



FINANCE, LEGAL & SAFETY COMMITTEE

September 13, 2022

10:30 a.m.

- APPROVAL OF MINUTES: August 9, 2022
- FINANCIAL
- OLD BUSINESS
 - In Rem Auction
 - 2023 Budget
- NEW BUSINESS
 - FOIL Appeal
 - Safety Trainings and Investigations
 - Discussion of proposed resolution: AUTHORIZE PURCHASE OF HI SCAN 5030C X-RAY SYSTEM AND A HIPEPLUS/PZ METAL DETECTOR USING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS
 - Litigation
 - Insurance
- PERSONNEL
- RESOLUTIONS/MOUS
 - AUTHORIZE CONTRACT BETWEEN RIVERSIDE FORENSIC PATHOLOGY, PLLC AND TIOGA COUNTY
 - CLOTHING ALLOWANCE FOR THE SAFETY OFFICER
 - AUTHORIZE PURCHASE OF HI SCAN 5030C X-RAY SYSTEM AND A HIPEPLUS/PZ METAL DETECTOR USING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS
 - MEMORANDUM OF UNDERSTANDING BETWEEN TIOGA COUNTY AND TIOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
- PROCLAMATIONS
- ADJOURNMENT

TIOGA COUNTY, NEW YORK

Office of the County Attorney

Ronald E. Dougherty County Office Building 56 Main Street Owego, NY 13827

Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 www.TiogaCountyNY.com



FINANCE, LEGAL AND SAFETY COMMITTEE

August 9, 2022

10:30am

ATTENDANCE:

Legislators: Chair Sauerbrey, Roberts, Standinger, Mullen, Brown, Weston, and Monell

Staff: Legislative Clerk Haskell, County Attorney DeWind, Safety Officer Thorpe, Deputy Treasurer Chandler, Chief Accountant Jerzak, Accountant Schurter, Public Defender Awad, ILS Coordinator Graven, Secretary to the District Attorney Kovalovsky, and Personnel Officer Parke

APPROVAL OF THE MINUTES: Legislator Monell asked for a motion to approve the July 12, 2022 minutes. Legislator Brown made the motion, seconded by Legislator Roberts and was unanimously carried.

FINANCIAL: Legal and Safety's budgets are tracking well however two of Legal's budget lines are nearly expended due to covering the supplies needed for In Rem.

OLD BUSINESS: None

NEW BUSINESS: The District Attorney's proposed 2023 budget is zero based.

ILS's Budget 2023 Budget has no change in the assigned counsel budget however ILS is waiting on a voucher for a current trail. The Hurrell- Harring grant covers a majority of the assigned counsel expenses allowing ILS to have a zero based 2023 budget.

The Public Defender's Office has a 2023 zero based budget due to ILS grants. The ILS budget should be zero based for at least one more year and a new grant application will be submitted.

The 2023 County Attorney's Budget is not zero based. Reducing insurance premiums was explored however this adjustment was not sufficient to offset budget needs. Legal would like to create a new budget line for Adolescent Offender appearances and add a part time attorney position. County Attorney DeWind Peter discussed the reductions made to the 2023 budget to offset the

need to increase Legal Fees, Office Supplies and Printing. The Treasurer's Office had previously covered the expenses for In Rems however this year Legal has assumed responsibility. Legal would like to add fifteen thousand dollars (\$15,000) to Legal Fees to cover outside counsel investigations of workplace violence and sexual harassment complaints. Currently the department, that has the complaint, is charged for these expenses with outside counsel investigations averaging seven to nine thousand dollars (\$7000 to \$9000). The addition of funds to Legal Fees would provide a line item to pay for investigations relieving departments of unbudgeted costs.

Safety Officer Thorpe discussed the need to increase the 2023 Safety budget to cover audiograms, two security guards for the Ronald E. Dougherty County Office Building, literature, and the purchasing of new AED pads and batteries to replace expired pads and batteries. Chair Sauerbrey clarified the salary for security would be paid from ARPA funding for the next three years. Safety would like to contract with a company who would perform on site audiograms due to the County's audiogram machine no longer being viable due to age. Legislator Standinger confirmed with Safety Officer Thorpe audiograms are an OSHA requirement.

Tax Foreclosure Auction: Paralegal Humes will be conducting the closings of the 2019 and 2020 auction properties over the next month and a half. There was an issue with one of the properties due to the winning bidder never registering with Manasse Auctions and the second highest bidder is unable to be located. The Land Bank has expressed interest in 98 Fox Street and four other properties which are currently being covered under the County's liability insurance however the County is required to maintain these properties in regards to snow removal and lawn care.

Safety Trainings and Investigations: Biweekly safety meetings are conducted with the Department of Public Works and there are two open workplace violence investigations.

Litigation: Juvenile Delinquent cases continue to rise with thirty three (33) open cases, two upcoming trials, and one appeal necessitating a large majority of County Attorney DeWind's time leaving him with limited availability for departmental needs.

PERSONNEL: None

RESOLUTIONS: ACCEPT INDIGENT LEGAL SERVICES AWARD AND AMEND 2022 BUDGET, ACCEPT AUCTION BIDS FOR COUNTY TAXES, AUTHORIZE EXECUTION OF DEEDS, AUTHORIZE THE SALE OF 98 FOX STREET LOCATED IN THE VILLAGE OF OWEGO, TO TIOGA COUNTY PROPERTY DEVELOPMENT CORPORATION; these resolutions were moved into full Legislative session without further questions.

PROCLAMATIONS: None

ADJOURNMENT: Legislator Monell adjourned the Legal and Safety Committee meeting at 11:05am.

Respectfully submitted,

Christine Freyvogel

Secretary to the County Attorney

**Tioga County
2022 LEGAL BUDGET REPORT**

FOR 2022 12

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
A General Fund							
A1420 Law							
A1420 412706 Shared Services-At	-50,079	0	-50,079	-7,683.98	.00	-42,395.02	15.3%*
A1420 510010 Full Time	196,606	0	196,606	128,321.14	.00	68,284.86	65.3%
A1420 520200 Office Equipment	200	0	200	.00	.00	200.00	.0%
A1420 520210 Other Furniture	250	0	250	.00	.00	250.00	.0%
A1420 540010 Advertising	200	0	200	.00	.00	200.00	.0%
A1420 540040 Books	800	0	800	.00	.00	800.00	.0%
A1420 540180 Dues	1,100	0	1,100	823.00	.00	277.00	74.8%
A1420 540320 Leased/Service Equ	400	0	400	.00	.00	400.00	.0%
A1420 540330 Legal Fees	50,000	0	50,000	34,477.37	10,200.00	5,322.63	89.4%
A1420 540390 Mileage Expense	100	0	100	.00	.00	100.00	.0%
A1420 540420 Office Supplies	475	0	475	346.83	.00	128.17	73.0%
A1420 540480 Postage	200	0	200	38.99	.00	161.01	19.5%
A1420 540485 Printing/Paper	100	0	100	71.42	.00	28.58	71.4%
A1420 540731 Training/State Req	600	0	600	100.00	.00	500.00	16.7%
A1420 581088 State Retirement F	17,918	0	17,918	12,073.50	.00	5,844.92	67.4%
A1420 583088 Social Security Fr	15,182	0	15,182	9,778.92	.00	5,403.26	64.4%
A1420 584088 Workers Compensati	3,673	0	3,673	2,644.38	.00	1,028.64	72.0%
A1420 585588 Disability Insuran	204	0	204	140.94	.00	62.64	69.2%
A1420 586088 Health Insurance F	49,507	0	49,507	42,384.96	.00	7,122.42	85.6%
A1420 588988 Eap Fringe	44	0	44	30.24	.00	13.44	69.2%
TOTAL Law	287,480	0	287,480	223,547.71	10,200.00	53,732.55	81.3%
TOTAL General Fund	287,480	0	287,480	223,547.71	10,200.00	53,732.55	81.3%
TOTAL REVENUES	-50,079	0	-50,079	-7,683.98	.00	-42,395.02	
TOTAL EXPENSES	337,559	0	337,559	231,231.69	10,200.00	96,127.57	
GRAND TOTAL	287,480	0	287,480	223,547.71	10,200.00	53,732.55	81.3%

** END OF REPORT - Generated by Freyvoegel, Christine **

**Tioga County
2022 SAFETY BUDGET REPORT**

FOR 2022 12

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE / COL
LI Liability Insurance Fund							
CI8042 504 Coordinator/Safety							
CI8042 424010 Interest And Earn	0	0	0	-7.24	.00	7.24	100.0%
CI8042 510010 Fulltime	50,500	0	50,500	33,192.66	.00	17,307.34	65.7%
CI8042 540140 Contracting Servi	2,350	0	2,350	1,650.00	.00	700.00	70.2%
CI8042 540320 Leased/Service Eq	175	-75	100	.00	.00	100.00	.0%
CI8042 540340 Literature	50	0	50	.00	.00	50.00	.0%
CI8042 540410 Nursing Supplies	1,000	2	1,002	845.63	.00	156.25	84.4%
CI8042 540420 Office Supplies	600	129	729	625.98	.00	102.86	85.9%
CI8042 540480 Postage	150	0	150	.00	.00	150.00	.0%
CI8042 540640 Supplies (Not Off	600	-2	598	562.64	.00	35.48	94.1%
CI8042 540660 Telephone	75	-54	21	21.16	.00	.00	100.0%
CI8042 540733 Training/All othe	3,500	0	3,500	804.69	.00	2,695.31	23.0%
CI8042 581088 State Retirement	2,744	0	2,744	2,902.86	.00	-159.08	105.8%*
CI8042 583088 Social Security F	2,232	0	2,232	2,542.93	.00	-310.83	113.9%*
CI8042 584088 Workers Compensat	1,224	0	1,224	881.46	.00	342.88	72.0%
CI8042 585588 Disability Insura	0	0	0	44.37	.00	-44.37	100.0%*
CI8042 586088 Health Insurance	0	0	0	7,417.44	.00	-7,417.44	100.0%*
CI8042 588988 Eap Fringe	15	0	15	10.08	.00	4.48	69.2%
TOTAL 504 Coordinator/Safety	65,215	0	65,215	51,494.66	.00	13,720.12	79.0%
TOTAL Liability Insurance Fund	65,215	0	65,215	51,494.66	.00	13,720.12	79.0%
TOTAL REVENUES	0	0	0	-7.24	.00	7.24	
TOTAL EXPENSES	65,215	0	65,215	51,501.90	.00	13,712.88	
GRAND TOTAL	65,215	0	65,215	51,494.66	.00	13,720.12	79.0%

** END OF REPORT - Generated by Freyvogel, Christine **

Chris Moore

MooreC

September 2, 2022

Martha Sauerbrey
Appeal Officer
Tioga County
56 Main Street
Suite 312
Owego, NY 13827

Sent: VIA E-File

Re: Public Records Inspection Request Appeal

Ignored by the Tioga County Board of Elections.

Dear Martha:

I submitted a certified FOIL request for Public Records Inspection from the Tioga County Board of Elections by written statement made on August 25, 2022. The following information is stated in the original certified FOIL request below.

In accordance with the New York Freedom of Information Law ("FOIL"), Public Officers Law § 87 et seq., I hereby request the following records be produced in the original format within five (5) business days as stated in POL § 89 3(a) you must grant the request, deny the request in writing, as well as provide a response for the reason of any denial in whole or part, or provide a date certain when such a response will be provided.

All voted Ballots starting on October 13th, 2020, through November 8th, 2020 in the custody of the Tioga County Board of Elections to include:

- Paper Ballots
- Absentee Ballots
- Provisional Ballots
- Affidavit Ballots
- Adjudicated Ballots
- Mail in Ballots with their corresponding envelopes

I am requesting under state law and common law, access to physically inspect ALL ORIGINAL Ballots and records relating to the 2020 general election, for the entire Tioga County. This request should be construed liberally to include every record relating to the 2020 general election, including but not limited to every type of ballot, ballot envelopes, tally sheets, chain of custody documentation, etc.

Please accept this as a notice of preservation of records. In the event that all or part of this request is denied, or a fee is assessed for purchase of requested Ballots, this shall serve as a notice to preserve the original records until completion of the legal time-line for any and all appeal processes. I am specifically requesting access to these records upon completion of the preservation period prescribed by law.

ELN § 3-220 1. All registration records, certificates, lists, and inventories referred to in, or required by, this chapter shall be public records and open to public inspection under the immediate supervision of the board of elections or its employees and subject to such reasonable regulations as such board may impose, provided, however, that a voter's driver's license number, department of motor vehicle non-driver photo ID number, social security number and facsimile number shall not be released for public inspection. No such records shall be handled at any time by any person other than a member of a registration board or board of inspectors of elections or board of elections except as provided by rules imposed by the board of elections.

The Committee on Open Government that concludes that ballots are accessible under FOIL and are not specifically exempt under Election Law § 3-222 (see Comm on Open Govt FOIL-AO-19107 [2014]). (see Matter of Kosmider v Whitney 2019 NY Slip Op 04757 [34 NY3d 48]). The Appellate Division affirmed, with two Justices dissenting (160 AD3d 1151 [3d Dept 2018]). It determined that the statute reflects only a legislative intent to prevent tampering, not to protect confidentiality of ballots and, thus, the distinction between ballots reflects the Legislature's awareness of different preservation procedures for what it viewed as two categories of materials (id. at 1154-55). Supreme Court granted the petition concluding that Election Law § 3-222 does not shield them from disclosure (56 Misc 3d 354 [Sup Ct, Essex County 2017]).

If my appeal does not adequately describe the records to be produced, please contact me via email so that I may clarify my appeal and when appropriate, inform me of the manner in which records are filed, retrieved or generated.

In addition, please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to the Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave. Albany, New York 12231.

These records requested will not be used for solicitation or fund raising purposes.

Please feel free to email me with any questions or suggestions you may have.

Sincerely,

Chris Moore
cc: Attorney File

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
PUBLIC WORKS COMMITTEE

RESOLUTION NO. --22 AUTHORIZE PURCHASE OF HI SCAN 5030C X-RAY
SYSTEM AND 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 the HI Scan 5030C X-Ray System US-Standard Device and a HIPEPLUS/PZ Metal Detector with antenna are the recommended X-Ray machine and metal detector to improve building security; and

WHEREAS: The HI Scan 5030C X-Ray System US-Standard, roller table and monitor increases the Ronald E. Dougherty County Office Building security posture by offering an X-Ray machine with real-time identification of high absorbing material identification causing an automatic audible alert to sound; and

WHEREAS: American Rescue Plan Act (ARPA) funding, in the amount of \$30,691.60, will be allocated from Account H1620 520911 M7674 - 56 Main Renovations. This American Rescue Plan Act funding includes \$28,111.00 for the purchase of the HI Scan 5030C X-Ray System US-Standard Device with the remaining \$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 HI Scan 5030C X-Ray System US-Standard Device and HIPEPLUS/PZ Metal Detector with antenna SS101 720mm; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of the HI Scan 5030C X-Ray System US-Standard Device and the purchase of a HIPEPLUS/PZ Metal Detector w/antenna SS101 720mm not to exceed \$30,691.60 from Smiths Detection 6336 Hudson Crossing Parkway, Hudson OH 44236 and Ceia USA 2202 Lakeside Blvd. Edgewood, MD 21040 respectively to be paid out of the following account: H1 620 520911 M7674 - 56 Main Renovations.

REFERRED TO:

FINANCE, LEGAL & SAFETY COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO.

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 work sites; 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).

REFERRED TO:

PUBLIC SAFETY COMMITTEE
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -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.

**Memorandum of Understanding between Tioga County and
Tioga County Industrial Development Agency**

This Memorandum of Understanding is executed between the County of Tioga (County), having offices at 56 Main Street, Owego, New York, and the Tioga County Industrial Development Agency (IDA), having offices at 56 Main Street, Owego, New York to detail each Party's responsibility for administering grant funds for the Education Workforce Coordinator Project.

Whereas, Tioga County has hired an Education Workforce Coordinator who is doing work on behalf of the Tioga County IDA to create a workforce pipeline for secondary students directly from high school to local businesses; and

Whereas, the Education Workforce Coordinator position is being paid by two grants, one from the Floyd Hooker Foundation (\$75,000) and one from the Appalachian Regional Commission (\$75,000); and

Whereas, the County's Department of Economic Development and Planning (ED&P) will invoice the IDA for those project expenses to be covered by the Appalachian Regional Commission Grant. The invoiced expenses will be paid in the first instance by the IDA which will then request reimbursement from the Appalachian Regional Commission. County will prepare and/or assist the IDA in preparing the required 120 days Appalachian Regional Commission project narrative and budget reports which the IDA will then timely submit to the Appalachian Regional Commission; and

Whereas, the County will invoice those expenses to be paid by the Floyd Hooker Foundation grant directly to the Foundation and shall be responsible for administering any grant recordkeeping and grant requirements; and

NOW, THEREFORE, the parties hereto agree to these stated procedures for the Education Workforce Coordinator grant project.

Tioga County

By: _____
Martha C. Sauerbrey, Legislative Chair

Date: _____

Tioga County Industrial Development Agency

By: _____
Jenny Ceccherelli, Board Chair

Date: _____