

<p>Agenda</p> 	<p style="text-align: center;">TIOGA COUNTY LEGISLATURE</p> <p style="text-align: right;">11/13/2018 12:00 PM EDWARD D. HUBBARD AUDITORIUM RONALD E. DOUGHERTY COUNTY OFFICE BUILDING 56 Main Street Owego NY 13827</p>	
<p>Meeting called by:</p>	<p>Chair Martha Sauerbrey</p>	
<p>Type of meeting:</p>	<p>11th Regular</p>	
<p>Attendees:</p>	<p>Legislator Hollenbeck Legislator Huttleston Legislator Monell Legislator Mullen Legislator Roberts Chair/Legislator Sauerbrey Legislator Standinger Legislator Sullivan Legislator Weston</p>	
<p>Agenda topics</p>		
<p>Invocation Pledge of Allegiance Proclamations (2) Privilege of the Floor Approval of Minutes Petitions, Communications & Notices Appointments/Reappointments</p>	<p>Legislator Sauerbrey Legislator Sauerbrey Smoking and Lung Cancer Awareness Adoption Awareness Month October 16, 2018</p>	

Reports Standing Committees		
RESOLUTIONS:	<ol style="list-style-type: none">1. Mortgage Tax Distribution2. Erroneous Assessment Town of Owego3. Amend 2018 Budget, Appropriate Fund Balance and Transfer Funds to Contingency Account4. Amend Budget and Transfer of Funds from Contingency Account Public Health5. Contingency Request and Amend 2018 Budget – Jail Personnel Services6. Contingency Request and Amend 2018 Budget Assigned Counsel7. Amend Budget & Transfer of Funds Public Health8. Modify 2018 Budget and Transfer Funds 2016 State Interoperable Grant Office of Emergency Services9. Approve Supplemental Agreement for Barton & Loguidice for BIN 3335360 Day Hollow Road over Foster Creek10. Authorize Contract Extension for Inmate Medical Care – 201911. Authorize Contract between NYS Office of Indigent Legal Services and Tioga County12. Adopt State Equalization Reports13. Resolution to Support Cornell Cooperative Extension Associations in the State of New York14. Reappoint Member to the Tioga County Planning Board15. Reappoint Member to the Tioga County Planning Board16. Reappoint Member to the Tioga County Planning Board17. Reappoint Member to the Tioga County Agricultural and Farmland Protection Board18. Acceptance of the Application for NYSP Investigator Allen to the Tioga County Fire Investigation Team19. Acceptance of the Application for NYSP Investigator Allen to the Tioga County Haz-Mat Team	

County of Tioga
EXECUTIVE PROCLAMATION

WHEREAS: Cancer is the second leading cause of death in the United States with lung cancer being the leading cause of cancer deaths; and

WHEREAS: The leading cause of lung cancer in the United States is caused by smoking, which not only affects the individual smoking but others around them who are exposed to second and third hand smoke; and

WHEREAS: 17% of adults in Tioga County are currently smokers, which is higher than the New York State and National averages of 14%; and

WHEREAS: Smoking is also a concern for our youth in Tioga County. According to the 2017 Tioga County Prevention Needs Assessment data, 17.3% of students reported smoking cigarettes in their lifetime and 23.1% reported using an e-cigarette in their lifetime; and

WHEREAS: Continued education and outreach can be used to help decrease the number of youth who are smoking cigarettes and using e-cigarettes and to help decrease the percentage of adults who are current smokers, therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim and designate the month of November 2018 as:

SMOKING AND LUNG CANCER AWARENESS MONTH

and urges that all Tioga County residents who are current smokers learn about smoking cessation programs to help protect themselves and those around them and urges parents to educate their teens about the dangers of becoming addicted to tobacco.

PROCLAMATION

This November marks the 28th annual National Adoption Month. November 17, 2018 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized three adoptions this year so far and has three pending for the remainder of 2018. 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 the 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.

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO: -18 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2018 to September 30, 2018 be and it hereby is accepted; 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)	\$ 17,592.25
Berkshire (Town)	11,344.94
Candor (Town)	23,183.64
Candor (Village)	3,983.24
Newark Valley (Town)	13,082.57
Newark Valley (Village)	3,825.89
Nichols (Town)	6,512.45
Nichols (Village)	1,297.65
Owego (Town)	101,254.20
Owego (Village)	10,003.67
Richford (Town)	4,002.23
Spencer (Town)	18,006.63
Spencer (Village)	1,163.08
Tioga (Town)	15,237.31
Waverly (Village)	<u>18,623.20</u>
	\$249,112.95

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -18

ERRONEOUS ASSESSMENT
TOWN OF OWEGO

WHEREAS: An application for Corrected Tax Roll for the year 2017 indicated that parcel #11496 in the Town of Owego assessed to Pauline Properties, LLC on the 2017 tax roll of the Town of Owego and owned by Pak Owego Management, Inc. was erroneous in that on August 2, 2018 Hon. Ferris D. Lebous ordered a corrected assessed taxable value of \$310,000. A refund was issued to "Hinman, Howard, & Kattell, LLP, as attorneys," and mailed to 80 Exchange Street, P.O. Box 5250, Binghamton, NY, 13905, by the Tioga County Treasurer as stipulated by Resolution No. 214-18, adopted 9/11/2018. Calculations for the refund contained errors; be it therefore

RESOLVED: That check number 626230 from Hinman, Howard, & Kattell, LLP in the amount of \$1,132.25 represents refunded overpayment as follows:

	Original Bill #6535	R214-18 Bill #6535	Corrected Bill #6535
County	5,156.37	3,509.28	3,509.28
Recycle	238.20	76.09	162.08
Town Wide	484.80	154.86	329.94
Part Town	1,303.96	416.52	887.44
Owego Fire	1,108.32	354.03	754.29
Total	8,291.65	4,510.78	5,643.03

And be it further

RESOLVED: That the refunded overpayment for solid waste tax of \$85.99 be credited back to the Solid Waste Fund; and be it further

RESOLVED: That the refunded overpayment for town tax of \$646.00 be credited back to the Town of Owego; and be it further

RESOLVED: That the refunded overpayment for Owego Fire tax of \$400.26 be credited back to the Owego Fire Department.

REFERRED TO:

FINANCE COMMITTEE

RESOLUTION NO. -18

AMEND 2018 BUDGET, APPROPRIATE
FUND BALANCE AND TRANSFER
FUNDS TO CONTINGENCY ACCOUNT

WHEREAS: The Budget Officer has identified prior extraordinary contingency requests for funds needed, specifically for a Liability Insurance Claim during 2018 that funded \$272,759.41 per Resolution 98-18; and

WHEREAS: The County's Adopted 2018 Budget for Contingency Funds A1990 540715 is insufficient to cover Department requests; and

WHEREAS: Contingency Funds for \$100,000.00 will be needed to be transferred to Assigned Counsel, Early Intervention and Jail; and

WHEREAS: Legislative Approval is needed to amend the 2018 Budget and transfer Funds from Appropriated Fund Balance; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Appropriation of Fund Balance, Amendment of the 2018 Budget, and Transfer of Funds to the Contingency Account as follows:

FROM:	A	390900 General Fund - Fund Balance	\$100,000.00
TO:		A1990 540715 Contingency Account	\$100,000.00

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18 AMEND BUDGET AND TRANSFER OF
FUNDS FROM CONTINGENCY ACCOUNT
PUBLIC HEALTH

WHEREAS: The costs of the New York State mandated Early Intervention program (children 0-3 years of age) are larger than the budgeted 2018 amounts; and

WHEREAS: Additional funding is needed to meet the mandated costs; and

WHEREAS: Public Health has identified the amount of additional funding needed for payments to be made in 2018; and

WHEREAS: The additional costs will result in additional state aid reimbursement; and

WHEREAS: The balance of the needed funds will need to come from the Contingency account; and

WHEREAS: Budget Amendments, Appropriation of Funds and Transfers from Contingency account require Legislative approval; therefore be it

RESOLVED: That funding be transferred and appropriated as follows:

From:		
A4044 434023	State Aid: Early Intervention	\$ 11,760
A1990 540715	Contingency Account	\$ 12,240
To:		
A4044 540487	Early Intervention: Program Expense	\$ 24,000

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18

CONTINGENCY REQUEST AND
AMEND 2018 BUDGET - JAIL
PERSONNEL SERVICES

WHEREAS: The Jail Over-time Account will soon be depleted; and

WHEREAS: It will be necessary to re-fund this account for the remainder of 2018; now therefore be it

RESOLVED: That the following contingency funds be appropriated as follows:

From: A1990 540715 Contingency	\$65,000
To: A3150 510030 Jail Account (Over-Time)	\$65,000

REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -18

CONTINGENCY REQUEST AND
AMEND 2018 BUDGET
ASSIGNED COUNSEL

WHEREAS: The Assigned Counsel budget has had a high number of cases for 2018 and the Assigned Counsel account will not have sufficient funds for the remainder of 2018; and

WHEREAS: Funds will need to be transferred from the Contingency Account to the Assigned Counsel Account to accommodate the increase in cases for 2018; therefore be it

RESOLVED: That the following contingency funds be appropriated as follows:

From: A1990 540715 Contingency Account \$10,000

To: A1172 540030 Assigned Counsel \$10,000

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18 AMEND BUDGET & TRANSFER OF FUNDS
PUBLIC HEALTH

WHEREAS: The costs of the New York State mandated Handicapped Education program (children 3-5 years of age) are larger than the budgeted 2018 amounts; and

WHEREAS: Additional funding is needed to meet the mandated costs; and

WHEREAS: Public Health has identified the amount of additional funding needed in 2018; and

WHEREAS: The Treasurer has identified available funds within the Community College Tuition account; and

WHEREAS: The additional costs will result in additional revenues from Fees and state aid reimbursement; 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 434600	State Aid: Handicapped Education	\$180,000
A2960 416050	Fees: Handicapped Education	\$ 15,000
A2490 540487	Community College Tuition	\$169,000
To:		
A2960 540590	Handicapped Ed: Services Rendered	\$354,000
A2960 540710	Handicapped Ed: Transportation	\$ 10,000

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -18 MODIFY 2018 BUDGET AND
TRANSFER FUNDS
2016 STATE INTEROPERABLE GRANT
OFFICE OF EMERGENCY SERVICES

WHEREAS: Resolution #132-17 awarded the Office of Emergency Services a 2016 State Interoperable Communications Formula-Based Grant in the amount of \$442,981; and

WHEREAS: Monies need to be transferred to fulfill the obligated contractual expenses; therefore be it

RESOLVED: That the 2018 budget be modified and transfer of funds be made as below:

FROM:

A3415 520230 IO16 State Interoperable Grant 2016
(Radio & Equipment) \$13,719.57

TO:

A3415 540140 IO16 State Interoperable Grant 2016
(Contracting Services) \$13,719.57

REFERRED TO: PUBLIC WORKS

RESOLUTION NO. -18 APPROVE SUPPLEMENTAL AGREEMENT
FOR BARTON & LOGUIDICE FOR BIN 3335360
DAY HOLLOW ROAD OVER FOSTER CREEK

WHEREAS: The Tioga County Legislature awarded design services to Barton & Loguidice for the Day Hollow Road Bridge over Foster Creek BIN 3335360 on Resolution 296-15; and

WHEREAS: This is a federally funded project and right-of-way and construction support services are included; and

WHEREAS: The Commissioner of Public Works received a proposal for right-of-way services and construction support services for this project from Barton & Loguidice Engineers, Liverpool, NY; and

WHEREAS: The proposal for this supplemental agreement came in at \$15,000; therefore be it

RESOLVED: That the Tioga County Legislature authorize the Supplemental Agreement not to exceed the amount of \$15,000 to be paid out of the Day Hollow Road Bridge (BIN 3335360) account H5110 540002 H1605.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18

AUTHORIZE CONTRACT
EXTENSION FOR INMATE
MEDICAL CARE - 2019

WHEREAS: The Sheriff's Office contracts with Correctional Medical Care Inc. (CMC); CBH Medical, P.C., and SM Dental, P.C. to provide medical care to the inmates of the Tioga County Jail; and

WHEREAS: The current contract which will expire on December 31, 2018, provides for the option of extending the contract for an additional one year period; and

WHEREAS: The Sheriff's Office is desirous to extend the current contract one additional year for an annual fee of \$638,862; and

WHEREAS: Funding for this contract will be appropriated in the 2019 budget and the Tioga County Attorney has approved the contract amendment; be it therefore

RESOLVED: That the Tioga County Legislature authorize the Tioga County Sheriff's Office to enter into a contract with Correctional Medical Care, Inc.; CBH Medical, P.C., and SM Dental, P.C.

REFERRED TO: LEGAL

RESOLUTION NO. -18 AUTHORIZE CONTRACT BETWEEN
NYS OFFICE OF INDIGENT LEGAL
SERVICES AND TIOGA COUNTY

WHEREAS: The New York State Office of Indigent Legal Services has approved the distribution of funds to counties in New York for the purpose of improving the quality of representation for persons who are legally entitled to counsel but cannot afford to hire an attorney; and

WHEREAS: Said funds are available through a five year agreement with the NYS Office of Indigent Legal Services with an initial budget and an increasing amount available on each successive year subject to state appropriation; and

WHEREAS: The amount allocated to Tioga County from NYS for the fiscal year 2018 is \$154,234; and

WHEREAS: The NYS Office of Indigent Legal Services intends to add an additional \$154,234 to the Tioga County budget on each of the following four fiscal years to reach a projected year five budget of \$771,014 with the intent to maintain that level of funding thereafter; and

WHEREAS: It is necessary for Tioga County to approve entering into a five year agreement with NYS Office of Indigent Legal Services and adopt the first year one budget in an amount not to exceed \$154,234; and

WHEREAS: Subsequent year's budgets will be presented to the Tioga County Legislature for approval; now therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the year one budget of said distribution in an amount not to exceed \$154,234 and further approves entering into a five year contract with the NYS Office of Indigent Legal Services; and be it further

RESOLVED: That the Tioga County Legislature hereby authorizes the Chair of the Legislature to execute said year one distribution contract with the NYS Office of Indigent Legal Services.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. -18 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.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -18 RESOLUTION TO SUPPORT CORNELL
COOPERATIVE EXTENSION
ASSOCIATIONS IN THE STATE OF NEW YORK

WHEREAS: The mission of Cornell Cooperative Extension is "CCE puts knowledge to work in pursuit of economic vitality, ecological sustainability and social well-being. We bring local experience and research based solutions together, helping New York State families and communities thrive in our rapidly changing world"; and

WHEREAS: NYS County Law 224 adopted in 1914 established the ability for NYS and County's to contribute funds to support the creation of Cornell Cooperative Extension Associations in each county and there are now 56 associations across NYS; and

WHEREAS: The key objectives of the associations as stated in their constitutions, are

- o To provide for an association of residents in cooperation with Cornell University and USDA.
- o To extend educational resources of Cornell (including Ag and Life Sciences, Human Ecology, Vet Med), land grant system, and other educational institutions to foster economic, social, and environmental improvement of individuals families, and communities.
- o To further the objectives of CCE associations and the CCE system in the fields of agriculture, community and economic vitality, environment and energy, nutrition and healthy families, and youth development; and

WHEREAS: Cornell Cooperative Extension Associations provide research and experienced based information and programs that are aligned with the primary mission areas of the National Institute of Food and Agriculture and the programs are tailored to meet the needs of local communities in order:

- o To strengthen and support gardening, agriculture, and our local FOOD system.
- o To improve individual and community nutrition, HEALTH and overall well-being in a healthy environment.

- o To provide YOUTH with opportunities to have fun and learn valuable life skills from caring adults; and

WHEREAS: CCE programs are directly linked to a list of 8 of 16 goals of Governor Cuomo's initiatives for improving NYS, and CCE educators are key community partners in helping to implement these initiatives state-wide, including maximizing agriculture and beverage production, strengthening the upstate economy, promoting a healthier NY, fighting poverty, preserving our environment, building opportunity through education, designing a clean energy economy, and investing in tourism; and

WHEREAS: CCE associations are invaluable partners at the County level and NYS expects CCE educators to assist in supporting state initiatives; and

WHEREAS: Costs for operating CCE Associations (501C3 subordinate organizations) have increased significantly yet the annual funding allocated by the state for this system has remained stagnant for more than 20 years; therefore be it

RESOLVED: That the Legislature of Tioga County, requests that NYS allocate an additional \$4 million dollars per year to County Law 224A funding to a total of \$8 million to support Cooperative Extension Associations in NYS.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. -18

RE-APPOINT MEMBER TO THE TIOGA
COUNTY PLANNING BOARD

WHEREAS: Pam Moore's position on the Tioga County Planning Board representing the Town of Nichols expires on 12/31/2018; and

WHEREAS: The Nichols Town Board has nominated Pam Moore to serve another three-year term as their representative, and she is willing and able to do so; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Pam Moore to the Tioga County Planning Board for another three-year term of 1/1/2019 – 12/31/21.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. -18

RE-APPOINT MEMBER TO THE TIOGA
COUNTY PLANNING BOARD

WHEREAS: John Current's position on the Tioga County Planning Board representing the Town of Owego expires on 12/31/2018; and

WHEREAS: The Owego Town Board has nominated John Current 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 reappoint John Current to the Tioga County Planning Board for another three-year term of 1/1/2019 – 12/31/21.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. -18

RE-APPOINT MEMBER TO THE TIOGA
COUNTY PLANNING BOARD

WHEREAS: Chelsea Robertson's position on the Tioga County Planning as an alternate at-large member expires on 12/31/2018; and

WHEREAS: Chelsea Robertson is willing and able to serve another three-year term in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Chelsea Robertson to the Tioga County Planning Board for another three-year term of 1/1/2019 – 12/31/21.

REFERRED TO: AGRICULTURE COMMITTEE

RESOLUTION NO. -18 RE-APPOINT MEMBER TO THE TIOGA
COUNTY AGRICULTURAL AND FARMLAND
PROTECTION BOARD

WHEREAS: John Lacey's term on the Agricultural and Farmland Protection Board representing the Farm Bureau expires as of 12/31/2018; and

WHEREAS: The Farm Bureau Board has recommended that John Lacey be reappointed to this position and he is willing and able to serve another term; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint John Lacey to the Agricultural and Farmland Protection Board, for the four-year term of 1/1/19 – 12/31/22.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18 ACCEPTANCE OF THE APPLICATION FOR
NYSP INVESTIGATOR ALLEN 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: New York State Police Investigator Jeremiah R. Allen has applied for membership to the County Fire Investigation Team; and

WHEREAS: New York State Police Investigator Allen, currently possesses training and skills needed by the Tioga County Fire Investigation Team to work on the Team; therefore be it

RESOLVED: That NYSP Trooper Allen, be added to the Tioga County Fire Investigation Team.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -18 ACCEPTANCE OF THE APPLICATION FOR
NYSP INVESTIGATOR ALLEN TO THE
TIOGA COUNTY HAZ-MAT TEAM

WHEREAS: The Office of Emergency Services provides high quality HAZ-MAT 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: New York State Police Investigator Jeremiah R. Allen has applied for membership to the County HAZ-MAT Team; and

WHEREAS: New York State Police Investigator Allen, currently possesses training and skills needed by the Tioga County HAZ-MAT Team to work on the Team; therefore be it

RESOLVED: That NYSP Trooper Allen, be added to the Tioga County HAZ-MAT Team.