an Appropriation of Funds into the proper account codes; and

WHEREAS: Budget Modifications, Transfer of Funds and Appropriation of Funds require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A4310-540733-WEG1	Training Other	\$1076.50
To: A4310-510050-WEG1	Salary Other	\$1000.00
To: A4310-583088-WEG1	Social Sec Fringe	\$ 76.50

ROLL CALL VOTE

Yes – Legislators Mullen, Roberts, Standinger, Weston, Brown, Ciotoli, Hollenbeck, and Monell.

No – Legislator Sauerbrey.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 192-22 AMEND RESOLUTION 116-22;
RESOLUTION AUTHORIZING BUDGET TRANSFER

WHEREAS: Resolution 116-22 authorized and approved the acceptance of administrative service funds and modification of the Economic Development budget; and

WHEREAS: Revenue was allocated into Intergovernmental Charges-Health (422800) previously labeled Grant-Non State Federal; and

WHEREAS: For proper revenue classification the Chief Accountant would like to request a budget transfer from Intergovernmental Charges-Health (422800) previously labeled Grant-Non State Federal to General Government Income (412890); and

WHEREAS: Budget transfers between 41* and 42* account lines require legislative approval; therefore be it

RESOLVED: That the Budget Officer be authorized to completed the following budget transfer as follows:

From: A6422-422800 Intergovernmental Charges-Health	\$100,000.00
To: A6422-412890 General Government Income	\$100,000.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 193-22 *AMEND RESOLUTION 145-22;
APPROPRIATION OF FUNDS, TRANSFER OF FUNDS,
AND BUDGET MODIFICATION
MENTAL HYGIENE*

WHEREAS: Resolution 145-22 authorized the appropriation of grant funds for Mental Health's Recruitment and Retention Incentives; and

WHEREAS: The proper amount of funding to satisfy the retention incentive was appropriated and transferred as follows:

From: A4210-444310-WEG1 FA-COVID R	\$13,796.00
To: A4210-510050-WEG1 Salary Other	\$12,543.00
To: A4210-583088-WEG1 Social Sec Fringe	\$ 960.00
To: A4210-540733-WEG1 Training Other	\$ 293.00
From: A4310-540733-WEG1 Training Other	\$24,346.00
To: A4310-510050-WEG1 Salary Other	\$22,616.00
To: A4310-583088-WEG1 Social Sec Fringe	\$ 1,730.00

And

WHEREAS: It has been discovered that a portion of the appropriated and transferred funds should have been appropriated or transferred to A4309-510050-WEG1 and A4309-583088-WEG1; and

WHEREAS: Budget Modifications, Transfer of Funds and Appropriation of Funds require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A4210-510050-WEG1 Salary Other	\$ 9,543.00
To: A4309-510050-WEG1 Salary Other	\$ 9,543.00

From:	A4210-583088-WEG1 Social Sec Fringe	\$ 741.47
To:	A4309-583088-WEG1 Social Sec Fringe	\$ 741.47
From:	A4310-510050-WEG1 Salary Other	\$ 2,616.00
To:	A4309-510050-WEG1 Salary Other	\$ 2,616.00
From:	A4310-583088-WEG1 Social Sec Fringe	\$ 144.17
To:	A4309-583088-WEG1 Social Sec Fringe	\$ 144.17
From:	A4210-444310-WEG1 FA-COVID R	\$ 10,284.47
	A4310-444310-WEG1 FA-COVID R	\$ 2,760.17
To:	A4309-444310-WEG1 FA-COVID R	\$ 13,044.64

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 194-22 *MODIFY 2022 BUDGET AND
APPROPRIATION OF FUNDS
RESERVE FOR E911
OFFICE OF EMERGENCY SERVICES*

WHEREAS: Due to the Computer Aided Dispatch (CAD) upgrade in the E911 Center, it is necessary to replace the outdated laptop computers in the Sheriff's patrol cars, as well as the cell phone modems and antennas, so they work effectively with the new system, at a cost not to exceed \$50,000; and

WHEREAS: The Director of Emergency Services would like to request funds from the Reserve for E911 account; therefore be it

RESOLVED: That the following budget be appropriated from the Reserve for E911 as follows:

FROM: A388903	Reserve for E911	\$50,000
TO: A3021.520130	Equipment (not car)	\$50,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 195-22 *ESTABLISHMENT OF CAPITAL RESERVE FOR
EMERGENCY RADIO COMMUNICATION SYSTEM &
INFRASTRUCTURE*

WHEREAS: Tioga County recognizes the importance of the Emergency Radio Communication System and Infrastructure in maintaining government efficiency and safety; and

WHEREAS: Tioga County wishes to establish an Emergency Radio Communication System and Infrastructure Reserve Fund pursuant to General Municipal Law Section 6(c) to finance the purchase of the necessary software, hardware, construction, reconstruction and acquisition for the physical public betterment or improvement of the Emergency Radio Communication System & Infrastructure; therefore be it

RESOLVED: That pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Emergency Radio Communication System & Infrastructure Reserve Fund". The purpose of this Reserve Fund is to accumulate moneys to finance the purchase of the necessary software, hardware, construction, reconstruction and acquisition for the physical public betterment or improvement of the Emergency Radio Communication System & Infrastructure; and be it further

RESOLVED: That the Tioga County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10

of the General Municipal Law. The Tioga County Treasurer may invest the moneys in the Emergency Radio Communication System & Infrastructure Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Tioga County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Emergency Radio Communication System & Infrastructure Reserve Fund. The Tioga County Treasurer shall account for the Emergency Radio Communication System & Infrastructure Reserve Fund in a manner which maintains the separate identity of this Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Legislature a detailed report of the operation and condition of the Emergency Radio Communication System & Infrastructure Reserve Fund; and be it further

RESOLVED: That except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Emergency Radio Communication System and Infrastructure Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this Legislature and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 196-22 *FUND CAPITAL RESERVES FOR
EMERGENCY RADIO COMMUNICATION SYSTEM
& INFRASTRUCTURE, CAPITAL, CAPITAL
HARDWARE & CAPITAL SOFTWARE*

WHEREAS: The Tioga County Legislature recognizes the importance of the Emergency Radio Communications System and Infrastructure in maintaining government efficiency and safety, therefore established a fund for such needs in Resolution 195-22; and

WHEREAS: The Tioga County Legislature also recognizes the importance of the continued maintenance and upgrades of Tioga County Infrastructure by utilization of established Capital Reserves; and

WHEREAS: The Tioga County Legislature would like to fund the Emergency Radio Communication System & Infrastructure Reserve with the 2021 surplus of Sales Tax Revenue in the amount of \$6,463,875.40, less the budget overage in sales tax distribution in the amount of \$2,137,192.24 for the totals amount available of 4,326,683.16; and

WHEREAS: The Tioga County Legislature would like to fund the Capital, Capital Software, and Capital Hardware Reserves with Unrestricted Capital Fund Balance; therefore be it

RESOLVED: That the Tioga County Treasurer transfer \$4,300,000.00 from the General Operating Fund to the Capital Fund as follows:

FROM:	A9950-593715 Transfer to Capital Fund	\$4,300,000.00
TO:	H1340-450310 Inter Fund Transfer	\$4,300,000.00

And be it further

RESOLVED: That the Tioga County Treasurer funds the Emergency Radio Communication System & Infrastructure Reserve Fund (H-387809) with the \$4,300,000.00 in Sales Tax Revenue surplus and fund Capital Reserves with Unrestricted Fund Balance:

FROM:	H-390900 Fund Balance	\$ 4,300,000.00
TO:	H-387809 Emergency Radio Communication System & Infrastructure	\$ 4,300,000.00

FROM:	H-390900 Fund Balance	\$ 2,500,000.00
TO:	H-387807 Capital Reserve	\$ 2,000,000.00
TO:	H-387804 Capital Software Reserve	\$ 250,000.00
TO:	H-387805 Capital Hardware Reserve	\$ 250,000.00

Legislator/Chair Sauerbrey spoke. "As everyone knows, we have been working on a radio communications project and this is setting aside a reserve where we can put funds to pay for this project. We are hoping for a grant, but we also have some fund balance that we are going to put in this reserve so we can pay for the radio interoperable communication system."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 197-22 *AUTHORIZE APPOINTMENT OF ACCOUNTANT
TREASURER'S OFFICE*

WHEREAS: Legislative approval is required for any appointment to a management/confidential position within Tioga County; and

WHEREAS: The position of Accountant (\$41,932-\$51,932) became vacant as of June 6, 2022, within the Treasurer's Office; and

WHEREAS: The Treasurer has conducted interviews from the appropriate civil service eligible list and has identified a desirable candidate; therefore be it

RESOLVED: That Laura Schurter is probationally appointed to the title of Accountant, at an annual, management/confidential salary of \$43,000, effective June 18, 2022.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 198-22 APPOINTMENT OF PART-TIME ELECTION WORKER
(DEMOCRATIC)

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the management/confidential listing; and

WHEREAS: A position of Election Worker (Part-Time, Democratic) was vacated on May 16, 2022 due to resignation; and

WHEREAS: Authorization to backfill the vacancy was approved on May 19, 2022; and

WHEREAS: The Democratic Election Commissioner has selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Sue Smith-Heavenrich shall be appointed as an Election Worker (PT) effective June 22, 2022, at the rate of \$13.85/hr.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 199-22 AUTHORIZE SALARY ABOVE CSEA BASE FOR
ACCOUNTING ASSOCIATE III (ANGELA ZITO)
PROBATION DEPARTMENT

WHEREAS: Legislative approval is required to hire above the established CSEA salary base; and

WHEREAS: The Probation Director has identified a candidate to fill the Accounting Associate III (CSEA SG VII, \$37,904 – 38,904) vacancy who is currently employed with Tioga County and who has over 10 years of prior relevant work experience; therefore be it

RESOLVED: That Angela Zito is hereby provisionally appointed to the title of Accounting Associate III at the annual rate of \$38,904 (increment stage 2) effective retroactive to June 6, 2022, pending successful completion of civil service examination requirements; and be it further

RESOLVED: That on Ms. Zito's anniversary date, she will be eligible for her seventh year increment in November 2028.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	LEGAL/FINANCE COMMITTEE PERSONNEL COMMITTEE
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RESOLUTION NO. 200-22	<i>AUTHORIZE SALARY GRADE REALLOCATION; DATA OFFICER (PUBLIC DEFENDER)</i>
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WHEREAS: Legislative approval is required to reallocate titles within salary grades; and

WHEREAS: The Public Defender has received an additional \$9,000 in Indigent Legal Services grant funds to compensate for duties associated with discovery document retrieval and case management within his department; and

WHEREAS: The Public Defender does not want to increase his headcount by

creating another position and would rather assign said duties to the current Data Officer (CSEA SG V, \$30,965-\$31,965), Stacey Reynolds; and

WHEREAS: Upon review by the Personnel Officer, it has been determined that revisions to the current classification of Data Officer are appropriate to reflect the additional work duties performed; and

WHEREAS: Upon review of the existing CSEA salary grades and the respective titles along with the desired qualification for Data Officer, justification exists to reallocate the salary grade for this title; therefore be it

RESOLVED: That the title of Data Officer shall be reallocated to CSEA Salary Grade VII (\$37,904-\$38,904) and that Ms. Reynolds' annual salary shall be increased by \$6,939 effective June 20, 2022.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 201-22 *AUTHORIZATION TO CHANGE ONE (1) PART-TIME VETERANS' SERVICE OFFICER POSITION TO FULL-TIME; INCREASE HOURS OF ONE (1) PART-TIME VETERANS SERVICE OFFICER TO 19.5 HOURS PER WEEK; INCREASE HOURS OF DIRECTOR OF VETERANS' SERVICES TO 40 PER WEEK (VETERANS' SERVICES OFFICE)*

WHEREAS: Legislative approval is required for any changes to a department's authorized headcount; and

WHEREAS: Per Resolution 321-21, the Veterans' Services Office added a part-time Veterans Service Officer (17 hours per week) to its headcount for 2022; and

WHEREAS: In order to meet the needs of the veterans, programs have been expanded and enhanced, creating a need for additional work hours for the Director and staff; and

WHEREAS: The Director position is currently 35 hours per week and both part-time Veterans Service Officers are 17 hours per week; and

WHEREAS: CSEA is in agreement with the terms and conditions of increasing the VSO position to full-time; and

WHEREAS: The Veterans Services Office has received an increase in State Aid to Localities money in the amount of \$115,000 to cover the increase in payroll and fringe benefits; therefore be it

RESOLVED: That one part-time Veterans' Service Officer position shall be changed to full-time with a 40 hour workweek (CSEA SG X \$44,246) effective June 18, 2022 with permission to fill; and be it further

RESOLVED: That one part-time Veterans' Service Officer position shall be increased from 17 to 19.5 hours per week effective June 18, 2022; and be it further

RESOLVED: The Director of Veterans' Services position shall be changed from a 35 hour to a 40 hour workweek effective June 18, 2022 and the incumbent's 2022 annual salary shall be increased proportionally from \$46,219 to \$52,832; and be it further

RESOLVED: That the Veterans' Services Department authorized full-time headcount will increase from 1 to 2 and part-time headcount shall decrease from 2 to 1.

Legislator Standinger spoke. "It sounds like it is a lot of monkeying around with the money here to provide additional services, but I know if they weren't needed the Director of Veterans Service Agency would not ask."

Legislator/Chair Sauerbrey spoke. "It also needs to be pointed out that these additional hours are funded by grants that our Director sought and received on behalf of the County."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 202-22 STANDARD WORK DAY AND
REPORTING RESOLUTION

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Days/Month (based on Record of Activities)	Pay Frequency	Not Submitted
Elected Officials						
Legislator	Ronald Ciotoli	6	1/1/22-12/31/25	5.92	Monthly	
Appointed Officials						
Assistant Public Defender	Brad Helmsie	7	1/1/22-12/31/25	6.88	Biweekly	

I, Cathy Haskell, Secretary/Clerk of the governing board of the County of Tioga, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 14th day of June, 2022 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Tioga County Legislature on this 14th day of June, 2022.

Tioga County Legislative Clerk

Affidavit of Posting: I, Cathy Haskell, being duly sworn, depose and say that the posting of the resolution began on June 14, 2022 and continued for at least 30 days. That the resolution was available to the public on the

- Employer's website at www.tiogacountyny.gov
- Official sign board at Tioga County Legislative Office.
- Main Entrance Clerk's Office at _____

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 203-22 AMEND EMPLOYEE HANDBOOK:
ADD NEW POLICY TO SECTION XI. ENTITLED TIOGA
COUNTY RECORDS MANAGEMENT POLICY AND
PROCEDURES

WHEREAS: Tioga County established a Records Management Program via Resolution 36-90; and

WHEREAS: Outside the State's Retention and Disposition Schedule for New York Local Government Records (LGS-1), Tioga County does not have its own Records Management policy addressing the internal procedures encompassing all Tioga County records; and

WHEREAS: The Director of Assets and Records Management has written and proposed a new policy entitled Tioga County Records Management Policy and Procedures; therefore be it

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to Section XI. entitled Tioga County Records Management Policy and Procedures.

Legislator Standinger spoke. "Our new Director of Assets and Records Management has put a lot of time and effort into this policy and I appreciate her diligence in doing so, as I am sure the County Clerk does as well."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

SECTION XI – RECORDS MANAGEMENT POLICY AND PROCEDURES (NEW)

**Tioga County Archives and Records Center
Records Management Policy and Procedures**

SECTION 1 – INTRODUCTION

SECTION 2 – CREATION AND CUSTODY OF RECORDS

SECTION 3 – INACTIVE STORAGE

SECTION 4 – RETENTION AND DISPOSITION OF RECORDS

SECTION 5 – ELECTRONIC RECORDS

SECTION 6 – IMAGING RECORDS

SECTION 7 – ACCESSING INACTIVE RECORDS

SECTION 8 – POLICY REVIEW

SECTION 9 – APPENDIXES A - E

SECTION 1 – INTRODUCTION

Records created by local governments in New York State must be safeguarded throughout their lifecycle for purposes of accessibility, security, preservation, and lawful destruction. The management of records provides a foundation for an open and transparent government and is essential to Tioga County's successful operation. Additional advantages of properly managed records include: upholding general public trust, saving taxpayer dollars by eliminating waste

associated with the storage of disorganized or obsolete records; and preserving the institutional memory of Tioga County by maintaining records of enduring value. The records management program falls under the jurisdiction of the Tioga County Clerk, and the Director of Assets and Records Management is responsible for the program's administration.

I. PURPOSE

This policy is designed to provide a framework of rules and guidelines for the systematic management of all Tioga county records in accordance with New York State's Local Government Records Law and Tioga County Resolution 36-90 mandating a comprehensive records management program.

II. SCOPE

This policy applies to all Tioga County records, regardless of format, and all persons responsible for creating, using, accessing, storing, retaining, and disposing of Tioga County records. Some departments may have additional guidelines that supplement, but do not supplant, this policy.

III. LEGISLATION AND OTHER KEY MANDATES

On August 5, 1988, New York State passed the New York Local Government Records Law, which mandated improved management of local government records. Beginning in 1989, Tioga County passed a series of resolutions to develop and enhance the County's records management program.

IV. DEFINITION OF TERMS

1. **Archival Records:** Records of enduring value that are worthy of permanent and special management because of the importance of the information they contain for continuing administrative, legal, or fiscal purposes or for historical or other research. These records will be available for public inspection, photocopying, and general research use subject to those constraints that may apply by virtue of statute, regulation, County policy or guideline.
2. **Confidential Records:** Records that have the highest level of confidentiality attached to them and that may only be used by a limited number of people in the originating office.
3. **Custody:** The control of, and responsibility for, records owned by the County, regardless of their location.
4. **Disposition:** The authorized destruction of a record.

5. **Electronic Records:** Records stored on electronic media that can be read or processed only by means of a computer.
6. **Inactive Records:** Records that have temporary value and, in consequence, may be destroyed at the conclusion of their retention period.
7. **Inventory Control Number:** Unique identifier used to mark boxes transferred to the Tioga County Archives and Records Center that consists of [year accessioned]-[sequential box number of year accessioned]-[department number]. Example: 2022-00005-3 (fifth box accessioned for the Historian's department in 2022).
8. **Official Records:** Records that are available to County staff members but that are not made available to the public.
9. **Public Records:** Publicly-distributed information that is available to anyone.
10. **Record:** information, in any format, that is created or received by an organization in the formal operation of its responsibilities. Any book, paper, map, plan, memoranda, correspondence, file, photograph, etc. that is made, produced, executed, or received by any County department or officer in connection with the transaction of public business is a record. Records illustrate how business is conducted, how decisions are made, and how work is carried out.
11. **Record Series:** Any group of related records that are normally used and filed as a unit and that permit evaluation as a unit for disposition purposes.
12. **Restricted Records:** Records that have a high level of confidentiality attached to them and where access is limited to the staffs of a small number of offices.
13. **Retention Period:** The period of time that must elapse before records are disposed.
14. **Retention Schedule:** A list indicating the length of time records must be retained.

V. ROLES AND RESPONSIBILITIES

1. Director of Assets and Records Management:

- a. Develops and maintains a comprehensive inactive and archival records management program in cooperation with local government officials and in accordance with local, state, and federal laws and guidelines;
- b. Coordinates the continuous legal destruction of obsolete records through adoption and use of the *Retention and Disposition Schedule*

- for New York Local Government Records (LGS-1) and other applicable retention schedules of County departments;*
- c. Establishes standards for proper records management;
 - d. Ensures the sound management and preservation of archival records and their availability for research;
 - e. Provides guidance to Records Stewards and County departments on the fundamentals of records management;
 - f. Manages grants received from state, federal, and other agencies;
 - g. Consults with state agencies involved with the supervision of records;
 - h. Prepares informational releases relevant to the records management program;
 - i. Performs reference services for County departments and the public;
 - j. Prepares reports on the records management program as requested;
 - k. Recommends changes to program procedures when appropriate.

2. Records Stewards:

Each County department or agency serviced by the Tioga County records management program shall designate a specific staff person as Records Steward to function as its department's liaison in all transactions and records management-related activities. Responsibilities include:

- a. Act as authorization figure when general public or other County staff asks to access records belonging to the department;
- b. Arrange the transfer of inactive records from the department to the Tioga County Records Center assuring all records management program procedures are followed;
- c. Co-authorize destruction of records together with Department Head and Director of Assets and Records Management;
- d. Notify the Director of Assets and Records Management whenever new record series are created or when record series become obsolete;
- e. Review department's records periodically to assure that they are properly coded, filed, and protected, and that all vital records are so classified;
- f. Conduct survey/inventory of the department's records with guidance from the Director of Assets and Records Management as required;

- g. Attend records management workshops given by the Director of Assets and Records Management.

SECTION 2 – CREATION AND CUSTODY OF RECORDS

I. OFFICIAL COPY

Each record made, produced, executed, or received is either the official copy or a duplicate copy. If it is the only copy you have, it is automatically the official copy. If duplicate copies exist, an official copy must be designated as such and retained throughout the duration of its retention period. Duplicate copies can and should be destroyed whenever they are no longer needed. The format of the official copy can be paper or digital.

(1) EMAIL

- a. Internal email: Official copy shall be the sender's copy. In cases of extended email conversation, the official copy shall be the concluding message that includes all of the related threads of the email exchange. If and when this is difficult to determine, all copies of emails relating to certain critical issues may be saved.
- b. External email: Official copy shall be the recipient's copy.

II. CUSTODY OF RECORDS

All records created or received in the ordinary course of business are the property of Tioga County and must be maintained, destroyed, or preserved in accordance with this policy. All active records shall be governed by and securely stored within their custodial department. All inactive records may be transferred to the Tioga County Archives and Records Center for physical storage and eventual disposition, if applicable, though legal custody shall remain with the department of origin.

SECTION 3 – INACTIVE STORAGE

I. TRANSFERRING INACTIVE RECORDS TO THE TIOGA COUNTY ARCHIVES AND RECORDS CENTER

Arrangements for the transfer of inactive or permanent records to the Tioga County Archives and Records Center located at 1062 State Route 38 may be made at any time. If the transfer is particularly large or heavy, the Buildings and Grounds department may assist.

(1) PREPARING RECORDS FOR TRANSFER:

To transfer records, the following guidelines must be followed:

- a. All records must be placed by the custodial department in standard (one cubic foot) records storage boxes and labeled with department-assigned box number in upper left corner. Other markings should not be made on the box.
- b. Paper records must be removed from binders, hanging file folders, or other cumbersome containers and placed in properly identified manila folders.
- c. A single box should contain a single record series. When this is not practical, a single box may hold more than one records series, but all records contained within must possess the same disposition date.
- d. Materials unsuitable for inactive storage include: catalogs, magazines, pamphlets, or other promotional material not considered an official County record; duplicate copies of official records; blank forms; and records insufficiently identified as "miscellaneous".
- e. A completed and signed *Records Transfer Form* must be sent in advance of the arrival of the records or be included with the transfer (see Appendix A). Records will not be accessioned without all required information.

(2) ACCESSIONING INACTIVE RECORDS

Once records have been received at the Tioga County Archives and Records Center, an inventory control number (see definition in *Definition of Terms* section above) and shelf location will be assigned to each box by the Director of Assets and Records Management, who will also fill out and sign an *Accession Record* form (see Appendix B). The completed *Accession Record* form will be sent to the custodial department for signature(s); after signing, the custodial department shall return the white copy of the form to the Tioga County Archives and Records Center and keep the yellow copy for their own records. When requesting access to these records in the future, please use the inventory control number(s) supplied (see Section 7).

(3) STORAGE OF INACTIVE RECORDS

Records that require extended periods of storage should be protected from fire, water, pests, and theft.

The records storage spaces at 1062 State Route 38 and 56 Main Street conform to all applicable fire codes and are equipped with working fire alarms, which are tied into an emergency response system. These spaces must also be locked against unauthorized entry at all times.

Ideally, both storage areas will also include temperature, humidity, and light controls to keep the space cool, dry, dark, and stable. Temperatures should range between 60 and 70 degrees Fahrenheit; humidity levels should range between 40 and 55%; and light levels should range between 10 and 50 lux. Records must be stored within boxes that are not over-packed, and the boxes should be stored on metal shelving raised several inches above floor level.

(4) MAINTAINING INTELLECTUAL CONTROL OF INACTIVE RECORDS

An up-to-date records management database is imperative to achieving and maintaining intellectual control of inactive records. This database, maintained in a SharePoint file (to be developed in 2022) includes the inventory control number, custodial department, record series title, description, inclusive dates, location, LGS-1 code, retention period, and date eligible for disposal for each box held by the Tioga County Archives and Records Center. New records shall be added to the records management database and obsolete, destroyed records shall be removed from the records management database continually.

Every three years, a complete inventory will take place of all inactive records stored at 1062 State Route 38 as well as inactive records stored at 56 Main Street. The inventory will record the same information found in the records management database and will be cross-checked against the database to ensure the database is up-to-date and accurate.

SECTION 4 – RETENTION AND DISPOSITION OF RECORDS

I. RETENTION SCHEDULES

Tioga County adopted the *Retention and Disposition Schedule for New York Local Government Records* (LGS-1) on November 10, 2020, which superseded the previously used *Records Retention and Disposition Schedule CO-2*. A department may elect to extend the LGS-1 minimum retention period of any designated record series but may not reduce it. If a department wishes to extend the retention period, the Department Head or Records Steward must explicitly communicate that to the Director of Assets and Records Management.

For any record series not explicitly listed on the LGS-1, or for one with no suitable equivalent, the Director of Assets and Records Management will contact the New York State Archives to establish a legal minimum retention period; the record series in question must be retained until an addendum or revised edition of the LGS-1 is issued.

- (1) Certain records have additional stipulations:
- a. **Records Created before 1910** require specific written approval from the New York State Archives, as required by Section 185.6 (c) of 8NYCRR of the Regulations of the Commissioner of Education. Often these records have continuing historical or research value and should be kept permanently.
 - b. **Birth, Death, and Marriage Records** are considered state government records even though they are generated by or filed in local government offices. Disposition of state government records is governed by the provisions of Section 57.05 (11) of the Arts and Cultural Affairs Law.
 - c. **Canceled Obligations (including bonds and notes)** are disposable according to Section 63.10 of the Local Finance Law and Part 55 of Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York.
 - d. **County Board of Elections Records** are disposable according to the State Board of Elections. It is the responsibility of the County Board of Elections to adhere to these additional stipulations.
 - e. **County Court Records** are disposable according to New York State's Office of Court Administration. It is the responsibility of the County Clerk's office and other applicable departments to adhere to these additional stipulations.
 - f. **County District Attorney Records** are disposable according to Section 89.2 of the Judiciary Law. It is the responsibility of the County District Attorney's office to adhere to these additional stipulations.
 - g. **County Motor Vehicle Records found in the County Clerk's Office** are state government records and are governed by the provisions of Section 57.05 (11) of the Arts and Cultural Affairs Law. It is the responsibility of the County Clerk's office to adhere to these additional stipulations.
 - h. **Housing Authority Records** are disposable according to Section 59 of the Public Housing Law.
- (2) Exceptions to applying retention periods indicated on the LGS-1:
- a. **Legal Actions:** Some records may be needed to defend the County in legal actions. Records that are being used in such actions must be retained for the entire period of the action even if their retention

period has passed. If the retention period has expired by the time the legal action ends, the record must be retained for at least one additional year to resolve any need for the record in an appeal. If the retention period has not expired, the record must be retained for the remainder of the retention period, but not less than one year after the legal action ends. Prior to disposing of records, consultation with the County Attorney is encouraged to verify that no legal actions have been initiated which would require longer retention of the records.

- b. **Audits:** Program and fiscal audits and other needs of state and federal agencies are taken into account when retention periods are established by the New York State Archives. However, in some instances agencies with audit responsibility and authority may formally request that certain records be kept beyond the retention periods. If such a request is made, these records must be retained beyond the retention periods until the County receives the audit report or until the need is satisfied.

(3) RECORDS OF DISPOSITION

When the legal minimum retention period of records in inactive storage has expired, the Director of Assets and Records Management will notify the custodial department via email for unofficial consent to destroy the records. At that point, the Director of Assets and Records Management shall complete and sign a Certificate of Records Disposal/Destruction form (see Appendix C) and send to the custodial department's Records Steward for required signatures. No record shall be destroyed without the signed authorization of the Department Head, Records Steward (if different), and Director of Assets and Records Management.

Once the signed Certificate of Records Disposal/Destruction form has been received back from the custodial department, the Director of Assets and Records Management will oversee the proper destruction of the records. Certificate of Records Disposal/Destruction forms shall be kept permanently for documentation of disposition for future research or litigation.

The forms can be requested directly from the Director of Assets and Records Management.

SECTION 5 – ELECTRONIC RECORDS

Electronic records are records made, produced, executed, received, stored, generated, or sent in a format only a computer can process. Electronic records are often more convenient for users to manage than their paper counterparts, but they present a unique set of challenges as well.

(1) RETENTION SCHEDULES

The Retention and Disposition Schedule for New York Local Government Records (LGS-1) is format-neutral; thus, the same rules generally apply to all records regardless of format. Exceptions may be found in the Building and Property Regulation, Environmental Health, Information Technology, Public Health, Public Safety, Taxation and Assessment, and Transportation and Engineering sections. For questions specific to electronic record retention and disposition, see Section 185.8 of the 8NYCRR of the Regulations of the Commissioner of Education.

(2) RECORDS DISPOSITION

The disposition of electronic records is coordinated by the Information Technology and Communications Services (ITCS) department, usually by enlisting the services of a certified third-party vendor. The Public Works department may also be utilized for electronic records destruction. Documentation of the disposition of electronic records is managed by the ITCS department.

(3) EMAIL

Email communications are considered to be records. As such, email is subject to all statutory and legal compliance, particularly in reference to the Retention and Disposition Schedule for New York Local Government Records (LGS-1). Email that qualifies as the official copy (see Section 2.1.1) should be stored in a permanent archive or other appropriate medium for the duration of its retention period (see Section 5.1), at which time it may be deleted, purged, or destroyed provided that it is not being used for legal action or audit. Email that is not considered to be the official copy can and should be deleted as soon as it is no longer needed.

(4) UNIQUE CHALLENGES OF MANAGING ELECTRONIC RECORDS

Just like a paper record, an electronic record must be maintained throughout the duration of its retention period. However, while paper is generally a reliable and stable format, maintaining the authenticity and

reliability of electronic records often presents challenges with new and ever-changing technologies that could potentially render an electronic record inaccessible. Thus, as hardware and software migrations and upgrades take place, electronic records must continue to remain accessible throughout their retention periods.

File naming is another unique challenge of managing electronic records. Often, electronic files are loosely named and maintained locally. Whenever possible, County-wide or department-specific file naming conventions should remain in place to facilitate access.

SECTION 6 – IMAGING RECORDS

Digital document imaging is the conversion, storage, and distribution of information displayed but not directly modified by a computer.

(1) MICROFILMING RECORDS

Microfilming is the process of recording images on photographic film and is still a practical and cost-effective method for preserving permanent records. Prior to the destruction of the paper originals (with the exception of those created before 1910, which must be retained permanently unless granted permission from the New York State Archives), all records must be verified to ensure all images have been properly captured. Microfilm should be placed inside archival-quality reel boxes and securely stored in metal microfilm storage cabinets.

(2) SCANNING RECORDS

Scanning is the process of converting pictures, text, or sound into a digital form that can be processed by a computer. Prior to the destruction of the paper originals (with the exception of those created before 1910, which must be retained permanently unless granted permission from the New York State Archives), all records must be verified to ensure all images have been properly captured and converted. Records should be scanned at a minimum of 300 dpi and retained in an accessible format for optimum long-term preservation.

SECTION 7 – ACCESSING INACTIVE RECORDS

I. ACCESS TO INACTIVE RECORDS BY TIOGA COUNTY STAFF

Individuals listed on the ***Tioga County Archives and Records Center Authorization Card (see Appendix D)*** may request and pick up records under

their department's custody by completing a **Records Request Form (see Appendix E)**.

Upon receipt of the Records Request Form, the Director of Assets and Records Management will pull the record (or box) and put a properly documented out card in its place including name of authorized individual, date, and description of record (if single file is removed) or inventory control number (if entire box is removed). Upon pickup, the authorized individual will sign and date the Records Request Form, which will be held in the Tioga County Archives and Records Center until the record (or box) is returned. Upon return of the record (or box), the Director of Assets and Records Management will sign the form documenting its return, return the record (or box) to its proper location, and pull the out card. Records Requests Forms shall be retained for at least three (3) years to comply with LGS-1 schedule item 91.

II. ACCESS TO INACTIVE RECORDS BY RESEARCHERS AND COMMUNITY MEMBERS

Public access to unrestricted inactive records held at the Tioga County Archives and Records Center is welcome.

III. FREEDOM OF INFORMATION LAW (FOIL REQUESTS)

FOIL requests are not managed by the Tioga County Archives and Records Center. Instead, FOIL requests are managed by Tioga County's two records access officers: the County Attorney (for email and all non-Sheriff's records) and the Sheriff's Office.

SECTION 8 – POLICY REVIEW

This policy will be reviewed annually by the Director of Assets and Records Management. Revisions will be proposed when:

- a. The policy is no longer adequate.
- b. Professional standards have changed or new ones have been incorporated.
- c. The mission of the Tioga County Archives and Records Center changes.
- d. New policy issues are needed to address new programs or needs.

APPENDIX A –

TIOGA COUNTY ARCHIVES & RECORDS CENTER RECORDS TRANSFER FORM

Please note this form is for reference purposes only. You can obtain **Records Transfer Forms** by emailing SavardT@tiogacountyny.gov.

Tioga County Archives & Records Center Records Transfer Form					
Department:			Date:		
Box #	Records Series Title	Inclusive dates	LGS-1 code	Retention Period	Disposition Date
Example: 3	<i>Retrieval requests</i>	<i>2020-2021</i>	<i>91</i>	<i>3 years</i>	<i>2024</i>
Records Steward:			Records Steward Signature:		
Records Received by:			Records Manager Signature:		

APPENDIX B -

TIOGA COUNTY ARCHIVES & RECORDS CENTER ACCESSION RECORD

Please note this form is for reference purposes only. You can obtain **Accession Record Forms** by emailing SavardT@tiogacountyny.gov

ACCESSION RECORD	
BOX # 1)	DATE:
BOX # 2)	
BOX # 3)	
BOX # 4)	
DEPARTMENT	DEPT.#
RECORDS SERIES	
DESCRIPTION 1)	
2)	
3)	
4)	
START DATE	END DATE
CO-2 RETENTION SCHEDULE #	
CO-2 MIN. RETENTION (YRS)	
TC RETENTION (YRS)	DESTRUCTION DATE
STORAGE LOCATION	VOLUME
RECORDS STEWARD	DATE
DEPARTMENT HEAD	DATE
PROCESSED BY:	DATE

APPENDIX C -

TIOGA COUNTY ARCHIVES & RECORDS CENTER CERTIFICATE OF RECORDS DISPOSAL/DESTRUCTION FORMS

Please note this form is for reference purposes only. You can obtain **Certificate of Records Disposal/Destruction Forms** by emailing SavardT@tiogacountyny.gov

TIOGA COUNTY ARCHIVES & RECORDS CENTER
CERTIFICATE OF RECORDS DISPOSAL/DESTRUCTION

AGENCY/DEPARTMENT: _____

LOCATION: _____

DEPARTMENT HEAD/RECORDS STEWARD: _____

DATE: _____

BOX NUMBER	INCLUSIVE DATES	VOLUME	LOCATION	ACTION TAKEN

AUTHORIZED SIGNATURES

RECORDS STEWARD: _____ DATE: _____

DEPARTMENT HEAD: _____ DATE: _____

RECORDS COORDINATOR: _____ DATE: _____

RECORDS Mgmt. OFFICER: _____ DATE: _____

(9/05)

APPENDIX D -

TIOGA COUNTY ARCHIVES & RECORDS CENTER AUTHORIZATION CARD

Please note this form is for reference purposes only. You can obtain an **Authorization Card** by emailing SavardT@tiogacountyny.gov

TIOGA COUNTY ARCHIVES AND RECORDS CENTER		
AUTHORIZATION CARD		
DEPARTMENT/AGENCY:	DATE:	
DEPARTMENT HEAD:		
Name	Title	
SIGNATURE:		
RECORDS STEWARD:		
Name	Title	
SIGNATURE:		
AUTHORIZED SIGNATURES:		
Name	Title	Signature
Name	Title	Signature
Name	Title	Signature

APPENDIX E -

TIOGA COUNTY ARCHIVES & RECORDS CENTER RECORDS REQUEST FORM

Please note this form is for reference purposes only. You can obtain **Records Requests Forms** by emailing SavardT@tiogacountyny.gov.

Tioga County Archives & Records Center Records Request Form		
<i>Section I : to be completed by requesting department</i>		
Records Steward:	Department:	Date:
Accession/Box Number:	Description:	
<i>Check one:</i>		
<input type="checkbox"/> Complete box <input type="checkbox"/> Folder only		
Identifying folder information: _____		
Location of box: _____		
<i>Section II : to be completed by Records Department</i>		
<input type="checkbox"/> Records found		
<input type="checkbox"/> Additional information required to identify requested records		
<input type="checkbox"/> Records not in Records Department custody		
<input type="checkbox"/> Wrong accession /box number - please recheck		
<input type="checkbox"/> Missing (neither records nor outcard found in container specified)		
<input type="checkbox"/> Records destroyed (month/day/year) _____ after retention period satisfied		
<input type="checkbox"/> Records previously charged to (name, department, date): _____		
Name of Records Staff:	Signature of Records Staff:	Date:
<i>Section III : to be completed by requesting department at time of records receipt</i>		
Name of Authorized Recipient:	Signature of Authorized Recipient:	Date of Records Receipt:
<i>Section IV : to be completed by Records Department upon return of requested records</i>		
Name of Records Staff:	Signature of Records Staff:	Date of Returned Records:

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 204-22 AMEND EMPLOYEE HANDBOOK:
SECTION III: FINANCIAL RULES;
SUBSECTION M. ENTITLED
TIOGA COUNTY FUND BALANCE POLICY

WHEREAS: Tioga County has adopted a Fund Balance Policy that is to be reviewed annually; and

WHEREAS: Said Fund Balance Policy shall fall under Section III: Financial Rules; Subsection m. of the Tioga County Employee Handbook; therefore be it

RESOLVED: That the Employee Handbook is hereby amended to revise Section III: Financial Rules; Subsection m. entitled Tioga County Fund Balance as follows:

Tioga County Fund Balance Policy

Purpose

Tioga County government is responsible for the appropriate accounting of public funds, the sound management of municipal finances, and the adequate funding of services. The fund balance policy will help the County maintain a sound and stable level of financial resources to provide essential services, maintain sufficient cash flow, and manage unanticipated occurrences.

The fund balance policy should provide fluidity and flexibility for changing factors such as economic climate, tax base, volatility in revenue sources, and fiscal restraints placed on the county from state and federal budgets and regulatory mandates.

Background

The New York State Office of the State Comptroller and the New York State Government Finance Officers Association recommend that local governments establish a policy to maintain reasonable levels of unexpended surplus funds in their General Funds to hedge against unanticipated expenditures and/or revenue shortfalls, without withholding funds that could otherwise be put to productive use.

Definitions

The Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which is intended to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied.

Restricted Fund Balance consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments, or through constitutional provisions or enabling legislation.

Committed Fund Balance consists of amounts that are subject to a purpose constraint imposed by a formal action of the County Legislature before the end of the fiscal year, and that require the same level of formal action to remove the constraint. The New York State Office of the State Comptroller believes that in most cases, local governments in New York will not have committed fund balance to report.

Assigned Fund Balance consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority, or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund, and in funds other than the General Fund, assigned fund balance represents the residual amount of fund balance.

Policy

1. This policy shall apply to the County's General Fund, only.
2. The County Legislature will assess the current financial condition of the County and then determine the order of application of expenditures to which fund balance classification will be charged.
3. The County Legislature is the decision-making authority that can, by resolution, commit fund balance. The action to commit fund balance must occur prior to the fiscal year-end in order to report such commitments in the financial statements of the respective period. The commitment may only be modified by a new resolution authorized by the County Legislature.
4. The County Treasurer has the authority to assign unrestricted fund balance amounts where the County's intent is for those amounts to be used for specific purposes. This delegation of authority is for the sole purpose of reporting these amounts in the annual financial statements.
5. Unexpended Surplus Funds
 - a. For the purpose of this policy, unexpended surplus funds consist of unappropriated and unassigned Fund Balance.
 - b. The County shall strive to maintain unexpended surplus funds of not less than 12% and not more than 28% of General Fund adopted budget appropriations.
 - c. The County Treasurer shall report the amount and percentage of General Fund unexpended surplus funds to the Finance Committee upon completion of the Annual Update Document each year.

- d. In the event that unexpended surplus funds exceed 28% of adopted budget appropriations, the excess may be utilized for any lawful purpose approved by the Legislature. In order to minimize the long-term effect of such use, the excess should be appropriated to fund one-time expenditures which do not result in recurring operating costs, and/or be used to establish or increase reserves.
- e. In the event that unexpended surplus funds fall below 12% of adopted budget appropriations, the County Treasurer shall make a recommendation to the Finance Committee to restore the balance to a minimum level in the ensuing budgetary cycles.
- f. The County Legislature can, by resolution make changes to the established Fund Balance Policy as a direct result of periodic reviews of any financial reports, plans, economic predictors or tax implications to property taxpayers.

Review

This policy shall be reviewed by the Finance Committee on an annual basis. Periodic review and reporting shall be conducted and provided for Reserve Account Balances, Cash Flow Analysis, County 5 Year plans and Fund Balances to the County Legislature annually.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell made a motion to bring forth one late-file resolution for Legislature consideration, seconded by Legislator Roberts. Motion carried.

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

REFERRED TO:

ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 205-22

*APPOINTMENT OF PART-TIME ELECTION WORKERS
(REPUBLICAN)*

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the management/confidential listing; and

WHEREAS: The two positions of Election Worker (Part-Time, Republican) were vacated on May 25 and May 29, 2022 due to resignations; and

WHEREAS: The Republican Election Commissioner has selected candidates to fill said vacancies; therefore be it

RESOLVED: That Ashley Wright and Shenia F. Ford shall be appointed as Election Workers (PT) effective July 6, 2022, at the rate of \$13.85/hr.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:27 P.M.

Sixth Special Meeting
June 23, 2022

The Sixth Special Meeting of 2022 was held on June 23, 2022 and was called to order by the Chair at 10:00 a.m. Legislators Ciotoli, Hollenbeck, Monell, Mullen, Sauerbrey, Standinger, and Weston were present with Legislators Brown and Roberts being absent.

Chair Sauerbrey asked Legislator Mullen to have a moment of prayer.

“Dear Lord, we ask you to give us wisdom, courage, honesty, and forthrightness as we deal with the complicated issues for the residents of Tioga County.”

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

There were six people in attendance.

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

REFERRED TO: LEGISLATIVE WORK SESSION

RESOLUTION NO. 206-22 *AWARD BID FOR EAST BERKSHIRE ROAD
PAVEMENT OVERLAY*

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On June 15, 2022, the Department of Public Works received sealed bids from the following contractors:

Suit-Kote Corporation, Cortland NY	\$619,319.00
Broome Bituminous Products, Vestal NY	\$653,740.00
Dalrymple Gravel and Contracting, Pine City NY	\$659,245.00
Lancaster Development, Richmondville, NY	\$686,890.59
Barrett Paving, Binghamton NY	\$691,283.00
Bothar Construction, Binghamton NY	\$797,685.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Suit-Kote Corporation, Cortland NY not to exceed \$619,319.00 to be paid out of the Paving Projects Account H51 10.540001.H2004

ROLL CALL VOTE

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

No – None.

Absent – Legislators Brown and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORK SESSION

RESOLUTION NO. 207-22 *AWARD BID FOR GLEN ROAD
PAVEMENT OVERLAY*

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On June 15, 2022, the Department of Public Works received sealed bids from the following contractors:

Suit-Kote Corporation, Cortland NY	\$883,111.64
Broome Bituminous Products, Vestal NY	\$918,740.00
Dalrymple Gravel and Contracting, Pine City NY	\$952,946.60
Lancaster Development, Richmondville, NY	\$977,248.08
Barrett Paving, Binghamton NY	\$981,930.12
Bothar Construction, Binghamton NY	\$1,131,353.80

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Suit-Kote Corporation, Cortland NY not to exceed \$883,111.64 to be paid out of the Paving Projects Account H51 10.540001.H2004

ROLL CALL VOTE

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

No – None.

Absent – Legislators Brown and Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:03 A.M.

Seventh Regular Meeting
July 12, 2022

The Seventh Regular Meeting of 2022 was held on July 12, 2022 and was called to order by the Chair at 12:00 P.M. All Legislative members were present.

Chair Sauerbrey asked Legislator Roberts to have a moment of prayer. "Dear God, we thank you for this opportunity to come together today and we give thanks for the blessings of the day. We ask your blessing upon our discussions and actions."

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

There were 7 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Chair Sauerbrey reported this resolution will be noted for the minutes, as Ms. Sampey, Supervising Clinical Social Worker, Mental Hygiene, is not in attendance.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 208-22 *RECOGNITION OF JODI SAMPEY'S
OVER 23 YEARS OF DEDICATED SERVICE
TO THE TIOGA COUNTY DEPARTMENT
OF MENTAL HYGIENE*

WHEREAS: Jodi Sampey was hired as a Clinical Social Worker on April 5, 1999, promoted to Senior Clinical Social Worker on February 14, 2022, and promoted to Supervising Clinical Social Worker on October 7, 2008 with Tioga County Department of Mental Hygiene; the position she still holds; and

WHEREAS: Jodi Sampey has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during her years of service to the Mental Hygiene Department. She has earned the respect of her director, colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Sampey will retire on July 31, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Jodi Sampey for her years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Jodi Sampey.

ROLL CALL VOTE

Unanimously Yes – Legislators Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, Hollenbeck, Monell and Mullen.

No – None.

Absent – None.

RESOLUTION ADOPTED UNANIMOUSLY.

Chair Sauerbrey reported we have one Proclamation; **Lyme Disease Awareness Month** that will be noted in the minutes.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: Public Health reminds you that as the weather gets warmer, increased outdoor activities begin taking place where ticks can be found, such as tall grass, bushes, and leaf piles; and

WHEREAS: The Black-legged tick, also known as a Deer tick, carries the bacteria *Borrelia Burgdorferi* that causes Lyme disease; and

WHEREAS: Lyme disease can be spread to humans and other mammals as ticks feed off their blood, with an increased risk of the bacteria being spread after feeding for 48 hours; and

WHEREAS: In 2021, tick-borne illnesses were the third highest reported communicable diseases in Tioga County, behind COVID-19 and sexually transmitted diseases; and

WHEREAS: Preventing Lyme disease can be done by wearing insect repellent, covering up when outdoors, showering soon after coming inside, and completing daily tick checks on yourself and your pets; and

WHEREAS: By knowing the signs of Lyme disease, treatment can be started early to avoid long-term complications of Lyme disease; and

WHEREAS: The residents of Tioga County can recognize the threat that Lyme disease has to them and their family; therefore

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

LYME DISEASE AWARENESS MONTH

and urges all residents to take steps to protect themselves, their families, and pets from Lyme disease and to take immediate action if Lyme disease is suspected.

There was no privilege of the floor.

Legislator Mullen made a motion to approve the minutes of June 14 and 23, 2022, seconded by Legislator Hollenbeck 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.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 209-22 *APPOINT AT LARGE BOARD MEMBER TO THE
TIOGA COUNTY PROPERTY DEVELOPMENT
CORPORATION BOARD*

WHEREAS: Christina Brown resigned from the Tioga County Property Development Corporation Board (TCPDC) effective April 21, 2022; and

WHEREAS: The TCPDC Bylaws allows for this appointment conditioned that the board member be, a public officer of a municipality within Tioga County, a member of a County Agency, or an At Large individual; and

WHEREAS: Sara Zubalsky-Peer has expressed a desire and is willing and able to serve on the TCPDC as an At Large Board Member; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoint Sara Zubalsky-Peer as an At Large Board Member to the Tioga County Property Development

Corporation to fill Christina Brown's unexpired term of January 1, 2022 – December 31, 2024, effective July 12th, 2022.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Weston, Brown, Ciotoli, Hollenbeck, Monell and Mullen.

No – Legislator Roberts.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. 210-22

*SEQRA CONSIDERATION FOR NEW YORK STATE
OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION 2022-2023 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 Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, Hollenbeck, Monell and Mullen.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 211-22 *APPLY TO THE NEW YORK STATE
VEHICLE INFRASTRUCTURE GRANT
FOR MUNICIPALITIES*

WHEREAS: The State of New York announced a funding opportunity for municipalities to apply for the purchase and installation of electric vehicle (EV) supply equipment by way of the New York State Vehicle Infrastructure Grant; and

WHEREAS: The number of EV vehicles purchased is increasing in Tioga County as well as across the country; and

WHEREAS: It has been found EV charging stations can be a tourist draw; and

WHEREAS: Tioga County's courthouse parking lot has 70 spots that are rarely used and said parking lot is opened to the public; and

WHEREAS: Four (4) EV charging stations, two (2) Level 2 and two (2) Level 3 (Fast Charging), would provide ample stations for the area; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sustainability Manager to apply and administer said grant; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to sign the application for grant upon approval by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 212-22 *FILING OF AN APPLICATION FOR
DESIGNATION GRANT FROM NYSERDA
CLEAN COMMUNITIES PROGRAM*

WHEREAS: Tioga County recently completed four high-impact actions under NYSERDA's Clean Energy Communities program; and

WHEREAS: Through this action, Tioga County Solid Waste is eligible for a Designation Grant in the amount of \$5,000; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sustainability Manager to apply and administer said grant; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to sign the application.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 213-22 *AUTHORIZE ACCEPTANCE OF
CDBG-CV CARES ACT GRANT AWARD FOR
RACKER NONPROFIT HUB*

WHEREAS: The Tioga County Legislature authorized the CDBG-CV CARES grant application to NYS Office of Community Renewal for the Racker Nonprofit Hub in the amount of \$3,000,000 via Resolution 93-22; and

WHEREAS: NYS Office of Community Renewal announced said grant award to Tioga County on June 24, 2022; therefore be it

RESOLVED: That the Tioga County Legislature hereby accepts said CDBG-CV CARES grant award in an amount of \$3,000,000, and authorizes the Chair of the County Legislature to sign any and all grant related paperwork contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

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

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. 214-22 *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 199-21 authorized a contract with United Health Care (UHC) through the Broome County Purchasing Alliance (BCPA) 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; and

WHEREAS: UHC offered a three year rate guarantee for 2022 through 2024 through the BCPA but allows for opting out in any given year; and

WHEREAS: Tioga County has received positive feedback from retirees regarding the UHC Plan 1, and UHC provides a team that helps Tioga County with administration of the benefits; and

WHEREAS: UHC provided the 2023 renewal letter for the Medicare Advantage Plan 1 confirming that the 2023 rate will remain the same as current rate of \$260 per policy per month; therefore be it

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, continuing with 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, 2023 through December 31, 2023.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE LEGISLATIVE WORKSESSION FINANCE/LEGAL COMMITTEE
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RESOLUTION NO. 215-22	<i>AUTHORIZE CONTRACT WITH THE BURKE GROUP FOR COMPENSATION AND CLASSIFICATION STUDY SERVICES</i>
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WHEREAS: Tioga County issued a Request for Proposal (RFP) for the purpose of selecting a qualified firm to review and update its compensation and job classifications for all salaried Management/Confidential employees; and

WHEREAS: The selected firm is expected to perform analysis of current job classifications, salary, and benefits structure relative to comparable positions in comparable organizations as well as internal comparison; and

WHEREAS: Three companies submitted proposals which were reviewed and narrowed down to two companies; and

WHEREAS: The sub-committee recommends the Burke Group proposal for a cost not to exceed \$9000.00; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Burke Group, subject to review by the County Attorney, to conduct a Classification and Compensation Study for all salaried Management/Confidential employees; and be it further

RESOLVED: That the cost of this contract will be paid out of A1430.540140.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 216-22 AWARD BID FOR PARKING LOT AT PUBLIC SAFETY

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On June 14, 2022 the Department of Public Works received sealed bids from the following contractors:

Broome Bituminous Products, Vestal NY	\$184,245.00
Barrett Paving, Binghamton NY	\$189,100.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Broome Bituminous Products, Vestal NY not to exceed \$184,245.00 to be paid out of the Paving Projects Account H1620.521914.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 217-22 *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 Phase 8 (FFY 2022), PIN 9754.57 (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 \$285,000 is hereby appropriated from account D5110.540050 and made available to cover the costs of participation in the above phase 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 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 Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, Hollenbeck, Monell and Mullen.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 218-22 *AUTHORIZE PURCHASE OF FORMER
TOWN OF OWEGO HIGHWAY GARAGE*

WHEREAS: Tioga County Department of Public Works is in need of a facility to wash vehicles and equipment to prolong their service life; and

WHEREAS: The building of a new structure solely for this purpose is cost prohibitive; and

WHEREAS: The Town of Owego Highway Department has moved into a newly constructed facility; and

WHEREAS: The former Town of Owego garage will serve the needs of the Tioga County Department of Public Works; and

WHEREAS: The Tioga County Legislature has granted the utilization of American Recovery Plan Act (ARPA) Funds for the sum of \$200,000 to cover the purchase of the vacated Town of Owego Highway Facility under the ARPA Provision of Governmental Services; therefore be it

RESOLVED: That the Legislature authorizes the purchase of the vacated Town of Owego Highway Facility for the sum of \$200,000.00 to be paid out of H1 620 520994 M7674.

To: H1 620 520994 M7674 ARPA Building Construction \$200,000.00

Legislator Standinger spoke. "The good thing is that this is a win-win for both the County and the Town of Owego. Commissioner of Public Works, Gary Hammond, has been diligently working on trying to get a truck wash facility and this fills the bill."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 219-22 *AUTHORIZE DISBURSEMENT OF HUD CDBG
REVOLVING LOAN FUNDS TO TIOGA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY (TCIDA) FOR
LABRADOR LUMBER*

WHEREAS: Tioga County and the Tioga County Industrial Development Agency (TCIDA) entered into a Small Cities Community Development Block Grant Program Subrecipient Agreement for a revolving loan program funded by the settlement proceeds with Howland Brothers Co., Inc. and others; and

WHEREAS: The Legislature needs to authorize the Treasurer to disburse funds from the settlement account to the TCIDA prior to each and every disbursing of loan proceeds; and

WHEREAS: The TCIDA has certified to Tioga County that the loan applicant, Labrador Lumber, has satisfied all of the requirements which are conditions precedent to the execution of loan documents and the disbursement of loan proceeds in the sum of \$400,000; and

WHEREAS: The Department of Economic Development and Planning has reviewed and approved the certification and the required checklist of conditions precedent to execution of loan documents and disbursement of funds in the sum of \$400,000; therefore be it

RESOLVED: The Legislature authorizes the Treasurer to disburse the sum of \$400,000 from the HUD CDBG account to the TCIDA to be loaned to Labrador Lumber and utilized according to the Small Cities Community Development Block Grant Program Subrecipient Agreement, contingent upon concurrence by the Tioga County Industrial Development Agency Loan Committee and Tioga County Industrial Development Agency Board; and also resolved that the funds be appropriated and the 2022 Budget be modified as follows:

2022 Budget Modification:

Revenue-CE8668-421700-CE004 Community Development Income \$400,000.00
(Labrador Lumber)

Expense-CE8668-540487-CE004 Program Expense \$400,000.00
(Labrador Lumber)

ROLL CALL VOTE

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

No – None.

Absent – None.

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. 220-22 *AUTHORIZE GRANT RENEWAL
APPROPRIATION OF FUNDS MENTAL HYGIENE
AND AMEND 2022 BUDGET*

WHEREAS: The Office of National Drug Control Policy (ONDCP) and the Centers for Disease Control and Prevention (CDC) have partnered in an effort to reduce substance abuse among youth; and

WHEREAS: Tioga County Mental Hygiene needs authorization to receive Federal Funding for the Comprehensive Addiction and Recovery Act (CARA) Grant in partnership with Trinity CASA, Tioga County Alcohol and Substance Abuse Prevention (TC ASAP) Community Coalition; and

WHEREAS: Tioga County Mental Hygiene was awarded said grant in 2021 and are awarded annually from 07/01/2021 through 06/30/2026; and

WHEREAS: The said funds need to be appropriated annually; and

WHEREAS: The Department deems it to be in the best interest of the community and youth of Tioga County to renew this grant funding; and

WHEREAS: Appropriation of Funds requires Legislative approval; and
 WHEREAS: Per grant award letter, unspent prior grant period funding (07/01/2021 – 06/30/2022) be expunged from the 2022 budget; therefore be it

RESOLVED: That the grant funds be appropriated and the 2022 budget be amended as follows:

From: A4213.444863.CARA	Federal Aid CARA Grant	\$ 50,000
To: A4213.540590.CARA	Services Rendered	\$ 50,000

And be it further

RESOLVED: That available funds on 12/31/22 of the original \$50,000 will be carried forward into the New Year 2023.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 221-22 *APPROVE FUNDING*
2022 YOUTH BUREAU PROGRAM FUNDING

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Board has reviewed 2022 applications for funding which are consistent with guidelines previously presented to the Legislative Committee; therefore be it

RESOLVED: That the following programs recommended by the Tioga County Youth Board for program year 2022 be approved by the Tioga County Legislature in the amounts indicated:

Cornell Cooperative Extension 4H Summer Youth Enrichment	\$ 7,330
Northern Tioga Joint Summer Rec Program	\$ 4,400
Cornell Cooperative Extension Family Resource Center	\$ 6,400
Spencer Van-Etten Schools PAVE	\$ 1,500
Village of Waverly Summer Rec	\$ 5,000
Kali's Klub House 7 Keys to Success	\$ 4,200
Town of Owego Waterman Rec Camp	\$ 4,400
Catholic Charities YESS Program	\$ 3,900
Lions Camp Badger	\$ 5,000
Waverly Central School District Summer of Exploration	\$ 4,370
Required Youth Bureau Dues	\$ 100
Total Regular Allocation	\$46,600
Tioga County Boys & Girls Club – Youth Sports & Education Funds	\$ 6,653
GRAND TOTAL	\$53,253

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 222-22 *APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES*

WHEREAS: Tioga County Department of Social Services has received a Rental Supplement Program (RSP) allocation to provide rental supplements to individuals and families, both with and without children, who are experiencing homelessness or are facing an imminent loss of housing, regardless of immigration status; and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.436100 State Aid: Social Services Admin \$ 124,850

To: A6010.540487 Program Expense \$ 124,850

And be it further

RESOLVED: That available funds on 12/31/22 of the original \$124,850 will be carried forward into the New Year.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 223-22 *AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH*

WHEREAS: Tioga County Public Health has been awarded additional funding from NYSDOH; and

WHEREAS: The funding is specifically designated for Public Health efforts toward COVID-19 in Tioga County; and

WHEREAS: The budget accounts will utilize Munis project codes for county-wide reporting of COVID-19 expenses and revenues; and

WHEREAS: Funds may require future transfers to more appropriate budget lines based upon modifications and approvals from NYS & CDC; and

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

RESOLVED: That the Legislature authorizes the Budget Officer to make necessary account transfers as required for these funds, per future modifications approvals from NYS; and be it further

RESOLVED: That funding be appropriated as follows:

From: A4011 434011-COV19 Public Health: State Aid/COVID19 \$326,535

To: A4011 540487-COV19 Public Health: Supplies/COVID19 \$326,535

And be it further

RESOLVED: That available funds on 12/31/22 of the original \$326,535 will be carried forward into the New Year.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 224-22 *AMEND 2022 BUDGET
APPROPRIATION OF FUNDS
AMERICAN RESCUE PLAN ACT
BUDGET OFFICE REQUEST 2022-004*

WHEREAS: On March 11th, 2021 the State and Local Coronavirus Fiscal Recovery Fund legislation, part of the American Rescue Plan Act, hereinafter referred to as ARPA, was signed into law, awarding Tioga County \$9,362,868 in fiscal recovery funds, half of the funds were received in 2021, and the other half are to be received in 2022; and

WHEREAS: On May 10th, 2021 the U.S. Department of Treasury released guidance as to how the fiscal recovery funds are to be spent in the response effort against the COVID-19 pandemic including support of the public health response, replacement of public sector revenue losses, and water & sewer infrastructure; and

WHEREAS: The Tioga County Legislature has identified internal departments and external agencies that would greatly benefit from the provision of the ARPA funds, that also meet the treasury's guidelines for use and provide the greatest benefit to Tioga County residents; and

WHEREAS: Upon the successful receipt and review of the One Time ARPA request form(s), both the Legislative Chair and the ARPA Fund Administrator have granted their approval of the form, and have submitted the request to the Tioga County Legislature for final review and approval; and

WHEREAS: Amending of the 2022 Budget and appropriation of Fiscal Recovery Funds require Legislative Approval; therefore be it

RESOLVED: That the 2022 Budget be amended, and funds be appropriated as follows:

TO: **A1325 540429 M7674 Outside Support** \$400,000.00

VID: 58 Racker

ARPA Category: 6.10 Provision of Governmental Services
Funds for Disaster Recovery Center

TO: **A1680 540140 M7674 Contracted Services ARPA** \$ 71,260.00

VID: 5683 Southern Tier Network

ARPA Category: 6.10 Provision of Governmental Services
Tioga County Broadband Upgrade

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 225-22 AMEND RESOLUTION # 194-22
MODIFY 2022 BUDGET AND
APPROPRIATION OF FUNDS
RESERVE FOR E911
OFFICE OF EMERGENCY SERVICES

WHEREAS: Resolution #194-22 modified the 2022 budget for the Office of Emergency Services in the amount of \$50,000 from the Reserve for E911 account; and

WHEREAS: Due to the Computer Aided Dispatch (CAD) upgrade in the E911 Center, it is necessary to replace the outdated laptop accessories, so they work effectively with the new system; and

WHEREAS: The Director of Emergency Services would like to request additional funds in the amount of \$35,000 from the Reserve for E911 account to purchase the laptop accessories because they are not compatible with the new laptops; therefore be it

RESOLVED: That Resolution #194-22 be amended to appropriate a total of \$85,000 from the Reserve for E911 as follows:

FROM: A388903	Reserve for E911	\$85,000
TO: A3021.520130	Equipment (not car)	\$85,000

Legislator Mullen spoke. "This is the last step to the new CAD System that is going to replace the computers and the other hardware necessary in all the Sheriff Patrol vehicles with SONY Toughbooks with the belief that these will last a good four to five years. It is really a big upgrade for our dispatcher service."

Legislator Standinger spoke. "Our Director of Emergency Services, Mike Simmons, has been the driving force behind getting the new CAD System and now the new computers to operate with this system. Kudos to him for his efforts."

Legislator Mullen spoke. "I will second the comments of Legislator Standinger."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 226-22 *APPORTIONING FORFEITURE OF CRIME PROCEEDS FOR DRUG ENFORCEMENT ACTIVITIES*

WHEREAS: Resolution 239-20 established a system for the disposal of property, the order of priority of disbursements and the restrictions on the use of both pre-conviction and post-conviction forfeitures of crime proceeds; and

WHEREAS: Tioga County has received \$21,850.00 from a drug forfeiture case; and

WHEREAS: It is agreed the funds shall be divided between the agencies involved in the investigation in accordance with Section 1349 of the Civil Practice Laws and Rules; and

WHEREAS: Distribution details are as follows:

Tioga County Sheriff's Department (Restitution of money expended to purchase controlled substances)	\$ 200.00
Tioga County District Attorney's Office (15%)	\$3,247.50
Tioga County Sheriff's Department (5%)	\$1,082.50
NYS Office of Alcoholism and Substance Abuse Services (OASAS)	\$6,928.00
Tioga County Sheriff's Department (75%)	\$7,794.00
Tioga County District Attorney's Office (25%)	<u>\$2,598.00</u>
	\$21,850.00

And

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

RESOLVED: That funding be appropriated as follows:

FROM:	A1165-426250	Forfeiture of Crime Proceeds	\$3,247.50
	A1165-426260	Forfeiture of Crime Proceeds Restricted	\$9,526.00
	A3110-426250	Forfeiture of Crime Proceeds	\$1,282.50
	A3110-426260	Forfeiture of Crime Proceeds Restricted	\$7,794.00
TO:	A1165-540335	Asset Forfeiture Expense	\$3,247.50
	A1165-540336	Asset Forfeiture Expense-Restricted	\$9,526.00
	A3110-540335	Asset Forfeiture Expense	\$1,282.50
	A3110-540336	Asset Forfeiture Expense-Restricted	\$7,794.00

Legislator Mullen spoke. "We did not collect any crime proceeds money through the District Attorney's office and one of the things the investigator that he hired a few years ago did was implemented this collection. It is not a huge amount of money, but it is something that we are now seeing more often. We are actually collecting some of the money from the profile cases that have been adjudicated here in Tioga County."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 227-22 AUTHORIZE OUT OF TITLE PAY
PUBLIC WORKS DEPARTMENT

WHEREAS: In accordance with the CSEA collective bargaining agreement Article 4, Section E, Legislative approval is required to authorize out of title pay; and

WHEREAS: Due to numerous absences within the Road Machinery Department there was a need for coverage within this department; and

WHEREAS: The Commissioner of Public Works assigned Automotive Mechanic II (CSEA SG 4) duties to Robert Pipher, Motor Equipment Operator I (CSEA SG 8) from February 28, 2022 through May 10, 2022 for a total of 196.5 hours, beyond 20 calendar days; therefore be it

RESOLVED: That the Legislature authorizes out-of-title pay for Robert Pipher, which is reflective of a retroactive hourly rate increase of \$3.01/hour for 196.5 hours, a total of \$591.47.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 228-22 *AUTHORIZE CONTINUANCE OF OUT OF TITLE
PAY - PUBLIC WORKS DEPARTMENT*

WHEREAS: In accordance with the CSEA collective bargaining agreement Article 4, Section E, Legislative approval is required to authorize out of title pay; and

WHEREAS: Due to the needs of the department, the Commissioner of Public Works assigned Mechanic Working Supervisor duties to Derek Grier, Automotive Mechanic II (CSEA SG 4), as of March 10, 2022; and

WHEREAS: Out-of-title pay was granted for the period of March 10, 2022 through June 18, 2022 per Resolution #158-22; and

WHEREAS: Due to a retirement, the work of the Mechanic Working Supervisor (CSEA SG 1) position would not be done by the incumbent after June 18, 2022; and

WHEREAS: The Commissioner of Public Works will have an ongoing need to continue having Grier perform out-of-title work beyond June 18, 2022; and

WHEREAS: The position of Mechanic Working Supervisor is expected to be filled on July 9, 2022; therefore be it

RESOLVED: That the Legislature authorizes out-of-title pay for Derek Grier, which is reflective of a retroactive hourly rate increase of \$4.93/hour effective June 19, 2022; and be it further

RESOLVED: That said out-of-title pay shall continue through July 8, 2022.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 229-22 *RESOLUTION TO DECLARE WORK DAY
STATUS FOR ELECTED AND APPOINTED
OFFICIALS*

WHEREAS: Resolutions 206-09, 127-16, 230-17, 30-18, 59-18, 308-19, and 160-19 established a standard work day for elected and appointed officials for New York State and Local Employees' Retirement System reporting purposes; and

WHEREAS: Resolution 201-22 increased the full-time Director of Veterans' Service Agency from 35 hours per week to 40 hours per week effective June 18, 2022; therefore be it

RESOLVED: That effective June 18, 2022 the Tioga County Legislature hereby changes the standard work day for the Veterans' Service Agency for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System as follows:

Appointed Officials

Five day work week, eight hour day: Director of Veterans' Service Agency
Veterans' Service Officer

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:11 P.M.

Seventh Special Meeting
July 21, 2022

The Seventh Special Meeting of 2022 was held on July 21, 2022 and was called to order by the Chair at 10:02 a.m. Legislators Brown, Ciotoli, Sauerbrey, Standing, and Weston were present with Legislators Hollenbeck, Monell, and Mullen being absent and Legislator Roberts arriving at 10:07 a.m.

Chair Sauerbrey asked for a moment of prayer. "Dear Lord, we ask for your blessing on this meeting today. Help us with wisdom and knowledge in our decision-making. God bless our country. God bless our county."

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

There were four people in attendance.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 230-22 *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, New York 13827 on August 4, 2022 conducted by Manasse Auctioneers.

Town of Barton

101.00-2-6; Conley Richard

167.00-1-36; Mack Estate Stephen A

157.00-1-49; Myers Estate Robin Sue

168.00-1-8.20; Springston Daniel W

135.00-1-6.111; Willis Brian

Town of Candor

93.00-1-37; Barrows Stella

Village of Newark Valley
64.15-2-10.10; Varney Ransom

Town of Newark Valley
44.00-1-8; Pintler Lewis C

Town of Nichols
149.13-1-1; Fredenburg, AJ

Village of Owego
128.08-4-41; Dilisio Patricia A
117.20-2-16; Harrison Clinton L
117.20-1-21.1; Tinkham Dason K
117.20-3-20; Tinkham Dason K
128.08-3-37; Tinkham Dason K

Town of Owego
153.12-2-56; Alpi Catherine M
175.00-1-22.21; Apalachin Youth FB League Inc.
143.17-1-6; Ferrese Joseph R
87.00-1-19; Hofmann Jonathan
143.18-1-30; Link Marta
131.17-2-13; Maley Dennis
175.00-1-17; Perrine Joseph V
87.00-1-45.2; Reynolds Douglas S
130.00-1-13; Wood Norvel
130.00-1-14; Wood Norvel

Town of Richford
10.00-1-6; Brown Brian D
12.00-1-34; Glezen Richard A
11.00-2-2.11; Gorton Donald N
16.00-1-7.20; Knapp Karl T
1.00-1-3; Predmore Diana

Town of Spencer
47.00-1-26.41; Bailey Deborah G
47.00-1-26.111; Bailey Deborah G Estate
58.00-1-34; Cundy Samuel T Jr
69.00-2-11; FLT Holdings LLC
91.00-1-28.12; Scholten Grant M

Town of Tioga

126.00-1-15.10; Altieri Frank

117.11-2-11; Horizon Transport LLC

148.00-1-22.10; Luddy Jane

148.08-1-20; Wood, Ervin

County Attorney DeWind spoke. "This is all the properties we just took title to from the 2020 In Rems when Judge Keene signed the Order. Some of these properties will likely not be going to auction; there is at least five (5) that the Land Bank is considering. We had email correspondence last night and we will work today to solidify which ones are being considered, but we do not need anything further to authorize removing them. So, even though this says that it is authorizing properties to move to auction, the Treasurer will have discretion to pull out any that the Legislature has other purposes for and then a later resolution will be brought forward to approve whatever appropriate sale to the Land Bank and we would then add it to our insurance."

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – Legislators Hollenbeck, Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 231-22 AMEND BUDGET AND TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: The Commissioner of Public Works has budgeted funds for Corporate Drive Reconstruction; and

WHEREAS: Bids were received for the subject road project and the budgeted amount is insufficient; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From:	H5110.540001.H2004	Paving Projects	\$50,000
To:	H5110.540001.H2104	Corporate Drive	\$50,000

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – Legislators Hollenbeck, Monell and Mullen.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 232-22 *AWARD BID FOR CORPORATE DRIVE RECONSTRUCTION
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On July 6, 2022 the Department of Public Works received sealed bids from the following contractors:

Economy Paving, Cortland NY	\$540,450.00
Broome Bituminous Products, Vestal NY	\$555,005.00
Barrett Paving, Binghamton NY	\$600,843.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Economy Paving, Cortland NY not to exceed \$540,450.00 to be paid out of Account H5110.540001.H2104

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Weston, Brown, and Ciotoli.

No – None.

Absent – Legislators Hollenbeck, Monell and Mullen.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:08 A.M.

Eighth Regular Meeting
August 9, 2022

The Eighth Regular Meeting of 2022 was held on August 9, 2022 and was called to order by the Chair at 12:00 p.m. Legislators Brown, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Weston were present with Legislators Ciotoli and Hollenbeck being absent.

Chair Sauerbrey asked for a moment of prayer. "Let's just take a moment and think about the blessings that we receive living in this country. We ask you God for guidance on this Legislature, as we make decisions for the benefit of all our constituents. Guide us and direct us in the way we should go. We pray especially for our military people that are overseas, as well as stationed in the United States, and we ask that you protect them."

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

There were 12 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Legislator Mullen read and presented the following resolution to Sheriff Howard who accepted on behalf of employee, Elizabeth Struble, Sheriff's Office.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

RESOLUTION NO. 233-22

*RESOLUTION RECOGNIZING
ELIZABETH STRUBLE'S
18 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY SHERIFF'S OFFICE*

WHEREAS: Elizabeth Struble was hired as a Public Safety Dispatcher on May 19, 2002 through September 3, 2004; and from October 29, 2006 until present; and

WHEREAS: Elizabeth Struble has been dedicated and loyal in the performance of her duties and responsibilities during her 18 years of service, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Elizabeth Struble retired from the Tioga County Sheriff's Office on July 31, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Elizabeth Struble for her 18 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Elizabeth Struble.

ROLL CALL VOTE

Unanimously Yes – Legislators Sauerbrey, Standinger, Weston, Brown, Monell, Mullen and Roberts.

No – None.

Absent – Legislators Ciotoli and Hollenbeck.

RESOLUTION ADOPTED UNANIMOUSLY.

Legislator Mullen spoke. “As a former State Trooper that worked in the area that Liz dispatched many of the shifts I worked, she was always professional, approachable, and had a lot of common sense and that is not always something you find when someone is answering the phone and sending you out in the dark to a barking dog complaint at 2:00 a.m.”

Sheriff Howard spoke. “Liz is going to be missed. She is one of our best dispatchers. She is pretty calm and cool under fire. The sad thing is that she is leaving, but the good thing is we talked her into coming back to fill our part-time position, so we will see her again. Sorry she couldn't be here, but on her last day, which was last Saturday, I stopped in to see her and she was heading home after her shift to pack up and head to the Adirondacks for a month where she and her husband have a place. She is certainly going to be missed by our office. She was a great dispatcher and you could always tell when she was on the air because she was clear and precise in what she wanted the deputies to do and you knew her voice.

“She left for a brief time and went to Tompkins County and decided that was not for her and then came back to Tioga County and was working at Weitsman's. When I heard this, I called there and she answered the phone and I said, ‘what are you doing down there’ and she said working. I told her that she needed to stop in my office on her way home today because I want you back. She stopped in my office and came back to work at the Sheriff's Office after giving her two weeks' notice. She has been a great asset to our office and she will certainly be missed. Thank you.”

Chair Sauerbrey reported we have one Proclamation; ***Immunization Awareness Month*** that will be noted in the minutes.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: August is National Immunization Awareness Month with immunizations representing one of the greatest public health accomplishments of the 20th century; and

WHEREAS: If following the recommended immunization schedule, immunizations give parents the safe, proven power to protect their children from serious communicable diseases. However in 2020, less than 50% of children in Tioga County aged 24-35 months received their recommended vaccine series, compared to over 60% of New York State; and

WHEREAS: Child care facilities, preschool programs, schools and colleges are prone to outbreaks of infectious diseases due to poor hand washing, not covering coughs, and other factors such as interacting in crowded environments; and

WHEREAS: The release of immunizations for COVID-19 has reiterated the importance of educating the public on the benefits of vaccination to reduce rates of missed school and work, and rates of severe illness and/or death from the novel coronavirus; and

WHEREAS: Immunizations are an important part of a healthy pregnancy and allow the mother to pass some protection on to her baby. Women should be up to date on their immunizations before becoming pregnant and should receive immunizations against both flu and whooping cough during pregnancy; and

WHEREAS: All adults should get immunizations to protect their health. Even healthy adults can become seriously ill and pass diseases on to others. Everyone should have their immunization needs assessed at their primary care provider's office; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of August 2022 as:

IMMUNIZATION AWARENESS MONTH

and urges the citizens of our County to educate themselves on the recommended immunizations for themselves and their children to prevent the spread of preventable diseases.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of July 12 and 21, 2022, seconded by Legislator Brown 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.

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

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 234-22 AMEND RESOLUTION NO. 33-20
TRANSFER GENERAL OPERATING FUNDS TO
ANNUALLY DESIGNATED RESERVES OR FUNDS

WHEREAS: Resolution No. 33-20 authorized the Tioga County Treasurer to transfer State Aid Casino Revenue funds from the General Operating Fund up to the allowable \$1,000,000.00 to the Capital Fund to provide additional funds to the Capital Land, Equipment and Infrastructure Reserve on an annual basis; and

WHEREAS: The Tioga County Legislature would like to amend Resolution No. 33-20 to allow for the option of annually determining the designated reserve funds or accounts without restriction to one reserve fund; and

WHEREAS: The Tioga County Legislature would like to further amend Resolution No. 33-20 by reserving the right to allocate all or part of the State Aid Casino Revenue on an annual basis; and

WHEREAS: It is the intention of the Tioga County Legislature not to include State Aid Casino Revenue allocated to the Reserve funds in the General Operating Budget or Capital Budget of the County; therefore be it

RESOLVED: That the Tioga County Legislature reserves the right to determine the appropriate funds or reserves and allocated amount of State Aid Casino Revenue on an annual basis and that all transfers require Legislative approval by way of a resolution.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 235-22 AMEND RESOLUTION NO.152-22
AUTHORIZE AMENDED AGREEMENT WITH
MOTOROLA SOLUTIONS CHANGE ORDER #3
EMERGENCY MANAGEMENT

WHEREAS: Resolution No.152-22 authorized the additional cost of \$133,020.84 for the following additions to the Computer Aided Dispatch (CAD) Project: add Owego Police to the CAD; Digital Evidence Module for Owego; Pictometry for Mapping; Rapid Notification Module and Data Transfer Costs; and

WHEREAS: Resolution No.152-22 erroneously stated available grant funding would be utilized for the additional expenses; and

WHEREAS: E911 Surcharge money should be utilized for this expense as it pertains to the E911 Computer Aided Dispatch (CAD) Project; therefore be it

RESOLVED: That Resolution No. 152-22 be amended to appropriate \$133,020.84 from the Reserve for E911 as follows:

FROM:	A388903	Reserve for E911	\$133,020.84
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TO:	A3021.520130	Equipment (not car)	\$133,020.84
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ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 236-22 ACCEPT INDIGENT LEGAL SERVICES AWARD AND AMEND 2022 BUDGET

WHEREAS: The Assigned Counsel Administrator's Office has been awarded an Indigent Legal Services Grant (C120049) in the amount of \$61,902.00; and

WHEREAS: The Tioga County ILS was awarded \$61,902.00 from 01/01/22 through 12/31/24; and this funding now needs to be appropriated; therefore be it

RESOLVED: That the ILS Grant of \$61,902.00 be appropriated and the 2022 Budget be amended as follows:

Revenue Account: A1173 430260 State Aid Indigent \$61,902.00

Expense Account: A 1173 510010 Full Time Salary	\$ 40,000.00
A 1173 510020 Part Time Salary	\$ 9,800.00
A 1173 540040 Books/Westlaw	\$ 2,300.00
A 1173 540280 Investigations	\$ 3,652.00
A 1173 540420 Office Supplies	\$ 2,000.00
A 1173 540620 Software	\$ 2,500.00
A 1173 540700 Transcripts	\$ 1,000.00
A 1173 540733 Training	\$ 650.00

And be it further

RESOLVED: That available funds on year end of the original \$61,902.00 will be carried forward into future years until used.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 237-22 AMEND 2022 BUDGET AND TRANSFER FUNDS
DEPARTMENT OF MOTOR VEHICLES

WHEREAS: The Department of Motor Vehicles has a need for a Customer Facing Device for the new workstation in the office; and

WHEREAS: The New York State DMV requires that any computer hardware used for DMV transactions be purchased from them and has set the price for the new equipment at \$4094.00; and

WHEREAS: The County Clerk budgeted \$3000.00 for the CFD on line A1411 520090 using the price quoted for devices bought previously; and

WHEREAS: There remains \$49.41 on line A1411 520070 which will be transferred to A1411 520090 leaving a shortfall of \$1044.59; and

WHEREAS: The County Clerk has budgeted funds available to cover the shortfall in various budget lines which will remain unused; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That the following funds be transferred as follows:

From:

A1411 540485	Paper	\$ 74.69
A1411 540390	Mileage	\$ 50.00
A1411 540733	Training	\$ 383.00
A1411 540480	Postage	\$ 536.90
		<u>\$1044.59</u>

To: A1411 520090 Computer \$1044.59

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 238-22 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has been awarded funding from NYS Department of Health; and

WHEREAS: The funding originated from the Centers for Disease Control and is being distributed through Health Research Inc.; and

WHEREAS: The funding is for the "Pilot Program for Protecting Vulnerable Private Wells and Smaller Water Systems"; and

WHEREAS: The funding period is through August 31, 2023; and

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

RESOLVED: That funding be appropriated as follows:

From: A4090 434500-Well Environmental Health: State Aid \$ 19,400

To: A4090 540595-Well Environmental Health: Services \$ 19,400

And be it further

RESOLVED: That the balance of the funding on 12/31/2022 be carried forward into the 2023 budget in the same budget lines.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 239-22 TRANSFER OF FUNDS
BUDGET MODIFICATION
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) received a Workforce Enhancement Grant from both the Office of Alcohol and Substance Abuse (OASAS) and the Office of Mental Health (OMH) that has already been appropriated; and

WHEREAS: In order to maximize grant expenditures, TCMH has determined that funds need to be transferred; and

WHEREAS: Transfer of funds and/or budget modifications require Legislative approval; therefore be it

RESOLVED: That the Mental Hygiene 2022 budget be modified and funds be transferred as follows:

From: A4310 583088	WEG1 SS-WEG	\$ 115.67
To: A4310 540733	WEG1 Train-WEG	\$ 115.67

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 240-22 AMEND 2022 BUDGET AND TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: Tioga County has budgeted for replacement of carpeting at the HHS Building; and

WHEREAS: The Commissioner has received a quote for the carpeting replacement and there are insufficient funds for this project in the current budget; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H1620.520994.BG001	Truck Wash Building	\$30,000
To: H1621.520931	Carpeting – HHS Building	\$30,000

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 241-22 *AMEND 2022 BUDGET, TRANSFER FUNDS, AND APPROVE CHANGE ORDER FOR PARK SETTLEMENT BRIDGE*

WHEREAS: Tioga County has a bridge in need of repair due to an inspection by NYSDOT; and

WHEREAS: Economy Paving Corp. was awarded the construction contract per Resolution # 176-22, dated 6/14/22; and

WHEREAS: A change order was submitted due to additional work that was unforeseen; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H390900	Fund Balance-Unrestricted	\$90,000
To: H5110.540002.H1504	Park Settlement Bridge	\$90,000

And be it further

RESOLVED: That the Tioga County Legislature authorize additional funds to be appropriated for this change order not to exceed \$90,000 to be paid out of the Park Settlement Bridge Account H5110.5400002.H1504.

Legislator Standinger spoke. "This is a pretty significant bridge. It's the longest wooden bridge, I believe, in New York State. I appreciate the fact that Commissioner of Public Works Hammond has been keeping this bridge alive since the other bridge on that road has been closed for a long time. This bridge is in my district and I know there are people there with medical issues that might need an ambulance, so as long as this bridge is in service that is helpful for them."

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 242-22 *2022 BUDGET MODIFICATION
VETERANS' SERVICE AGENCY*

WHEREAS: The Tioga County Veteran Services' Agency (TCVSA) has received new State-Aid for the Dwyer Program; and

WHEREAS: The TCVSA has a need to hire a full-time (35 hours/week) Veterans Service Assistant to provide administrative assistance to the Director and act as a backup to the agency's Veteran Service Officers; and

WHEREAS: TCVSA has already allocated this funding in its 2022 budget; yet this will require a 2022 budget modification and appropriation with a transfer of funds within TCSVA to cover the expenses resulting from the creation of this new position; and

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

RESOLVED: That 2022 budget modification/transfer be approved as follows:

From: A6510 540487 DP22	Dwyer Program Expenses	\$13,121.00
To: A6510 510010 DP22	Full Time Payroll	\$13,121.00

And be it further

RESOLVED: That a 2022 budget appropriation be approved as follows:

From: A6510 540487 DP22	Dwyer Program Expenses	\$10,773.00
To: A6510 581088 DP22	State Retirement Fringe	\$ 394.00
To: A6510 585588 DP22	Disability Insurance Fringe	\$ 24.00
To: A6510 583088 DP22	Social Security Fringe	\$ 1004.00
To: A6510 584088 DP22	Workers Compensation	\$ 441.00
To: A6510 586088 DP22	Health Insurance Fringe	\$ 8,904.00
To: A6510 588988 DP22	EAP Fringe	\$ 6.00

Chair Sauerbrey spoke. "I would like to add that our Director of Veterans Service Agency has been out there bringing money into the County for the benefit of our veterans, so that is why we have to keep changing his budget to add this money in his budget. Your good work is very much appreciated."

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 243-22 *AUTHORIZE TRANSFER OF FUNDS FOR
PURCHASE OF OFFICE CHAIR FOR THE
PERSONNEL DEPARTMENT*

WHEREAS: The Personnel Department has an office chair that is in need of replacement; and

WHEREAS: The Personnel Department has recommended replacement; and

WHEREAS: The Personnel Department's chair expense account #A1430 520070 has no funds available at this time; therefore be it

RESOLVED: That the Personnel Officer be authorized to purchase the chair for the Personnel Department and that the following sums be transferred for this purchase:

From: Personnel Account A1430 540420 \$227.08

To: Personnel Account A1430 520070 \$227.08

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 244-22 *APPOINTMENT OF PART-TIME
ELECTION WORKER (REPUBLICAN)
BOARD OF ELECTIONS*

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the management/confidential listing; and

WHEREAS: Of the two recently filled part-time Election Worker positions only one appointee attended orientation; and

WHEREAS: The Republican Election Commissioner has selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Jean Flynn shall be appointed as Election Worker (PT) effective August 17, 2022, at the rate of \$13.85/hr.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 245-22 *AUTHORIZE APPOINTMENT OF DIRECTOR OF ASSETS
AND RECORDS MANAGEMENT
COUNTY CLERK*

WHEREAS: Legislative approval is required for any appointment to a management/confidential position within Tioga County; and

WHEREAS: Due to a recent resignation, the Director of Assets and Records Management (M/C \$31,869 - \$41,869) became vacant as of July 22, 2022; and

WHEREAS: Following recruitment efforts, the Tioga County Clerk has identified a well-qualified candidate which she would like to appoint to said title; therefore be it

RESOLVED: That the Tioga County Clerk is authorized to provisionally appoint Janis Hopkins as Director of Assets and Records Management at an annual salary of \$40,000 effective August 29, 2022, pending successful completion of civil service examination requirements.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 246-22 *AUTHORIZATION TO RECLASSIFY ONE (1) VACANT
PRINCIPAL SOCIAL WELFARE EXAMINER POSITION
AS CASE SUPERVISOR GRADE A
SOCIAL SERVICES*

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

WHEREAS: Upon review of current work assignments, staffing plan, and ongoing needs of the department, the Commissioner of Social Services would like to reclassify one (1) vacant Principal Social Welfare Examiner position with a title that will serve as an administrative supervisor to assist the Director of Social Services; and

WHEREAS: Following review of the new position duties statement, the Personnel Officer has determined the appropriate classification and has recommended salary allocation for said title; therefore be it

RESOLVED: That one (1) vacant full-time Principal Social Welfare Examiner position (CSEA SG X \$44,246-\$45,246) shall be reclassified as a full-time Case Supervisor Grade A and allocated within CSEA salary grade XV (\$57,874-\$58,874), effective August 10, 2022; and be it further

RESOLVED: That the Commissioner of Social services shall be allowed to fill said position provisionally, pending an incumbent's successful completion of civil service requirements, effective August 15, 2022 or in accordance with payroll requirements.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 247-22 AUTHORIZATION TO CREATE AND FILL
FULL-TIME VETERANS SERVICE ASSISTANT
VETERANS SERVICE AGENCY

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

WHEREAS: The Director of Veterans' Services has a need to hire a full-time (35 hours/week) position to provide administrative assistance to the Director and act as a backup to the agency's Veterans' Service Officers; and

WHEREAS: The Director of Veterans' Services has appropriate funding for an additional full-time position in his 2022 budget; and

WHEREAS: The Personnel Officer has reviewed documentation provided by the Director and has made a determination on the classification and the salary allocation; therefore be it

RESOLVED: That one (1) full-time (35 hours/week) Veterans Service Assistant position is created at the annual rate of \$37,904 (CSEA Salary Grade VII), effective August 10, 2022; and be it further

RESOLVED: That the Director of Veterans' Services shall be allowed to fill said position provisionally, pending an incumbent's successful completion of civil service requirements, effective August 15, 2022 or in accordance with payroll requirements; and be it further

RESOLVED: That the authorized full-time head count for the Veterans Service Agency shall increase from 2 to 3.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 248-22 *AUTHORIZATION TO CREATE AND FILL
FULL-TIME BENEFITS MANAGER TRAINEE POSITION
PERSONNEL DEPARTMENT*

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

WHEREAS: Due to the announced retirement of the current Benefits Manager in June 2023, and in order to provide consistency in service to Tioga County employees, retirees, and municipal agencies served by this position the Personnel Officer would like to recruit and train for said replacement in advance by creating an additional position within her department; and

WHEREAS: Upon review of current work assignments and future needs, the Personnel Officer has made a determination on the classification and salary allocation for such a position; therefore be it

RESOLVED: That one (1) full-time Benefits Manager Trainee position is created within the Management/Confidential annual salary range of \$46,094-\$56,094, effective August 10, 2022; and be it further

RESOLVED: That the Personnel Officer shall be allowed to fill said position provisionally, pending an incumbent's successful completion of civil service requirements, effective August 15, 2022 or in accordance with payroll requirements; and be it further

RESOLVED: That upon the Benefits Manager's retirement, a future resolution will be submitted to reflect the appropriate appointment of replacement and reflect the reclassification of the Benefits Manager Trainee position by downgrading the position and salary while maintaining a succession plan within the department; and be it further

RESOLVED: That the authorized full-time head count for the Personnel Department shall increase from 6 to 7.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 249-22 *AUTHORIZATION TO ABOLISH ONE VACANT
CIVIL SERVICE ADMINISTRATOR POSITION,
CREATE AND FILL ONE
CIVIL SERVICE TECHNICIAN POSITION
PERSONNEL DEPARTMENT*

WHEREAS: Legislative approval is required to abolish and create positions within Tioga County; and

WHEREAS: Due to the announced retirement of the current Civil Service Administrator (M/C \$46,094-\$56,094) effective September 10, 2022, the Personnel Officer has reviewed work assignments, staffing structure, and future succession training needs within her department; and

WHEREAS: In order to address said issues, the Personnel Officer has determined that abolishing the Civil Service Administrator position upon it becoming vacant will help in those efforts; therefore be it

RESOLVED: That one (1) vacant, full-time Civil Service Administrator position shall be abolished effective September 12, 2022, and one (1) Civil Service Technician position (M/C \$37,878-\$47,878) shall be created effective September 12, 2022; and be it further

RESOLVED: That Kelly Quick shall be provisionally appointed, pending successful completion of civil service examination requirement, to the title of Civil Service Technician at an annual salary of \$38,343 effective September 12, 2022; and be it further

RESOLVED: That due to the structure of the Tioga County Personnel Department, the title of Civil Service Administrator will not be used in the future and will be deleted from the appendix of its Civil Service Rules in the next rules resolution submitted to the NYS Department of Civil Service Commission.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell made a motion to bring forth two late-file resolutions for Legislature consideration, seconded by Legislator Brown. Motion carried.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 250-22 *ACCEPT AUCTION BIDS FOR COUNTY OWNED
PROPERTY ACQUIRED FOR TAXES, AUTHORIZE
EXECUTION OF DEEDS*

WHEREAS: Properties acquired by Tioga County for nonpayment of taxes in the Towns of Barton, Berkshire, Candor, Newark Valley, Nichols, Owego, Richford,

Spencer and Tioga were offered for sale at Public Auction conducted Thursday, August 04, 2022, by the County Treasurer; and

WHEREAS: It is the intent of the Legislature to return the properties to the Tax Rolls as soon as possible; therefore be it

RESOLVED: That the following bids, being the highest made at said Auction for the several different properties offered, be and hereby are accepted and the Chair of the Tioga County Legislature authorized to sign and record, on receipt of the amount bid and recording costs, Quit Claim Deeds conveying the various parcels to the successful bidders and to their assigns:

<u>Prior Owner-Tax Map#</u>	<u>Purchaser</u>	<u>Bid</u>
<u>Village of Waverly:</u>		
166.19-3-47.1; James E Goodwin	Caleb J. Chandler	\$ 27,000
166.15-1-75; Samuel J King	Nathan R. Zimmer	\$ 26,000
155.00-1-10.10; James M Gay Sr.	MC Properties & Rentals LLC	\$ 36,000
168.00-1-13.40; Peggy S Hazard	Kayla Marie Pond	\$ 18,000
<u>Town of Barton:</u>		
101.00-2-6; Richard Conley	Storage Ithaca LLC	\$160,000
167.00-1-36; Stephen A Mack	Robin L. Corby	\$ 51,000
157.00-1-49; Robin Sue Myers	Christopher M. Mckinkle	\$ 50,000
168.00-1-8.20; Daniel W Springston	Christopher R. Uettwiller	\$ 4,250
135.00-1-6.1111; Brian Willis	Kristopher Atchison	\$ 7,500
157.00-2-18; Tioga County	James P. Perkins	\$ 600
157.07-1-20; Tioga County	Matthew Karpel	\$ 200
<u>Village of Candor</u>		
61.18-1-28; Mark H. Brown	Alexis M. Parillo	\$ 67,500
<u>Town of Candor</u>		
93.00-1-37; Stella Barrows	Brett W. Relyea	\$ 6,000

Town of Newark Valley:

44.00-1-10; Melody A Barnett	Michelle H. Gehm	\$ 11,750
44.00-1-8; Lewis C. Pintler	James P. Perkins	\$ 20,000
75.18-1-84; Lin Yibo	Oscar E. Gile	\$ 4,000
75.18-1-85; Lin Yibo	Joseph E. & Kristine M. Tomazin	\$ 5,000
55.00-1-6.11; Grigoriy Vlasyuk	Jason L. Harvey	\$ 17,000

Town of Nichols:

150.00-1-37; Stephen Bailey	Christopher M. Mckinkle	\$ 32,000
149.13-1-1; AJ Fredenburg	Douglas J. & Helen Reynolds	\$ 8,000

Village of Owego:

128.08-3-79; Joanne E Ellerson	Richard A. & Andrea Shimer	\$ 7,500
129.05-2-26; Vicki L Harrell	James Walley	\$ 41,500
128.08-3-31; Casey Sauer	Jacobson and Sumner, LLC	\$ 21,000
117.20-2-6; Nichole Stables	Martins O. Ochu	\$ 1,400
117.20-2-16; Clinton L. Harrison	Ian F. Walley	\$ 27,500
117.20-1-21.1; Dason K Tinkham	Jacobson and Sumner, LLC	\$ 11,000
117.20-3-20; Dason K Tinkham	Jacobson and Sumner, LLC	\$ 10,000

Town of Owego:

153.06-2-14; Leon Anastaskos	Tina Nguyen	\$ 1,800
142.18-2-15; Jansen Jeanette	Maan Alzitoon	\$ 27,500
143.13-2-50.1; Candice VanSchaick	Archie J. Resue	\$ 250
153.12-2-56; Catherine M. Alpi	Perkins Realty Investments LLC	\$ 98,000
175.00-1-22.21; Apalachin Youth FB League Inc.	Benjamin B. McCluhan	\$ 8,000
143.17-1-6; Joseph R. Ferrese	BTSB Properties, LLC	\$ 92,000
87.00-1-19; Jonathan Hofmann	Curtis L. & Ashley N. Hammond	\$ 7,000
143.18-1-30; Marta Link	BTSB Properties, LLC	\$ 36,500
131.17-2-13; Dennis Maley	Dean Housing LLC	\$ 9,000

175.00-1-17; Joseph V. Perrine	CJP Capital LLC	\$ 59,000
87.00-1-45.2; Douglas S. Reynolds	Lawrence R. Rangitsch	\$ 15,000
130.00-1-13; Norvel Wood	Perkins Realty Investments LLC	\$ 3,500
130.00-1-14; Norvel Wood	Perkins Realty Investments LLC	\$ 1,000
<u>Town of Richford:</u>		
5.00-1-35.20; Donna Inman	Dean Housing LLC	\$ 2,500
12.00-1-34; Richard A. Glezen	Daniel K. Scherrer	\$ 7,000
11.00-2-2.11; Donald N. Gorton	Patricia L. Dickinson	\$ 21,000
16.00-1-7.20; Knapp Karl	Michelle H. Gehm	\$ 8,500
1.00-1-3; Predmore Diana	Kara M. Nash	\$ 13,000
<u>Village of Spencer:</u>		
92.00-1-22.10; Ralph G. Cobb	M. Rocco Lucente	\$ 60,000
91.00-1-31; Shyrlee A. Gardner	Donald R. Johnson Jr.	\$ 17,000
59.00-1-39; William R. Grenolds	Matthew C. Frisbie	\$ 5,000
<u>Town of Spencer:</u>		
47.00-1-26.41; Deborah G. Bailey	Michael C. & Tammy M. Hornbrook	\$ 9,500
47.00-1-26.111; Deborah G. Bailey	Michael C. & Tammy M. Hornbrook	\$ 9,500
58.00-1-34; Samuel T. Cundy Jr	Michael W. Sackett	\$ 21,000
69.00-2-11; FLT Holdings LLC	Michael W. Sackett	\$ 61,000
91.00-1-28.12; Grant M. Scholten	Bradly J. Chaffee	\$ 27,500
<u>Town of Tioga:</u>		
106.19-1-20; James Haines	Martin O. Ochu	\$ 29,500
127.00-1-39; Margaret Henson	Gail L. & Kevin L. Gillette	\$ 21,000
158.12-1-29; John Weaver	Christopher S. Hildebrant	\$ 16,000
126.00-1-15.10; Frank Altieri	Chad M. Deming	\$ 9,000
117.11-2-11; Horizon Transport LLC	Renya Lezama Mota	\$ 11,000
148.00-1-22.10; Jane Luddy	Franciso Aguayo	\$ 14,000

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 251-22 *AUTHORIZE THE SALE OF 98 FOX STREET
LOCATED IN THE VILLAGE OF OWEGO, TO TIOGA
COUNTY PROPERTY DEVELOPMENT CORPORATION*

WHEREAS: Property located in the Village of Owego retained by Tioga County for the 2018 Delinquent Tax Year was transferred to the County on September 23, 2021, this property, identified as Tax Map number 128.08-3-9, parcel number 87 owed 2018, 2019, 2020 & 2021 taxes and failed to pay by the last date of redemption; and

WHEREAS: The County has been approached by The Tioga County Property Development Corporation, who has made an offer to purchase the property for \$1.00 "as is"; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$1.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the, Village of Owego, identified on the Village of Owego Tax Map as number 128.08-3-9 parcel number 87, to the Tioga County Property Development Corporation or assigns.

ROLL CALL VOTE

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

No – Legislators Ciotoli and Hollenbeck.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:14 P.M.

*Ninth Regular Meeting
September 13, 2022*

The Ninth Regular Meeting of 2022 was held on September 13, 2022 and was called to order by the Chair at 12:00 p.m. Legislators Ciotoli, Monell, Mullen, Sauerbrey, Standinger, and Weston were present with Legislators Brown, Hollenbeck, and Roberts being absent.

Chair Sauerbrey asked Legislator Standinger to have a moment of prayer. "Lord, we ask for your guidance as we conduct the business of the citizens of Tioga County and we appreciate that we are blessed by being in a free country with a Constitution."

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

There were 27 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Legislator Weston read and presented the following resolution to Commissioner of Public Works Hammond, who accepted on behalf of employee, Carlton Snapp, Public Works.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

RESOLUTION NO. 252-22 *RECOGNIZING CARLTON SNAPP'S
35 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY*

WHEREAS: Carlton Snapp started his employment with Tioga County as Laborer of Public Works on September 29, 1986; and was promoted to Motor Equipment Operator II on June 20, 1988; and was promoted to Motor Equipment Operator III on January 1, 1991; and was promoted to Sign Maintenance Worker on November 4, 2002; and

WHEREAS: Carlton Snapp has been a dedicated and loyal employee in the performance of his duties and responsibilities during the past 35 years to the Public Works Department. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Snapp is retiring on September 21, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Carlton Snapp for his 35 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this dedicated and outstanding employee, Carlton Snapp.

ROLL CALL VOTE

Unanimously Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED UNANIMOUSLY.

Commissioner of Public Works Hammond spoke. "In addition to all that was stated in the resolution, Carlton served as the union steward for the Highway Department for over 20 years. I have his plaque and signed recognition resolution and I will make sure that he receives this along with the Legislature's thanks."

Chair Sauerbrey reported we have three proclamations that will be read and presented; **Employee Recognition and Appreciation Week (9/19-9/23/22)**, **Healthy Aging Month, and Child Welfare Appreciation Week (9/12 – 9/16/22)** and one proclamation that will be noted in the minutes; **National Recovery Month in Tioga County**.

Chair Sauerbrey reported Steven Palinosky, Employee Recognition Committee member, will read and present the Employee Recognition & Appreciation Week proclamation recognizing the County's employees who have attained 25 years of service.

Steven Palinosky spoke. "Good Afternoon Everybody, I will be reading a proclamation and I will come to a point where I will be listing the names of the employees who have attained 25 years of service. When I call your name, if you are not here, raise your hand. If you are here, please come up and receive your certificate and stay for a group picture at the end."

**County of Tioga
EXECUTIVE PROCLAMATION**

WHEREAS: The mission and services of Tioga County depend heavily on the tireless contributions of its dedicated employees; and

WHEREAS: The Tioga County Legislature wishes to recognize the efforts of all Tioga County employees; and

WHEREAS: The Employee Recognition Committee was created to provide a mechanism to show our appreciation for the Employees of Tioga County; and

WHEREAS: Those employees who have served for more than 25 years have shown a steadfast commitment to serving the well-being of the residents of Tioga County, and should be recognized by those whom they have served; and

WHEREAS: The Tioga County Legislature would like to especially recognize the following employees who have attained 25 years since last year's ceremonies:

<u>Name</u>	<u>Department</u>	<u>Years</u>
Brian Henry	Sheriff's Office	25
Kimberly Heyman	Social Services	25
Brenda Holt	Social Services	25
Shawn Nalepa	Sheriff's Office	25
Roy Schreiner	Sheriff's Office	25

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the week of September 19th – 23rd, 2022 as

EMPLOYEE RECOGNITION AND APPRECIATION WEEK

in the County of Tioga, New York, and call upon our citizens to join in recognizing these dedicated employees.

Chair Sauerbrey spoke. "Thank you for your service."

Legislator Standinger read and presented the Healthy Aging Month proclamation to Laura Bennett, Public Health Educator.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Aging is a normal and natural process that everyone undergoes, yet it can present challenges such as increased rates of chronic diseases including hypertension, diabetes, dementia, and arthritis; and

WHEREAS: The way an individual ages depends on a multitude of factors including heredity, physical health, mental health, lifestyle, and nutrition; and

WHEREAS: Remaining physically active, eating a balanced diet, being involved in your community, using preventative services such as cancer screenings, and most importantly managing your health can help you age in a graceful manner and decrease the likelihood of developing chronic conditions; and

WHEREAS: The number of older adults continues to grow in the United States; by the year 2030, 1 in 5 adults are projected to be 65 years or older; and

WHEREAS: According to 2020 census data, older adults account for 21.5% of Tioga County's population. Prioritizing healthy aging is crucial; and

WHEREAS: With an aging population comes an increased need for healthcare, long-term care, social services, senior housing, and other resources that support adults as they age; and

WHEREAS: Current resources for older adults in Tioga County include, but are not limited to, programs offered through Tioga Opportunities, Tioga County Department of Social Services, Tioga County Mental Hygiene, and Tioga County Public Health. Available services include congregate dining and home delivered meals, programs and activities for older adults, protective services, long term care services, and free home safety checks; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of September 2022 as:

HEALTHY AGING MONTH

and urges all residents 65 years and older to utilize available programs and services in our community, visit their primary care provider regularly, make healthy lifestyle choices, and enjoy their lives!

Public Health Educator, Laura Bennett spoke. "Thank you. My name is Laura Bennett, Health Educator at the Public Health Department. So, we may all be at different places in life, but we are all aging. And, while adopting a healthy lifestyle is important for our quality of life, I think knowing our family's health history can be equally as important because heredity also influences how we age. Taking preventative measures, like eating healthy and exercising, are worthwhile, but unfortunately some health conditions cannot be prevented and knowing your family history of certain health conditions can help make you more aware of the symptoms of those conditions so, if you begin experiencing any of them, you know to seek guidance from your primary care provider. Treating conditions as early as possible is often key to keeping them under

control and preserving our quality of life. Thank you for recognizing September as Healthy Aging Month and promoting the measures we can all take to live long, fulfilling lives. Thank you."

Legislator Standinger read and presented the Child Welfare Appreciation Week proclamation to Liz Myers, Director of Social Services.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: Tioga County child welfare workers are responsible for the health, safety, and wellbeing of all children in Tioga County; and

WHEREAS: Child welfare workers have the challenging task of investigating child abuse and neglect, providing services to families, assessing safety, providing support, and enhancing family connections and strengths to ensure that the children of Tioga County remain safely in their homes or are returned home as quickly as possible; and

WHEREAS: Child welfare workers are required to enter situations in which their personal safety may be put at risk by the very clients they serve as well by public health emergencies such as the COVID-19 pandemic; during which caseworkers continued to conduct investigations and work with families in person and in their homes at great risk to their own health; and

WHEREAS: Child welfare workers exhibit a dedication to their work to protect children and families while having enormous responsibility, under great criticism, with low levels of appreciation, and considerable impacts to their personal life; and

WHEREAS: Child welfare workers are under recognized local first responders and heroes; therefore

The TIOGA COUNTY LEGISLATURE hereby proclaims the week of September 12-16, 2022, as

CHILD WELFARE APPRECIATION WEEK

in Tioga County and recognize the outstanding dedication and perseverance of all of the Tioga County Department of Social Services Child Welfare Staff in Tioga County.

Legislator Standinger spoke. "In my prior life, I was involved in a lot of child investigations and this young lady standing to my right was new at that and she did a fine job, but now she is in charge of that division of Shawn's operation.

But, it is a situation that can be very troubling at times and I give them a lot of credit for being able to step up and take care of it. I know the paperwork is astronomical, but they get it done."

Director of Social Services, Liz Myers spoke. "Thank you, Bill. I was actually hoping today that I would see more of my staff here, but they are so darn dedicated they must be doing work or at least that is what I am going to tell myself. I do have one person here in the back, Sarah Tiffany, who is one of my supervisors. I wanted to put some faces to this work, so I am sad they are not here but I know they are out doing what they need to do. Thank you for this recognition. I think child welfare workers in the media get a bad rap, but we are really here to help families and we want what is best for families. It's a thankless job, but our people love what they do and they are out there day-in and day-out making sure that kids and families are safe. So, we appreciate this recognition and this proclamation and we are doing some things throughout the month to try and recognize them and support them in the work they do. I will put a plug in noting that we are down staff, so any advertisement or folks you know that might be interested in a really beneficial job, emotionally challenging, but very rewarding job, send them to the Personnel Office because we would love to have them. Thank you very much."

Chair Sauerbrey spoke. "Thank you for the work that you and your staff do."

**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: 17 million adults have a co-occurring mental health and substance use disorder; and

WHEREAS: Of the 38.7 million adults in the United States with a substance use disorder, 29.3% 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 33rd 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 2022 as:

NATIONAL RECOVERY MONTH IN TIOGA COUNTY

There was no privilege of the floor.

Legislator Weston made a motion to approve the minutes of August 9, 2022, seconded by Legislator Monell 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.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 253-22 *DESIGNATION OF TIOGA COUNTY LOCAL
DEVELOPMENT CORPORATION, D.B.A.
TIOGA COUNTY TOURISM, AS AUTHORIZED
TOURISM PROMOTION AGENCY FOR 2023*

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 2023 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 Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 254-22 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2023 County taxes among the several Towns are hereby established as follows:

Town of Barton	73.40
Town of Berkshire	91.00
Town of Candor	85.50

Town of Newark Valley	60.00
Town of Nichols	24.40
Town of Owego	62.00
Town of Richford	92.00
Town of Spencer	100.00
Town of Tioga	5.50

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: AG LEGISLATIVE COMMITTEE
ED&P LEGISLATIVE COMMITTEE

RESOLUTION NO. 255-22 *SET PUBLIC HEARING FOR THE NEW
AG & MARKETS AGRICULTURAL DISTRICTS
SEQR SHORT ENVIRONMENTAL ASSESSMENT FORM*

WHEREAS: Tioga County Department of Economic Development & Planning is the administrator of the NYS Agricultural Districts Program pursuant to Article 25-AA of the New York State Agriculture & Markets Law; and

WHEREAS: NYS Department of Agriculture and Markets (Ag & Markets) is improving the SEQR process associated with unlisted modifications of Agricultural Districts; and

WHEREAS: This new process requires that every county adopt Ag & Markets new Agricultural Districts SEQR Short Environmental Assessment Form after a required public hearing; therefore be it

RESOLVED: That a public hearing will be held on Thursday, September 22, 2022 in the Legislative Conference Room of the Ronald E. Dougherty County Office

Building located at 56 Main Street, Owego, NY at 0:00 a.m. All interested parties will be heard by the Tioga County Legislature at this hearing.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 256-22 *SET PUBLIC HEARING FOR
RESTORE NY COMMUNITIES INITIATIVE ROUND 6
APPLICATION – RIVER HOUSE CONFECTIONERY &
MERCANTILE REHABILITATION PROJECT*

WHEREAS: Tioga County is applying for a NYS ESD Restore New York Communities Initiative Round 6 (“Restore NY”) Grant on behalf of River House Confectionery & Mercantile for their project at 178-180 Front Street, Owego, as listed on the Property Assessment List in the application; and

WHEREAS: The Restore NY Grant program requires a public hearing to discuss the Restore NY application and the Property Assessment List; therefore be it

RESOLVED: That Tioga County will hold a public hearing to discuss its Restore NY application and Property Assessment List on Thursday, September 22, 2022 at 10:05 a.m. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY. All interested parties will be heard at this hearing.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 257-22 *SET PUBLIC HEARING FOR
RESTORE NY COMMUNITIES INITIATIVE ROUND 6
APPLICATION – TIOGA TRAILS REHABILITATION
PROJECT*

WHEREAS: Tioga County is applying for a NYS ESD Restore New York Communities Initiative Round 6 ("Restore NY") Grant on behalf of Nelson Development Group, LLC for their project at 48-50 Lake Street, Owego, as listed on the Property Assessment List in the application; and

WHEREAS: The Restore NY Grant program requires a public hearing to discuss the Restore NY application and the Property Assessment List; therefore be it

RESOLVED: That Tioga County will hold a public hearing to discuss its Restore NY application and Property Assessment List on Thursday, September 22, 2022 at 10:10 a.m. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY. All interested parties will be heard at this hearing.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 258-22 *AUTHORIZE APPLICATION FOR ABSENTEE BALLOT
PRE-PAID POSTAGE GRANT*

WHEREAS: Chapter 55 of the Laws of 2022 requires county boards of elections to provide postage-paid return envelopes for absentee ballots and absentee ballot applications, as of July 1, 2022; and

WHEREAS: New York State has enacted a grant program to reimburse county boards of elections for expenses related to using postage-paid return envelopes for absentee voting; and

WHEREAS: The Tioga County Board of Elections is eligible for reimbursement of up to \$18,826.45 for allowable expenses under this grant; therefore be it

RESOLVED: That the Tioga County Board of Elections is authorized to apply for the Absentee Ballot Pre-Paid Postage Grant.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 259-22 *AUTHORIZE SUBMISSION OF REVISED HAZARD MITIGATION PLANNING GRANT APPLICATION EMERGENCY MANAGEMENT, SOIL & WATER, ECONOMIC DEVELOPMENT & PLANNING REVISION*

WHEREAS: The Tioga County Legislature has already authorized submission of the Hazard Mitigation Grant Application to FEMA via Resolution 92-22 to update the County's Multijurisdictional Multi Hazard Mitigation Plan as required every five years by FEMA; and

WHEREAS: Tioga County is eligible for these funds and has been encouraged by NYS DHSES staff to apply this year for our County's HMP Update; and

WHEREAS: This funding is now available to cover 90% of the project cost with a required local match of 10%; and

WHEREAS: In 2023, Economic Development and Planning will have \$10,000 available in budget line item A8020.540140 Contract Services totaling a \$10,000 local match and enabling a \$100,000 total grant application; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes said grant application to FEMA for a Tioga County HMP Update in an amount not to exceed \$100,000, including the \$10,000 local match, and authorizes the Chair of the County Legislature to sign any and all grant related paperwork upon review of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 260-22 *AUTHORIZE THE SUBMISSION OF
FY2022 DOMESTIC TERRORISM PREVENTION
GRANT APPLICATION
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The NYS Division of Homeland Security and Emergency Services (DHSES) has issued the FY2022 Domestic Terrorism Prevention Grant in the amount of \$172,413 to be utilized to prevent targeted violence and domestic terrorism through the utilization of Threat Assessment and Management (TAM) teams and the development of comprehensive Domestic Terrorism Plans; 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 Office of Emergency Services be given authorization to apply for the FY2022 Domestic Terrorism Prevention Grant application and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 261-22 *AUTHORIZE THE SUBMISSION OF THE
2022-2023 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, 2022– September 30, 2023 with \$17,500 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 Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
RESOLUTION NO. 262-22 *APPROVE 2023 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 2023 STOP DWI Plan to the Tioga County Legislature for approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the 2023 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 Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 263-22 *AUTHORIZE 2022-2023 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 2022-2023; Aria French to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck 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 2022-2023 school year.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 264-22 *AUTHORIZE CONTRACT BETWEEN
RIVERSIDE FORENSIC PATHOLOGY, PLLC AND
TIOGA COUNTY*

WHEREAS: Beginning January 1, 2023, Riverside Forensic Pathology, PLLC will provide professional services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County due to the semi-retirement of Dr. James Terzian from Twin Tiers Pathology Associates, PC; and

WHEREAS: The contract with Riverside Forensic Pathology, PLLC calls for \$1,100.00 per complete autopsy examination to be paid to pathologists and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Chair to sign a contract, upon approval of the County Attorney, with Riverside Forensic Pathology, PLLC for services rendered to Tioga County at the costs listed above and for a term of 1/1/23 through 12/31/23.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE
 RESOLUTION NO. 265-22 *AUTHORIZATION TO SIGN CONTRACT
 SOCIAL SERVICES*

WHEREAS: There is a shortage of available Non-Secure Detention Services to meet the demand throughout New York State; and

WHEREAS: This shortage places undue cost and liability on the county when no bed is available to place a Tioga County youth in detention; and

WHEREAS: The Commissioner of Social Services, Probation Director, and County Attorney have agreed that the best course of action is to secure a detention bed through a contract with Steuben County; and

WHEREAS: The Department of Social Services has detention funds available in the 2022 budget; therefore be it

RESOLVED: That the Tioga County Department of Department of Social Services is authorized to contract with Steuben County for one detention bed for a period of one year at a cost of \$239,075; and be it further

RESOLVED: That the Commissioner of Social Services is authorized to execute any such agreements, documents, or papers, approved as to form by the County Attorney, as may be necessary to implement the intent and purpose of this resolution.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
 RESOLUTION NO. 266-22 *RESOLUTION TO APPROVE
 STSJP CONTRACT FOR SFY 2022-2023
 PROBATION AS LEAD AGENCY FOR
 APPLICATION FOR FUNDING VIA STSJP*

WHEREAS: The NYS Office of Children and Family Services (OCFS) has directed every County to create Alternative to Detention programming and since 2015 the Probation Department has been the Lead Agency for the County to apply for STSJP funding; and

WHEREAS: The funding is based on an approved OCFS contract for a maximum of \$40,000 and is set at a ratio of 62% state reimbursement – 38% county share for monies expended by the County for Alternative to Detention programming for Juvenile Delinquents. The Tioga County Legislature agrees to accept this reimbursement funding format; therefore be it

RESOLVED: That the Tioga County Legislative Chair is approved to contract with the Office of Children and Family Services for STSJP funding as follows:

Probation Department – Juvenile Delinquency Alternatives to Detention

Reminder Call, Electronic Monitoring	\$15,634.00
State Share	\$ 9,693.08
County Share	\$ 5,940.92

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 267-22 *AUTHORIZE CAPITAL PROJECT
AMERICAN RESCUE PLAN ACT (ARPA)
CAPITAL APPROPRIATION REQUEST 001*

WHEREAS: The Safety Committee has identified a need and made a recommendation to the Tioga County Legislature for the improvement of Security facilities at 56 Main St in Owego NY; and

WHEREAS: American Rescue Plan Act “ARPA” funds have been budgeted in the Tioga County 2022 Capital Budget for use specifically as designated by the Tioga

County Legislature for Security Improvements to both the HHS Building and 56 Main St; and

WHEREAS: Upon the successful receipt and review of the One Time ARPA request form(s), both the Legislative Chair and the ARPA Fund Administrator have granted their approval of the form, and have submitted the request to the Tioga County Legislature for final review and approval; and

WHEREAS: The Tioga County Legislature shall oversee and authorize all ARPA expenditures whether budgeted or not; therefore be it

RESOLVED: That invoices related to the Security Upgrades for 56 Main St in Owego NY to be paid with ARPA funds are to be appropriated from the following account for no more than the amount requested:

From: H1620 520911 M7674 56 Main Renovations \$30,691.60

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 268-22 *AUTHORIZE CONTRACT WITH EMPLOYEE
NETWORK, INC. (eni) FOR EMPLOYEE ASSISTANCE
PROGRAM*

WHEREAS: Tioga County employees are covered under an Employee Assistance Program (EAP) and the current vendor contract expires December 31, 2022; and

WHEREAS: In accordance with the Tioga County Purchasing and Payment Policy quotes were obtained from three (3) EAP providers; and

WHEREAS: The Personnel Department reviewed and compared the pricing and services offered by each vendor; and

WHEREAS: Employee Network, Inc. (eni), a company that has been providing EAP services for over 30 years and who has other NYS public sector clients, has submitted a proposal to provide Tioga County's EAP for a three (3) year term at a rate of \$1.32/per covered employee per month with two (2) 1-year options to renew; and

WHEREAS: eni can provide up to 8 in-person counseling sessions for eligible employees and members of their household, along with two hours of training per year, and two hours of critical incident stress debriefing; and

WHEREAS: The EAP is a negotiated benefit for CSEA union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with eni, subject to review by the County Attorney, to administer our Employee Assistance Program for full-time and part-time employees at a cost of \$1.32/per covered employee per month effective January 1, 2023 through December 31, 2025.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 269-22 *AUTHORIZE PURCHASE OF SPECIFIC EXCESS AND
EMPLOYER'S LIABILITY INSURANCE FOR WORKERS'
COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy and employer's liability insurance policy expire December 31, 2022; and

WHEREAS: The Tioga County Self-Insurance Plan by-laws allow for the purchase of excess or catastrophic insurance; and

WHEREAS: The continuance of both excess and employer's liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of specific excess insurance and employer's liability insurance, subject to review by the County Attorney, from an A- Rated or better insurance company for the period of January 1, 2023 through December 31, 2023 to be paid for out of the 2023 Tioga County Self-Insurance budget.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 270-22 *AUTHORIZE REIMBURSEMENT FROM REMAINING
HAVA SHOEBOS GRANT FUNDS AND
BUDGET AMENDMENT*

WHEREAS: The Tioga County Board of Elections is managing two unexpected and additional federal elections in the year 2022 that were not included in the 2022 budget; and

WHEREAS: Expenditures related to the implementation of federal elections are allowable for reimbursement under the HAVA SHOEBOS Grant; and

WHEREAS: Tioga County still has \$16,910.22 SHOEBOS funds available to spend; and

WHEREAS: The Tioga County Board of Elections has made and will be making expenditures to which these funds may be applied; therefore be it

RESOLVED: That the Tioga County Board of Elections is authorized to apply for and accept the remaining \$16,910.22 of HAVA SHOEBOS reimbursement funding and apply to allowable election expenses under the SHOEBOS contract as deemed appropriate by the Tioga County Election Commissioners; and be it further

RESOLVED: That the 2022 budget be modified and funds be appropriated to the following accounts:

FROM:	A1450-440890	Federal Aid-HAVA	\$16,910.22
TO:	A1450-540490	Election Expense	\$16,910.22

And be it further

RESOLVED: That any remaining SHOEBOX revenue not appropriated in 2022 shall carry over and be available for appropriation until all SHOEBOX funds have been expended.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 271-22 *AUTHORIZE ACCEPTANCE OF THE NYS
2021-2022 PSAP OPERATIONS GRANT AND
MODIFY 2022 BUDGET*

WHEREAS: The Sheriff's Office applied and was awarded a NYS Office of Interoperable and Emergency Communications PSAP Operations grant in the amount of \$129,044; and

WHEREAS: This funding will reimburse the E911 budget for Dispatcher personnel service costs incurred in 2022; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the acceptance of this award; and be it further

RESOLVED: That the 2022 budget be modified to reflect this state aid and that this funding be receipted with the following revenue account.

Revenue Account: A3020 433310 \$129,044

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 272-22 *2022 BUDGET MODIFICATION AND
TRANSFER OF FUNDS FOR
PURCHASE OF OFFICE CHAIRS FOR THE
LEGISLATIVE OFFICE*

WHEREAS: The Legislative Office has two office chairs in need of replacement; and

WHEREAS: The Legislative Office budget does not have an established budget line for Chairs; and

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

RESOLVED: That the Legislative Office 2022 budget be modified by establishing a new budget line (A1010 520070) and that the following sums be transferred to cover the cost of the new office chairs.

From:	A1010 540485 Printing/Paper	\$350.00
	A1010 540390 Mileage	\$150.00
To:	A1010 520070 Chairs (New)	\$500.00

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

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. 273-22 AMEND 2022 BUDGET
CONTINGENCY TRANSFER REQUEST
MEDICAL EXAMINERS & CORONERS

WHEREAS: The Tioga County Coroner has reported a higher than expected number of deaths and autopsy cases for 2022, and the A1185 Medical Examiners and Coroners accounts will not have sufficient funds for the remainder of 2022 to cover the anticipated costs; and

WHEREAS: Funds will need to be transferred from the Tioga County Contingency account in order to accommodate the increasing number of cases as reported by the Tioga County Coroner; and

WHEREAS: Amending of the 2022 Budget and the appropriation of Contingent accounts require Legislative approval; therefore be it

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

FROM:	A1990 540715 Contingency Account	\$25,000.00
TO:	A1185 540370 Medical Expense	\$25,000.00

Legislator Standinger spoke. “We have four coroners in this County and two of them seem to do most of the cases. Unfortunately, it is very difficult to predict how many cases each year and that is the reason why Contingency funds have

to be addressed. We are grateful we have an Administrative Coroner that does an excellent job trying to forecast the needs."

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 274-22 *TRANSFER FUNDS FROM CONTINGENCY AND AMEND VARIOUS ENERGY BUDGET LINES*

WHEREAS: The cost of energy has risen significantly over the last year; and

WHEREAS: The funds in various budget lines will be insufficient; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

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

From: A1990.540175 Contingency Account	\$109,000.00
To: A1620.540191 Electric Utility	\$ 36,000.00
To: A1620.540220 Automobile Fuel	\$ 3,000.00
To: A1621.540191 Electric Utility	\$ 30,000.00
To: DM5130.540222 Diesel Fuel	\$ 40,000.00

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 275-22 AMEND BUDGET AND TRANSFER FUNDS
PUBLIC WORKS

WHEREAS: Tioga County has a culvert in need of replacement due to an inspection by Tioga County DPW; and

WHEREAS: The Commissioner has received bids for the replacement of this culvert on Michigan Hollow Road and there are no funds for this project in the current budget; and

WHEREAS: There are funds available from CHIPS funding; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H5110.540001.H2004 – Paving Projects \$900,000.00

To: H5110.540004.H2201 – Michigan Hollow Road Bridge \$900,000.00

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 276-22 AMEND BUDGET AND TRANSFER FUNDS
FOR CHILLER REPLACEMENT

WHEREAS: Tioga County has budgeted for the replacement of the chiller at the Public Safety Building; and

WHEREAS: Bids were received for the subject project and the budgeted amount is insufficient; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: H.390900	Fund Balance-Unrestricted	\$200,000
To: H1620.520926	HVAC Control System	\$200,000

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 277-22 *AMEND BUDGET AND APPROPRIATE FUNDS
MENTAL HYGIENE AND PUBLIC HEALTH*

WHEREAS: The New York State Department of Health has instituted a mandatory New York State Health Care and Mental Hygiene Worker Bonus (HWB) Program whereby it is the employers responsibility to submit its eligible workforce for the bonus; and

WHEREAS: A qualified employer who fails to identify, claim, and/or pay any bonus for more than 10 percent of bonus eligible workers may be subject to penalties of up to \$1,000.00 per violation of the HWB Program; and

WHEREAS: Tioga County Mental Hygiene (TCMH) and Tioga County Public Health (TCPH) have both identified eligible workforce employees; and

WHEREAS: Tioga County will incur no local share increase, as New York State will also reimburse "fringe benefit" costs associated with the HWB; and

WHEREAS: Budget Officer will need to modify "fringe benefit" budget lines as is appropriate; and

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

RESOLVED: That the budget be modified and appropriated as follows:

From: A4210-434890-HWB1	SA Other-Health Care Workers Bonus	\$ 30,000.00
To: A4210-510050-HWB1	Salary All Other	\$ 30,000.00
From: A4309-434890-HWB1	SA Other-Health Care Workers Bonus	\$ 3,000.00
To: A4309-510050-HWB1	Salary All Other	\$ 3,000.00
From: A4310-434890-HWB1	SA Other-Health Care Workers Bonus	\$ 60,000.00
To: A4310-510050-HWB1	Salary All Other	\$ 60,000.00
From: A4011-434890-HWB1	SA Other-Health Care Workers Bonus	\$ 12,000.00
To: A4011-510050-HWB1	Salary All Other	\$ 12,000.00

And be it further

RESOLVED: That the Budget Officer is authorized to make adjustments to "fringe benefit" budget lines as is appropriate; and be it further

RESOLVED: That available funds on 12/31/22 of this amendment and appropriation will be carried forward into the New Year.

Legislator Standinger spoke. "This money is the result of State funds that pick winners and losers, as far as who gets it. I think it is bad policy to do that. We have a responsibility to distribute this money, as we are asked to do, so that is the purpose of this resolution."

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 278-22 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

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

WHEREAS: The award is designated for Creating Healthy Schools & Communities, which is a partnership between Broome and Tioga Counties; and

WHEREAS: Creating Healthy Schools & Communities is an area of focus for Public Health; and

WHEREAS: The funding will pass through Broome County to Tioga County Public Health; 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	\$ 75,000
To: A4053 540640	Public Health: Supplies	\$ 75,000

And be it further

RESOLVED: That available funds on 12/31/22 of the original \$75,000 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

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

RESOLUTION NO. 279-22 APPROPRIATION OF FUNDS AND
BUDGET MODIFICATION
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated additional pass through state aid funding for the purpose of Ongoing Integrated Supported Employment, Family Peer Support, Care Management, Health Home Service Dollars, Drop-In Center, Advocacy/Support Services (Warm-Line), Psycho Social Club, and Supported Housing; and

WHEREAS: TCMH has contracted with Catholic Charities, AspireHopeNY, NYS/Elmira Psych Center and Rehabilitative Support Services to provide these services to Tioga County residents; and

WHEREAS: TCMH will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: Appropriation of funds and Budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A4310-434900	State Aid-Mental Health	\$12,591.00
To: A4311-540595	Services Rendered (Other)	\$ 705.00
To: A4320-540590	Services Rendered	\$ 2,735.00
To: A4321-540130	Contracts	\$ 814.00
To: A4321-540640-ADULT	ADULT Supplies	\$ 396.00
To: A4321-540640-CHILD	CHILD Supplies	\$ 376.00
To: A4321-540590	Services Rendered	\$ 209.00
To: A4333-540130	Contracts	\$ 6,704.00
To: A4333-540140	Contracted Services	\$ 652.00

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

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. 280-22 *APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES*

WHEREAS: Additional funding has been awarded to Tioga County Department of Social Services from the Office of Children and Family Services for Non-Residential Domestic Violence Services; and

WHEREAS: A New Hope Center is the approved Non-Residential Domestic Violence Program in Tioga County; and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.446100 Federal Aid: Administration	\$ 39,966
To: A6010.540140 Contracting Services	\$ 39,966

And be it further

RESOLVED: That available funds on 12/31/22 of the original \$39,966 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 281-22 APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: Resolution 22-99 authorized the Department of Social Services to apply for funds from the “Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program”; and

WHEREAS: The Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program has awarded the Tioga County Department of Social Services three (3) years of funds to assist in the implementation of the Child Advocacy Center; and

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

RESOLVED: That funding be appropriated as follows:

From: A6050.436100 State Aid: Administration	\$ 339,575.37
To: A6050.520190 Nursing/Medical Equipment	\$ 10,716.37
To: A6050.520020 Audio Visual Equipment	\$ 11,590.00
To: A6050.540140 Contracting Expenses	\$ 310,459.00
To: A6050.540487 Program Expense	\$ 6,810.00

And be it further

RESOLVED: That available funds on 12/31/22 of the original \$339,575.37 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 282-22 CLOTHING ALLOWANCE FOR
THE SAFETY OFFICER

WHEREAS: The Occupational Safety and Health Administration (OSHA) requires employers protect employees from workplace hazards that can cause injury or illness and must provide personal protective equipment (PPE) and ensure its use; and

WHEREAS: The Safety Officer is required to wear personal protective equipment on the Department of Public Works worksites; therefore be it

RESOLVED: That the Safety Officer shall be authorized to purchase personal protective equipment which meets OSHA General Industry PPE Standards as required for the Safety Officer's use on Tioga County work sites in an amount not to exceed two hundred fifty dollars (\$250USD).

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 283-22 APPROVE SOLE SOURCE REPAIR OF
GENERATOR AT PSB

WHEREAS: The backup generator at the Public Safety Building has developed an issue with the radiator; and

WHEREAS: The Commissioner of Public Works received a quote for the repair of the generator, from Independent Field Services, LLC for the amount of \$12,900.00; and

WHEREAS: Legislative approval is required for all sole source purchases; and

WHEREAS: Independent Field Services, LLC has done work on the generator at the HHS building and has performed exceptionally and the Commissioner of Public Works has deemed this company is the best option to do the work; and

WHEREAS: This repair work will be in Tioga County's best financial interest as it is the best company to do the work; and

WHEREAS: This repair work needs to be done in the most expedient manner possible as the Public Safety Building needs to have backup power and this company is also Tioga County's best option to get this work done as quickly as possible; and

WHEREAS: Funds are available for the repair of the generator from Account A1620.540140; therefore be it

RESOLVED: That the Tioga County Legislature approve the repair work of the generator to Independent Field Services, LLC in the amount of \$12,900.00 to be paid out of A1620.540140.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 284-22 *AWARD BID FOR THE CULVERT REPLACEMENT
ON MICHIGAN HOLLOW ROAD*

WHEREAS: Tioga County has a culvert in need of replacement due to an inspection by Tioga County DPW; and

WHEREAS: On August 25, 2022, the Department of Public Works received sealed bids from the following contractors:

Economy Paving, Corp	\$799,999.99
R. DeVincentis Construction	\$810,000.00
Silverline Construction	\$850,126.00
Procon Contracting	\$877,000.00
Bothar Construction	\$997,997.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the bid to the low bidder, Economy Paving, Corp., Cortland, NY not to exceed \$799,999.99 to be paid out of the Michigan Hollow Bridge Account H5110.540004.H2201.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 285-22 *AWARD BID FOR CHILLER REPLACEMENT
AT THE PUBLIC SAFETY BUILDING*

WHEREAS: The Commissioner of Public Works budgeted for this project; and

WHEREAS: On August 2, 2022, the Department of Public Works received sealed bids from the following contractors:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate 1</u>	<u>Chiller Rental</u>	<u>Total</u>
Postler & Jaeckle	\$452,000.00	\$41,693.00	\$22,600.00	\$516,293.00
Tri-County Refrigeration	\$506,155.00	\$38,748.00	\$33,980.00	\$578,883.00
Evans Mechanical	\$537,800.00	\$61,700.00	\$55,200.00	\$654,700.00

J & K Plumbing \$565,000.00 \$83,000.00 \$42,500.00 \$690,500.00

Therefore be it

RESOLVED: That the Tioga County Legislature award the Base bid, Alternate #1 and Chiller Rental to the low bidder, Postler & Jaeckle, Endicott, NY not to exceed \$516,293.00 to be paid out of the following accounts:

H1620.520926.M7674	\$400,000
H1620.520926	\$116,293

Legislator Weston made a motion to amend the RESOLVED statement to accurately reflect the amounts in the expense accounts, seconded by Legislator Monell to read as follows:

RESOLVED: That the Tioga County Legislature award the Base bid, Alternate #1 and Chiller Rental to the low bidder, Postler & Jaeckle, Endicott, NY not to exceed \$516,293.00 to be paid out of the following accounts:

H1620.520926.M7674	\$327,648.03
H1620.520926	\$188,644.97

ROLL CALL VOTE ON AMENDMENT

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

AMENDMENT ADOPTED.

ROLL CALL VOTE ON RESOLUTION AS AMENDED

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED AS AMENDED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 286-22 *CREATE AND FILL SEASONAL SOCIAL WELFARE EXAMINER POSITIONS AND SEASONAL OFFICE SPECIALIST I POSITIONS FOR THE HEAP PROGRAM DEPARTMENT OF SOCIAL SERVICES*

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

WHEREAS: The Home Energy Assistance Program (HEAP) will tentatively begin outreach in mid-August and be in full season on November 1, 2022; and

WHEREAS: The Social Services budget allows for the hiring of the following staff for the HEAP Program:

Two, full-time, seasonal Social Welfare Examiners for the period September 26, 2022 through February 24, 2023 at the starting salary of \$15.70 per hour, and

One, full-time seasonal Office Specialist I for the period September 26, 2022, through March 10, 2023, at the starting salary of \$13.20 per hour, and

One, full-time, seasonal Office Specialist I for the period October 11, 2022, through February 24, 2023, at the starting salary of \$13.20 per hour, and

One, full-time, seasonal Office Specialist I for the period October 11, 2022, through January 27, 2023, at the starting salary of \$13.20 per hour; and

WHEREAS: The NYS Minimum Wage is scheduled to increase on December 31, 2022, to a rate to be published by the Commissioner of Labor on or before October 1, 2022, and Tioga County intends to pay at least minimum wage so the hourly rates for Office Specialist I positions will be adjusted accordingly as of December 31, 2022; therefore be it

RESOLVED: That the Department of Social Services be authorized to create and fill the seasonal HEAP positions listed above and where required, appoint from the appropriate eligible list.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 287-22 *AUTHORIZE APPOINTMENT OF
SOFTWARE SUPPORT LIAISON
INFORMATION TECHNOLOGY &
COMMUNICATION SERVICES*

WHEREAS: Legislative approval is required for any appointment to a management/confidential position within Tioga County; and

WHEREAS: The Chief Information Officer has identified a qualified candidate to fill said position; therefore be it

RESOLVED: That the Chief Information Officer is authorized to provisionally appoint Joseph Monroe as Software Support Liaison at an annual salary of \$38,212 effective September 26, 2022, pending successful completion of civil service examination requirements.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 288-22 *AUTHORIZE APPOINTMENT OF
DEPUTY DIRECTOR OF
INFORMATION TECHNOLOGY &
COMMUNICATION SERVICES*

WHEREAS: Legislative approval is required for any appointment to a management/confidential position within Tioga County; and

WHEREAS: The Chief Information Officer has identified a qualified candidate to fill said position; therefore be it

RESOLVED: That the Chief Information Officer is authorized to provisionally appoint Brandon Clark as Deputy Director of ITCS at an annual salary of \$75,000 effective September 26, 2022, pending successful completion of civil service examination requirements.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 289-22 *AUTHORIZE OUT-OF-TITLE PAY
DEPARTMENT OF MOTOR VEHICLES*

WHEREAS: Article 4 Section E of the current collective bargaining agreement allows for out-of-title pay if an employee performs the duties of a higher pay grade for more than 20 days; and

WHEREAS: Joyce Costantini, Motor Vehicle Bureau Supervisor (CSEA SG XI), was on a leave of absence from November 1, 2021 through December 13, 2021; and

WHEREAS: At the request of the County Clerk, Lisa Chandler, Principal Motor Vehicle License Clerk (CSEA SG VII) carried out the duties of Motor Vehicle Bureau Supervisor for a portion of said duration; and

WHEREAS: Legislative approval is required to authorize the payment of out-of-title salary at the applicable higher pay grade; therefore be it

RESOLVED: That the Tioga County Legislature authorizes out-of-title pay for Lisa Chandler reflective of a retroactive annual increase of \$7,950.00 for the duration from November 15, 2021 to December 13, 2021.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 290-22 AMEND EMPLOYEE HANDBOOK:
SECTION VIII: COMPREHENSIVE SECURITY POLICY;
SUBSECTION XII – INFORMATION SECURITY OFFICER

WHEREAS: The Chief Information Officer has recommended operational responsibility modifications to increase the Information Security posture within Tioga County; and

WHEREAS: The Chief Information Officer has reviewed the County's Comprehensive Security Policy and recommended Subsection XII – Audience - Information Security Officer be amended to reflect the operational responsibility modifications; therefore be it

RESOLVED: That the Comprehensive Security Policy; Subsection XII – Audience - Information Security Officer be amended as follows:

VII. Audience – Information Security Officer

A. Duties and description of an Information Security Officer

The County shall appoint an Information Security Officer who is responsible for implementing and monitoring a consistent data security program. The Information Security Officer shall:

- Report directly to the Chief Information Officer to help improve and communicate the maturity levels of information security, state of and information technology risk priorities across Tioga County networks and systems.
- Be responsible for overseeing information security, cyber security and IT risk management programs based on industry-accepted information security and risk management frameworks.
- Provide proactive identification and mitigation of IT risks as well as responding to observations identified by third party auditors or examiners.
- Review the Information Security Policy on an annual basis for both accuracy and to ensure continued HIPAA compliance. If changes in policy are necessary, those changes shall be submitted for review and approval by the Legislature with the report.
- Coordinate every two years a Risk Assessment that may be conducted by an external consultant. The Risk Assessment will review current security policies, the County's compliance therewith and identify any deficiencies. The results of the Risk Assessment will be used to create a Risk Assessment Report that shall be submitted to the Legislature for review and approval. The assessment will be conducted every two years and results will be presented to the Tioga County Legislature about twelve weeks after.
- Create a *Risk Mitigation and Management Plan* from the results of the Risk Assessment and present to the Legislature for review on or about 16 weeks from the date of the Risk Assessment. This plan will suggest remedies and solutions for deficiencies identified in the Risk Assessment. These deficiencies will be remedied or a Legislature-approved plan prepared to address the deficiency by, on or about 24 weeks from the date of the Risk Assessment. The Information Security Officer is responsible for ensuring that risk mitigation is assigned to appropriate parties and completed within a reasonable amount of time.
- Develop and manage the frameworks, processes, tools and consultancy necessary for ITCS to properly manage risk and to make risk-based decisions related to IT activities.
- Development of periodic reports and dashboards presenting the level of control compliance and current information security risk posture.
- Participate in tabletop Emergency Response exercises as outlined in this policy.
- Work with the County Attorney to investigate information security breaches; ensure compliance with any and all reporting protocols required by the applicable statutes, rules and regulations and County policies; ensure that corrective measures and procedures to prevent, detect and contain future information security breaches are

implemented. Monitor information security activities and oversee the application of specified security procedures.

- Assist personnel in assessing data to determine classification level.
- Facilitate ITCS security management education and training, including but not limited to annual cyber awareness training for all Tioga County users.

ROLL CALL VOTE

Yes – Legislators Standinger, Weston, Ciotoli, Monell, Mullen, and Sauerbrey.

No – None.

Absent – Legislators Brown, Hollenbeck, and Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:32 P.M.

Public Hearing
Adoption of New NYS Agriculture & Markets
Agricultural Districts SEQR Short Environmental Assessment Form
September 22, 2022

The Public Hearing on the adoption of the new NYS Agriculture & Markets Agricultural Districts SEQR Short Environmental Assessment Form was called to order by the Chair at 10:00 A.M. Six Legislative members were present with Legislators Hollenbeck, Mullen, and Weston being absent.

There were 15 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

County Planning Director Jardine spoke. "I just wanted to explain that Ag & Markets recently got sued by some residents in Suffolk County for not doing SEQR process correctly for agricultural district reviews either in the annual inclusion process or the 8-year review process. So, part of the fix for this is the adoption of this new SEQR Short Form just for agricultural district modifications. Following this public hearing, the Legislature can move forward with adopting the new form. This is the process that is being pursued in Tioga County."

Legislator Standinger spoke. "How does this new SEQR form benefit us?"

County Planning Director spoke. "We were doing the SEQR process incorrectly for agricultural district reviews. We were not considering NYS Agriculture & Markets as the lead agency. We were considering Tioga County as the lead agency, which was not right. So, we are going through this whole process of the new SEQR Form and next month I will have a cooperative agreement for the Legislature to consider, as well as a resolution to adopt the new SEQR Form and then we will be doing the process correctly. We are following the direction from NYS Agriculture & Markets."

There being no public comments, the hearing was adjourned at 10:03 A.M.

Public Hearing
Discussion on the Restore NY Communities Initiative Round 6
Application and Property Assessment List for the
River House Confectionery & Mercantile Rehabilitation Project
September 22, 2022

The Public Hearing on the discussion of the Restore NY Communities Initiative Round 6 Application and Property Assessment List for the River House Confectionery & Mercantile Rehabilitation Project was called to order by the Chair at 10:05 A.M. Six Legislative members were present with Legislators Hollenbeck, Mullen, and Weston being absent.

There were 15 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

Economic Development Specialist Schnabl spoke. "Tioga County is applying on behalf of River House Confectionery & Mercantile for a Restore NY Round 6 grant. They are the current owner of Fuddy Duddy's on Lake Street, Owego, NY and they purchased the buildings on the Front Street, Owego, NY to rehabilitate them to expand their business and house their production, retail, and warehousing space.

Legislative Chair Sauerbrey spoke. "Can you explain the process and the estimated time?"

"The County is the applicant, so we have to hold a public hearing and following today's public hearing, the County Legislature will adopt the resolution to officially apply for the funds through Restore NY. Our best guess is probably year-end 2022 or early 2023 before the County will know about the grant award."

Legislator Roberts spoke. "The grant is up to \$2 million dollars, so is the application for a specific amount or are we seeking the full \$2 million dollars?"

Economic Development Specialist Schnabl spoke. "The allowed grant award is based upon the size and type of the building (brick and mortar), so the \$2 million is the maximum allowed by the grant program."

Legislator Brown spoke. "Is there a matching component?"

Economic Development Specialist Schnabl spoke. "Yes, there is at least a 10% match required. The State will decide on the matching percentage."

There being no public comments, the hearing was adjourned at 10:08 A.M.

Public Hearing
Discussion on the Restore NY Communities Initiative Round 6
Application and Property Assessment List for the
Tioga Trails Rehabilitation Project
September 22, 2022

The Public Hearing on the discussion of the Restore NY Communities Initiative Round 6 Application and Property Assessment List for the Tioga Trails Rehabilitation Project was called to order by the Chair at 10:10 A.M. Six Legislative members were present with Legislators Hollenbeck, Mullen, and Weston being absent.

There were 15 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

Economic Development Specialist Schnabl spoke. "We are not 100% sure whether this project will move forward, but since there is still a possibility, we are still going through the process of the public hearing in case we do submit the application. Right now, there is an issue with ownership of the building. The developer has to have full site control of the building, which is currently being determined whether they want to do that or if they can move forward in the allowed timeframe that we have to submit the grant."

Legislative Chair Sauerbrey spoke. "I know the building and I sincerely hope that the ownership gets settled because that building needs to be addressed. It is a threat to the safety of the community, and I know that our village code enforcement officers are here today, but something needs to be done with that building. Some improvements need to be done or it will be condemned, and it will be even worse, or someone will get hurt and there will be a huge suit."

Village of Owego Code Enforcement Officer Knapp spoke. "The ownership battle is currently in the District Attorney's hands right now."

Village of Owego Resident Karen Warfle spoke. "I do not know if this is appropriate at this time, but as a resident of the Village of Owego I agree that the building needs to be taken care of whoever the owners end up being. I am here as a representative of the Tioga County Transition to Life Opportunities Task Force. This group has nothing to do with the County itself, but we are a group of residents and people who work in the County who are concerned with advancing the opportunities for people with disabilities, including my son, for living their lives as independently and fully as they can. We took a tour of the building with the hopes that the idea the restaurant area could be used as a training

ground and work opportunity for people with disabilities, such as a café or something to that effect and possibly residential in the upper floors. The problem with that is parking. If people require staff to assist them in being able to live independently, they have those folks that would be coming to park in the area and then the people and their families. That is our hope and, again, I do not know if this is the place to bring that up. But, if not the Tioga Trails building, then maybe something else in the community where there is the ability to walk and get around easily since transportation is also an issue in the County, but just be considering opportunities with people with disabilities to have a place to work and do it in a supportive environment. Thank you."

There being no public comments, the hearing was adjourned at 10:14 A.M.

Eighth Special Meeting
September 22, 2022

The Eighth Special Meeting of 2022 was held on September 22, 2022 and was called to order by the Chair at 10:15 a.m. Legislators Brown, Ciotoli, Monell, Roberts, Sauerbrey, and Standinger were present with Legislators Hollenbeck, Mullen, and Weston being absent.

Chair Sauerbrey asked Legislator Standinger to have a moment of prayer. "Lord, we ask for guidance for conducting the business of the Tioga County residents and we are grateful that we are in a free country with a Constitution that dictates how its run. We ask that you also give guidance to those in the State and Washington, DC."

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

There were 11 people in attendance.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 291-22 *AUTHORIZATION FOR ECONOMIC DEVELOPMENT AND PLANNING TO SUBMIT GRANT APPLICATION TO RESTORE NEW YORK COMMUNITIES INITIATIVE ROUND 6 ("RESTORE NY") GRANT FUNDING AND AUTHORIZE LEGISLATIVE CHAIR SIGNATURE ON GRANT RELATED DOCUMENTS FOR REHABILITATION OF BUILDING AT 178-180 FRONT STREET, VILLAGE OF OWEGO*

WHEREAS: Forest Hill Merchant Properties, LLC intends to rehabilitate a blighted, vacant mixed-use building for their River House Confectionery and Mercantile rehabilitation project located at 178-180 Front Street, Owego, NY 13827; and

WHEREAS: The rehabilitated mixed-use building will be used to house River House Confectionery and Mercantile, including storage space in the basement, retail space on the first floor, working space on the second floor, and an apartment and office space on the third floor; and

WHEREAS: The Restore NY program is administered by NYS Empire State Development (ESD) and provides municipalities with financial assistance for the

revitalization of commercial and residential properties and encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures; and

WHEREAS: This project is consistent with Tioga County's effort to revitalize commercial and residential properties that make up the downtown or "Main Street" areas of the County per Resolution 159-03; and

WHEREAS: The proposed financing is appropriate for this project; and

WHEREAS: This proposed project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

WHEREAS: This project will develop and enhance infrastructure in a manner that will attract, create, and sustain employment; and

WHEREAS: Tioga County is proposing the submittal of an application under the Restore NY program of up to \$2 million to assist Forest Hill Merchant Properties, LLC with the aforementioned project, with a match to be provided by the property owner; and

WHEREAS: The proposed project is an eligible activity under the Restore NY program and Tioga County, NY, is an eligible entity to apply for and receive Restore NY funds; therefore be it

RESOLVED: That the Tioga County Legislature authorizes said grant application of up to \$2 million and upon award, authorizes the Chair of the Legislature to sign any and all grant-related contract and other paperwork, contingent upon review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Standinger, Brown, Ciotoli, Monell, Roberts, and Sauerbrey.

No – None.

Absent – Legislators Hollenbeck, Mullen, and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 292-22 *AUTHORIZATION FOR ECONOMIC DEVELOPMENT AND PLANNING TO SUBMIT GRANT APPLICATION TO RESTORE NEW YORK COMMUNITIES INITIATIVE ROUND 6 ("RESTORE NY") GRANT FUNDING AND AUTHORIZE LEGISLATIVE CHAIR SIGNATURE ON GRANT RELATED DOCUMENTS FOR REHABILITATION OF BUILDING AT 48-50 LAKE STREET, VILLAGE OF OWEGO*

WHEREAS: Nelson Development Group, LLC intends to rehabilitate a blighted, vacant mixed-use building for their Tioga Trails rehabilitation project located at 48-50 Lake Street, Owego, NY 13827; and

WHEREAS: The mixed-use building will be rehabilitated to include commercial spaces on the first floor and residential apartments on the second and third floors; and

WHEREAS: The Restore NY program is administered by NYS Empire State Development (ESD) and provides municipalities with financial assistance for the revitalization of commercial and residential properties and encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures; and

WHEREAS: Tioga County is proposing the submittal of an application under the Restore NY program of up to \$4 million to assist Nelson Development Group, LLC with the aforementioned project, with a match to be provided by the property owner; and

WHEREAS: This project is consistent with Tioga County's effort to revitalize commercial and residential properties that make up the downtown or "Main Street" areas of the County per Resolution 159-03; and

WHEREAS: The proposed financing is appropriate for this project; and

WHEREAS: This proposed project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

WHEREAS: This project will develop and enhance infrastructure in a manner that will attract, create, and sustain employment; and

WHEREAS: The proposed project is an eligible activity under the Restore NY program as stated above and Tioga County, NY, is an eligible entity to apply for and receive Restore NY funds; therefore be it

RESOLVED: That the Tioga County Legislature authorizes said grant application of up to \$4 million and upon award, authorizes the Chair of the Legislature to sign any and all grant-related contract and other paperwork, contingent upon review by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Standinger, Brown, Ciotoli, Monell, Roberts, and Sauerbrey.

No – None.

Absent – Legislators Hollenbeck, Mullen, and Weston.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:17 A.M.

Tenth Regular Meeting
October 11, 2022

The Tenth Regular Meeting of 2022 was held on October 11, 2022 and was called to order by the Chair at 12:03 p.m. Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Weston were present with Legislator Hollenbeck being absent.

Chair Sauerbrey asked Legislator Weston to have a moment of prayer. "Lord, in short, please help us to make decisions to assist the powers we have to make those decisions that will enable us to save our county and its citizens."

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

There were 10 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Legislator Weston read and presented the following resolution to Commissioner of Public Works Hammond, who accepted on behalf of employee, David Ayers, Public Works.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO:	PUBLIC WORKS COMMITTEE
RESOLUTION NO. 293-22	<i>RECOGNIZING DAVID AYERS' 33 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY</i>

WHEREAS: David Ayers started his employment with Tioga County as temporary Laborer of Public Works on September 6, 1988; and was hired full-time permanent on December 30, 1988; and was promoted to Motor Equipment Operator I in July 1990; and was promoted to Motor Equipment Operator II in September 2000; and was promoted to Motor Equipment Operator III in January 2001; and was promoted to Heavy Equipment Operator I in October 2003; and was promoted to Heavy Equipment Operator II in May 2008; and

WHEREAS: David Ayers has been a dedicated and loyal employee in the performance of his duties and responsibilities during the past 33 years to the Public Works Department. He has earned the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Mr. Ayers is retiring on October 26, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to David Ayers for his 33 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this dedicated and outstanding employee, David Ayers.

ROLL CALL VOTE

Unanimously Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED UNANIMOUSLY.

Commissioner of Public Works Hammond spoke. "Thank you, Legislator Weston. David Ayers is the gentleman that runs the boom mower for Tioga County. That is a position in the County where you could get away with murder if you were that kind of a person. I don't mean because he runs the mower, I mean because he is unsupervised the entirety of his workday. I never had any issues with Dave. He gets to work, he gets his stuff, he gets out the door, he mows all day long, and then comes back. He did not want to come here today because he is used to riding in the mower all by himself and is afraid of crowds. He even took the day off today just to make sure that I would not drag him down here. I will make sure he receives this recognition resolution."

Legislator Weston spoke. "I would like to say one more thing. I have seen his work when I drive up and down Halsey Valley Road and a lot of other roads he is responsible for mowing. He does a superior job. When his truck is there, the tractor is gone, and he is always on the job. He does an excellent job. Not realizing who it was because he likes to huddle up in the cab, I recently asked Gary who was doing the mowing and he responded that this is the person who is going to retire. That is too bad for us when we have a person who does a great job and cares about his

work and for that I give him all kinds of respect for what he has done for the County. Thank you."

Chair Sauerbrey reported we have one proclamation that will be noted in the minutes; **Lead Poisoning Prevention Week (October 23-29, 2022)**.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Lead poisoning is a serious, permanent condition that can lead to medical ailments, stunted physical and mental growth, behavioral problems, and developmental delays in children; and

WHEREAS: Lead poisoned children have increased medical costs, educational needs and increased risk for criminal behavior as adults; and

WHEREAS: The goal of New York State's Healthy People 2030 is to reduce blood lead levels in children; and

WHEREAS: New York State Public Health Law states that all one- and two-year-olds be tested for lead levels to identify poisoned children; and

WHEREAS: Tioga County Public Health works with medical providers and parents to advocate child lead testing to reduce the risk of exposure to lead in the home; and

WHEREAS: Between 2019-2021 Tioga County Public Health provided case management and environmental health services to 30 children with elevated blood lead levels; and

WHEREAS: Lead poisoning is completely preventable by knowing and eliminating all possible lead sources children may have access to; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the week of October 23-29, 2022 as

LEAD POISONING PREVENTION WEEK

and urges all residents to take steps to educate themselves, their families, and the community about the importance of lead poisoning prevention.

There was no privilege of the floor.

Legislator Mullen made a motion to approve the minutes of September 13 and 22, 2022, seconded by Legislator Brown 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.

Chair Sauerbrey made the following appointment to the Tioga County Personnel, ADA, Right to Know Legislative Standing Committee:

- Legislator Standinger – 10/12 – 12/31/22

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 294-22 SET PUBLIC HEARING
2023 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2023 be held at 10:00 A.M., Tuesday, November 15, 2022, in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 295-22 ERRONEOUS ASSESSMENT
TOWN OF OWEGO

WHEREAS: An application for Corrected Tax Roll for the year 2022 indicates that parcel #129.00-1-2.1 and 129.13-1-79.1 in the Town of Owego assessed to Thomas P Rizzuto and John P Rizzuto on the 2021 assessment roll of the Town of Owego is erroneous in that the Tioga County Industrial Development Agency (IDA) purchased both properties in December of 2021; and

WHEREAS: Properties purchased by the IDA are immediately transferred to roll section 8; and

WHEREAS: The 2022 bills were already printed in the name of the previous owners and the IDA did not become aware of the unpaid 2022 bill until they had become delinquent in the Office of the Treasurer; and

WHEREAS: The IDA agrees they are responsible for the payment of the unpaid school taxes; therefore be it

RESOLVED: That the 2022 Town and County portion of the bills be charged back to the proper accounts in the records of the Treasurer's Office, and new bills be issued as follows:

129.00-1-2.1	Original Bill #	Corrected Bill #
County	\$383.92	\$0.00
Town Wide	\$36.92	\$0.00
Part Town	89.25	\$0.00
School	\$945.73	\$945.73
Fire	\$102.08	0.00
Total	\$1,557.90	\$945.73

129.13-1-79.1	Original Bill #	Corrected Bill #
County	\$52.23	\$0.00
Town Wide	\$5.02	\$0.00
School	\$128.68	\$128.68
Total	\$185.93	\$128.68

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

REFERRED TO: AG LEGISLATIVE COMMITTEE
ED&P COMMITTEE

RESOLUTION NO. 297-22 *ADOPT AG & MARKETS COOPERATIVE AGREEMENT FOR SEQR RELATED TO AGRICULTURAL DISTRICT MODIFICATIONS*

WHEREAS: Tioga County Department of Economic Development & Planning is the administrator of the NYS Agricultural Districts Program pursuant to Article 25-AA of the New York State Agriculture & Markets Law; and

WHEREAS: NYS Department of Agriculture and Markets (Ag & Markets) is improving the SEQR process associated with unlisted modifications of Agricultural Districts; and

WHEREAS: After the required public hearing, the Tioga County Legislature adopted Ag & Markets' new SEQR Form; and

WHEREAS: Ag & Markets has also developed a cooperative agreement to establish procedures to eliminate the overlap and duplication in comment and review, and it is in the best interest of Ag & Markets and the County to create uniformity in SEQRA processes within the context of Article 25-AA for certain actions related to Agricultural Districts within the County; and

WHEREAS: As a result of this agreement all SEQR activities related to Agricultural District modifications will be undertaken in a coordinated review between Ag & Markets and the County, with the County being Lead Agency and Ag & Markets being an Involved Agency; and

WHEREAS: The Tioga County Attorney has reviewed and approved this cooperative agreement for Tioga County adoption; therefore be it

RESOLVED: That the Tioga County Legislature hereby adopts the Ag & Markets Cooperative Agreement for SEQR purposes related to Agricultural District modifications and hereby authorizes the Chair to sign said agreement.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 298-22 *SITE HOST AGREEMENT WITH
NEW YORK POWER AUTHORITY (NYPA)
FOR THE EVOLVE NY PROGRAM*

WHEREAS: The number of Electronic Vehicles (EV) purchased is increasing in Tioga County as well as across the country, and it has been found EV charging stations can be a tourist draw; and

WHEREAS: The Tioga County Sustainability Manager reached out to New York Power Authority (NYPA) EVolve NY program to suggest five (5) locations within Tioga County that fit the program criteria; and

WHEREAS: NYPA requires the County to enter into a Site Host Agreement to participate in the EVolve NY program; and

WHEREAS: It is the objective of the New York Power Authority's EVolve NY Program to provide the public with easy-to-find options, that are also within walking distance of food, shopping, restrooms and shelter, throughout the state for quickly recharging EV's; and

WHEREAS: NYPA has identified Tioga County's Courthouse parking lot in the Village of Owego as an ideal location for the EVolve NY program; and

WHEREAS: Tioga County's Courthouse parking lot has 70 spots that are rarely used and said parking lot is open to the public; and

WHEREAS: NYPA would install and maintain four (4) Fast Charging EV stations at no cost to Tioga County; and

WHEREAS: The County would maintain the parking lot in their usual manner such as snow removal and any required lawn maintenance; and

WHEREAS: NYPA is covering most risks associated with the charging stations but is requiring that the County cover losses due to flooding as the charging stations will be located within a flood plain; and

WHEREAS: The EV stations can be insured by the County's Inland Marine policy at an additional premium; and

WHEREAS: The Village of Owego is willing to pay the County \$500 annually which will cover the cost of this additional insurance premium for the duration of the NYPA ten (10) year Site Host Agreement; therefore be it

RESOLVED: That the County will enter into a MOU with the Village of Owego for the offset cost of providing insurance and siting the units for the duration of the NYPA ten (10) year Site Host agreement; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Legislative Chair or their designee to sign the Site Host Agreement upon approval by the County Attorney.

Legislator Roberts spoke. "I see Ellen left, but she did a great job on this and really worked hard on it, so I thank her for that."

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, and Standinger.

No – Legislators Roberts and Sauerbrey.

Absent – Legislator Hollenbeck.

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. 299-22 *AUTHORIZE AGREEMENT WITH
ONONDAGA COUNTY FOR MASTER SITE SERVER
RADIO NETWORK SERVICES AND
APPROPRIATION OF FUNDS RESERVE FOR E911
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Director of Emergency Services requests authorization to enter into an agreement with Onondaga County for Master Site Server Radio Network services, at a cost not to exceed \$43,125 per year, for the period September 1, 2022 through December 31, 2026; and

WHEREAS: Said agreement is necessary to allow Tioga County to utilize the Central New York Interoperable Communications Consortium Radio Network; and

WHEREAS: The Director of Emergency Services desires to use E911 Surcharge money to pay for said services; therefore be it

RESOLVED: That the Chair of the Legislature be authorized to execute an agreement with Onondaga County for Master Site Server Radio Network services

with the Office of Emergency Services for the period September 1, 2022 through December 31, 2026 at an annual cost of \$43,125; and be it further

RESOLVED: That the following budget be appropriated from the Reserve for E911 as follows:

FROM: A388903	Reserve for E911	\$43,125
TO: A3021.540140	Contracting Services	\$43,125

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 300-22 *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, 2023 through December 31, 2023; 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, 2023 through December 31, 2023.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO:	PERSONNEL COMMITTEE
RESOLUTION NO. 301-22	<i>AUTHORIZE CONTRACT WITH LIFETIME BENEFIT SOLUTIONS, INC. TO ADMINISTER FLEXIBLE SPENDING AND HEALTH REIMBURSEMENT ACCOUNT PROGRAMS</i>

WHEREAS: Tioga County currently uses the services of Lifetime Benefit Solutions, Inc. to administer Tioga County's flexible-spending and health reimbursement account programs; and

WHEREAS: Lifetime Benefit Solutions, Inc. has submitted a new contract to continue administering said programs and conduct all required compliance testing services; and

WHEREAS: The Flexible-Spending program is a negotiated benefit for all Tioga County unionized employees; and

WHEREAS: The Health Reimbursement Account is a negotiated benefit for CSEA union employees; and

WHEREAS: Both the employees and the County can save tax dollars on money channeled through the flexible spending program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Lifetime Benefit Solutions, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2023 through December 31, 2023; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2023 through December 31, 2023.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 302-22 *AUTHORIZE CONTRACT WITH
SYRACUSE TIME AND ALARM COMPANY*

WHEREAS: Tioga County DPW requires the Fire Alarms and Security Alarms to be maintained and serviced on an annual basis throughout county buildings; and

WHEREAS: Public Works has received a proposal from Syracuse Time and Alarm Company to provide such a service at an annual cost of \$10,594.00 based on NYS OGS pricing, Group 77201, Award 201491, Contract #PT64161; and

WHEREAS: All county contracts that exceed \$10,000.00 require Legislative approval; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is authorized to execute a contract with Syracuse Time and Alarm Company for \$10,594.00 to be paid out of the following accounts:

A1620.540140	\$8,294.00
A1621.540140	\$2,300.00

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
 RESOLUTION NO. 303-22 AWARD CONTRACT FOR CLEANING SERVICES
 FOR COUNTY BUILDINGS

WHEREAS: The Commissioner of Public Works received bids for cleaning services for the County Buildings on Wednesday, September 28, 2022 at 11:00 AM and the bids were as follows:

Cleantec Services

Liverpool, NY

<u>COB, B&G & DPW</u>	<u>HHS & PSB</u>	<u>Clerk's, CH, CHA</u>	<u>ALL BUILDINGS</u>
\$92,608.00	\$180,494.00	\$141,907.00	\$415,009.00

GDI Services

Syracuse, NY

<u>COB, B&G & DPW</u>	<u>HHS & PSB</u>	<u>Clerk's, CH, CHA</u>	<u>ALL BUILDINGS</u>
*\$79,718.52	*\$157,495.56	*\$120,994.56	*\$358,208.64

And

WHEREAS: The Commissioner of Public Works reviewed the bids; therefore be it

RESOLVED: That the Tioga County Legislature award the cleaning bid for all buildings to GDI Services in the amount of \$358,208.64 to be paid out of HHS Buildings Account A1621 540140 and all other buildings out of Buildings & Grounds Contracting Services account A1620 540140 for a term of two years commencing upon adoption of this resolution with price adjustment by the increase in prevailing wages at end of first year.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
 RESOLUTION NO. 304-22 RESOLUTION TO CONTRACT WITH NATIONAL TEST SYSTEMS FOR INSTANT URINE TESTS AND LAB TESTING

WHEREAS: Tioga County Probation needs to purchase instant urine testing products and lab services to provide confirmed test results for defendants and respondents court ordered to submit to substance abuse testing; and

WHEREAS: Tioga County Probation has obtained three estimates for the purchase of instant urine testing products as follows:

1. Premier Biotech- \$3.60 each for 12 panel test (AMP/BAR/BUP/BZO/COC/MDMA/MET/MTD/OPI/OXY/PCP/THC). Lab testing \$19.95 per analyte plus \$15.00 shipping per shipment per bag
2. Drug Tests in Bulk \$3.50 each for 16 panel test (AMP/BAR/BUP/BZO/COC/ETG/FEN/K2/MET/MDMA/MTD/OPI/PCP/THC/TRA) —only supply cups, no lab testing
3. National Test Systems \$3.60 each for 12 panel test plus adulterant test (COC/THC/MOP/AMP/MET/BZO/MTD/OXY/MDMA/BUP/FEN/ETG)

And

WHEREAS: The cost to purchase testing supplies from National Test Systems is less expensive and more expeditious for Probation's testing program; and

WHEREAS: Tioga County Probation has been using National Test Systems for their lab services and purchasing their urine samples. Confirmation with pricing as follows:

Class I Drugs: (AMP/MET/MDMA/THC/COC/BAR/MTD/PCP):	\$17.00/ drug
Class II Drugs: (OPI/OXY/6MAM/BZO/BUP/FYL/GABA/KRA/TRAM):	\$24.00/ drug
Class III Drugs: (K2/SPICE):	\$44.00/ drug

Therefore be it

RESOLVED: That the Tioga County Probation Director is approved to contract with National Test Systems to purchase instant testing supplies and lab services from November 1, 2022 to October 31, 2023, if the contract is approved by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
ED&P COMMITTEE

RESOLUTION NO. 305-22 *AUTHORIZE THE SALE AND TRANSFER OF PROPERTIES
FROM TIOGA COUNTY TO THE TIOGA COUNTY
PROPERTY DEVELOPMENT CORPORATION*

WHEREAS: The County has been approached by The Tioga County Property Development Corporation, which has made an offer to purchase properties acquired by Tioga County for nonpayment of taxes in the Villages of Newark Valley and Owego; and

WHEREAS: Tioga County has agreed to sell and transfer the following properties in the Villages of Newark Valley and Owego, NY within Tioga County to the Tioga County Property Development Corporation for One Dollar (\$1.00) each “as is”; and

WHEREAS: These acquisitions include the following properties:

58 Whig Street	Village of Newark Valley, NY	#64.15-2-10.10
10 Watson Avenue	Village of Newark Valley, NY	#64.15-2-56
247 Main Street	Village of Owego, NY	#128.08-4-41
437 Front Street	Village of Owego, NY	#129.05-4-12

Therefore be it

WHEREAS: Additional grant funds by way of the Appalachian Regional Commission (ARC) in the amount of \$75,000 have been awarded to the Tioga County Industrial Development Agency (TCIDA) for the period beginning in July 2022; and

WHEREAS: The ARC grant funds require a fifty percent (50%) match, which the Hooker Funds will be so designated up to \$75,000.00; and

WHEREAS: The TCIDA has entered into a Memo of Understanding (MOU) with Tioga County to provide the ARC funds to the County in support of the WDP; and

WHEREAS: The amount requested to be paid by the ARC starting in July 2022 is not to exceed \$75,000 until the funds are exhausted; and

WHEREAS: Appropriation of funds and budget modifications require Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

To: A6422 412891 Other General Gov Income (ARC)	\$75,000.00
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From: A6422 540487 Program Expense (WDP)	\$75,000.00
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And be it further

RESOLVED: That the Tioga County Legislature hereby authorizes and approves the acceptance of up to \$75,000.00 from the Tioga County Industrial Development Agency/Appalachian Regional Commission to provide 50% of the cost of salary, fringe benefits, office space and equipment for the performance of the duties of the Education Workforce Coordinator; and be it further

RESOLVED: That the ARC appropriations be re-established for the remaining unspent balance as of year-end; and be it further

RESOLVED: That the Chair of the Legislature or duly authorized representative (including County Treasurer and/or Budget Officer), is hereby authorized to make any transfers of funds required within the Economic Development budget.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 307-22 ESTABLISHMENT OF CAPITAL RESERVE
FOR SAC BUILDINGS

WHEREAS: The Tioga County Legislature recognizes the importance of the Capital Improvements in maintaining government efficiency; and

WHEREAS: The Tioga County Legislature wishes to establish a Reserve Fund pursuant to General Municipal Law Section 6(c) to finance the future cost of Capital Improvements; therefore be it

RESOLVED: That pursuant to Section 6(c) of the General Municipal Law, as amended, there is hereby established a Capital Improvement reserve fund to be known as the "SAC Building Reserve Fund" (hereinafter "SAC Reserve Fund"). The purpose of this SAC Reserve Fund is to accumulate moneys to finance the cost of a type of Capital Improvement. The type of Capital Improvement to be financed from the SAC Reserve Fund is Land, Building, and Building Alterations; and be it further

RESOLVED: That the Tioga County Treasurer is hereby directed to deposit and secure the moneys of this SAC Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Tioga County Treasurer may invest the moneys in the SAC Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Tioga County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the SAC Reserve Fund. The Tioga County Treasurer shall account for the SAC Reserve Fund in a manner which maintains the separate identity of the SAC Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Legislature a detailed report of the operation and condition of the SAC Reserve Fund; and be it further

RESOLVED: That except as otherwise provided by law, expenditures from this SAC Reserve Fund shall be made only for the purpose for which the SAC Reserve Fund is established. No expenditure shall be made from this SAC Reserve Fund without

RESOLVED: That funds be transferred out of the Capital Equipment Reserve and into the SAC Building Reserve as follows:

FROM:	H387807	CAPITAL RESERVE FUND	\$2,600,335.85
TO:	H387810	SAC BUILDING RESERVE FUND	\$2,600,335.85

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 309-22	<i>TRANSFER OF FUNDS</i> <i>2022 BUDGET MODIFICATION</i> <i>COUNTY LIABILITY INSURANCE FUND</i>

WHEREAS: The funds budgeted for 2022 CI1910 540270 Insurance Premiums will be exceeded in October 2022; and

WHEREAS: The 2022 CI1930 540270 Liability Claims has budgeted funds available for transfer; and

WHEREAS: Transfer of funds and budget modifications require Legislative approval; therefore be it

RESOLVED: That budgeted funds be transferred as follows:

From: CI1930 540270	Insurance Claims	\$ 25,000.00
To: CI1910 540270	Insurance Premiums	\$ 25,000.00

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 310-22 *MODIFY 2022 BUDGET AND
TRANSFER FUNDS
SHERIFF'S OFFICE*

WHEREAS: Legislative approval is needed to modify the 2022 budget and transfer funds between object of expenses; and

WHEREAS: Due to the high cost of automobile fuel this year, funds need to be transferred to A3110.540220 Automobile Fuel to pay for fuel consumption for the remaining year; therefore be it

RESOLVED: That the 2022 budget be modified and transfer of funds be made as follows:

FROM:	A3110.510020	PART-TIME/TEMPORARY	\$25,000
TO:	A3110.540220	AUTOMOBILE FUEL	\$25,000

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 311-22 AMEND RESOLUTION 159-22;
AUTHORIZE WAGE REALLOCATIONS WITHIN
CSEA SALARY SCHEDULE

WHEREAS: Resolution 159-22 authorized wage reallocations within the CSEA Salary Schedule; and

WHEREAS: Upon review by the Commissioner of Public Works it was determined that a CDL-B requirement should be included in the job description for the sign maintenance worker; and

WHEREAS: Legislative approval is required for a title’s wage reallocation; therefore be it

RESOLVED: That Resolution 159-22 be amended and that the following title shall be reallocated as indicated below effective October 22, 2022:

Title:	Current Wage:	New Wage:
Sign Maintenance Worker	\$18.20	\$19.70

And be it further

RESOLVED: That the employee holding the above listed title shall receive a corresponding increase to their 2022 wage effective October 22, 2022.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 312-22 *AMEND RESOLUTION 263-22;
AUTHORIZE 2022-2023 CONTRACTS WITH
SADD SCHOOL ASSOCIATES
STOP DWI*

WHEREAS: Resolution #263-22 authorized the SADD School Associates for the 2022-2023 school year; and

WHEREAS: Joan Beck was erroneously named as the Owego Apalachin School District SADD School Associate, and it should have named Cynthia Tebo; therefore be it

RESOLVED: That Resolution 263-22 be amended to read "Cynthia Tebo to serve the Owego Apalachin School District" for the 2022-2023 school year.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ITCS COMMITTEE
PUBLIC WORKS COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 313-22 *AMEND 2022 BUDGET
CAPITAL BUDGET TRANSFER
INFORMATION TECHNOLOGY*

WHEREAS: The Tioga County Information Technology and Communication Services Chief Information Officer has identified a need for maintenance of the HVAC system in the room used to house computer hardware and software at 56 Main Street; and

WHEREAS: Funds are not currently available in the A1680 540350 Office Equipment Maintenance line; and

WHEREAS: The cost identified by the Chief Information Officer is approximately \$15,000, the Department of Public Works Commissioner has authorized a transfer of funds to come from the Truck Wash Facility funds not yet appropriated in the 2022 Capital Budget; and

WHEREAS: Amending of the 2022 Budget and Transfer in and out of Capital Account lines require Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer of:

FROM:	H1620 520994 BG001Truck Wash Facility	\$15,000.00
TO:	A1680 540350 Office Equipment Maintenance	\$15,000.00

And be it further

RESOLVED: That the Tioga County Budget Officer amend the 2022 Budget and appropriate funds to the following lines to accommodate for the transfer of Fund Balance:

FROM:	A1340 450310 Interfund Transfer	\$15,000.00
TO:	H9901 590715 Transfers	\$15,000.00

And be it further

RESOLVED: That the Tioga County Treasurer transfer \$15,000.00 from the Capital Fund to the General Operating Fund.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 314-22 AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services has been working with Information Technology and Communication Systems (ITCS) to transition our desktop computers to the county network; and

WHEREAS: ITCS has determined that 34 desktops must be replaced to facilitate this transition; and

WHEREAS: Transfer of funds between Software Expense (54) and Computers (52) requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A6010.540620 Software Expense	\$ 10,590.00
To: A6010.520090 Computers	\$ 10,590.00

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standinger.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 315-22 APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services has received funding through the American Rescue Plan Act of 2021: Grants To Enhance Adult Protective Services administered by the Administration of Community Living (ACL); and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.446100 Federal Aid: Administration	\$ 25,000
To: A6010.540487 Program Expense	\$ 25,000

And be it further

RESOLVED: That available funds on 12/31/22 of the original \$25,000 will be carried forward into the New Year.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 316-22 *AMEND 2022 BUDGET
CONTINGENCY TRANSFER REQUEST
MEDICAL EXAMINERS & CORONERS*

WHEREAS: The Tioga County Coroner has reported a higher than expected number of deaths and autopsy cases for 2022, and the A1185 Medical Examiners and Coroners accounts will not have sufficient funds for the remainder of 2022 to cover the anticipated costs; and

WHEREAS: Funds will need to be transferred from the Tioga County Contingency account in order to accommodate the increasing number of cases as reported by the Tioga County Coroner; and

WHEREAS: Amending of the 2022 Budget and the appropriation of Contingent accounts require Legislative approval; therefore be it

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

FROM:	A1990 540715 Contingency Account	\$5,000.00
TO:	A1185 540590 Services Rendered	\$5,000.00

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE
	PERSONNEL COMMITTEE

RESOLUTION NO. 317-22	AUTHORIZE CONTINUANCE OF FULL- TIME HIGHWAY WORKER (SEASONAL) POSITION PUBLIC WORKS
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WHEREAS: Resolution 107-22 authorized the creation and filling of two (2) full-time, Highway Workers (Seasonal) positions (\$13.20/HR) in the Tioga County Department of Public Works for a temporary duration from April 1, 2022 – October 7, 2022; and

WHEREAS: Resolution 133-22 amended Resolution 107-22 to reflect an hourly rate of \$14.43/HR; and

WHEREAS: One of these positions remained vacant until July; and

WHEREAS: The Commissioner of Public Works would like to extend the date of the temporary position in order to adequately staff his department; and

WHEREAS: Due to said vacancy of this position, there are sufficient funds within the department's Part Time/Temporary budget line D5110.510020 to cover an extension; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the continuance of one full-time, Highway Worker (Seasonal) position in Public Works for maximum of 800 hours through November 10, 2022.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standingier.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 318-22 APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Vera Lin Layman be and hereby is appointed Election Commissioner for the Republican Party from January 1, 2023 through December 31, 2024.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standing.

No – None.

Absent – Legislator Hollenbeck.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:20 P.M.

Ninth Special Meeting
October 20, 2022

The Ninth Special Meeting of 2022 was held on October 20, 2022 and was called to order by the Chair at 10:03 a.m. Legislators Brown, Ciotoli, Monell, Mullen, Sauerbrey, Standinger, and Weston were present with Legislators Hollenbeck and Roberts being absent.

Chair Sauerbrey asked Legislator Weston to have a moment of prayer. "Normally, I pray for many people when I get this job, but today it is only one person: life-long friend Eddie Hollenbeck. All I can wish for him is for him to get well soon so he can be back here."

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

There were 6 people in attendance.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 319-22 APPOINTMENT OF
DEMOCRATIC ELECTION CLERK PT

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the management/confidential listing; and

WHEREAS: The position of Democratic Election Clerk PT has been vacant since July 12, 2022; and

WHEREAS: A request to backfill the vacancy was approved on July 21, 2022; and

WHEREAS: The Democratic Election Commissioner has selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Robert A. Abell shall be appointed as the Democratic Election Clerk PT, effective November 1, 2022, at the rate of \$17.00/hr.

ROLL CALL VOTE

Yes – Legislators Weston, Brown, Ciotoli, Monell, Mullen, Sauerbrey, and Standing.

No – None.

Absent – Legislators Hollenbeck and Roberts.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:05 A.M.

*Public Hearing
2023 Budget
November 15, 2022*

The Public Hearing on the 2023 Budget was called to order by the Chair at 10:03 A.M. Six Legislative members were present with Legislators Hollenbeck, Roberts, and Standinger being absent.

There were 16 people in attendance along with Budget Officer Jackson Bailey.

The Clerk read the legal notice as published in the official newspapers.

Jackson Bailey, Budget Officer gave the 2023 budget presentation.

"Dear Honorable Members of the Tioga County Legislature and citizens of Tioga County, I present to you the proposed tentative County Budget for 2023 on Tuesday, November 15, 2022, in the Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY.

"The Tioga County Legislature has provided budget directives to departments including minimal increase to local share amounts unless related to new mandates from the State or standard COLA increases. Keeping the County personnel count to a sustainable number, and greatly scrutinizing the proposed Capital Budget. These directives have helped to ensure that the Tioga County budget meets the financial goals of having a balanced budget using reasonable revenue and expense expectations, adhering to the State mandated tax cap amount, maintaining a '*not in fiscal distress*' rating with the NYS Comptroller, and maintaining a fund balance amount that is within the County's Fund Balance Policy.

"The 2023 Budget process was met with the continued challenges of unfunded and underfunded mandated services. Approximately 96% of Tioga County's proposed Tax Levy makes up the local share expense associated with mandated services. Additionally, Tioga County faces increasing costs in wages and salaries, health insurance, and pension premiums. Increases for Personal Services are over \$1.7 million alone for the 2023 budget. The increased prices of energy services and asphalt cost can also be expected to greatly impact the County in 2023 and in the future.

"The Tioga County Legislators, Department Heads, and employees continue to be great stewards of taxpayer dollars, diligently looking for cost saving measures and advocating for additional revenue sources and seeking new sources for

economic growth. The proposed 2023 Budget maintains all programs and services currently provided to Tioga County residents for 2023.

"Total increase in expenditures in all funds is 3.2% or \$3,053,665. Total increase in revenue is approximately 2.7% or \$2,258,885. The total deficit after the tax levy is applied is \$13,323,484. I propose using \$8,523,484 in unrestricted Fund Balance in the General and Capital Funds and approximately \$4,800,000 in American Recovery Funds designated for Capital Improvements by the Tioga County Legislature to close the budgetary gap for 2023.

"The increase in expenditures of \$3 million is a combination of contractual salaries and fringe benefit costs, making up approximately \$2.5 million of the increase. Anticipated increases in utility costs and asphalt have also contributed to the increase.

"The largest funding streams for the County continue to be Real Property Taxes, Sales Tax, and State Aid. Sales Tax amounts received have been well over what has been anticipated, but it's not a guaranteed source of revenue. Sales Tax is also distributed to the towns and villages at a cost of over \$5 million annually.

"The NYS Tax Cap calculation for 2023 allowed for a 2.44% increase, equal to \$633,592. The 2023 County Tax Levy shall be \$25,992,346.

"2023 will mark the 12th consecutive budget year that Tioga County has stayed under the State imposed property tax cap. The 12-year average increase in the Tax Levy has been approximately 1.69%.

"The Combined Composite Tax Rate for 2023 is \$8.26 per \$1,000 of taxable value. The average assessed \$100,000 home will pay approximately \$826 in County Tax. Tax rates will vary due to the State established equalization rates and each municipality's apportionment percentage. The Combined Composite Tax Rate includes Veterans and religious exemptions which may also further impact those rates.

"In preparation of the 2023 County Budget, I would like to thank all Department Heads and County employees for their participation in the budget process. I thank the following Tioga County employees for their time and efforts; Cathy Haskell, Legislative Clerk; Steven Palinosky, Acting Real Property Director; Linda Parke, Personnel Officer; Amy Poff, Benefits Manager, Katie Chandler, Deputy Treasurer; Stephanie Jerzak, Chief Accountant; James McFadden, County Treasurer; and Jeremy Loveland, Chief Information Officer.

"I would like to especially thank the Tioga County Legislature for their continued strength and leadership as we push forward through the aftermath of a

global pandemic, as well as for their unrelenting support and assistance throughout the budget process.

“The proposed Tax Levy cannot increase after today’s hearing without an additional public hearing. Following the presentation of the 2023 Budget Brief, the floor will be open for comments to the Legislature.”

The Budget Officer presented a PowerPoint slide presentation on budget brief specifics.

There being no public comments, the hearing was adjourned at 10:23 A.M.

Eleventh Regular Meeting
November 15, 2022

The Eleventh Regular Meeting of 2022 was held on November 15, 2022 and was called to order by the Chair at 12:03 p.m. Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston were present with Legislators Hollenbeck and Standinger being absent.

Chair Sauerbrey asked for a Moment of Silence in honor of Jay Wilber, Assistant Public Defender, who passed away on October 14, 2022. Mr. Wilber has been employed with Tioga County since 2020.

Chair Sauerbrey asked Legislator Brown to have a moment of prayer. "Lord, we continue to keep our friend, Eddie Hollenbeck, in our thoughts and prayers as he continues through his recovery with some health issues. Also, please keep the Waite family under your wing this holiday season, as they continue to mourn the loss of John."

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

There were 26 people in attendance.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolutions, seconded unanimously and carried.

Chair Sauerbrey spoke. "Good afternoon, everyone. I have the honor today of presenting and reading a recognition resolution in honor of Frank John "Bud" Waite posthumously. I am very thrilled to have so many family members joining us today. It is great to have babies inside this building. It just really lifts our spirits.

"I had the good fortune to actually work for Senator Libous and had an office in this building all those years ago and was able to attend many of the Legislature meetings where Bud was working with all of his fellow Legislators. Then, through activities in the community, I got to know Bud and Lois. I think you may all know, but over on the wall are pictures of the history of our Legislature and 1986 is the year Bud's picture was first shown."

Chair Sauerbrey read and presented the following resolution to Lois Waite and her family recognizing Frank John "Bud" Waite posthumously.

There was a unanimous motion for the adoption of the following recognition resolutions, seconded unanimously.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 320-22 *RECOGNITION RESOLUTION
RECOGNIZING FRANK JOHN "BUD" WAITE
POSTHUMOUSLY*

WHEREAS: Frank John "Bud" Waite passed away on October 21, 2022; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Waite for his years of dedicated service as a Tioga County Legislator; and

WHEREAS: Bud was elected to the position of Tioga County District #4 Legislator on January 1, 1986, and served for 16 years until leaving office on December 31, 2001; and

WHEREAS: During his 16-year Legislative career, Bud was extremely dedicated and loyal in the performance of his duties and responsibilities as a Legislator. He accomplished many achievements serving as Chair of several Legislative Standing Committees, but it was as Chair of Public Works/Solid Waste that he was very instrumental in developing the curbside recycling program in Tioga County; and

WHEREAS: Bud also served many years as a Legislative Representative on the Tioga County Soil and Water Conservation District Board of Directors; and

WHEREAS: Bud was proud to be an 8th generation dairy farmer on the Waite Farm on the Southside of Owego, NY and a dedicated member of his community and church; and

WHEREAS: Bud is survived by his wife, Lois and three children; Christopher, Wendy, and Laurie; six grandchildren; Rebecca, John, Corey, Joshua, Stephanie, and Shelbilyn; and nine great-grandchildren; Alexandra, Gavin, Aidan, Evelynne, Edward, Annabelle, Blake, Hudson, and Hunter; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize Frank John "Bud" Waite posthumously for his years of dedicated service to Tioga County as a Tioga County Legislator; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to the family of Frank John "Bud" Waite.

ROLL CALL VOTE

Unanimously Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED UNANIMOUSLY

Lois Waite spoke. “Thank you all. I appreciate this recognition. Of course, we miss him. He loved being a Legislator. He had to hurry sometimes to get to all the meetings because he was still milking cows at that time. It was a good thing. He thinks we are going to carry on just fine. We are not sure. Thank you all for being so kind.”

Christopher Waite spoke. “Thank you from all of us. He would have been very touched by this recognition. He took the time he spent on the Legislature very seriously; not for the political aspect of it, but because he felt he had something to contribute, and he did. He was extremely dedicated to every project he was involved in and brought a sense of business management to everything he did. We discussed a lot of those things when we were milking cows. I do not know if I ever had any real influence on any of it, and I am sure I didn’t, but I got to know a lot of what was going on behind the scenes and how much thought and effort he put into it. He would have been very proud to see what is happening here today. Again, we appreciate everything you have done. Thank you.”

Legislator Ciotoli read and presented the following resolution to County Clerk Klett, who accepted on behalf of employee, Doreen Stoughton, County Clerk’s Office.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO: 321-22 *RECOGNITION OF DOREEN STOUGHTON’S
34 YEARS OF DEDICATED SERVICE TO THE
TIOGA COUNTY CLERK’S OFFICE*

WHEREAS: On May 16, 1988, Doreen Stoughton was hired by then Tioga County Clerk Charles Blackman as a Clerk/Typist; she was promoted to Account Clerk/Typist on November 6, 1989; and on January 1, 2012, her position was re-titled to Recording Clerk and it is from this position that she is retiring after 34 years of exemplary service to the people of Tioga County; and

WHEREAS: Doreen was instrumental in the acquisition and implementation of the COTT System currently in use at the County Clerk’s Office that allows the general public to search and access County Clerk records via the Internet; and

WHEREAS: Doreen has been a loyal, conscientious, and professional employee in the performance of her duties and responsibilities during her years of service in the Clerk's Office; and

WHEREAS: Doreen has always been ready, willing, and able to apply her many years of experience to assist with training new employees and providing expert assistance to whatever task needed to be done; and

WHEREAS: Doreen will retire on November 19, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Doreen for her 34 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Doreen Stoughton.

ROLL CALL VOTE

Unanimously Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED UNANIMOUSLY.

County Clerk Klett spoke. "Thank you. I just want to say a few words on behalf of Doreen. She is a little shy and she did not want to attend, but I thought it would be worth recognizing her years of service to Tioga County. I have been thinking about what 34 years looks like, so I had to ask the Google machine and it says that is 12,605 days; 414 months; 1,800 weeks, so that is 1,800 Mondays, but more importantly, 1,800 Fridays. But that is what dedication looks like and that is what Doreen has given to the Tioga County Clerk's Office and the residents of Tioga County. She has always been professional even when dealing with the most stressed-out constituent that needed something done. She was always willing to help the team whenever we came upon a unique situation, and we weren't quite sure how to handle it. We would sit around and shoot ideas back and forth with each other and she was always instrumental in helping us decide the best route to follow to accomplish the task. Her knowledge and experience are going to be missed and these are big shoes to fill. We're really going to miss her, but we wish her well. Thank you."

Chair Sauerbrey reported we have two proclamations; **Adoption Awareness Month** that will be noted in the minutes and **Hunting Safety Month** that will be read by Legislator Monell and presented to Public Health Deputy Director Vroman.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

This November marks the 32nd annual National Adoption Month. November 19, 2022 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County finalized two adoptions this year to date. Tioga has six children freed for adoption, four placed with adoptive homes and two of those youth are awaiting a match with a forever family. Every child in America and Tioga County deserves a permanent, loving forever family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem, and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim November as

ADOPTION AWARENESS MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to recognize adoptive families in Tioga County.

Legislator Monell spoke. "My family, including sons and grandsons, are going to be out in the woods next week, so this proclamation is appropriate."

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Hunting is an American tradition, and among the most popular forms of outdoor recreation; and

WHEREAS: Tioga County is rich in wooded land, making it highly suitable for hunting; and

WHEREAS: During the 2020-2021 sporting season, 16,294 sporting licenses were sold to residents and non-residents in Tioga County, an increase of almost 5,000 in the previous two years; and

WHEREAS: Hunting may include the harvesting of big and small game animals by firearm, bow-and-arrow and trapping. A total of 7,208 deer, 583 turkey and 13 bear were harvested in Tioga County in 2020 and 2021; and

WHEREAS: Hunting is typically an enjoyable sport, but tragically in 2019 there was an accidental shooting related to hunting in Tioga County, that was preventable; and

WHEREAS: 2021 had the lowest number of hunting-related shooting incidents ever recorded in NYS, but efforts to reduce hunting accidents and promote safe hunting must continue; and

WHEREAS: Every new hunter must take a hunter education course, that teaches future hunters how to be safe, responsible and ethical in the field; and

WHEREAS: Every hunter, whether new or experienced should always follow basic hunter safety standards: let someone know where you will be hunting and when you plan to return, practice shooting and check all equipment to ensure it's in good condition, wear hunter orange or pink in the field, treat every firearm as if it's loaded at all times, identify your target before shooting; and

WHEREAS: Check if maintenance is needed on tree stands in advance, wear a safety harness if hunting from a tree, know the limitations of your physical ability and your equipment and do not push them; and

WHEREAS: Hunting is a privilege, and all hunters have a responsibility to know the laws and regulations, but also have a duty to keep themselves and their fellow hunters safe; now therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of November as

HUNTING SAFETY MONTH

and urges all those who hunt to participate in hunter safety education and follow basic hunter safety standards to prevent hunting-related accidents and deaths.

Public Health Deputy Director Vroman spoke. "I know when we accept these proclamations, they are probably typically short and sweet, but being this is a topic I could go on and on for hours, I prepared something, so I hope you all indulge me while I read this. I cannot take the credit for coming up with this topic, but for those of you who do not know me or do not know me well, hunting is a hobby of mine. It's more than that really; it's a way of life for my entire family, so this proclamation is very near and dear to my heart, and I am honored to be the one accepting it.

"In August 2013, six weeks before I was scheduled to go on my first antelope hunt, I had my own hunting accident dislocating and fracturing my metatarsal while helping to put a tree stand up. My own foolishness and lack of awareness led to an injury that could have been far worse. Thankfully, God was with me and provided a speedy recovery and I was still able to go to Wyoming and have a successful hunt.

"Some of us may remember that tragic hunting accident that did not end so well and resulted in the accidental shooting death of a Tioga County man in 2019, which was fully preventable. I would be remiss if I did not mention Zack Weber, a young Ithaca firefighter and former Corrections Officer from Tompkins County, who fell from his tree stand just last week and suffered a spinal cord injury. I do not know him personally or the specifics of the situation but would ask you to keep him in your thoughts and prayers.

"The day I was born, nearly 40 years ago, my mom barely made it to the hospital because she was waiting for my dad to get out of the woods. So, you could say I was literally born into it. But, over the years, I have developed my own desire and passion that have taken me on many hunts. In my family, hunting is not just about opening day or even just a season. It's year-round planning, preparation, and hard work to make the next year even better. It's not just about the pursuit of the game, the occasional trophy buck, or even the thrill but is it is the culmination of all these things including watching the sunrise and set while the wild animals surround you. It's about filling the freezer with meat for my family and challenging yourself to be better at calling in that turkey or being more patient to make the perfect shot. It's pushing yourself to learn more. It's about the comradery shared and most importantly, it's about continuing the

tradition. That's why we do it. That's why I do it. Hunting could be one of the safest sports. For those that decide to hunt, this proclamation is a call to action for individuals to educate themselves and not only the basics of hunter safety, but to take pride and ownership in helping to carry out the privilege of hunting and in teaching the next generation to hunt safely.

"I became one proud momma on October 15, 2022, when my daughter on her twelfth birthday, arrowed her first deer ever and then just two weeks later arrowed her first six-point buck. She has already reminded me a few times the way I do things are not the safest, but it is the way she learned in her Hunter Safety Course. I am glad that safety is important to her. Apparently, I am doing something right.

"Thank you for supporting this proclamation and all of my fellow hunters."

Chair Sauerbrey reported we have one individual for privilege of the floor; Patrick Ayres, Village of Waverly Mayor.

Patrick Ayres, Village of Waverly Mayor spoke. "Good afternoon. Thank you for the privilege to be here today. I am here today to talk about what we in the Village of Waverly refer to as the Village Wing Project. I think some of you are aware of what we are doing and some of you may not. I do know that in the past, a couple of Village of Waverly Trustees came to a Legislature meeting to discuss the project. The Village of Waverly offices are currently located in an old 1960's village school building and approximately 10-12 years ago we rehabilitated most of the building. However, the wing was cut out of the rehabilitation project due to cost. The Village Board, at that time, decided that section of the building did not need to be done and could be done at a later date. However, over time, it has been determined that either something needs to be done or it needs to be torn off and the Village Board decided to proceed with rehabilitation. This goes back again a minimum of 6-8 years where the County is paying for rental space on William Donnelly Parkway for the Mental Hygiene Department. We approached the County back then when Dan Leary was the Village Mayor about this.

"So, approximately in May 2021, we approached the County again to look at bringing County offices to the Village of Waverly space, which we believed was prudent to provide opportunities for expansion because it is my understanding the current rental space is smaller than the space the Village of Waverly would be able to provide. Unfortunately, I do not know exactly how or why, that is not going to happen. But the Village of Waverly is still continuing with our project. We have committed our entire American Rescue Plan Act (ARPA) funding to this project, almost \$500,000 to get this project done. The basic project is \$785,000 that does not count \$40,000 in engineering costs that we have already incurred. If we have to spend for contingencies, overruns, and other things, the

cost could go up to approximately \$950,000, which the Village is committed in completing. We would be using additional funds we have at the Village and do not plan on raising any additional revenues from taxation for this.

“So, I say this in that population of the Town of Barton comprises 20% of the overall population of Tioga County and if you look at the Town of Nichols and Town of Spencer and surrounding areas that percentage increases. The County already has a commitment through what it is already spending, and my understanding and I could be wrong, with Mr. Barber on William Donnelly Parkway is I believe \$25,000 annually. That will only probably increase as time goes on. It is hard to project the future, but we do believe that it would be in the best interest of the County as a whole to increase its footprint in the western part of the County. The Village of Waverly is more than a willing partner. We have partnered with the County on numerous projects over the last 6-8 years and we are thankful for the County's help. More than thankful, we are appreciative. We do not come with our hand out, we come asking how we can help you, as well. So, this wing is there. We understand we are not completing the whole entire buildout. We are stabilizing it and doing some improvements, but the additional buildout will need to be done by whoever rents that space. We would like it to be the County. However, if it is not the County, the Village will aggressively pursue other tenants. Prime office space in the Village of Waverly is a scarce commodity. We believe if the County chooses ultimately down the road to not take advantage of this opportunity, we will find another tenant and once we lock that tenant in, the County will not have the opportunity to come in. We realize it will take a sizable investment on the part of the County to build the remaining space out, this is totally recognized, and that cost factor would be built into whatever the Village may charge the County for ongoing rent. We are not here to gouge the County for money. We want the County to be there because we believe it is the right thing to do for the residents of this part of the County. We are looking at providing services. We know we will not recoup our investment in this building. It is potentially almost \$1 million dollars. We are not expecting the County to bear that expense for us. We know we have to do this; however, it goes beyond money, and it becomes what is the right thing to do and what is the best thing to do to provide services for that part of the County. Everyone knows the Village of Owego has had difficulty with water in the past, the Village of Waverly has not. This provides an opportunity to create an additional satellite space for the County. We are connected now, our phone and computer system through shared services. We were one of the lead municipalities to engage with the County IT services and, again we are thankful for that. Thank you.”

Legislator Mullen made a motion to approve the minutes of October 11 and 20, 2022, seconded by Legislator Monell and carried.

Chair Sauerbrey appointed the following members to the **Employee Retention and Incentive Committee** and noted the first meeting will be held today at 1:30 p.m.:

- Legislator/Chair Sauerbrey
- Legislator Brown
- Legislator Mullen
- Personnel Officer Parke
- Commissioner of Social Services Yetter

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

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 322-22 APPOINT MEMBER TO
CRITICAL INCIDENT STRESS DEBRIEFING TEAM
OFFICE OF EMERGENCY SERVICES

WHEREAS: The Office of Emergency Services has a need for additional members to be appointed to the Critical Incident Stress Debriefing Team; and

WHEREAS: The Director of Emergency Services would like to appoint Lauren Primm to the Critical Incident Stress Debriefing Team; therefore be it

RESOLVED: That Lauren Primm be hereby appointed to the Critical Incident Stress Debriefing Team effective November 15, 2022.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 323-22 *APPOINT MEMBER TO
CRITICAL INCIDENT STRESS DEBRIEFING TEAM
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Office of Emergency Services has a need for additional members to be appointed to the Critical Incident Stress Debriefing Team; and

WHEREAS: The Director of Emergency Services would like to appoint Ronald Holbrook to the Critical Incident Stress Debriefing Team; therefore be it

RESOLVED: That Ronald Holbrook be hereby appointed to the Critical Incident Stress Debriefing Team effective November 15, 2022.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 324-22 *ACCEPTANCE OF THE APPLICATION FOR
RYAN TELFER AND KYLE TELFER TO THE
TIOGA COUNTY FIRE INVESTIGATION TEAM*

WHEREAS: The Office of Emergency Services provides high quality Fire Investigation Team support to the Fire Service in Tioga County and adjacent counties through the NYS Fire Mutual Aid Plan; and

WHEREAS: This service is provided by local, highly trained volunteers; and

WHEREAS: Ryan Telfer and Kyle Telfer are current Trainee members of the FIT team and they have completed State and National certifications and desire to transition from Trainee to a full membership of the County Fire Investigation Team; and

WHEREAS: Ryan Telfer and Kyle Telfer currently possess training and skills needed by the Tioga County Fire Investigation Team to work on the Team; therefore be it

RESOLVED: That Ryan Telfer and Kyle Telfer be added to the Tioga County Fire Investigation Team effective November 15, 2022.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 325-22 *RE-APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING BOARD*

WHEREAS: Doug Chrzanowski's position on the Tioga County Planning Board representing the Town of Tioga expires on 12/31/2022; and

WHEREAS: The Town of Tioga Board has nominated Doug Chrzanowksi to serve another three-year term as their representative, and he is willing and able to do so; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Doug Chrzanowski to the Tioga County Planning Board for another three-year term of 1/1/23 – 12/31/25.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 326-22 *RE-APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING BOARD*

WHEREAS: Bryan Goodrich's position on the Tioga County Planning Board as an alternate expires on 12/31/2022; and

WHEREAS: Bryan Goodrich is willing and able to serve another three-year term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Bryan Goodrich to the Tioga County Planning Board for another three-year term of 1/1/23 – 12/31/25.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 327-22 *RE-APPOINT MEMBER TO THE
TIOGA COUNTY PLANNING BOARD*

WHEREAS: Grady Updyke's position on the Tioga County Planning Board representing the Town of Barton expires on 12/31/2022; and

WHEREAS: The Town of Barton Board has nominated Grady Updyke to serve another three-year term as their representative, and he is willing and able to do so; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Grady Updyke to the Tioga County Planning Board for another three-year term of 1/1/23 – 12/31/25.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 328-22 *RE-APPOINT MEMBER TO THE
BROOME-TIOGA LOCAL WORKFORCE
DEVELOPMENT BOARD*

WHEREAS: LeeAnn Tinney's position on the Broome-Tioga Local Workforce Development Board representing the Public Sector is up for re-appointment for a three-year term; and

WHEREAS: LeeAnn Tinney has agreed to continue to serve for a three-year term on the Broome-Tioga Local Workforce Development Board; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint LeeAnn Tinney to the Broome-Tioga Local Workforce Development Board for a three-year term effective January 1, 2023 through December 31, 2025.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 329-22 *RE-APPOINT MEMBER TO THE
BROOME-TIOGA LOCAL WORKFORCE
DEVELOPMENT BOARD*

WHEREAS: Shawn Yetter's position on the Broome-Tioga Local Workforce Development Board representing the Private Sector is up for re-appointment for a term of 3 years; and

WHEREAS: Shawn Yetter has agreed to continue to serve for a three-year term on the Broome-Tioga Local Workforce Development Board; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint Shawn Yetter to the Broome-Tioga Local Workforce Development Board for a three-year term effective January 1, 2023 through December 31, 2025.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 330-22 *RE-APPOINT MEMBER TO THE
TIOGA COUNTY AGRICULTURAL AND FARMLAND
PROTECTION BOARD*

WHEREAS: John Lacey's term on the Agricultural and Farmland Protection Board as a representative of an organization dedicated to agricultural land preservation expires as of 12/31/2022; and

WHEREAS: The Agricultural and Farmland Protection Board is desirous of filling this position and said Board member is willing and able to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoint John Lacey to the Agricultural and Farmland Protection Board, for the four-year term of 1/1/23 – 12/31/26.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 331-22 *RE-APPOINT STUART YETTER, JR.
TO THE TIOGA COUNTY PROPERTY DEVELOPMENT
CORPORATION BOARD*

WHEREAS: Stuart Yetter, Jr., as a public officer of a municipality within Tioga County, was appointed by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) for a two-year term until 12/31/22; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member holding the public office and confirmed by the governing board of the municipal representative's municipality; and

WHEREAS: Stuart Yetter, Jr. is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Stuart Yetter, Jr., as a public officer of a municipality within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two-year term of 1/1/23 – 12/31/24.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 332-22 *RE-APPOINT MARTHA C. SAUERBREY
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD*

WHEREAS: Martha C. Sauerbrey, as Chair of the Tioga County Legislature, was appointed as a Tioga County Property Development Corporation (TCPDC) Board Member conditioned by her holding of that office for which her term expires on 12/31/2022; and

WHEREAS: The TCPDC Bylaws allow for consecutive terms; and

WHEREAS: Martha C. Sauerbrey is willing and able to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Martha C. Sauerbrey to the Tioga County Property Development Corporation Board as a Board Member for a three-year term of 1/1/23 – 12/31/25.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 333-22 *RE-APPOINT DAVID ASTORINA
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD*

WHEREAS: David Astorina, as a member of a County Agency within Tioga County, was appointed by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) for an unexpired term until 12/31/22; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member being a member of a public agency; and

WHEREAS: David Astorina is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints David Astorina, as a member of a County Agency within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two-year term of 1/1/23 – 12/31/24.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 334-22 *RE-APPOINT RALPH KELSEY
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD*

WHEREAS: Ralph Kelsey, as a resident of Tioga County, was appointed At Large Representative Board Member to the Tioga County Property Development Corporation (TCPDC) for an unexpired term until 12/31/22; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member remaining a resident of Tioga County; and

WHEREAS: Ralph Kelsey is willing and able to continue to serve in this At Large Representative position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Ralph Kelsey, as an At Large Representative Board Member to the Tioga County Property Development Board Corporation for a three-year term of 1/1/23 – 12/31/25.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 335-22 *RE-APPOINT LESLEY PELOTTE
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD*

WHEREAS: Lesley Pelotte, as a public officer of a municipality within Tioga County, was appointed by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) to fill an unexpired term until 12/31/22; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member holding the public office and confirmed by the governing board of the municipal representative's municipality; and

WHEREAS: Lesley Pelotte is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Lesley Pelotte, as a public officer of a municipality within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two-year term of 1/1/23 – 12/31/24.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 336-22 *AFFIRMING SUPPORT FOR THE
SECOND AMENDMENT TO THE
UNITED STATES CONSTITUTION AND OPPOSING THE
RECENTLY ENACTED “CONCEALED CARRY
IMPROVEMENT ACT” OF 2022*

WHEREAS: Every person possesses inalienable rights, among these are life, liberty, property, and the right to keep and bear arms in defense of these inalienable rights; and

WHEREAS: The Supreme Court of the United States has begun restoring the Rights of the People to keep and bear arms in decisions including *District of Columbia v. Heller* and *McDonald v. City of Chicago* which held there is an individual right to keep and bear arms for use in traditionally lawful purposes, including self-defense within the home; and

WHEREAS: The Supreme Court's most recent decision in *New York Rifle and Pistol Association, Inc. et. Al. v. Kevin P. Bruen*, struck down New York State's unconstitutional “proper-cause requirement” to have and carry a pistol or revolver; and

WHEREAS: The “*Bruen*” decision specifically affirms the presumptively valid, inalienable right to carry arms in public for self-defense; and

WHEREAS: In response to the “*Bruen*” decision, the New York State Legislature and Governor passed S51001 the “Concealed Carry Improvement Act” with a spurious message of necessity and no public debate; and

WHEREAS: New York State ignored both the letter and spirit of the “*Bruen*” decision by:

- Amending the State's licensing process to include requirements for poorly defined “good moral character”;
- Expanding the list of “sensitive places” firearms are restricted exponentially, and most chillingly;
- Requiring a search of applicants' private, personal social media accounts for “character and conduct”;

And

WHEREAS: As a result of this decision, New York sprang into action, passing a range of laws on July 1, 2022 during a special legislative session that, among other things, set forth many sensitive locations where a person is not allowed to carry a firearm. The effect of this that there can no longer be 21 Gun Salute at a Military Funeral or Memorial Day event as we recognize and honor those who fought for our freedom. Black Powder Guilds are restricted from demonstrating the long-standing tradition of history at fairs, reenactments and community events; and

WHEREAS: People who created these laws rushed to a decision and did not consider the significance of how this would affect communities across NYS. These restrictive gun laws take away our freedoms and our honored customs; and

WHEREAS: The New York State Sheriff's Association recognized these new laws as “punitive licensing requirements that aim only to restrain and punish law-abiding citizens who wish to exercise their Second Amendment rights”; and

WHEREAS: The Tioga County Legislature has a long history of opposing New York State's infringements on the inalienable right to self-defense including Resolution No. 45-13 “Opposing the Process of Enactment and Certain Provisions Contained within the New York Safe Act, and Resolution No. 111-13 Support of Sensible Gun Control and Addressing New York State-Level and Federal-Level Actions; therefore be it

RESOLVED: That the Tioga County Legislature strongly supports the inalienable right to self-defense, the inalienable right to keep and bear arms, and the First, Second, Fourth, and Fourteenth Amendments to the United States Constitution; and be it further

RESOLVED: That the Tioga County Legislature stands in opposition to the Concealed Carry Improvement Act and any other unconstitutional infringements of liberty in defiance of the United States Supreme Court ruling in *NYSRPA v. Bruen*; and be it further

RESOLVED: That the Tioga County Legislature calls upon the New York State Legislature to immediately and fully repeal the Concealed Carry Improvement

Act and replace it with a permitting process that fully complies with both the spirit and letter of the “*Bruen*” decision; and be it further

RESOLVED: That the Tioga County Legislature is committed to pursue all legislative and legal remedies to overturn any unconstitutional infringements on the right to keep and bear arms, including joining pending litigation; and be it further

RESOLVED: That a certified copy of this resolution be provided to Tioga County’s State and Federal Representatives, Speaker of the New York State Assembly, Temporary President of the New York State Senate, Governor of the State of New York, and New York State Association of Counties.

Legislator Mullen spoke. “New York State has had a history of these “safety laws” being passed in the middle of the night, signed without proper and full debate amongst the other State elected officials. Specifically, creating an atmosphere of law-abiding citizens, by a stroke of a pen, becoming criminals overnight. I will remind people that former Governor Cuomo’s signing of the Safe Act literally created felons out of every entire police officer who happened to have a high-capacity magazine for their personal weapons. It is a continuation of the degradation of the United States Constitution. It is time that everybody who holds that document dear and safe to their heart to stand with us, all parties, who support their self-protection and the protection of their home. The reason for the Second Amendment is the protection of the citizenry from a tyrannical government and that is necessary. If you do not want to believe that let’s look at what is happening in Ukraine today. It doesn’t take much to have to defend yourself and the ones that you love. This is complete, utter government overreach and it disgusts me.”

Chair Sauerbrey spoke. “I was fortunate to attend the Veterans Day ceremony last Friday and I had lunch with the Veterans Chaplain who shared how he had done so many funerals for military people and how he also participates in the Memorial Day celebration honoring those who have passed away. They normally have a gun salute in honor of those who have passed, but they can no longer do that. That is oversight of an impatient group of elected officials who do not understand the significance of honoring our Veterans and that is just one instance. So, this Legislature felt compelled to bring this resolution forward and speak our peace.”

Legislator Weston spoke. “I would like to say that to me this whole thing is completely backwards. Why don’t people start where the problem is and that is with the high-powered rifles that kids can get their hands on. For sixty years, I have been out hunting and I have never seen anyone shot as a result of hunting. I realize sometimes there are mistakes, but most of these kids being killed are by people who should not have a rifle, pistol, or anything else and that is the fault of our society. I think we should start where the problem is and take away the rights of those people and make it so the rifles put on the market are unusable for

people that do not have the ability to handle them. I would like to see what the statistics are on the number of deaths that have been caused by hunters or people defending their homes as opposed to the number of people killed by high-powered rifles. We do not have tanks, they are illegal. We do not have bazookas, they are illegal. We should give the people who want to own an AR-15 the same privilege to go through the same process we go through for pistol permits."

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 337-22 *SUPPORT THE INCREASE OF THE SNOWMOBILE TRAIL DEVELOPMENT AND MAINTENANCE FUND*

WHEREAS: Snowmobiling is a key contributor to Tioga County's winter tourism industry, bringing significant spending by snowmobiling supporting our restaurants and small businesses, and is contributing up to \$868 million annually to the Upstate New York economy; and

WHEREAS: Tioga County snowmobile clubs maintain over 174 miles of trails throughout the county, and 10,500 miles of trails statewide; and

WHEREAS: The maintenance of the snowmobile trails in Tioga County is completed entirely by volunteers who are members of snowmobile clubs; and

WHEREAS: We must ensure that Tioga County's snowmobile trail infrastructure is in a condition to welcome snowmobilers and that the trails are as safe and well maintained as they can be; and

WHEREAS: Since 1987, the New York State Snowmobile Trail Development and Maintenance Fund has been utilized by municipalities and their snowmobile club partners to properly groom and maintain their local snowmobile trails, including through the purchase of necessary equipment; and

WHEREAS: The Snowmobile Trail Development and Maintenance Fund is fully funded through the registration of snowmobilers participating in the sport, and has no general assessment on taxpayers; and

WHEREAS: The snowmobile community, including the New York State Snowmobile Association, and the clubs in Tioga County have requested an increase in the snowmobile registration fees to support trail maintenance; and

WHEREAS: There has not been a registration fee increase for snowmobiles since 2005, while there have been registration fee increases in surrounding states; and
WHEREAS: There is significant inflation throughout the country, including on critical machinery needed to maintain the trails; and

WHEREAS: Tioga County supports the snowmobiling community and the economic impact that snowmobiling has on our businesses and people; therefore be it

RESOLVED: That the Tioga County Legislature respectfully requests that the Governor and Legislature support increases to snowmobile registration fees that will in turn create more financial support for the Snowmobile Trail Development and Maintenance Fund, the utilization of which supports critical winter tourism in Tioga County; and be it further

RESOLVED: That a certified copy of this resolution be provided to the NYS Governor and the New York State Legislature, and all others deemed necessary and appropriate.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 338-22 *FILING OF AN APPLICATION FOR
DEC MUNICIPAL WASTE REDUCTION AND
RECYCLING (MWRR) PROGRAM*

WHEREAS: The State of New York announced a grant from the DEC Municipal Waste Reduction and Recycling program to support counties and local governments with their recycling and waste reduction program expenses; and

WHEREAS: Through this grant Solid Waste would be partially reimbursed for their eligible costs of the Sustainability Manager position and recycling and waste reduction educational and outreach program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sustainability Manager to apply and administer said grant via NYS Grants Gateway; and be it further

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to sign the application via Grants Gateway for grant upon approval by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

Legislator Brown moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ITCS COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 339-22 *AUTHORIZE CAPITAL PROJECT
AMERICAN RESCUE PLAN ACT (ARPA)
CAPITAL APPROPRIATION REQUEST 002*

WHEREAS: The Chief Information Officer has identified a need and made a recommendation to the Tioga County Legislature for the improvement of Security facilities by means of a Security Camera System Upgrade at 56 Main St in Owego NY; and

WHEREAS: American Rescue Plan Act "ARPA" funds have been budgeted in the Tioga County 2022 Capital Budget for use specifically as designated by the Tioga County Legislature for Security Improvements to both the HHS Building and 56 Main St; and

WHEREAS: Upon the successful receipt and review of the One Time ARPA request form(s), both the Legislative Chair and the ARPA Fund Administrator have granted their approval of the form, and have submitted the request to the Tioga County Legislature for final review and approval; and

WHEREAS: The Tioga County Legislature shall oversee and authorize all ARPA expenditures whether budgeted or not; therefore be it

RESOLVED: That invoices related to the Security Upgrades for 56 Main St in Owego NY to be paid with ARPA funds are to be appropriated from the following account for no more than the amount requested:

From: H1620 520911 M7674	56 Main Renovations	\$121,500.00
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ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE
RESOLUTION NO. 340-22	<i>AUTHORIZE CHAIR OF LEGISLATURE TO SIGN APPLICATION FOR GRANT FUNDS DEPARTMENT OF SOCIAL SERVICES</i>

WHEREAS: Tioga County is submitting a request for grant funds to the NYSDOT, pursuant to Section 5311, Title 49 United States Code, for a project to provide Mobility Management Services for Tioga, Broome, Chenango, Delaware, and Otsego Counties through an agreement with Rural Health Network of South-Central New York for the 2023-2024 fiscal years and has committed the local share; and

WHEREAS: Tioga County and the State of New York have entered a continuing agreement which authorizes the undertaking of the project(s) and reimbursement of the Federal and applicable State Shares; and

WHEREAS: Tioga County is contracting with a third-party subcontractor for the project(s) described above; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of Tioga County to sign the application and progress and complete the above-named project(s); and be it further

RESOLVED: That the Chair of the Legislature is authorized to sign any contracts or agreements between Tioga County and any third-party subcontractor necessary to complete the public transportation project(s), subject to the approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 341-22 ADOPT STATE EQUALIZATION REPORTS

RESOLVED: That the State Equalization Reports for County Tax be and the same hereby are approved, and that the County tax rates be the rates used in computing taxes in the several Towns.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO: 342-22 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2022 to September 30, 2022 be and it hereby is accepted; and be it further

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

Barton (Town)	\$ 53,517.54
Berkshire (Town)	9,264.34
Candor (Town)	37,670.96
Candor (Village)	5,646.65
Newark Valley (Town)	18,489.14
Newark Valley (Village)	6,764.88
Nichols (Town)	21,179.61
Nichols (Village)	3,552.34
Owego (Town)	198,505.56
Owego (Village)	18,715.22
Richford (Town)	5,985.10
Spencer (Town)	22,379.63
Spencer (Village)	1,996.39
Tioga (Town)	62,194.60
Waverly (Village)	<u>29,994.52</u>
	\$495,856.48

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
 RESOLUTION NO. 343-22 *ERRONEOUS ASSESSMENT*
TOWN OF SPENCER

WHEREAS: An application for Corrected Tax Roll for the years 2020, 2021, and 2022 indicates that parcel #68.12-2-24, account #176 in the Town of Spencer assessed to Shane Grover on the 2020, 2021, and 2022 tax roll of the Town of Spencer is erroneous in that there was an error in essential fact-the property was assessed with an improvement (house) and there was no improvement, the parcel is and has always been vacant land thereby reducing the taxable value from \$136,000 to \$5,000; and

WHEREAS: An application for Refund or Credit of Real Property Taxes was filed requesting a refund of property taxes levied by Tioga County and Town of Spencer for the years 2020-2022; therefore be it

RESOLVED: That a refund for the 2020, 2021, and 2022 taxes be issued to Shane A. Grover by the Tioga County Treasurer's Office as follows:

2020 Town & Co Bill	Original Bill #125	Corrected Bill#125
County	\$1,102.41	\$47.93
Town Wide	\$398.60	\$17.33
Recycle	\$63.31	\$2.75
Total	\$1,564.32	\$68.01

2021 Town & Co Bill	Original Bill #124	Corrected Bill #124
County	\$1,182.38	\$43.47
Town Wide	\$457.65	\$16.83
Total	\$1,640.03	\$60.30

2022 Town & Co Bill	Original Bill #122	Corrected Bill #122
County	\$1,203.67	\$44.26
Town Wide	\$481.27	\$17.69
Total	\$1,684.94	\$61.95

And be it further

RESOLVED: That the erroneous County Tax of \$3352.80 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous Town Tax of \$1285.67 be charged back to the Town of Spencer; and be it further

RESOLVED: That the Solid Waste Tax of \$60.56 be charged back to the proper account in the records of the County Treasurer.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 344-22 *AUTHORIZE CONTRACT WITH
PRO-FLEX ADMINISTRATORS LLC*

WHEREAS: The Personnel Department currently handles COBRA (Consolidated Omnibus Budget Reconciliation Act) administration offering continuing health coverage to employees, dependents, spouses, and former spouses who lose coverage due to a qualifying event; and

WHEREAS: COBRA laws are constantly changing, and employers can be subject to significant monetary penalties for violations; and

WHEREAS: Pro-Flex Administrators LLC will handle billing and payment collection for any individuals who elect COBRA; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Pro-Flex Administrators LLC, subject to review by the County Attorney, for COBRA administration at an annual cost not to exceed \$3,000.00 effective February 1, 2023 through January 31, 2028; and be it further

RESOLVED: That the cost of this contract will be paid out of 2023 Personnel budget account A1430 (540140) contracting services.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY

RESOLUTION NO. 345-22 *ENTER INTO CONTRACT WITH
TWIN TIERS DRUG & ALCOHOL TESTING, LLC
FOR CDL DRUG AND ALCOHOL TESTING*

WHEREAS: Federal law requires random drug and alcohol testing of CDL drivers performing “safety sensitive” tasks; and

WHEREAS: Tioga County has coordinated with towns and villages within Tioga County to have testing done by an outside agency; and

WHEREAS: Tioga County has obtained three quotes for random drug and alcohol testing of CDL drivers performing “safety sensitive” tasks; and

WHEREAS: The proposal from Twin Tiers Drug & Alcohol Testing, LLC, to perform this service, is the most cost effective; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a one-year contract for 2023 with Twin Tiers Drug & Alcohol Testing, LLC to perform this service at the rates indicated:

Complete DOT/Non-DOT Random Testing Program:

- Random Selection of Employees Calculated Quarterly (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests performed quarterly on-site
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- MIS Reports
- Collection Site Management
- Supervisor Training
- Laboratory and MRO Set-up with own Laboratory Account
- Online Access to Reporting 24 hours a day

- Online Order of Pre-employment, Follow-up, or Return to Duty Testing
- Training to Navigate Online Portal
- Assistance with Mediation Between MRO and DER
- Over 50 years of collective DOT knowledge

Additional Charges: Pre-employment, post-accident, reasonable suspicion, follow-up, or return to duty tests:

Normal Business Hours:

- Quest Diagnostics/Medical Facilities, Hospitals, etc.: \$70.00 per test
- Breath alcohol test (in office or on-site): \$45.00 per test
- Drug Test On-site: \$65.00 per test
- Scheduled On-site fee \$150.00 one-time fee

Emergency and After Hours:

- Emergency On-site fee: \$150.00/hr. with 2 hr. minimum
- After hours fee: \$25.00 per test
- Holiday fee: \$25.00 per test
- Shy Bladder fee: \$1.25 per minute
- Wait fee: \$1.25 per minute

Split Specimen Testing (re-test of positive specimen by another SAMHSA certified lab) Includes shipping and maintenance of chain of custody; only when requested by employee within 72 hours of MRO's notification: \$250.00 per test.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 PUBLIC WORKS COMMITTEE
 FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 346-22 *AUTHORIZATION TO PAYOFF INTERIM
FINANCING ASSOCIATED WITH
VILLAGE OF NICHOLS USDA GRANT*

WHEREAS: The Legislature authorized by way of Resolution #139-21, the submission and administration of a United States Department of Agriculture (USDA) Communities Facilities Direct Loan and Grant program in the amount of \$186,200.63 (grant) and \$152,345.96 (loan) on behalf of the Village of Nichols; and

WHEREAS: USDA has approved the Direct Loan and Grant in same amounts; and

WHEREAS: There have been delays in closing on the grant portion of the USDA award that have resulted in the need to obtain interim financing from the County in the amount of \$186,200.63 to pay off the unpaid balance for the shared equipment; and

WHEREAS: The unpaid balance has associated finance charges that will continue to accrue until the closing on the USDA grant funds; and

WHEREAS: The Tioga County Legislature is agreeable to paying off the unpaid balance out of the Tioga County Public Works Capital Account; and

WHEREAS: The Village of Nichols will reimburse the Tioga County Public Works Capital Account in the same amount upon the receipt of the USDA grant funds; and

WHEREAS: A Memo of Understanding is required and will be executed between Tioga County and the Village of Nichols, as approved by the County Attorney, outlining the terms of the agreement to pay off the interim financing provided by the County; and

WHEREAS: Capital account H5130-521945 Sweeper-Road has no available funds; and

WHEREAS: The Amending of Budget and Transfer of Funds between capital accounts requires Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the payoff of the unpaid balance in the amount of \$186,200.63; and be it further

RESOLVED: That budget be transferred as follows:

From:	H1620-520994-BG001	Truck Wash Building	\$186,200.63
To:	H5130-521945	Sweeper- Road	\$186,200.63

And be it further

RESOLVED: That upon payback of the interim financing to Tioga County the budget is to be transferred back to the original account H1620-520944-BG001; and be it further

RESOLVED: That if the Village of Nichols closes on the USDA grant prior to the County issuing payment of the unpaid balance in the amount of \$186,200.63, this Resolution shall be deemed no longer valid, and the Memo of Understanding will not be required.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.
 No – None.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 347-22 *AUTHORIZE THE SALE AND TRANSFER OF PROPERTY FROM TIOGA COUNTY TO THE TIOGA COUNTY PROPERTY DEVELOPMENT CORPORATION*

WHEREAS: The County has been approached by The Tioga County Property Development Corporation, which has made an offer to purchase a property acquired by Tioga County for nonpayment of taxes in the Village of Owego; and

WHEREAS: Tioga County has agreed to sell and transfer the following property in the Village of Owego, NY within Tioga County to the Tioga County Property Development Corporation for One Dollar (\$1.00) "as is"; and

WHEREAS: The acquisition includes the following property:

94 Spencer Avenue Village of Owego, NY #128.08-3-37

Therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$1.00, a Quit Claim Deed conveying the property transferred to Tioga County located in the Village of Owego to the Tioga County Property Development Corporation.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingger.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
 PUBLIC WORKS COMMITTEE

RESOLUTION NO. 348-22 *AUTHORIZE PURCHASE OF A
 HIPEPLUS/PZ METAL DETECTOR USING
 AMERICAN RESCUE PLAN ACT (ARPA) FUNDS*

WHEREAS: The 56 Main Street Safety Committee has identified a need and submitted a recommendation to the Tioga County Legislature for the improvement of security at the Ronald E. Dougherty County Office Building located at 56 Main Street, Owego, New York; and

WHEREAS: The 56 Main Street Safety Committee has determined, after receiving quotes from State approved vendors, that a HIPEPLUS/PZ Metal Detector with antenna is the recommended metal detector to improve building security; and

WHEREAS: American Rescue Plan Act (ARPA) funding, in the amount of \$30,691.60, has been allocated from Account H1620 520911 M7674 - 56 Main

Renovations by way of Resolution 267-22. This American Rescue Plan Act funding includes \$2,580.60 to be used to purchase a HIPEPLUS/PZ Metal Detector with antenna model number SS101 720mm; and

WHEREAS: The Department of Public Works will purchase the HIPEPLUS/PZ Metal Detector with antenna SS101 720mm; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of a HIPEPLUS/PZ Metal Detector w/antenna SS101 720mm not to exceed \$2,580.60 from Ceia USA, 2202 Lakeside Blvd., Edgewood, MD 21040 respectively to be paid out of the following account: H1620 520911 M7674 - 56 Main Renovations.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Mullen, Roberts, Sauerbrey, and Weston.

No – Legislator Monell.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 349-22 *AUTHORIZE ACCEPTANCE OF
STATEWIDE INTEROPERABLE COMMUNICATIONS
"FORMULA" GRANT (SICG 21)
APPROPRIATION OF FUNDS &
MODIFY 2022 BUDGET
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Office of Emergency Management applied for and was awarded a Homeland Security Statewide Interoperable Communications "Formula" Grant 2021 in the amount of \$680,299. The grant will be used for upgrading the radio communications in the county with no local share associated with said grant; and

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

RESOLVED: That the Tioga County Legislature authorize the acceptance of this award; and be it further

RESOLVED: That the 2022 budget be modified and funds be appropriated to the following accounts:

FROM: A3415 433063 IO21F – State Aid Interop Comm Grant \$680,299

TO: A3415 540140 IO21F Contracted Services \$ 80,299

TO: A3415 520130 IO21F Equipment (Not Car) \$ 600,000

And be it further

RESOLVED: That appropriation be re-established for the remaining unspent balance as of year-end until project is completed.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 350-22 *AWARD 2022 EMERGENCY MANAGEMENT
PLANNING GRANT (EMP22)
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Tioga County Office of Emergency Services has been awarded a matching grant of \$24,278 by the New York State Division of Homeland Security and Emergency Services (NYS DHSES); and

WHEREAS: The matching grant will be used to offset \$24,278 of budgeted salary costs; therefore be it

RESOLVED: That the Emergency Services Office be allowed to accept the awarded 2022 Emergency Management Planning Grant in the amount of \$24,278 and appropriate it to account A3640.443050.EMP22 Federal Aid-Civil Defense.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 351-22 *ACCEPT GRANT AWARD FOR
 CLEAN ENERGY PROJECTS,
 APPROPRIATE FUNDS AND MODIFY 2022 BUDGET
 SOLID WASTE*

WHEREAS: Tioga County Solid Waste received \$5,000 for clean energy projects such as upgrading building lights to LEDs; converting gasoline powered lawn equipment to electric lawn equipment; installation of smart thermostats; lighting sensors etc. for County buildings; and

WHEREAS: This funding must be accepted and appropriated; and

WHEREAS: The Solid Waste Budget does not have an established equipment line; and

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

RESOLVED: That the Tioga County Legislature authorize the acceptance of this award; and be it further

RESOLVED: That the Tioga County Legislature authorizes the modification of the Solid Waste 2022 Budget by establishing a new budget line (A8160 520280) and appropriate funds as follows:

From: A8160 421890 Other Home & Community Svcs \$5,000.00

To: A8160 520280 Large Power Tools	\$649.98
A8160 542640 Supplies (Not Office)	\$4,350.02

And be it further

RESOLVED: That any of the original \$5,000 funds that remain unspent as of 12/31/2022 will be carried forward into the 2023 Budget.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 352-22 *RESOLUTION TO APPROVE A GRANT AWARD
FROM NYS DIVISION OF CRIMINAL JUSTICE
FOR COUNTY PRE-TRIAL SERVICES*

WHEREAS: The Probation Department received a Grant Award from the New York State Division of Criminal Justice Services for the County Pre-Trial Services in the amount of \$60,000; and

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

RESOLVED: That the Tioga County Legislature authorize the acceptance of this award; and be it further

RESOLVED: That the 2022 Budget be modified and funds be appropriated to the following accounts:

FROM:	A3140-433100 CPS01 State Aid Probation	\$60,000
TO:	A3140 520060 CPS01 Car/Truck	\$40,000
	A3140 540487 CPS01 Program Expenses	\$20,000

And be it further

RESOLVED: That appropriations be re-established for the remaining unspent balance as of year-end until projects are completed.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
 LEGISLATIVE WORKSESSION
 FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 353-22 ACCEPT THE BURKE GROUP
 CLASSIFICATION AND COMPENSATION
 STUDY RECOMMENDATIONS

WHEREAS: Tioga County adopted Resolution 215-22 authorizing a contract with the Burke Group to conduct a Classification and Compensation Study for all salaried Management/Confidential employees to review and update its compensation and job classifications; and

WHEREAS: The Burke Group has presented its recommendations to the Tioga County Legislature for review; and

WHEREAS: The Tioga County Legislature agreed to accept the Burke Group's recommendation at the minimum level for the 21 titles that have been identified; therefore be it

RESOLVED: That the Tioga County Legislature accepts the Burke Group Classification and Compensation Study recommendations at the minimum level for the 21 identified titles; and be it further

RESOLVED: That the Chair of the Legislature authorizes the Budget Officer to incorporate these new salaries into the 2023 County Budget.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingger.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE
HEALTH AND HUMAN SERVICES COMMITTEE

RESOLUTION NO. 354-22 *AMEND BUDGET & TRANSFER OF FUNDS*

WHEREAS: The cost of Community College has increased, along with an increase of enrollment numbers; and

WHEREAS: Additional funding is needed to meet mandated costs; and

WHEREAS: The Treasurer's Office has identified the amount of additional funding needed in 2022; and

WHEREAS: The Budget Office identified available funding in the Public Health Handicapped Education account; and

WHEREAS: Tioga County Public Health agrees with transferring the available funds to the Community College account; and

WHEREAS: Tioga County Public Health appears to have the funds available at this time, may need additional funds to cover late in year invoices of 2022 services to be paid in 2023; and

WHEREAS: Budget Amendments and Transfer of Funds require Legislative approval; therefore be it

RESOLVED: That funding be transferred and appropriated as follows:

FROM: A2960.540590	Handicapped Ed: Services Rendered	\$450,000
TO: A2490.540487	Community College Tuition	\$450,000

And be it further

RESOLVED: That the appropriated revenue in A2960.434600 be reduced by \$450,000; and be it further

RESOLVED: That in the event additional funds are needed by Tioga County Public Health to cover end of year invoices, Budget Officer is authorized to transfer funds as needed from the County Contingency Account.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 355-22 AMEND 2022 BUDGET & TRANSFER FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County has need for chairs at the Ronald E. Dougherty County Office Building (RDCOB); and

WHEREAS: TCPH has discussed and agreed with both the Commissioner of Public Works and the Chair of the Legislature, a plan to purchase new chairs and transfer their current chairs to RDCOB; and

WHEREAS: TCPH has funding that will partially reimburse the cost of new chairs if purchased by and for TCPH; and

WHEREAS: TCPH has funds available for this purchase in their 2022 budget, yet requires transfer to appropriate budget lines; and

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

RESOLVED: That funding be transferred and appropriated as follows:

From: A4011 540640	Public Health: Supplies	\$ 2,000
A4044 540487	Public Health: Program Expense	\$ 4,000
To: A4011 520070	Public Health: Equipment/Chairs	\$ 6,000

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 356-22 *AMEND CAPITAL BUDGET AND
TRANSFER FUNDS FOR PICKUP TRUCK
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has budgeted for the purchase of a pickup truck within the 2022 Capital Budget; and

WHEREAS: The Commissioner of Public Works has received a quote for the pickup truck and there are insufficient funds for this purchase in the current budget; and

WHEREAS: Cost savings was achieved in another 2022 Capital Budget line and Legislative approval is needed to authorize all Capital Reserve expenses; and

WHEREAS: Legislative approval is needed to amend 2022 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H5130.520918	Flail Mower	\$10,000.00
To: H1620.520917	3/4 Ton 4X4 Pickup	\$10,000.00

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 357-22 *AMEND CAPITAL BUDGET AND
TRANSFER FUNDS FOR HEAVY EQUIPMENT LIFTS
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has identified a need for 2 additional lifts for the heavy equipment garage; and

WHEREAS: The Commissioner of Public Works has received a quote for the 2 additional lifts and there are insufficient funds for this purchase in the current budget; and

WHEREAS: Cost savings was achieved in another 2022 Capital Budget line and Legislative approval is needed to authorize all Capital Reserve expenses; and

WHEREAS: Legislative approval is needed to amend 2022 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H5130.520918	Flail Mower	\$35,000.00
To: H5130.521902	Auto Shop Equipment/Reno	\$35,000.00

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 358-22 TRANSFER FUNDS SELF-INSURANCE PLAN

WHEREAS: In 2021 the Tioga County Self-Insurance Plan agreed to settle a claim after the 2022 budget process was complete; and

WHEREAS: The Section 32 settlement was approved by the NYS Workers' Compensation Board in January 2022 and paid out of the Tioga County Self-Insurance Plan's compensation awards budget line on January 24, 2022; and

WHEREAS: The Tioga County Self-Insurance Plan has biweekly indemnity payments on other workers' compensation claims that must be paid for the remainder of 2022; and

WHEREAS: The account used to pay compensation awards only has a balance of \$5,289.80; therefore be it

RESOLVED: That the following sums be transferred:

From: Workers' Compensation Account S1722.40 (540270)	\$49,629.00
To: Workers' Compensation Account S1720.40 (540101)	\$49,629.00

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 359-22 *REQUEST TRANSFER OF CONTINGENCY FUNDS*
MODIFY 2022 BUDGET
ASSIGNED COUNSEL

WHEREAS: The Assigned Counsel budget has had a high number of large vouchers for 2022 and the Assigned Counsel account will not have sufficient funds for the remainder of 2022; and

WHEREAS: Funds will need to be transferred from the Contingency Account to the Assigned Counsel Account to accommodate the increase in costs for 2022; therefore be it

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

From: A1990 540715 Contingency Account \$50,000

To: A1172 540030 Assigned Counsel \$50,000

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 360-22 *APPROPRIATION OF FUNDS*
2022-2023 NYS STOP DWI
HIGH VISIBILITY ENGAGEMENT GRANT
STOP DWI

WHEREAS: The NYS STOP-DWI Foundation Board has awarded a High Visibility Engagement grant of \$17,500 to Tioga County STOP-DWI; and

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

RESOLVED: That the 2022-2023 NYS STOP DWI High Visibility Engagement grant be appropriated as follows:

FROM: A3315-445890-CRK22 Federal Aid-Other Transp NPSP \$17,500

TO: A3315-540590-CRK22 Services Rendered-STOP DWI \$17,500

And be it further

RESOLVED: That appropriation be re-established for the remaining unspent balance as of year end until the project is completed.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingr.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 361-22 *APPROPRIATION OF FUNDS
2022 HOMELAND SECURITY GRANT (SHSP)
MODIFY 2022 BUDGET
OFFICE OF EMERGENCY SERVICES
SHERIFF'S OFFICE*

WHEREAS: The New York State Office of Homeland Security Program (SHSP) has been awarded a grant of \$59,750 to the Tioga County Office of Emergency Management; and

WHEREAS: 70% (\$41,825) of said grant will be appropriated to Emergency Management and 30% (\$17,925) will be appropriated to the Sheriff's Office; and

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

RESOLVED: That the 2022 NYS Homeland Security grant be appropriated as follows:

FROM: A3360.443050 SHS22 Federal Aid – Civil Defense	\$41,825
TO: A3360.540140 SHS22 Homeland Security Grant–Contracting Services	\$24,000
H3360.521060 SHS22 Car & Computer Equipment	\$17,825

AND:

FROM: A3361.443050 SHS22 Federal Aid – Civil Defense	\$17,925
TO: A3361.520130 SHS22 Homeland Security Grant–Equipment (not Car)	\$17,925

And be it further

RESOLVED: That the 2022 Emergency Management budget and the Sheriff's Office budget be modified to reflect the above changes and that appropriation be re-established for the remaining unspent balance as of year end until the project is complete.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 362-22 *APPROPRIATION OF FUNDS*
MODIFY 2022 BUDGET
SENATOR'S GRANT 2010 REFUND
OFFICE OF EMERGENCY SERVICES

WHEREAS: The NYS Senator's Grant awarded \$15,000 to the Office of Emergency Services and was used to purchase tables and chairs for the Sheriff's Multi-Purpose Room; and

WHEREAS: The tables became defective after one year and were unable to be replaced as they were discontinued; and

WHEREAS: The vendor refunded \$2,000 to the Office of Emergency Services for repairs of said tables and the NYS Senator's Grant fiscal office said we were not obligated to return such monies as the grant obligations were satisfied; and

WHEREAS: The Chief Accountant requested a resolution be done to request that the \$2,000 refund be appropriated and the 2022 budget be modified; therefore be it

RESOLVED: That the \$2,000 be appropriated as follows:

FROM: A3410-427010-SEN10 Refund of Prior Year	\$2,000
TO: A3410-520130 Equipment not Car	\$2,000

And be it further

RESOLVED: That appropriation be re-established for the remaining unspent balance as of year end until the project is completed.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 363-22 *APPROPRIATION OF FUNDS AND
AMEND 2022 BUDGET
SOCIAL SERVICES*

WHEREAS: Resolution 103-22 appropriated a Pandemic Emergency Assistance Fund (PEAF) allocation the Tioga County Department of Social Services received to provide financial assistance for the cost of diapers for children under the age of three, to provide food assistance to multi-generational households with older family members, and to provide financial assistance to victims of domestic violence and their families in paying reasonable costs associated with relocation; and

WHEREAS: The actual funds distributed exceeded the appropriated amount of \$145,580; and

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

RESOLVED: That funding be appropriated as follows:

From: A6109.446090 Federal Aid: Family Assistance	\$ 32,690
To: A6109.540487 Family Assistance Program Expense	\$ 32,690

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 364-22 *APPOINTMENT OF DEMOCRATIC
ELECTION COMMISSIONER*

WHEREAS: The Chairman of the Democratic Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That James Wahls be and hereby is appointed Election Commissioner for the Democratic Party from January 1, 2023 through December 31, 2024.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 365-22 *AUTHORIZE APPOINTMENT OF
BENEFITS MANAGER TRAINEE
(PERSONNEL DEPARTMENT)*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: Due to the announced retirement of the current Benefits Manager, Resolution 248-22 created the position of Benefits Manager Trainee; and

WHEREAS: The Personnel Officer has conducted a recruitment search and has identified a desirable candidate; therefore be it

RESOLVED: That the Personnel Officer is authorized to provisionally appoint Alexander Freyvogel to the title of Benefits Manager Trainee, pending successful completion of civil service examination requirements at an annual, Management/Confidential salary of \$48,168 effective November 21, 2022; and be it further

RESOLVED: That in accordance with Tioga County Employee Handbook Management/Confidential Benefits policy, Mr. Freyvogel shall be eligible for any authorized 2023 Management/Confidential salary increase effective May 21, 2023, following a successful six-month evaluation.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 366-22 *AUTHORIZE APPOINTMENT OF
CIVIL SERVICE ASSISTANT
(PERSONNEL DEPARTMENT)*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: Due to promotion, the position of Civil Service Assistant became vacant as of September 12, 2022, within the Personnel Department; and

WHEREAS: The Personnel Officer has conducted a recruitment search and has identified a desirable candidate; therefore be it

RESOLVED: That Karen Weston is provisionally appointed to the title of Civil Service Assistant, pending successful completion of civil service examination requirements, at an annual, Management/Confidential salary of \$31,930.00 effective November 21, 2022; and be it further

RESOLVED: That in accordance with Tioga County Employee Handbook Management/Confidential Benefits Policy, Ms. Weston shall be eligible for any authorized 2023 Management/Confidential salary increase effective May 21, 2023, following a successful six-month evaluation.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 367-22 *AUTHORIZE APPOINTMENT OF
DIRECTOR OF REAL PROPERTY TAX SERVICES*

WHEREAS: Legislative approval is required for the appointment of any Management/Confidential position within Tioga County; and

WHEREAS: Resolution 125-22 authorized the creation and filling of a temporary Acting County Director of Real Property Tax Services for a duration not to exceed December 31, 2022 at an annual salary of \$65,000; and

WHEREAS: Resolution 125-22 also resolved that following the qualification review by the NYS ORPTS and no later than December 2022, Steven Palinosky shall be further considered for appointment to the title of County Director of Real Property Tax Services; and

WHEREAS: NYS ORPTS concluded their qualification review and determined Steven Palinosky meets the minimum qualification standards for County Director, as documented in a letter to the Chair of the Legislature dated November 7, 2022; and

WHEREAS: The County Legislature would like to appoint Mr. Palinosky as the Director of Real Property Tax Services for a six-year term; therefore be it

RESOLVED: That Steven Palinosky is hereby appointed as Director of Real Property Tax Services to fill the current six-year term cycle effective November 16, 2022 through September 30, 2025, and the temporary Acting Director of Real Property Tax Services will be abolished effective November 16, 2022; and be it further

RESOLVED: That Mr. Palinosky may receive an increase after 6 months contingent upon a satisfactory evaluation, per the Management/Confidential benefits policy.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standing.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 368-22 *AUTHORIZE APPOINTMENT TO
TITLE OF ASSISTANT PUBLIC DEFENDER
PUBLIC DEFENDER'S OFFICE*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: The position of Assistant Public Defender (PT) became vacant on October 14th, 2022; and

WHEREAS: The Public Defender has identified a qualified candidate to fill said position; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Public Defender to appoint Kristin Riddell to the title of Assistant Public Defender on a part-time basis at an annual Management/Confidential salary of \$37,139, effective November 21, 2022; and be it further

RESOLVED: That Ms. Riddell may receive an increase after 6 months contingent upon a satisfactory evaluation, per the Management/Confidential benefits policy.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 369-22 *AUTHORIZE PART-TIME
ASSISTANT FIRE COORDINATOR AND
INCREASE HOURS OF DEPUTY DIRECTOR
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Tioga County Office of Emergency Services has identified a need to increase the hours of Deputy Director of Emergency Services, and a need to create a part-time Assistant Fire Coordinator position due to the reassignment of current staff and department needs; and

WHEREAS: The additional funds were allocated in the 2023 Budget; and

WHEREAS: The Emergency Services Director has identified a qualified candidate who has been found to meet the minimum qualifications of the part-time Assistant Fire Coordinator title; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the creation of one, part-time Assistant Fire Coordinator, to be filled by Robert P. Williams, effective January 1, 2023, at an annual Management/Confidential salary of \$5,434.00; and be it further

RESOLVED: That the Deputy Director of Emergency Services position be increased to a full-time position at an annual Management/Confidential salary of \$60,000, effective January 1, 2023.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 370-22 *AUTHORIZE SALARY INCREASE
PERSONNEL AND CIVIL SERVICE DEPARTMENT*

WHEREAS: Legislative approval is required for Management/Confidential midyear salary adjustments; and

WHEREAS: On September 10th, 2022, the Civil Service Administrator retired; and

WHEREAS: On September 12th, 2022, the position of Civil Service Administrator was abolished; and

WHEREAS: The Personnel Officer accordingly has redistributed the technical aspects of the Civil Service Program workload to Nancy Henry, Civil Service Technician; and

WHEREAS: The Personnel Officer would like to compensate Nancy Henry for taking on additional duties; therefore be it

RESOLVED: That Nancy Henry, Civil Service Technician, shall receive a salary increase of \$3,370 retroactive to September 12, 2022, increasing her 2022 salary to \$47,878, bringing the salary to the top of 2022 salary range.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 371-22 *AUTHORIZE SALARY INCREASE FOR
ADMINISTRATIVE CORONER*

WHEREAS: The Tioga County Legislature annually appoints an Administrative Coroner and since January 1, 2010 this position has been held by Coroner W. Stewart Bennett; and

WHEREAS: The Administrative Coroner is responsible for performing supervisory duties of budget management, accounts payable, and various office functions of the Coroner's office; and

WHEREAS: The Administrative Coroner has been instrumental in working closely with the contracted pathologists and local physicians to control additional costs to the County; and

WHEREAS: The number of cases continues to increase with the Administrative Coroner handling a majority of them, therefore, increasing the time needed to complete the State's newly imposed reporting requirements; and

WHEREAS: The Administrative Coroner is respectfully requesting an additional increase of \$5,000 to the already established \$5,000 stipend in the County budget to offset the time required for the additional caseload and workload; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Administrative Coroner be given an annual stipend of \$10,000 effective January 1, 2023 to be paid out of A1185.510050.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 372-22 *AUTHORIZE SALARY ADJUSTMENT FOR
ECONOMIC DEVELOPMENT & PLANNING*

WHEREAS: Brittany Woodburn's hire date was December 28, 2015 as an Economic Development Specialist at the base salary range rate of \$39,779; and

WHEREAS: Brittany Woodburn was promoted to Deputy Director of Economic Development and Planning in March of 2019 with a corresponding increase to annual salary to \$54,943; and

WHEREAS: The approved salary range of the Deputy Director of Economic Development and Planning is defined as \$54,144-\$64,199; and

WHEREAS: Brittany Woodburn's current salary is \$58,851; and

WHEREAS: Brittany Woodburn acts as the Project Manager for a large number of grants including the Village of Owego Downtown Revitalization Initiative, Restore NY projects in the Villages of Owego and Waverly, Community Development Block Grant Neighborhood Depot, Appalachian Regional Commission Workforce Development, New York Main Street programs in Owego and Candor, and others; and

WHEREAS: Brittany Woodburn accepted additional duties within her Economic Development and Planning Deputy Director responsibilities including direct oversight, training and mentoring of staff; and

WHEREAS: Brittany Woodburn has taken on additional responsibilities as part of the County approach to training and advancing internal candidates as identified in the 2018 Succession Planning; and

WHEREAS: The portion of the proposed 2022 salary increase would be covered under Economic Development budget and the proposed 2023 salary increase would be included in the 2023 County budget plan; therefore be it

RESOLVED: That due to the existing duties coupled with the increase in responsibilities taken on by Brittany Woodburn, the Tioga County Legislature agrees to adjust her annual salary to \$64,199 effective December 5, 2022.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 373-22 *AMEND EMPLOYEE HANDBOOK;
SECTION IV: PERSONNEL RULES –
SUBSECTION N. COUNTY HOURS OF OPERATION*

WHEREAS: Court Annex security is provided by the State's Office of Court Administration from 8:30 a.m. – 4:30 p.m. and the building is open to the public during said time; and

WHEREAS: The County's current policy states County offices are open from 9:00 a.m. – 5:00 p.m., with the exception of the County offices located at Court Street whose entrance hours to the public are 9:00 a.m. – 4:30 p.m.; therefore be it

RESOLVED: That Section IV: PERSONNEL RULES, Subsection N., County Hours of Operation be revised to read as follows:

County Offices are open 9:00 a.m. to 5:00 p.m., with the exception of the County Offices located in the Court Annex Building whose entrance hours to the public are 8:30 a.m. – 4:30 p.m.

And be it further

RESOLVED: That the remainder of the County Hours of Operation policy remains unchanged.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standinger.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 374-22 *AMEND EMPLOYEE HANDBOOK; SECTION X:
BUILDING AND VEHICLE PROCEDURES –
SUBSECTION C. ASSIGNMENT & USE OF
COUNTY VEHICLES*

WHEREAS: Resolution 109-22 adopted on March 15, 2022 revised Section X: Building and Vehicle Procedures – Subsection C. Assignment & Use of County Vehicles; and

WHEREAS: Section V: POLICY, paragraphs F.1. and G.2. require further revision to include the vehicle assigned to the Director of Emergency Services; therefore be it

RESOLVED: That Section V: POLICY, paragraphs F.1. and G.2. be revised to read as follows:

F.1. The first two letters preceding the serial number will identify County departments (e.g., PW: Public Works; SH: Sheriff's Office; MH: Mental Hygiene; PH: Public Health; FC: Fire Coordinator; PR: Probation; SS: Social Services; TR: Treasurer; EPD and EPA: Economic Development & Planning and ES: Emergency Services).

G.2. Vehicles are assigned to the following individuals:

- a. Commissioner of Public Works
- b. Deputy Commissioner of Public Works
- c. Commissioner of Social Services
- d. Director of Public Health
- e. Sheriff
- f. Undersheriff
- g. Director of Emergency Services

And be it further

RESOLVED: That the remainder of the Building and Vehicle Procedures policy remains unchanged.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Weston.

No – None.

Absent – Legislators Hollenbeck and Standingier.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:53 P.M.

Tenth Special Meeting
November 22, 2022

The Tenth Special Meeting of 2022 was held on November 22, 2022 and was called to order by the Chair at 10:30 a.m. Legislators Brown, Ciotoli, Mullen, Roberts, Sauerbrey, Standinger, and Weston were present with Legislators Hollenbeck and Monell being absent.

Chair Sauerbrey asked Legislator Brown to have a moment of prayer. "Lord, I ask you today to oversee our meeting as we conduct the business for the residents of Tioga County. Also, continue keeping in mind all our friends and family during this holiday season."

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

There were 6 people in attendance.

Legislator Mullen introduced Local Law Introductory No. D of 2022.

County of Tioga

Local Law No. X of the Year 2022.

A Local Law providing for the Repeal of Local Law No. 5 of 2006 and the enactment of a replacement Law providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

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

SECTION 1. PURPOSE AND INTENT

This local law provides for the repeal of Tioga County Local Law No. 5 of 2006 entitled "Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code" and for its replacement with a revised and updated version providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in Tioga County. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and

premises, regardless of use or occupancy, are subject to the provisions of this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the County stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the County certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the County, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Planning & Zoning Administrator, Code Enforcement Officer(s) and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“County” shall mean Tioga County.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Tioga County Legislature;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the County Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Tioga County Legislature. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Tioga County Legislature to serve as Acting Code Enforcement Officer. The Acting Code Enforcement

Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Tioga County Legislature to act under the supervision and direction of the Planning & Zoning Administrator and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Tioga County Legislature.

SECTION 4. BUILDING PERMITS

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the County.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

- (4) installation of partitions or movable cases less than 5' 9" in height;
- (5) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the location, nature, extent, and scope of the proposed work;
- (2) the tax map number and the street address of any affected building or structure;
- (3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the

applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire within 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy

Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;

(10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and

(11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building

Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other

remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections;
- (2) flood hazard certifications;
- (3) a written statement of the results of tests performed to show compliance with the Energy Code; and

(4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

(1) the Building Permit number, if any;

(2) the date of issuance of the Building Permit, if any;

(3) the name (if any), address and tax map number of the property;

(4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the occupant load of the assembly areas in the structure, if any;

(8) any special conditions imposed in connection with the issuance of the Building Permit; and

(9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of

egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing firefighting services for a property within the County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in the County shall be identified in writing by any appropriate party including but not limited to local fire departments, building departments, tenants and the general public. Upon receipt of written notice those buildings, structures or conditions which are owned or controlled by the County shall be subject to inspection by the Code Enforcement Officer to determine the nature of the

hazard and the appropriate action to be taken. Upon finding such an unsafe structure or condition of imminent danger, the Code Enforcement Officer may take any immediate action required, which may include posting, condemning or restricting access to the structure or equipment and provide the County with a written inspection report for further action to stabilize, remediate, secure or repair which process may involve the direction of the Tioga County Legislature with the advice of its Professional Engineer. Those which are not owned by the County shall be referred to the proper agency of jurisdiction or local Code Enforcement entity for action.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

(x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparking devices as defined by Penal Law section 270;

(xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle.

- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS;
- (4) buildings containing one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;
- (6) facilities that store, handle or use hazardous production materials;
- (7) parking garages as defined in subdivision (a) of section 13 of this local law;
- (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Tioga County Legislature; and
- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Tioga County Legislature.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire

Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law.

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the County sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures;
- (2) 60 days for alternative activities at a sugarhouse;
- (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and

(4) 1 year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) at least once every 12 months for buildings which contain an assembly area;

(2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and

(3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level

and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each

inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

(a) Definitions. For the purposes of this section:

(1) the term "condition assessment" means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term "deterioration" means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(i) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision

of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the County, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
- (2) Parking garages constructed prior to August 29, 2018 shall undergo an initial condition assessment as follows:
 - (i) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) If originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
- (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to June 1, 2023.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments.

- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of

this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the County becomes aware of any new or increased deterioration which, in the judgment of the County, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the County to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the County within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report;

(9) and the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The County shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the County shall, by Order to Remedy or such other means of enforcement as the County may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the County to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The County shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the County with a written statement attesting to the fact that he or she has been so engaged, the County shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The County shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the County:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the County by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within the County as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
- (ii) Flood Boundary and Floodway Map (FBFM); and
- (iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;

(8) all condition assessment reports received;

(9) all fees charged and collected; and

(10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be public records open for public inspection accompanied by a FOIL request during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Tioga County Legislature a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 15 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the County, on a form prescribed by the Secretary of State, a report of the activities of the County relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials the County is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and

signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by ____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy,

Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days in jail, or both, and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of the County.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the County, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the County, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Tioga County Legislature.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to,

simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule may be established by resolution of the Tioga County Legislature. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The Tioga County Legislature may, by resolution, authorize the Chair of the Legislature to enter into an agreement, in the name of the County, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 21. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 375-22 *SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY NO. D OF 2022*

RESOLVED: That a Public Hearing shall be held on Thursday, December 8, 2022 at 1:00 p.m. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY 13827 on Local Law Introductory No. D of 2022 A Local Law providing for the repeal of Local Law No. 5 of 2006 and the enactment of a replacement Law providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code. All persons desiring to present written or oral comment may do so at said time.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Mullen, Roberts, Sauerbrey, Standinger, and Weston.

No – None.

Absent – Legislators Hollenbeck and Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 376-22 *ESTABLISH NEW BUDGET LINE,
MODIFY SOLID WASTE 2022 BUDGET, AND
TRANSFER FUNDS FOR THE PURCHASE OF A CHAIR*

WHEREAS: The Tioga County Solid Waste Sustainability Manager has found it necessary to replace the office desk chair; and

WHEREAS: The Solid Waste Budget does not have an established chairs expense line for the purchase of this chair; and

WHEREAS: Amending the Solid Waste Budget with the addition of the chairs expense line, A8160 520070, and the transfer of funds requires Legislative approval; therefore be it

RESOLVED: That the Solid Waste Sustainability Manager be authorized to purchase the chair and the following funds be transferred for this purchase:

From: A8160 540420 Office Supplies	\$240.00
To: A8160 520070 Chairs	\$240.00

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Mullen, Roberts, Sauerbrey, Standing, and Weston.

No – None.

Absent – Legislators Hollenbeck and Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 377-22 *AMEND RESOLUTION 361-22
APPROPRIATION OF FUNDS
2022 HOMELAND SECURITY GRANT (SHSP)
MODIFY 2022 BUDGET
OFFICE OF EMERGENCY SERVICES
SHERIFF'S OFFICE*

WHEREAS: Resolution #361-22 appropriated monies from the New York State Office of Homeland Security Program (SHSP) in the amount of \$59,750; and

WHEREAS: The account for the appropriation of \$41,825 was incorrect; therefore be it

RESOLVED: That the 2022 NYS Homeland Security grant be appropriated as follows:

FROM: A3360.443050 SHS22 Federal Aid – Civil Defense	\$24,000
H3360.443050 SHS22 Federal Aid – Civil Defense	\$17,825
TO: A3360.540140 SHS22 Homeland Security Grant–Contracting Services	\$24,000
H3360.521060 SHS22 Car & Computer Equipment	\$17,825

AND:

FROM: A3361.443050 SHS22 Federal Aid – Civil Defense	\$17,925
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TO: A3361.520130 SHS22 Homeland Security Grant–Equipment (not Car) \$17,925

And be it further

RESOLVED: That the 2022 Emergency Management budget and the Sheriff's Office budget be modified to reflect the above changes and that appropriation be re-established for the remaining unspent balance as of year end until the project is complete.

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Mullen, Roberts, Sauerbrey, Standinger, and Weston.

No – None.

Absent – Legislators Hollenbeck and Monell.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 378-22 *AUTHORIZE A RETENTION AND APPRECIATION BONUS TO ELIGIBLE TIOGA COUNTY EMPLOYEES*

WHEREAS: The Tioga County Legislature recognizes the challenges faced and the resiliency and dedication of our County employees during the last two years; and

WHEREAS: The Tioga County Legislature wishes to recognize employees for their hard work and dedication in providing valuable services to the residents of Tioga County; and

WHEREAS: The County Legislature desires to pay a one-time retention and appreciation bonus to eligible Tioga County employees in the amount of \$1,500 for each full-time employee and \$750 for each part-time employee, excluding elected officials; and

WHEREAS: To be eligible for said one-time retention and appreciation bonus, employees must be employed by Tioga County on the effective date of this Resolution and thereafter; and

WHEREAS: The standard work week hours are 35 and 40 for full-time employees and hours less than 35 will be considered part-time and must work at least 17 hours a week to be eligible for this one-time retention and appreciation bonus; and

WHEREAS: Said one-time retention and appreciation bonus shall be paid out prior to the end of the 2022 fiscal year; therefore be it

RESOLVED: That the County Legislature hereby authorizes a one-time retention and appreciation bonus to be paid prior to the end of the 2022 fiscal year to eligible Tioga County employees in the amount of \$1,500 for each full-time employee and \$750 for each part-time employee working at least 17 hours a week, excluding elected officials; and be it further

RESOLVED: That to be eligible for said one-time retention and appreciation bonus, employees must be employed by Tioga County on the effective date of this Resolution and thereafter; and be it further

RESOLVED: That the County Legislature authorizes and empowers the Chair of the Legislature to execute any such agreements, documents, or papers, approved as to form by the County Attorney, as may be necessary to implement the intent and purpose of this Resolution.

Legislator Roberts spoke. "Again, I think this needs to come back to the full Legislature for discussion before anything is brought forward. I just do not think we have enough information or time."

Legislator Weston spoke. "I agree with Legislator Roberts. It is very, very difficult when you are talking money and people. I think there needs to be more planning. If you give something, you cannot take it away. I would like to have more information. I do not know how we compare with pay and benefits with surrounding counties such as Tompkins and Broome. I know the committee has done a lot of work on this and I would like to sit down and listen to what you have to say. I would like to have this looked at further than it is."

Legislator Standinger spoke. "Being mindful of the timeframe to pass this resolution before the end of the year, I understand the urgency. I concur with Legislators Roberts and Weston about perhaps it should have required a little more discussion, but I am in favor of not being a Grinch, so I will vote yes."

ROLL CALL VOTE

Yes – Legislators Brown, Ciotoli, Mullen, Sauerbrey, Standing.

No – Legislators Roberts and Weston.

Absent – Legislators Hollenbeck and Monell.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:37 A.M.

*Public Hearing
Local Law Introductory No. D of 2022
December 8, 2022*

The Public Hearing on Local Law Introductory No. D of 2022 A Local Law providing for the repeal of Local Law No. 5 of 2006 and the enactment of a replacement law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code was called to order by Chair Sauerbrey at 1:00 P.M. All Eight Legislative members were present.

There were 10 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

County Attorney DeWind spoke. "As we discussed at our last session where this local law was introduced, we do have to have this local law in place. We already have a local law in place that is substantially similar, which is Local Law No. 5 of 2006. This local law repeals and replaces the 2006 local law with the current version. The State included some extra new language. In particular, this adds sections about what to do in the case of an unsafe building or an imminent danger to public health. There is a new section on operating permits and fire and property maintenance inspections on an annual basis. There is a whole separate section on parking garages. The applicability of this local law is really County operations and County buildings. It does not cause any change in salary or staffing. Mr. Morgan, who is in attendance today, has been serving as the County's Code Enforcement Officer for any County operations for 16 years. We cannot certify our own code, so we have to have someone else do it and if Mr. Morgan were not doing it and we did not have our own code, we would have to look to the State to come down to certify any of our operations or things like rehabilitation of one of our facilities. This local law substantially replaces our 2006 local law with the current code".

Legislator Standinger spoke. "I am a little concerned about the energy code included in this local law because I know the State is moving toward with this new green deal. I am concerned that as a result of this we may be tasked with enforcing some of their mandates, but I will vote yes on this even though I do have some reservations".

Legislator Mullen spoke. "I second the comment made by Legislator Standinger. The energy code is literally crazy, but better us to have a say than be told what to do".

County Attorney DeWind spoke. "This gives you some control in-house. Mr. Morgan is a local resident who is able to be the one to take a look what we do.

There are provisions in this local law that force us now to take a look at environmental factors, including flooding and potential for flooding areas. It would not surprise me that over the next couple of years, as you were saying, that there are more amendments to this local law, especially for the energy code. There is a good chance that you might see this pushed down from the State on to us regardless."

There being no public comments, the hearing was adjourned at 1:05 P.M.

Twelfth Regular Meeting
December 13, 2022

The Twelfth Regular Meeting of 2022 was held on December 13, 2022 and was called to order by the Chair at 12:00 p.m. Legislators Brown, Ciotoli, Monell, Mullen, Roberts, Sauerbrey, and Standinger were present with Legislator Weston being absent.

Chair Sauerbrey asked for a Moment of Silence in honor of Eddie J. Hollenbeck, District #7 Legislator, who recently passed away on November 23, 2022 and to remember him and his family in your prayers.

Chair Sauerbrey asked Legislator Ciotoli to have a moment of prayer. "Lord, we ask you to provide us guidance as we make decisions for the County today. We also ask that you continue to look over the family of our friend, Eddie Hollenbeck."

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

There were 38 people in attendance.

Steve Palinosky spoke. "Good afternoon, ladies and gentlemen. On behalf of the committee for the Tioga County Institute for Advancement (I4A), welcome to today's event, where we are recognizing the graduates of the Institute for Advancement Class 3. My name is Steve Palinosky and I will be your MC.

"To begin today's program, I would like to ask the Chair of the Legislature, Marte Sauerbrey, to share some remarks."

Chair Sauerbrey spoke. "Thank you, Steve. Congratulations to all the I4A members who are graduating from this year's class. This is a very exciting program that we established a few years ago with the goal to create succession planning, empower our employees, and help them learn from one another about what goes on in the County and how everything works. I feel very proud of what we created here. We have had some excellent students come through here and they are definitely making a difference in the County and becoming leaders, which is really what it is all about.

"I would like to recognize Sarah Begeal. She has been on the committee for a few years and is stepping away to take on more responsibilities at work, so I thank you very much, Sarah for contribution to the committee. I also want to thank Linda Sampson because she has been an amazing administrator keeping

our committee straight and keeping everyone informed of meetings, paperwork, etc. We would be lost without Linda, so thank you.

“For the members of the committee that are here today, please raise your hand to be recognized. These are the folks that do the planning and I thank you very much for all the work that you put into this program. We will continue this program into the future. If any of the graduates see things they want to know more about, please send an email to the committee because it’s all about you, educating you, empowering you, teaching you about the County and what we can do to make things better. Thank you.”

Steve Palinosky spoke. “Thank you, Marte. At this time, we would like to express our appreciation to the County Legislature and to the Department Heads for their continuing support of this program. Following along with Marte’s acknowledgements, I will officially thank the members of the I4A Committee, which are Marte Sauerbrey, Sarah Begeal, Joy Bennett, Katie Chandler, Bryan Goodrich, Linda Parke, Ellen Pratt, Anita Teed, James Wahls, and myself. We want to give a special thanks to the person who is the glue that holds the committee together and keeps us on track, our amazing administrator, Linda Sampson. Thank you, Linda.

“Now, to get to this point, obviously we had to start with Class 1. Class 1 began with 19 students in 2018. During that year, the class attended several training sessions, including Tioga County Government 101, Management, Hiring, Performance Evaluations & Supervision, Civil Service, Conflict Management, Budget Prep & Fiscal Skills, and Real Colors, where we learned about recognizing and working with different personality types. During 2019, graduates from Class 1 were offered the opportunity to attend additional training sessions, including additional Budget and MUNIS trainings, and Ethics in the Workplace.

“Class 2 began in 2020 with high hopes to continue to develop the program. We trained Real Colors in February, but then COVID-19 arrived. We were able to pivot and embrace the technology of Zoom, and were able to train Strength-Based Communications, Tioga County Government 101, and Workplace Ethics. That class did not actually graduate until March of 2021, but we did have some additional training sessions that were offered that year to graduates of both classes.

“Class 3, who we are recognizing today, began in January of this year. They trained on Real Colors, Tioga County Government 101, and two new classes; Civil Service taught by Linn Bruce from Personnel, and Interdepartmental Collaboration, taught by Bryan Goodrich from IT/GIS, then Communication and Conflict Resolution, and Workplace Ethics.

"The Committee is currently working on next year's schedule and is already planning sessions on topics such as Public Speaking, Leadership, and Organizing and Conducting Meetings. These sessions will be offered to all I4A graduates from all three classes.

"It is our hope that this program will continue to improve and evolve, as we work to develop the future leaders of Tioga County.

"Now it is time to recognize the graduates from Class 3.

"First, we will recognize two individuals who were unable to make it here today; Toby Foster, Probation, and Karen Signs, Social Services.

"Now, we will recognize those individuals who are here with us. When your name is read, please come forward for your certificate, and remain up front for a group picture. Please hold your applause until all names are read.

Lisa Chandler, DMV
Sandra Cooper, Board of Elections
Amy Eiklor, Legislative Office
Kate Fisher, Mental Hygiene
Christine Freyvogel, Law Department
Debra Goodspeed, Social Services
Tara Hauptfleisch, Social Services
Heather Horton, Social Services
Kelly Kelley, Social Services
Christopher Korba, Mental Hygiene
Joy MacNaughton, Social Services
Peggie Nickels, Treasurer's Office
Erin Riddle, Social Services
Charles Root, Information Technology
Sandra Short, Sheriff's Office
Penelope Ward, Social Services
Samantha Webster, Social Services
Jo Ellen Yoest, Social Services

"Ladies and gentlemen, the Class 3 graduates of the Tioga County Institute for Advancement.

"This concludes our program. Thank you all for coming to support this year's graduates."

Chair Sauerbrey spoke. "Thank you everybody that came to support your staff. Thank you, Steve for doing a beautiful job."

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Chair Sauerbrey reported this resolution will be noted in the minutes, as Dr. Picco, Board of Health member, is not in attendance.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 379-22 *RECOGNITION OF JOSEPH PICCO'S
11 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY BOARD OF HEALTH*

WHEREAS: Joseph Picco, DDS, was appointed as a member of the Tioga County Board of Health on February 15, 2011; and

WHEREAS: Joseph served graciously on the Board for 11 years, the last 7 of which as Board of Health President; and

WHEREAS: Joseph Picco, DDS, has been dedicated and loyal in the performance of his duties and responsibilities to the Board of Health and Public Health; and

WHEREAS: As a lifelong Waverly resident, Joseph has diligently represented the citizenry of the Waverly area; and

WHEREAS: Joseph Picco, DDS, stepped down from the Tioga County Board of Health to allow another member to continue on in his place on November 17, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Joseph Picco, DDS, for his 11 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding volunteer, Joseph Picco, DDS.

Legislator Standinger spoke. "Since I am on the Board of Health, I have observed Dr. Picco's leadership, and I just want to commend him for his years as President."

ROLL CALL VOTE

Unanimously Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED UNANIMOUSLY

Chair Sauerbrey reported we have one proclamation; ***Stress Management and Seasonal Affective Disorder Month*** that Legislator Standinger will read and present to Public Health Educator, Katie Wait.

COUNTY OF TIOGA EXECUTIVE PROCLAMATION

WHEREAS: Tioga County Public Health recognizes the impact of stress on health and wellness; and

WHEREAS: Stress is experienced by everyone at some point in their life; and

WHEREAS: Stress is the physical and/or mental response to external cause, such as a traumatic event or life change; and

WHEREAS: Seasonal affective disorder is a type of depression that causes changes in mood and behavior when the seasons change, particularly during fall and winter; and

WHEREAS: Tioga County residents reported increased stress, depression, and feelings of isolation due to the COVID-19 pandemic (according to the 2022 Community Health Assessment survey); and

WHEREAS: Unresolved stress can have harmful impacts on the body including heart disease, weight loss or gain, sleep disturbances, and decreased productivity to name a few; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of December as

STRESS MANAGEMENT AND SEASONAL AFFECTIVE DISORDER MONTH

and urges all residents to manage their stress by making time for hobbies and interests, spending time with loved ones (including pets!), accepting things that are out of our control, and speaking with a mental health professional if needed.

Legislator Standinger spoke. "Certainly, this time of year is difficult. I am going to guess that anyone that is here today had to scrape their windshield off and start their car earlier, so they could see to get here. It is the nature of the beast living up here."

Public Health Educator Wait spoke. "Thank you, Legislator Standinger. I would like to thank the Legislature for recognizing December as Stress Management and Seasonal Affective Disorder Month. This is a timely proclamation as we continue to move through the holiday season. Seasonal Affective Disorder is most common during the winter months as the amount of daylight decreases. Additionally, the hustle and bustle of the holidays also brings about increased levels of stress as we cook, shop, and prepare for family get togethers, for better or worse. It is important that we find opportunities to slow down, enjoy the season, spend time with friends and family, and appreciate all that we truly do have. Again, thank you to the Legislature for putting this at the forefront of our minds and the minds of those in our community."

There was no privilege of the floor.

Legislator Mullen made a motion to approve the minutes of November 15 and 22, 2022, seconded by Legislator Monell 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.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 380-22 *FIX TIME OF ORGANIZATIONAL MEETING*

RESOLVED: That the Organizational Meeting of this Legislature be held at 9:00 a.m., Tuesday, January 3, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 381-22 RE-APPOINT MEMBER TO THE
TIOGA COUNTY BOARD OF HEALTH

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: Joseph Picco, DDS, resigned from the Board of Health 11/17/2022; and
WHEREAS: The appointed term for Joseph Picco, DDS, on the Board of Health expires 12/31/2023; and

WHEREAS: Thomas Nytch, DVM, whose term is due to expire 12/31/2022, has agreed to fill the unexpired term of Joseph Picco, DDS; therefore be it

RESOLVED: That Thomas Nytch, DVM be re-appointed to the Board of Health to fill the unexpired term of Joseph Picco, DDS, for a term of 1/1/2023-12/31/2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 382-22 ADOPT LOCAL LAW NO. 4 OF 2022

WHEREAS: A public hearing was held on December 8, 2022, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2022; A Local Law providing for the Repeal of Local Law No. 5 of 2006 and the enactment of a replacement Law providing for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code; and

WHEREAS: It is in the best interest of the residents of Tioga County to adopt such Local Law which will be Local Law No. 4 of 2022; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted:

County of Tioga

Local Law No. 4 of 2022

A Local Law providing the Repeal of Local Law No. 5 of 2006 and the enactment of a replacement Law providing for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

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

SECTION 1. PURPOSE AND INTENT

This local law provides for the repeal of Tioga County Local Law No. 5 of 2006 entitled "Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code" and for its replacement with a revised and updated version providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in Tioga County. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this section:

"Assembly Area" shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment,

social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the County stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the County certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the County, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Planning & Zoning Administrator, Code Enforcement Officer(s) and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“County” shall mean Tioga County.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

- (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;
- (7) to maintain records;
- (8) to collect fees as set by the Tioga County Legislature;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with the County Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Tioga County Legislature. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Tioga County Legislature to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Tioga County Legislature to act under the supervision and direction of the Planning & Zoning Administrator and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Tioga County Legislature.

SECTION 4. BUILDING PERMITS

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the County.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(4) installation of partitions or movable cases less than 5' 9" in height;

(5) painting, wallpapering, tiling, carpeting, or other similar finish work;

(6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means

of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the location, nature, extent, and scope of the proposed work;

(2) the tax map number and the street address of any affected building or structure;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in

accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire within 12 months after the date of issuance. A Building Permit which has become invalid, or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall

notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- (11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy

Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or

reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections;
- (2) flood hazard certifications;
- (3) a written statement of the results of tests performed to show compliance with the Energy Code; and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the

structure for which the Certificate of Occupancy or Certificate of Compliance is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the occupant load of the assembly areas in the structure, if any;

(8) any special conditions imposed in connection with the issuance of the Building Permit; and

(9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the

satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION

The chief of any fire department providing firefighting services for a property within the County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in the County shall be identified in writing by any appropriate party including but not limited to local fire departments, building departments, tenants and the general public. Upon receipt of written notice those buildings, structures or conditions which are owned or controlled by the County shall be subject to inspection by the Code Enforcement Officer to determine the nature of the hazard and the appropriate action to be taken. Upon finding such an unsafe structure or condition of imminent danger, the Code Enforcement Officer may take any immediate action required, which may include posting, condemning or restricting access to the structure or equipment and provide the County with a written inspection report for further action to stabilize, remediate, secure or repair which process may involve the direction of the Tioga County Legislature with the advice of its Professional Engineer. Those which are not owned by the County shall be referred to the proper agency of jurisdiction or local Code Enforcement entity for action.

SECTION 10. OPERATING PERMITS

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted

under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

(x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;

(xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle.

(3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS;

(4) buildings containing one or more assembly areas;

(5) outdoor events where the planned attendance exceeds 1,000 persons;

(6) facilities that store, handle or use hazardous production materials;

(7) parking garages as defined in subdivision (a) of section 13 of this local law;

(8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Tioga County Legislature; and

(9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Tioga County Legislature.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law.

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the County sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the

operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures;
- (2) 60 days for alternative activities at a sugarhouse;
- (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
- (4) 1 year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) at least once every 12 months for buildings which contain an assembly area;

(2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and

(3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES

(a) Definitions. For the purposes of this section:

(1) the term "condition assessment" means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term "deterioration" means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term "parking garage" means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(i) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term "professional engineer" means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term "responsible professional engineer" means the professional engineer who performs a condition assessment, or under whose supervision

a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the County, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018 shall undergo an initial condition assessment as follows:

(i) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) If originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to June 1, 2023.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the County becomes aware of any new or increased deterioration which, in the judgment of the County, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the County to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the

County within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
- (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report;
- (9) and the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age,

maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The County shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the County shall, by Order to Remedy or such other means of enforcement as the County may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the County to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The County shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the County with a written statement attesting to the fact that he or she has been so engaged, the County shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The County shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the County:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the County by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within the County as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(i) the accompanying Flood Insurance Rate Map (FIRM);

(ii) Flood Boundary and Floodway Map (FBFM); and

(iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be public records open for public inspection accompanied by a FOIL request during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Tioga County Legislature a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 15 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the County, on a form prescribed by the Secretary of State, a report of the activities of the County relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials the County is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The

Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days in jail, or both, and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of the County.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the County, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary

Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the County, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Tioga County Legislature.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule may be established by resolution of the Tioga County Legislature. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The Tioga County Legislature may, by resolution, authorize the Chair of the Legislature to enter into an agreement, in the name of the County, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 21. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Legislator Standinger spoke. "I am a little concerned about the energy involvement in this because I know the State has a Green New Deal proposal that is going to cause a lot of problems, especially for the Upstate people with regard to heating appliances and whatnot. So, I am concerned about that portion of it, but unfortunately at our level we really do not have a lot of choice. Although I am not really happy about it, I have no issue with us going forward with this."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 383-22 *ADOPT COUNTY BUDGET FOR 2023,
APPROPRIATIONS AND SALARY SCHEDULE*

RESOLVED: That the tentative budget for Tioga County for the year 2023 submitted by the Budget Officer on November 15, 2022 and approved by the Finance Committee be, and the same hereby is adopted as the official Budget for the year 2023; and be it further

RESOLVED: That the several amounts specified in such budget as to the total for the several objects as set forth in Schedule 1 therein be appropriated for such objects, effective January 1, 2023; and be it further

RESOLVED: That the full-time Salary Schedule 5 set forth in the budget be adopted effective January 1, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 384-22 *TOWN TAX LEVY*

WHEREAS: There has been presented to this Legislature a duly certified copy of the annual Budgets of each of the several Towns of the County of Tioga for the fiscal year beginning January 1, 2023; and therefore be it

RESOLVED: That there shall be, and there is, assessed against and levied upon and collected from the taxable property situate in the following Towns outside the

incorporated Villages or partially located therein, the amounts indicated for Town purposes as specified in the Budgets of the respective Towns as follows:

<u>Part Town</u>	<u>General Outside</u>	<u>Highway Outside</u>
Barton	-	-
Candor	5,995.00	226,780.00
Newark Valley	-	-
Nichols	-	258,000.00
Owego	-	2,291,000.00
Spencer	14,535.00	424,003.00

And be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within the respective Fire and Fire protection Districts in the Towns, the following amounts for the purposes of such Districts as specified on their annual Budgets:

Town of Barton	
Halsey Valley Fire Protection	20,982.69
Lockwood Fire Protection	46,321.78
Waverly Joint Fire Protection	304,012.00
Town of Berkshire	
Berkshire Fire District	200,402.00
Town of Candor	
Candor Fire District	466,603.88
Town of Newark Valley	
Newark Valley Fire District	334,565.40
Town of Nichols	
Nichols Joint Fire Protection	493,335.45
Town of Owego	
Apalachin Fire District	1,095,236.00
Owego Fire District	2,217,729.26
Newark Valley Fire District	48,345.10

Town of Richford	
Richford Fire District	111,325.00
Town of Spencer	
Spencer Fire Protection District	80,000.00
Town of Tioga	
Tioga Fire District	302,266.00

And be it further

RESOLVED: That there shall be, and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore within certain sewer, water and lighting Districts in the Town of Owego and the amounts specified in their annual budgets as follows:

Water District No. 4/Ext. 13	11,458.00
Water District No. 4/Ext. 15	-
Water District No. 4/Ext. 17	-
Water District No. 4/Ext. 20	16,488.00
Sewer District No. 2/Ext. 14	11,402.00
Sewer District No. 2/Ext. 15	12,120.00
Lighting District No. 1	5,000.00
Lighting District No. 2	8,000.00
Lighting District No. 3	8,000.00
Lighting District No. 4A	650.00
Lighting District No. 4B	2,200.00
Lighting District No. 5	6,000.00
Lighting District No. 6	10,000.00
Lighting District No. 7	1,800.00
Lighting District No. 8	1,200.00
Lighting District No. 9	750.00
Lighting District No. 10	850.00

And be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Owego returned sewer and water rents in the amount of \$383,718.15; and be it further

RESOLVED: That there shall be and there hereby is, assessed against and levied upon and collected from the taxable property liable therefore in the Town of Barton returned sewer and water rents in the amount of \$5,454.74; and be it further

RESOLVED: That the amounts to be raised by tax for all other purposes as specified in the several annual Budgets shall be, and they hereby are, assessed against and levied upon and collected from the taxable properties in the Towns except as otherwise provided by law as follows:

<u>Townwide</u>	<u>General</u>	<u>Highway</u>
Barton	258,060.00	624,000.00
Berkshire	100,226.00	347,573.00
Candor	1,065,047.00	737,380.00
Newark Valley	367,303.00	418,000.00
Nichols	-	-
Owego	1,090,000.00	-
Richford	258,234.00	466,610.00
Spencer	349,376.00	273,085.00
Tioga	279,122.00	643,849.00

And be it further

RESOLVED: That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown by this resolution for distribution by them in the manner provided by law.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 385-22 COUNTY TAX LEVY

WHEREAS: This Legislature by Resolution No. 383-22 dated December 13, 2022 adopted a Budget for the fiscal year 2023 and by Resolution No. 383-22 dated December 13, 2022 has made appropriations for the conduct of the County Government during said fiscal year and has by Resolution No. 384-22 dated December 13, 2022 levied the taxes required for the support of the Government of the several Towns; therefore be it

RESOLVED: That pursuant to Section 360 of the County Law and Section 900 of the Real Property Tax Law, this Legislature hereby levied the following for County purposes upon the taxable real property in the County upon valuation as heretofore equalized by it.

Upon all the taxable property liable for the support of County Government, the sum of \$ 25,992,346 and in addition thereto upon the real property liable therefore, and following taxes:

For Returned Village Taxes	533,687.54
For School Tax Returned	3,168,955.86
For Deficits from prior years' taxes	.51
For Reimbursement of Erroneous taxes, etc.	2,385.93

All of the forgoing being subject to	
Credit for excess collection the prior year of	93.18

Further

RESOLVED: That the County Treasurer's Office be directed to extend the taxes as aforesaid and also the taxes for Town purposes set forth in Resolution No. 384-22 on the rolls of the several Towns against each parcel of property set forth in said rolls, and that the Chair and the Clerk of the County Legislature be directed and empowered to execute under the seal of this Legislature the several Tax warrants for the collection of said taxes, and to cause the several tax rolls with said warrants annexed to be delivered to the Collectors of the several Town Tax Districts of the County on or before December 31, 2022; and be it further

RESOLVED: That the County tax rates for each of the Towns are as follows:

Barton	Out	11.405082
	In	11.405082
Berkshire	Out	9.203646
Candor	Out	9.788108
	In	9.788108
Newark Valley	Out	13.952950

	In	13.952950
Nichols	Out	34.270319
	In	34.270319
Owego	Out	13.457227
	In	13.457227
Richford	Out	7.158019
Spencer	Out	8.319306
	In	8.319306
Tioga	Out	152.027697

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 386-22 *RESOLUTION TO RENEW CONSULTANT CONTRACT FOR HAZARD MITIGATION PLAN COORDINATOR FOR 2023*

WHEREAS: Per Resolution 193-12 and Resolution 218-13, the Tioga County Legislature contracted with the Tioga County Soil & Water Conservation District to perform the Hazard Mitigation Plan Coordinator services based on a mutually agreeable work plan with specific tasks; and

WHEREAS: The Tioga County Planning Department continues to lack existing capacity to perform these FEMA-required services; and

WHEREAS: The Tioga County Planning Department has sufficient funds in the 2023 budget to cover these expenses, in the amount of \$20,000 from Planning Appropriation account A8020 540140; therefore be it

RESOLVED: That the Tioga County Legislature does hereby authorize the renewal of said contract with Tioga County Soil & Water Conservation District, to perform Hazard Mitigation Coordinator services from January 1 - December 31, 2023, not to exceed \$20,000 from Planning Appropriation account A8020 540140 and

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 388-22 *INTER-MUNICIPAL AGREEMENT WITH BROOME COUNTY FOR DISPOSAL OF HAZARDOUS WASTE*

WHEREAS: Tioga County has had a contract and inter-municipal agreement for the disposal of hazardous waste with Broome County for the last twenty-two years; and

WHEREAS: Broome County and Tioga County developed a proposal plus an inter-municipal agreement allowing Tioga County to utilize Broome County's Hazardous Waste Facility for 2 years, 1/1/2023 – 12/31/2024; therefore be it

RESOLVED: That the Tioga County Legislature authorizes and directs the Chair or their designee to renew the contract and inter-municipal agreement for the disposal of hazardous waste with Broome County for 2 years, 1/1/2023 – 12/31/2024, upon approval by the County Attorney.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 389-22 *RESOLUTION TO APPROVE A CONTRACT BETWEEN THE TIOGA CO. PROBATION DEPT. & THE FAMILY AND CHILDREN'S COUNSELING SERVICES TO PROVIDE ADULT & JUVENILE SEXUAL OFFENDER ASSESSMENT AND TREATMENT SERVICES IN THE JOURNEY PROJECT*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult and juvenile sex offender treatment in 2019; and

WHEREAS: The Family and Children's Society contract with Tioga County Probation provides for a total of 21 sexual offender slots as follows: 15 adult assessment and treatment slots; 10 adult safety monitor education slots; 6 juvenile offender assessment and treatment slots and 10 parent safety monitor education slots for a cost of \$123,840 annually; therefore be it

RESOLVED: That the Probation Director is approved to contract in 2023 with The Family and Children's Society to provide adult sexual offender assessment and treatment, juvenile sexual offender assessment and treatment and educational sessions for adult supervisors and parent supervisors in the amount of \$123,840 annually.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 390-22 *AUTHORIZE CONTRACT WITH TRINITY TO ADMINISTER PREVENTION AND JAIL SERVICES*

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Council on Alcohol and Substance Abuses of Livingston County, d.b.a. Trinity for the purpose of Alcohol and Substance Abuse Prevention in Tioga County and in the Tioga County Jail; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents and Tioga County Jail inmates; and

WHEREAS: Trinity has been performing these services in the past and TCMH is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into renewal contracts with Trinity, for \$259,499 plus any additional state aid received, for the continuation of Alcohol and Substance Abuse Prevention in the community as well as the Tioga County Jail for the period January 1, 2023 through December 31, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 391-22 *AUTHORIZE CONTRACT WITH CATHOLIC CHARITIES TO ADMINISTER ONGOING INTEGRATED SUPPORTED EMPLOYMENT SERVICES*

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Catholic Charities of Rochester, d.b.a. Catholic Charities Tompkins/Tioga for the purpose of Ongoing Integrated Employment Services in Tioga County; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: Catholic Charities has been performing these services in the past and TCMH is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with Catholic Charities, for \$16,905 plus any additional state aid received, for the continuation of Ongoing Integrated Employment Services for the period January 1, 2023 through December 31, 2023.

Legislator Standinger spoke. "To get a person that does not have a job, a job, is a very worthwhile venture, so I see a lot of merit in this resolution."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 392-22 *AUTHORIZE CONTRACT WITH ASPIREHOPENY
TO ADMINISTER PARENT SUPPORT SERVICES*

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of AspireHopeNY, Inc. for the purpose of administering Parent Support Services in Tioga County; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: AspireHopeNY has been performing these services in the past and TCMH is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with AspireHopeNY, for \$62,327 plus any additional state aid received, for the continuation of Parent Support Services in Tioga County for the period January 1, 2023 through December 31, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 393-22 *AUTHORIZE CONTRACT WITH
REHABILITATION SUPPORT SERVICES, INC. TO
ADMINISTER PSYCHOSOCIAL CLUB, HEALTH HOME
NON-MEDICAID CARE MANAGEMENT, HEALTH
HOME SERVICE DOLLARS & ADMINISTRATION,
SUPPORTED HOUSING RENTAL ASSISTANCE &
COMMUNITY SERVICES, WARM LINE AND DROP-IN
CENTER*

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Rehabilitation Support Services, Inc. (RSS) for the purpose of administering the following programs: PsychoSocial Club, Health Home Non-Medicaid Care Management, Health Home Service Dollars & Administration, Supported Housing Rental Assistance & Community Services, Warm Line and Drop-In Center; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: RSS has been performing these services in the past and TCMH is seeking a contract renewal: therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with RSS, for \$254,080 plus any additional state aid received, for the continuation of PsychoSocial Club, Health Home Non-Medicaid Care Management, Health Home Service Dollars & Administration, Supported Housing Rental Assistance & Community Services, Warm Line and Drop-In Center in Tioga County for the period January 1, 2023 through December 31, 2023.

Legislator Standinger spoke. "This is basically pass-through money that allows for services for people that really need them. If they get the services, then they are not ending up in the criminal world or homeless world, so that is the purpose of this resolution."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 394-22 *AUTHORIZE CONTRACT WITH HELIO HEALTH
FOR CONTRACTING FOR MENTAL HYGIENE
EMPLOYEES*

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Helio Health for the purpose of contracting Mental Hygiene Employees; and

WHEREAS: Helio Health has been performing these services in the past and TCMH is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with Helio Health, for

\$664,312, for the continuation of contracting for Mental Hygiene Employees for the period January 1, 2023 through December 31, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 395-22 *AUTHORIZE CONTRACT WITH GLOVE HOUSE
SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with Glove House to provide Preventive Services to eligible families in the Waverly School District; and

WHEREAS: The Department of Social Services wishes to renew the contract for January 1, 2023 through December 31, 2023 in the amount of \$77,696; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Glove House for the provision of Preventive Services for the period January 1, 2023 through December 31, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 396-22 *AUTHORIZE CONTRACT WITH LITERACY
VOLUNTEERS OF BROOME TIOGA, INC.
SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with Literacy Volunteers of Broome Tioga, Inc, for an on-site Adult Learning Lab for residents of Tioga County; and

WHEREAS: The Department of Social Services wishes to renew the contract for January 1, 2023 through December 31, 2023 in the amount of \$53,885; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Literacy Volunteers of Broome Tioga, Inc, for an on-site Adult Learning Lab for the period January 1, 2023 through December 31, 2023.

Legislator Standinger spoke. "Learning to read is something that is very important. Not being able to read in today's time is certainly a disadvantage, so the services that are provided here are welcome."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 397-22 *AUTHORIZE CONTRACT WITH A NEW HOPE CENTER
SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with A New Hope Center to provide mandated Domestic Violence Services to residents of Tioga County; and

WHEREAS: The Department of Social Services wishes to renew the contract for January 1, 2023 through December 31, 2023 in the amount of \$42,000; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with A New Hope Center for the provision of mandated Domestic Violence Services for the period January 1, 2023 through December 31, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 398-22 *AUTHORIZE CONTRACT WITH LIBERTY RESOURCES
SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with Liberty Resources for the Co-location and Collaboration of Behavioral Health and Child Protective Services; and

WHEREAS: The Department of Social Services wishes to renew the contract for January 1, 2023 through December 31, 2023; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with Liberty Resources for the Co-location and Collaboration of Behavioral Health and Child Protective Services in the amount of \$68,138 for the period January 1, 2023 through December 31, 2023

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 399-22 *AUTHORIZE AGREEMENT WITH ALL MODE
COMMUNICATIONS INC. FOR MITEL
TELECOMMUNICATIONS SYSTEM*

WHEREAS: The Tioga County Information Technology and Communications Services department has a current support Agreement with All Mode Communications Inc. for the County's MITEL telecommunications system; and

WHEREAS: Tioga County Information Technology and Communications Services department is currently in year three of this three-year Agreement with All Mode Communications, Inc.; and

WHEREAS: Budgetary quotes obtained from All Mode show that compared with annual installments, paying the up-front cost of \$57,319.20 for three years, would save the County a total of \$3,016.80; and

WHEREAS: The Chief Information Officer would like to continue support services for the County Telecommunications systems with an updated three (3) year support Agreement for the period of January 1, 2023 through December 31, 2025; and

WHEREAS: Funding will be provided for using Information Technology and Communication Services A1680 540661 (Telephone Maintenance); therefore be it

RESOLVED: That the Chair of the County Legislature is authorized to execute an agreement between Tioga County and All Mode Communications, Inc. upon review by the County Attorney; and be it further

RESOLVED: That \$19,106.40 for the above contract is paid from the budget line A1680 540661 yearly for three years.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 400-22 *AUTHORIZE BOARD OF ELECTIONS
BUDGET TRANSFER*

WHEREAS: The Tioga County Board of Elections was required to administer unexpected primary and special elections in August 2022; and

WHEREAS: These additional elections were not included in the Board of Elections original 2022 operating budget; and

WHEREAS: Due to the expense of the additional elections, the Board of Elections will require additional funding on the Election Inspector budget line to complete payments to all the election inspectors who worked for the 2022 General Election; and

WHEREAS: Sufficient funds are not available to transfer from other Board of Elections operating expense lines (54), but excess funds are available in Board of Elections salary (51) and equipment (52) expense lines; and

WHEREAS: Legislative approval is required to transfer funds between salary, capital, and operating expense lines; therefore be it

RESOLVED: That the Board of Elections is authorized to execute budget transfers as follows:

FROM:	A1450 520090	Computer	\$2,000.00
FROM:	A1450 520130	Equipment (Not Car)	\$2,134.44

FROM:	A1450 510020	Part Time/Temporary	\$3,265.56
TO:	A1450 540143	Election Inspectors	\$7,400.00
FROM:	A1450 520130	Equipment (Not Car)	\$1,878.75
TO:	A1450 540143 EV	Election Inspectors – proj. EV	\$1,878.75

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 401-22 *AUTHORIZE TRANSFER OF FUNDS
FOR PURCHASE OF LAPTOP FOR THE
SOLID WASTE DEPARTMENT*

WHEREAS: The Tioga County Solid Waste Sustainability Manager has found it necessary to replace the office laptop; and

WHEREAS: The County's Purchasing and Payment Policy, Section V. states any request to purchase a device requiring network or phone connectivity must receive approval from the Director of Information Technology; and

WHEREAS: The Chief Information Officer has recommended and approved the purchase of a laptop; and

WHEREAS: The Solid Waste Budget does not have an established computer equipment expense line for the purchase of this laptop; and

WHEREAS: Amending the Solid Waste Budget with the addition of the computer expense line, A8160 520090, and the transfer of funds requires Legislative approval; therefore be it

RESOLVED: That the Solid Waste Sustainability Manager be authorized to purchase the laptop and the following funds be transferred for this purchase:

From: A8160 - 542140 Contracting Service \$850

To: A8160 - 520090 Computer \$850

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 402-22 *AMEND RESOLUTION NO. 190-22
BUDGET MODIFICATION TO TIOGA COUNTY
VETERANS' SERVICE AGENCY
2022 BUDGET*

WHEREAS: The Tioga County Veteran Services' Agency (TCVSA) performed a budget modification in June 2022 to reflect an increase in State Aid funding and a change in personnel; and

WHEREAS: The original modification and appropriation in Resolution No. 190-22 was miscalculated and also failed to include any state retirement fringe benefits increases which has led to an expense shortfall in full-time payroll, part-time payroll and state retirement fringe for 2022; and

WHEREAS: TCVSA has already allocated this funding in its 2022 budget; yet this will require a 2022 budget modification and appropriation with a transfer of funds within TCSVA to cover the expense shortfalls caused by the miscalculation of

funds needed to pay the increased expenses through end of 2022 Fiscal Year;
and

WHEREAS: Budget Modification and Appropriation of Funds requires Legislative Approval; therefore be it

RESOLVED: That 2022 budget modification/transfer be approved as follows:

From: A6510 540487 DP22	Dwyer Program Expenses	\$ 5,106.00
To: A6510 510010 DP22	Full Time – Dwyer	\$ 5,106.00

And be it further

RESOLVED: That a 2022 budget appropriation be approved as follows:

From: A6510 437100	State Aid – Veterans	\$11,591.00
To: A6510 581088	State Retirement Fringe	\$ 5,970.00
To: A6510 510010	Full Time Payroll	\$ 4,731.00
To: A6510 510020	Part Time Payroll	\$ 890.00

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 403-22 *AMEND RESOLUTION NO. 269-22
AUTHORIZE PURCHASE OF SPECIFIC EXCESS AND
EMPLOYER'S LIABILITY INSURANCE FOR WORKERS'
COMPENSATION PROGRAM*

WHEREAS: Resolution 269-22 authorizes the purchase of specific excess insurance and employer's liability insurance for the period of January 1, 2023 through December 31, 2023; and

WHEREAS: Midwest Employers Casualty Company, the company which provides the specific excess policy, is offering a two-year policy term option; and

WHEREAS: This two-year policy term option will lock in the premium rate for a two-year period along with the specific retention levels; and

WHEREAS: The premium would continue to be payable in annual installments; therefore be it

RESOLVED: That Resolution 269-22 be amended to authorize the Tioga County Legislature to accept the two-year policy option and purchase specific excess insurance through Midwest Employers Casualty Company, upon approval by the County Attorney, for the period of January 1, 2023 through December 31, 2024 to be paid for out of the 2023 and 2024 Tioga County Self-Insurance budget.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE FINANCE COMMITTEE
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RESOLUTION NO. 404-22	<i>MODIFY 2022 BUDGET AMEND RESOLUTION 30-22 PROJECT LIFESAVER SHERIFF'S OFFICE</i>
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WHEREAS: The Tioga County Sheriff's Office has received donations for the recently implemented Project Lifesaver Program; and

WHEREAS: Resolution 30-22 requested authorization to set up an expenditure and revenue account for said donations that will be used to purchase supplies related to this program; and

WHEREAS: Legislative approval is needed to modify the budget; therefore be it

RESOLVED: That donations receipted to revenue account A3110.427050.PLS01 Gifts & Donations be transferred to the expenditure account A3110.540640.PLS01 Supplies (not office) on an ongoing basis; and be it further

RESOLVED: That the year-end balances be carried forward to the next year.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 405-22 *AMEND CAPITAL BUDGET AND
TRANSFER FUNDS FOR PATROL TRUCK
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has budgeted for the purchase of a patrol truck in 2022 for \$100,000.00; and

WHEREAS: A plow is needed for the new patrol truck; and

WHEREAS: The Commissioner of Public Works received proposals for the purchase of the plow; and

WHEREAS: Legislative approval is needed to amend 2022 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H5130.520939	Excavator	\$10,000.00
To: H5130.520915	Patrol Truck	\$10,000.00

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 406-22 *AMEND CAPITAL BUDGET AND
TRANSFER FUNDS FOR B&G GARAGE
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has budgeted to insulate and heat the Buildings & Grounds garage in 2022 for \$50,000.00; and

WHEREAS: The Commissioner of Public Works received proposals for this work to be done; and

WHEREAS: Proposals for the spray foam insulation and fire retardant paint needed for the new heating system came in higher than anticipated; and

WHEREAS: The cost to pave the Public Safety Building Parking Lot came in under budget; and

WHEREAS: Legislative approval is needed to amend 2022 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H1620.521914	Parking Lot	\$85,000.00
To: H1620.520926	HVAC Control System	\$85,000.00

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 407-22 *AMEND BUDGET AND TRANSFER FUNDS
FOR ROAD MACHINERY REPAIRS
PUBLIC WORKS*

WHEREAS: The Commissioner of Public Works has budgeted for road machinery repairs in 2022 for \$175,000.00; and

WHEREAS: Expenses for road machinery repairs will be over budget in 2022; and

WHEREAS: The County Road Fund (D fund) and the Road and Machinery fund (DM fund) are funded by the General Fund (A Fund); and

WHEREAS: Legislative approval is needed to transfer funds and an interfund transfer will be needed from the Maintenance Roads and Bridges Fund to Road Machinery Fund; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the 2022 Operating Budget:

From: D5110.540262	Metal Pipes/Culverts	\$25,000.00
To: DM5130.540560	Repairs	\$25,000.00

And be it further

RESOLVED: That the interfund revenue budgets for County Road Fund and the Road and Machinery fund be adjusted as follows:

From: D5110-450310	Interfund Transfers	\$25,000.00
To: DM5130-450310	Interfund Transfers	\$25,000.00

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC SAFETY COMMITTEE
	FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 408-22	<i>AMEND 2022 BUDGET</i>
	<i>CONTINGENCY TRANSFER REQUEST</i>
	<i>MEDICAL EXAMINERS & CORONERS</i>

WHEREAS: The Tioga County Coroner has reported a higher-than-expected number of deaths and autopsy cases for 2022, and the A1185 Medical Examiners and Coroners accounts will not have sufficient funds for the remainder of 2022 to cover the anticipated costs; and

WHEREAS: Funds will need to be transferred from the Tioga County Contingency account in order to accommodate the increasing number of cases as reported by the Tioga County Coroner; and

WHEREAS: Amending of the 2022 Budget and the appropriation of Contingent accounts require Legislative approval; therefore be it

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

FROM:	A1990 540715 Contingency Transfer	\$10,000.00
TO:	A1185 540370 Medical Expense	\$10,000.00

Legislator Standinger spoke. "Unfortunately, the number of individuals the County Coroner's Office has been involved in has been higher this year, which precipitated this request for additional funds. I would like to commend the Administrative Coroner for looking after the funds he has to work with. This is an unfortunate circumstance and certainly the funds are needed to perform the duties."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 409-22 YEAR END TRANSFERS

RESOLVED: That unencumbered balances of appropriation accounts, unanticipated revenue fund balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That the County Treasurer is hereby authorized and directed to effect this resolution.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 410-22 *AUTHORIZE TREASURER TO ENCUMBER FUNDS*

RESOLVED: That the County Treasurer be and hereby is authorized to encumber whatever funds he deems necessary, subject to the approval of the Finance Committee; and be it further

RESOLVED: That said funds be encumbered before December 21, 2022 to allow proper coding of bills for payment through the Accounts Payable check run of March 2, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 411-22 *AUTHORIZE THE RE-ESTABLISHMENT OF PRIOR YEAR 2022 GRANT FUNDS AND CAPITAL PROJECTS FOR 2023*

WHEREAS: Grant Funds and Capital Project expenditures and revenue allocations have been approved via resolution; and

WHEREAS: Prior Year Grant Funds need to be re-established for the remaining unspent balance as of year-end 2022 for purchase or completion in 2023; and

WHEREAS: Prior year Capital Projects need to be re-established for the remaining unspent balance as of year-end 2022 for purchase or completion in 2023; therefore be it

RESOLVED: That the remaining unencumbered balances of active and approved Grants and Capital Projects be re-established.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 412-22 *ESTABLISH RETIREE HEALTH INSURANCE CONTRIBUTIONS*

WHEREAS: Retirees who qualified to pay 0% of individual health insurance in accordance with Section IV.B.1.c. of the Employee Handbook Policy "Orientation/ Exit Interviews / Recruitment/ Retirement" (formerly Policy # 3) are currently not contributing toward their retiree coverage; and

WHEREAS: Due to continually rising health insurance costs, property tax cap, and other factors it is no longer feasible to offer these retirees free health insurance; therefore be it

RESOLVED: That any retiree as of the date of this resolution who qualified for free individual coverage in accordance with Section IV.B.1.c. shall contribute 3.25% of the monthly individual premium or \$20/month per individual policy, whichever is greater, effective January 1, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 413-22 *AUTHORIZE SALARY ABOVE CSEA BASE FOR
CASEWORKER (ANDREA GLEASON)*

WHEREAS: Legislative approval is required to hire above the established CSEA salary base; and

WHEREAS: The Commissioner of Social Services has identified a candidate to fill a Caseworker (CSEA SG XI, \$46,132-47,132) vacancy who has four years of prior relevant work experience; therefore be it

RESOLVED: That Andrea Gleason is hereby appointed to the title of Caseworker at \$47,132/year (increment stage 2) effective December 19, 2022; and be it further

RESOLVED: That Ms. Gleason will be eligible for an increment upon completion of her seventh year of service.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 414-22 *AUTHORIZE SALARY INCREASE
DISTRICT ATTORNEY'S OFFICE*

WHEREAS: Legislative approval is required for salary increases within Tioga County; and

WHEREAS: A review of the salaries for Assistant District Attorneys has revealed that an increase is warranted based on factors including job duties, level of responsibility, the increase in workload due to bail and discovery reforms, salary discrepancies with neighboring counties and state agencies, and attempts by outside agencies to recruit the current Assistant District Attorneys; and

WHEREAS: Cheryl Mancini's, First Assistant District Attorney, annual salary for 2023 was scheduled to be \$94,869.28; and

WHEREAS: Torrance Schmitz's, Second Assistant District Attorney, annual salary for 2023 was scheduled to be \$85,177.95; and

WHEREAS: Lillian Reardon's, Third Assistant District Attorney, annual salary for 2023 was scheduled to be \$79,717.83; and

WHEREAS: Adjustments are appropriate to those salaries in light of the above findings; therefore be it

RESOLVED: That Cheryl Mancini's, First Assistant District Attorney, annual salary for 2023 shall be \$110,000; and be it further

RESOLVED: That Torrance Schmitz's, Second Assistant District Attorney, annual salary for 2023 shall be \$95,000; and be it further

RESOLVED: That Lillian Reardon's, Third Assistant District Attorney, annual salary for 2023 shall be \$85,000.

Legislator Mullen spoke. "I think it is overdue. I can only say that in a conversation I had with the District Attorney earlier in November revealed that it has come to the point where it is not just our employees looking where the 'grass may be greener', but actually our employees being recruited by other municipalities, State and local governments. I applaud District Attorney Martin for bringing this resolution forward and I very strongly support its passage. It's about time and overdue. I thank the Legislature for their willingness to pass this piece of legislation."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

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. 415-22 *AUTHORIZE APPOINTMENT OF
FULL-TIME DEPUTY DIRECTOR POSITION
OFFICE OF EMERGENCY SERVICES*

WHEREAS: The Tioga County Legislature authorized the creation of one, full-time Deputy Director of Emergency Services position by way of Resolution No. 369-22; and

WHEREAS: The Emergency Services Director has identified a qualified candidate who has been found to meet the minimum qualifications of the full-time Deputy Director of Emergency Services title; therefore be it

RESOLVED: That the Director of Emergency Services is hereby approved to appoint Corinne Cornelius to the FT Deputy Director of Emergency Services position at an annual Management/Confidential salary of \$60,000.00 effective January 3, 2023.

Legislator Mullen spoke. "I would like to commend the search committee and Director of Emergency Services Simmons on selecting an outstanding candidate who is highly qualified for this position and who is a Tioga County life-long resident, which is added bonus. I look forward to working with Corinne in the future and I am very, very pleased that she accepted the position."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 416-22 2023 STAFF CHANGES
PUBLIC WORKS

WHEREAS: The Public Works Department requested a staffing change as part of the 2023 Budget Process; and

WHEREAS: This request was approved by the Tioga County Legislature; therefore be it

RESOLVED: That the following staffing change be effective January 1, 2023:

<u>Name</u>	<u>Current Title/ Salary</u>	<u>New Title/ Salary</u>	<u>Budget Impact</u>
		Heavy Equipment Mechanic I (FT) (\$20.29/hour)	\$42,203

And be it further:

RESOLVED: That the Tioga County Legislature authorizes the creation of one, full-time Heavy Equipment Mechanic I position (CSEA salary grade 3 at an hourly rate of \$20.29) effective January 1, 2023.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 417-22 2023 STAFF CHANGES
LEGISLATIVE OFFICE

WHEREAS: The Legislative Office requested a staffing change as part of the 2023 Budget process; and

WHEREAS: This request was approved by the County Legislature; therefore be it

RESOLVED: That the following staffing changes be effective January 1, 2023:

<u>Name</u>	<u>Current Title/ Salary</u>	<u>New Title/ Salary</u>	<u>Budget Impact</u>
Susan Haskett	Information Security Officer (Part-Time)	Abolish	-\$2,746

And be it further:

RESOLVED: That the Legislative Office authorized 2023 part-time headcount is reduced from 10 to 9.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 418-22 *AUTHORIZE THE RE-APPOINTMENT OF
SHAWN L. YETTER AS COMMISSIONER OF
SOCIAL SERVICES*

WHEREAS: Commissioner Shawn L. Yetter's current appointment, effective January 21, 2018, will expire on January 20, 2023; and

WHEREAS: Pursuant to the Social Services Law of the State of New York, Article Three, Section 116, Paragraph 1 which states: "Any inconsistent provision of the law, notwithstanding, the position of the chief executive officer of the county or city social services department, whether referred to as commissioner or by other title, shall be in the non-competitive class of civil service, except any which is or may hereafter be in the competitive class. Appointments to such positions in the non-competitive class shall be for terms of five years and shall be made by the appropriate county or city body or officer."; and

WHEREAS: The Legislature is well pleased with Commissioner Shawn L. Yetter's performance, experience and qualifications and desires to re-appoint him as the Tioga County Commissioner of Social Services; now therefore be it

RESOLVED: That Shawn L. Yetter be and hereby is re-appointed as Tioga County Commissioner of Social Services for a fifth five-year term effective January 21, 2023, through January 20, 2028.

Legislator Standinger spoke. "Shawn Yetter has been the Commissioner for a number of years and during his time his leadership has been exceptional. At some point he is going to retire, I am sure, but as long as we can keep him that is a good thing for us."

Legislator Mullen spoke. "I just want to mirror Legislator Standinger's remarks and I want to say thank you Shawn for your willingness to take us on again for how many years you will stay. Thank you very much for your leadership."

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 419-22 *AMEND EMPLOYEE HANDBOOK:
ADD NEW POLICY TO SECTION IV. PERSONNEL
RULES, SUBSECTION U. ENTITLED RIGHTS OF
NURSING EMPLOYEES TO EXPRESS BREAST MILK*

WHEREAS: Section 206-c of the New York State Labor Law requires employers to provide reasonable unpaid break time to express breast milk; and

WHEREAS: Tioga County does not have its own breast milk expression policy addressing notice, reasonable unpaid break time, reasonable efforts and privacy, close proximity and non-discrimination; and

WHEREAS: The County Attorney has written and proposed a new policy entitled Rights of Nursing Employees to Express Breast Milk; therefore be it

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to Section IV. Personnel Rules, subsection u, entitled Rights of Nursing Employees to Express Breast Milk.

u. Rights of Nursing Employees to Express Breast Milk

Tioga County Right of Nursing Employees to Express Breast Milk

- I. Policy
- II. Reasonable Unpaid Break Time
- III. Reasonable Effort and Privacy
- IV. Close Proximity
- V. Non-Discrimination

I. Policy

Tioga County shall provide written notification of the provisions of Labor Law §206-c to employees who are returning to work, following the birth of a child, and their right to take unpaid leave for the purpose of expressing breastmilk.

This notice will be provided to employees generally through the Employee Handbook and will be included in new employee orientations.

Employees are required to provide advance notice to their supervisors, preferably before the employee's return to work, for the scheduling of leave time and to establish a location to express breast milk.

Tioga County provides a supportive environment where employees may express breast milk during work hours. Employees who choose to express breast milk in the workplace will not be discriminated against in any way.

II. Reasonable Unpaid Break Time

Employees who choose to express breast milk when they return to work will receive:

- Reasonable unpaid break time and their normal breaks and mealtimes to breastfeed or express breast milk during work hours. Employees can use breaks and mealtimes to express breast milk for up to three years following childbirth. Each break should be no less than 20 minutes. For time beyond their usual break times, employees may use personal leave or may make up the time as agreed upon with their supervisor. (New York State Labor Law §206-c and Section 7 of the Fair Labor Standard Act).
- Unpaid break time at least once every three hours if requested by the employee.
- Unpaid break time that may run concurrent with regularly scheduled paid break or meal periods.
- The option to work before or after their scheduled hours to make up time used during unpaid break(s) times for the expression of breast milk as long as the requested time is within Tioga County's normal work hours.

Employees may be required to postpone scheduled unpaid break time up to thirty minutes if they cannot be spared from duties until appropriate coverage arrives.

III. Reasonable Effort and Privacy

Tioga County will make a reasonable effort to provide a room or other location (not a toilet stall or restroom) close to the employee's work area where they can privately breastfeed or express breastmilk. This location or room will be sanitary, private and contain at minimum a chair, a small table

or other flat surface, be well-lit at all times, have a lock or a sign for when the location is in use to ensure privacy, an electrical outlet, a refrigerator for storing expressed breast milk or a refrigerator in close proximity, and be located near a sink with running water so that employees can wash their hands and rinse out breast pump parts.

Employees may also breastfeed or express breast milk in their own private offices or in other comfortable locations agreed upon with their supervisor.

IV. Close Proximity

Any room or location provided for the expression of breast milk will be in close proximity to the work area of the employee(s) using it for the expression of breast milk. The room or location will be in walking distance and will not appreciably lengthen break time.

V. Non-Discrimination

Tioga County will not discriminate in any way against an employee who chooses to express breast milk in the workplace. Encouraging or allowing a hostile work environment could constitute discrimination within the meaning of this policy.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 420-22 *AMEND EMPLOYEE HANDBOOK:
SECTION VII: PURCHASING AND PAYMENT POLICY
SUBSECTIONS III. PURCHASING CARDS,
IV. PURCHASING, AND XI. METHODS OF
PROCUREMENT NOT COVERED BY BIDDING*

WHEREAS: The Purchasing and Payment Policy has three subsections that need to be amended; therefore be it

RESOLVED: That Subsection III. Purchasing Cards will be amended in its entirety to read as follows:

III. PURCHASE CARDS

Purchase Cards are used in Tioga County as a means of providing an efficient and convenient method of purchasing and paying for small-dollar goods and services of \$3,000 or less. The program grants the authority for these purchases to those staff members in Tioga County who have been authorized to utilize a purchase card. With this granting of authority, a cardholder also assumes complete accountability for the proper use of the card, as detailed in this policy.

Program Administration

The Deputy County Treasurer has been designated as the purchase card "Program Administrator".

The Program Administrator will provide for the issue of Purchase Cards to Department Heads and appropriate designees based on the demonstration of need. The Program Administrator is responsible for all card maintenance for both the M&T site and Munis and must be notified of any updates or changes that are needed, such as a cardholder's change of name or a change in velocity control limits. Department Heads request these changes in writing to the Program Administrator.

Purchase Card Velocity Controls

The purpose of velocity controls is to limit transactions in terms of amount and frequency, therefore controlling spending and reducing fraud.

Individual cards will have a monthly limit of \$3,000, with a limit of \$3,000 per purchase/transaction. Departmental cards will have a varying monthly limit depending on the need and size of the department, ranging from \$5,000 up to \$50,000, with a limit of \$3,000 per purchase/transaction.

All cards are limited to no more than five purchases/transactions per day and ten purchases/transactions per month.

Departmental requests may be made to the Deputy County Treasurer/Program Administrator for a one-time or ongoing increase in the departmental velocity controls to cover necessary expenses. Requests need to be made in writing, and must explain why the increase is required, suggested new limits, and duration of change. These requests will be granted in concurrence with the County Auditor.

Purchase Card Approved Uses

Purchase Cards may only be used for the purchase of those supplies and services that are directly related to the support and execution of the responsibilities of the using department. Improper use of a Purchase Card will result in a revocation of card privileges and possible disciplinary action. Proper Tioga County Purchasing Policies and Procedures should be followed at all times.

Purchase Card Prohibited Uses

The following transactions are specifically identified as those that **should not** be made with a purchase card:

- Cash Advances
- Personal Gifts
- Items for Personal Use
- Alcoholic Beverages

Exceptions to this list may be only made by the Deputy County Treasurer/ Program Administrator in advance of charge. Inappropriate use of Purchase Cards will be reviewed by the Deputy County Treasurer/Program Administrator and cards will be restricted and/or canceled if inappropriate use is identified.

Individual Responsibilities

- A. The Department Head, working with the Program Administrator, determines how many employees in the department should be issued Purchase Cards. This number should be kept to a reasonable number of employees. Requests should be made in writing to the Program Administrator. Department Heads must notify the Program Administrator immediately if they wish to revoke a card or if a cardholder terminates employment with Tioga County.
- B. The Program Administrator will distribute the cards to the employees after they are received. The employee must review the Purchase Card policies before receiving the card. The employee must sign the card immediately and complete the Purchase Card Employee Agreement (Exhibit C Purchase Card Employee Agreement located on the County Intranet "Employee Handbook-EH Forms")
- C. If a card is lost, stolen, or misplaced, the cardholder is responsible for immediately notifying VISA® at any hour of any day, and as early as possible on the next business day, the Program Administrator.
- D. The VISA® contact number is 1-800-847-2911. The Program Administrator number is 607-687-8669.
- E. Individual cardholders are charged with using their cards properly. Department Heads are responsible for monitoring proper card usage and reviewing.
- F. The Program Administrator is responsible for maintaining a file of individuals authorized to make purchase card transactions. The Program Administrator

is also the focal point for overall program administration and problem resolution.

- G. The County Auditor audits and approves the Purchase Card transaction for compliance.

Application Procedure

- A. To request a Purchase Card for an employee, a Department Head will submit the request in writing to the Program Administrator.
- B. The Program Administrator then approves and processes the Purchase Card request.
- C. When cardholders pickup their card, they must sign and return the provided agreement letter (Exhibit C Purchase Card Employee Agreement located on the County Intranet "Employee Handbook-EH Forms") The agreement letter confirms receipt of the card, and pledge to follow the Purchase Card Policy and accept responsibility for any misuse of the card.

Using the Purchase Card

- A. Tioga County's general criteria for using a Purchase Card are:
- Eligible orders must total \$3,000 or less (including freight)
 - Goods or services that total more than \$3,000 **may not** be broken into smaller purchases (parceling) to avoid going over the limit.
 - No cardholder may make more than five (5) purchases per day or ten (10) purchases per month unless approved by the Program Administrator.
- B. No Tioga County employee shall attempt to purchase an item using a Purchase Card issued to another person. Delegation of authority is not permitted in regard to card transactions.
- C. More than one person may be authorized to use a "department card". The account number should be safeguarded as carefully as a physical card and no one but authorized individuals should attempt to use it.
- D. **Itemized** receipts are **required** for **all** Purchase Card transactions and **must** be attached to the transaction in the Purchase Card Statement module in Munis. **If an itemized receipt is not attached to the transaction the purchase card holder will be required to reimburse the expense to Tioga County.*
- i. A personal check made payable to the Tioga County Treasurer should be included with the paperwork required for submission to the County Auditor.
- E. Meals purchased with the card should be in accordance with Tioga Section VI Travel Procedures, subsection a Travel policy and procedures, and section VII following the GSA per diem rates. If a Purchase Card is used in place of requesting per diem the tax-exempt form must be presented at time of purchase. If the vendor refuses to abate the tax or a credit cannot

be obtained the user is responsible to reimburse Tioga County all sales tax. If the meal purchased exceeds the GSA per diem rate, the cardholder will be responsible for reimbursing the exceeding amount to the County.

- i. A personal check made payable to the Tioga County Treasurer should be included with the paperwork required for submission to the County Auditor.
- F. If any item purchased with the purchase card is returned, the merchant must credit the card account. The cardholder should also include any credit receipt with the reconciliation paperwork.

Transaction Reconciliation

- A. Transactions are loaded into the Purchase Card Statement module in Munis weekly.
- B. Cardholders or designated employee are expected to review and process these transactions within the given week the transactions were imported.
- C. Cardholders or designated employees will update the vendor, commodity code, description, and expense accounts. All receipts and documentation should be attached in TCM via the transaction page of the Purchase Card Statement module.
- D. Once complete, transactions should be released to workflow for the Department Head and then to the County Auditor for review and approval.
- E. The approving Department Head is responsible for reviewing and approving the Purchase Card Statement Transaction. By their approval, the Department Head indicates that all charges for the cardholder have been reviewed and approved as expenditures made in compliance with the Tioga County Purchasing Policy.
- F. The County Auditor then reviews the information for accuracy and has final approval for accounting purposes.

Auditing

All card purchases will be audited by the County Auditor to confirm the Purchase Cards are being utilized responsibly, receipts are being retained, the Cardholder's transactions are being reconciled on a timely basis and appropriate accounts are being charged. If there are discrepancies, inaccurate charges, etc., the Program Administrator will be notified who will then determine the necessary action.

Summary

- The Purchase Card program is designed to let end-users of goods and services buy these necessary items directly from vendors, thus increasing efficiency, decreasing cycle time and reducing paperwork. Purchase Cards should be retained by the Departments responsible for them. All cards shall be kept in a secure place (lock box or locked desk) and signed out when needed.

- Velocity Controls:

Individual Card	\$3,000/month	\$3,000/transaction	5 transactions/day	10 transactions/month
Departmental Card	\$5,000-50,000/month	\$3,000/transaction	5 transactions/day	10 transactions/month

****Exceptions to these velocity controls are requested and maintained by the Deputy Treasurer/Program Administrator.***

- Tioga County asks its employee cardholders to exercise good judgment and act responsibly when using their Purchase Cards.
- All card activity is assumed to have been incurred by employee named on the card and they will be held responsible for all charges.
- We ask employees to always retain card receipts and safeguard your credit card.
- If you have any questions about the Purchase Card program or need additional information, please contact the Tioga County Program Administrator.

And be it further

RESOLVED: That Subsection IV. Purchasing will be amended to read as follows:

Pursuant to General Municipal Law 104-b (2) (f), Jeremy Loveland is the responsible person for overseeing the administrative details of Tioga County’s purchasing program. The Purchasing portion of this policy herein shall be administered in accordance with all ethical rules called for by the County of Tioga and the National Institute of Governmental Purchasing Code of Ethics. The purchase procedures employed will comply with all applicable laws and regulations of New York State and shall be subject to the approval of the Legislature.

And be it further

RESOLVED: That Subsection XI. Methods of Procurement Not Covered by Bidding guidelines for purchases and services contracts that fall below monetary bid limits will be amended with increased threshold amounts to read as follows:

PURCHASING PROCESSING

Procurements	Quotes Not Required	3 Written or Verbal Quotes	RFP	Formal Bid	Other
Commodities (Equipment, Materials & Supplies) (c.)					
Under \$3,000	X				
\$3,000 - \$19,999		X			
\$20,000 & Over (GML, Section 103)				X	
Service Contracts & True Leases (Not Public Works) (c.)					
Under \$10,000	X				
\$10,000 - \$19,999 (Legislative approval)		X			
\$20,000 & Over – (GML, Section 103)				X	
Public Works Contracts (May include Purchase Contracts) (b.)					
Under \$15,000	X				
\$15,000 - \$34,999		X			
Over \$35,000 – sealed bids in conformance with GML, Section 103.				X	
Professional Services GML 104-b					a.
Emergencies GML 103(4)					a.
Insurance					a.
Second-Hand Equipment from Other Governments					a.

Sole Source (i.e., patented or monopoly item)					a.
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- a) Competitive bidding is not required based on Exceptions to the Requirements of GML, §103 and §104.
- b) Projects for construction, reconstruction or maintenance done on behalf of a public agency (entity) are public work. Public work contracts may also include purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law.
- c) Purchase contracts include purchases of commodities, services, or technology GML §103.
- d) State/Federal contracts and County approved cooperative purchasing contracts are exempt from the three quote and competitive bid requirement. In the event that the County finds a lower price than the State/Federal contract or the cooperative purchasing contract, two quotes are sufficient.

And be it further

RESOLVED: That the remainder of the Purchasing and Payment Policy remain in full force and effect.

ROLL CALL VOTE

Yes – Legislators Ciotoli, Monell, Mullen, Roberts, Sauerbrey, Standinger, and Brown.

No – None.

Absent – Legislator Weston.

RESOLUTION ADOPTED.

Chair Sauerbrey spoke. “I want to thank all of our employees starting with our County Attorney, all our staff, for the great work that they did. It was a tough year. It was a good year. We lost a dear friend and fellow Legislator, Eddie Hollenbeck, so I am hopeful that 2023 will be a better year, healthy year, and thank you for all you do. Merry Christmas.”

The meeting was adjourned at 12:36 p.m.

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CERTIFICATE OF CHAIR AND CLERK

STATE OF NEW YORK)
)
COUNTY OF TIOGA)

We, MARTHA SAUERBREY, Chair, and CATHY HASKELL, Clerk of the Tioga County Legislature, do hereby certify that this pamphlet and volume of the Proceedings of said Legislature, at its monthly and special sessions held in said County during the year 2022, is correct and is printed by authority and direction of said Legislature and pursuant to Section 211 of the County Law.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the Seal of said Legislature at Owego, County of Tioga, State of New York.


MARTHA SAUERBREY
CHAIR


CATHY HASKELL
CLERK

Dated: December 30, 2022