

Eleventh Regular Meeting
November 10, 2020

The Eleventh Regular Meeting of 2020 was held on November 10, 2020 and was called to order by the Chair at 12:03 P.M. All nine Legislators were present with Legislator Roberts arriving at 12:06 p.m.

Chair Sauerbrey asked Legislator Monell to have a moment of prayer. “Lord, we thank you for this time that we can get together and discuss the issues that are pressing for the County of Tioga, NY. I pray that you would give us all strength and clarity on the decisions that we make and help us to be representatives of our constituents in this County in all things that we do.”

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

There were four people in attendance.

Chair Sauerbrey reported we have one Proclamation on Adoption Awareness Month that will be noted in the minutes.

County of Tioga
EXECUTIVE PROCLAMATION

This November marks the 30th annual National Adoption Month. November 23, 2020 is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has not finalized any adoptions this year to date. Tioga County has three children freed for adoption that 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, County of Tioga, does hereby proclaim November 2020 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.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of October 13 and 22, 2020, seconded by Legislator Sullivan 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 Sullivan moved for the adoption of the following resolution, seconded by Legislator Mullen.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 220-20 APPOINT MEMBER TO
BOARD OF ETHICS

WHEREAS: A vacancy exists on the Board of Ethics due to the resignation of Terese Mullen on June 11, 2020; and

WHEREAS: Rev. James Stevens, a resident of the Village of Owego has agreed to serve on the Board of Ethics and fill the unexpired term created by the resignation of Terese Mullen; therefore be it

RESOLVED: That Rev. James Stevens be and hereby is appointed to the Board of Ethics for a retroactive term beginning June 11, 2020 through March 31, 2022.

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Standingr. Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 221-20 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 Monell, Mullen, Sauerbrey, Standinger, Sullivan, Weston, Balliet, and Hollenbeck.

No – None.

Absent – Legislator Roberts.

RESOLUTION ADOPTED.

Legislator Roberts arrived at 12:06 p.m.

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

REFERRED TO: ADMINISTRATIVE SERVICES

RESOLUTION NO: 222-20 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2020 to September 30, 2020 be and it hereby is accepted; therefore 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)	\$ 17,656.19
Berkshire (Town)	10,898.92
Candor (Town)	20,726.43
Candor (Village)	2,981.26
Newark Valley (Town)	8,399.72
Newark Valley (Village)	6,061.66
Nichols (Town)	27,957.02
Nichols (Village)	1,515.63
Owego (Town)	130,428.37
Owego (Village)	11,293.27
Richford (Town)	1,883.84
Spencer (Town)	14,196.14
Spencer (Village)	2,468.13
Tioga (Town)	18,303.62
Waverly (Village)	<u>16,887.99</u>
	\$291,658.19

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 223-20 *ADOPTION OF NEW RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)*

WHEREAS: New York State has consolidated and revised the CO-2, ED-1, MI-1, and MU-1 Schedules with a new single, comprehensive Retention and Disposition Schedule for New York Local Government Records (LGS-1) covering records for all types of local governments; and

WHEREAS: The new LGS-1 Schedule is in effect as of August 1, 2020 and must be adopted by the local governing board prior to utilization; and

WHEREAS: The new LGS-1 Schedule is issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records; therefore be it

RESOLVED: That the Tioga County Legislature adopts the new Retention and Disposition Schedule for New York Local Government Records (LGS-1) for use by all County employees in legally disposing of valueless records listed therein; and be it further

RESOLVED: That in accordance with Article 57-A only those records will be disposed of that are described in the Retention and Disposition Schedule for New York Local Government Records (LGS-1) after they have met the minimum retention periods described therein; and be it further

RESOLVED: That in accordance with Article 57-A only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 224–20 ADOPT LOCAL LAW NO. 2 OF 2020

WHEREAS: A public hearing was held on October 22, 2020, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2020 A Local Law providing for the collection of a hotel and motel tax in Tioga County; 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 2020; therefore be it

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

County of Tioga

Local Law No. 2 of the Year 2020.

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

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

SECTION 1: TITLE

This local Law shall be known as the “Hotel/Motel Tax Law”

SECTION 2: PURPOSE

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS

HOTEL/MOTEL - Any facility or a portion thereof providing lodging on an over-night basis in exchange for any consideration, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.

OCCUPANCY - The use or possession, or the right to the use or possession of any room in a hotel or motel.

OCCUPANT - A person who, for a charge or any consideration uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

OPERATOR - Any person operating a hotel or motel in Tioga County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT- A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

PERSON – An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

RENT – The consideration received for occupancy valued in money, whether received in money or otherwise.

RETURN – Any return filed or requested to be filed as herein provided.

ROOM - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for rent or otherwise let out for the lodging of guests.

TREASURER – Tioga County Treasurer

SECTION 4: TAX

A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

SECTION 5: EXEMPTION

Such tax shall not be imposed on any transaction, by or with any of the following:

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6: REGISTRATION

Within three (3) days after commencing business or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

SECTION 7: ADMINISTRATION AND COLLECTION

(A) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Tioga County, by such means and in such manner as other taxes, which are now collected and administered by such officers or as, otherwise may be provided by such local law.

(B) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.

(C) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and such operator or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax by the operator or by the person entitled to be paid the rent or charge.

(D) The Treasurer may, whenever deemed necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Treasurer, the tax herein imposed.

(E) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

(F) Where an occupant claims exemption from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further

require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section five of this local law.

SECTION 8: RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

SECTION 9: RETURNS

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(B) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(C) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

SECTION 10: PAYMENT OF TAX

(A) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting or purporting to act under the provisions of this local law.

(B) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this

state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(C) In the event the Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer to such operator to that effect specifying the amount of the bond required.

(D) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5), days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

(E) In lieu of such bond, securities approved by the Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice of the depositor apply them to any tax and interest and penalties due, and for that purpose the securities may be sold by the Treasurer at public or private sale without notice to the depositor thereof.

SECTION 11: DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any

such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(A) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

SECTION 12: JUDICIAL REVIEW

(A) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

2. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 13: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Treasurer on the date due in the amount of ten (10%) per cent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 14: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 15: RESERVES

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

SECTION 16: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and

villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 17: REMEDIES EXCLUSIVE

The remedies provided by sections eleven (11) and twelve (12) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law.

SECTION 18: PROCEEDINGS TO RECOVER TAX

(A) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Tioga County in any court of the State of New York or of any other state or of the United States.

(B) Notwithstanding any other provision of this section, if the Treasurer, in its discretion, believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(C) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Tioga County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and

thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property judgments of a court of record and for services in executing the warrant the Sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

(D) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

(E) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, the

purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

SECTION 19: GENERAL POWERS OF THE TREASURER

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(B) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed.

(C) To request information from the tax commissioner of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commissioner or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding.

(D) To delegate said functions hereunder to any employee or employees of the Treasurer.

(E) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents.

(F) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer.

(G) To assess, determine, revise and readjust the taxes imposed under this local law.

SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

(A) The Treasurer, or the Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(B) The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(C) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(D) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(E) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided.

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

SECTION 21: REFERENCE TO TAX

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

SECTION 22: RETURNS TO BE SECRET

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

(B) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one year, or both, in the discretion of the court.

SECTION 23: EFFECTIVE DATE

This local law shall become effective December 1, 2020 and shall remain in effect until November 30, 2023.

SECTION 24: SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of its provisions to other persons or circumstances shall not be affected thereby.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 2 of 2020, to cause to be published in the official newspapers of

the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	FINANCE COMMITTEE
RESOLUTION NO. 225-20	<i>ERRONEOUS ASSESSMENT TOWN OF CANDOR</i>

WHEREAS: An application for corrected tax roll indicates that parcel #48.00-2-13, Account # 3139 assessed to Peter and James Hidock on the 2020 tax roll of the Town of Candor is an invalid parcel; and

WHEREAS: 48.00-2-13 is an invalid parcel because it was merged into parcel #48.00-2-8 October 2019, but was not deleted in the RPS data file and a bill was generated in error; therefore be it

RESOLVED: That a refund be issued to Peter and James Hidock by the Tioga County Treasurer's Office, and mailed to 1944 Bornt Hill Road, Endicott, NY 13760 as follows:

	<u>Original Bill</u>	<u>Corrected Bill</u>	<u>Refund</u>
County	\$ 134.30	\$ -	\$ 134.30
Recycle	\$ 7.71	\$ -	\$ 7.71
Town Wide	\$ 75.56	\$ -	\$ 75.56
Part Town	\$ 15.54	\$ -	\$ 15.54
Fire	\$ 25.50	\$ -	\$ 25.50
Total	\$ 258.61	\$ -	\$ 258.61

And be it further

RESOLVED: That the erroneous county tax of \$134.30 be charged to the proper account in the records of the County Treasurer; and be it further

RESOLVED: That the erroneous solid waste tax of \$ 7.71 be charged back to the Solid Waste Fund; and be it further

RESOLVED: That the erroneous town tax of \$91.10 be charged back to the Town of Candor; and be it further

RESOLVED: That the erroneous fire tax of \$25.50 be charged back to the Candor Fire District; and be it further

RESOLVED: That the Town and County Tax bill #1336 for 2020 be rendered null and void.

ROLL CALL VOTE

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

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. 226-20 *AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY LOCATED IN THE VILLAGE OF WAVERLY TO TONI L. SANTALUCIA & STACEY L. SANTALUCIA*

WHEREAS: Property located in the Village of Waverly transferred to Tioga County, identified as Tax Map number 166.11-1-78, parcel number 649 which has been acquired for 2017 delinquent taxes; and

WHEREAS: The County held a public auction on October 22, 2020 at the property conducted by Manasse Auctioneers. Toni L. Santalucia & Stacey L. Santalucia won the bid to purchase the property for \$22,000, “as is”, thereby placing the property back on the tax rolls; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature be and hereby is authorized to sign and record on receipt of \$22,000 and recording costs of \$185.00, a Quit Claim Deed conveying the property transferred to Tioga County, located in the, Village of Waverly, identified on the Village of Waverly Tax Map as number 166.11-1-78 parcel number 649 to Toni L. Santalucia & Stacey L. Santalucia or assigns.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY
FINANCE COMMITTEE

RESOLUTION NO. 227–20 *TRANSFER OF FUNDS
INFORMATION TECHNOLOGY*

WHEREAS: The Tioga County Legislature recognizes the importance of County Infrastructure; and

WHEREAS: The ITCS Department has identified that there is a shortfall in the budget to be able to cover the costs of the support service portion of the Tyler Munis core financial application maintenance cost for 2020 of \$15,478.45; and

WHEREAS: The Information Technology Department has available funds in Full Time Salaries due to the Network Administrator vacancy; and

WHEREAS: The remaining balance must be drawn from Full Time Salaries; therefore be it

RESOLVED: That the following funds be transferred:

From: A1680 510010 Full Time Salaries \$7,000.00

TO: A1680 540140 Contracting Services \$7,000.00

ROLL CALL VOTE

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

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. 228-20 TRANSFER OF FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has need of additional computers; and

WHEREAS: TCPH has worked with Information Technology and Communication Services regarding these computer purchases; and

WHEREAS: If purchased with Public Health funds these costs are eligible for reimbursement; and

WHEREAS: TCPH has the funds available in their 2020 approved budget, yet require transfer of funds into the appropriate budgetary lines; and

WHEREAS: Transfer of Funds require Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From:

A4011 540320	Public Health: Leased Equip/Copiers	\$ 2,100
A4011 540420	Public Health: Office Supplies	\$ 2,000
A4011 540733	Public Health: Training	\$ 1,400

To:

A4011 520130	Public Health: Equipment	\$ 5,500
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ROLL CALL VOTE

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

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/LEGAL COMMITTEE

RESOLUTION NO. 229-20 *TRANSFER OF FUNDS FROM CONTINGENCY TO CORONER’S BUDGET AND MODIFY 2020 CORONER’S BUDGET*

WHEREAS: The Coroner’s budget has had a high number of cases for 2020 exceeding 100 through the end of October 2020 and the Coroner’s account will not have sufficient funds for the remainder of 2020; and

WHEREAS: It is anticipated the Coroners will have additional cases through the holidays and year-end needing additional funds to pay invoices for medical costs, autopsies, and doctor's fees; and

WHEREAS: Funds have already been transferred within the Coroner's 2020 budget to meet some of the shortfall; and

WHEREAS: Legislative approval is needed to transfer from contingency and modify the 2020 budget; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer from contingency and a 2020 budget modification as follows:

From:	A1990 540715 Contingency Account	\$12,000.00
To:	A1185 540370 Coroner – Medical	\$10,000.00
	A1185 540590 Coroner – Services Rendered	\$ 2,000.00

ROLL CALL VOTE

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

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. 230-20 *MODIFY 2020 BUDGET AND
REALLOCATE 2019 REVENUE FUNDS
SHERIFF'S OFFICE*

WHEREAS: The Tioga County Legislature recognizes the importance of County Infrastructure; and

WHEREAS: The Sheriff's Office and their security system vendor Black Creek has identified an unforeseen need for hardware upgrade in order for the Jail Security System to be supported; and

WHEREAS: Funds need to be reallocated from 2019 Jail Inmate Boarders revenue account A3150.422640 to the Hardware reserve to fund the hardware upgrade; and

WHEREAS: Legislative approval is needed to transfer funds to the Hardware Reserve; therefore be it

RESOLVED: That the following funds be transferred:

FROM: A3150 422640 Jail-For Other Governments	\$299,072.35
TO: A9950 593715 Transfer to Capital Fund	\$299,072.35
FROM: H1340 450310 Inter Fund Transfer	\$299,072.35
TO: H387805 Capital Hardware Reserve	\$299,072.35

And be it further

RESOLVED: That the Tioga County Legislature authorize the payment of hardware in the amount of \$312,430.00 to Black Creek Integrated Systems Corp. the sole source provider of Black Creek hardware; and be it further

RESOLVED: That the following funds be transferred:

FROM: H387805 Capital Hardware Reserve	\$278,430.00
H3150-520620 Software Expense	\$34,000.00
TO: H3150-520255 Security Equipment	\$312,430.00

Legislator Standinger spoke. “We first became aware of this situation in September at the committee meeting, which certainly was not timely. The whole process of working through this \$300,000 expenditure has not really followed what procedures have been in place for other expenditures of this magnitude. For that reason, I will be voting no on this resolution.”

ROLL CALL VOTE

Yes – Legislators Monell, Mullen, Sauerbrey, Sullivan, Weston, and Hollenbeck.

No – Legislators Roberts, Standinger, and Balliet.

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. 231-20 AMEND BUDGET & APPROPRIATE FUNDS
SOCIAL SERVICES

WHEREAS: Emergency Services Grant (ESG) has been awarded to Tioga County Department of Social Services from the Office of Temporary and Disability Assistance specifically targeted to address the needs of individuals and families experiencing and/or at risk of homelessness as a result of COVID-19; and

WHEREAS: The plan submitted for expenditure of these funds has been approved; and

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

RESOLVED: That funding be appropriated as follows:

From: A6010.436100 State Aid: Administration	\$ 205,213
To: A6010.540487 Program Expense	\$ 205,213

ROLL CALL VOTE

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

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. 232-20 APPROVE FUNDING 2020
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 2020 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 2020, be approved by the Tioga County Legislature in the amounts indicated:

Cornell Cooperative Extension 4H Summer Youth Enrichment	\$5,000
Big Brothers Big Sisters of the Twin Tiers	\$5,000
Northern Tioga Joint Summer Rec Program	\$2,500
Cornell Cooperative Extension Family Resource Center	\$1,800
Spencer Van-Etten Schools PAVE	\$3,300
Tioga Central Schools Summer Rec	\$7,500
Village of Waverly Summer Rec	\$5,600
Casa Trinity Global Leadership Now	\$4,000
Kali's Klub House 7 Keys to Success	\$4,800
Empire State Special Needs Experience Lions Camp Badger	\$ 300
Town of Owego Waterman Rec Camp	\$2,250
Total Allocations	\$42,050

ROLL CALL VOTE

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

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. 233-20 *AWARD 2020 EMERGENCY MANAGEMENT
PLANNING GRANT (EMPG20)
EMERGENCY SERVICES*

WHEREAS: The Tioga County Office of Emergency Services has been awarded a matching grant of \$23,821 by the New York State Division of Homeland Security and Emergency Services (NYS DHSES); and

WHEREAS: The matching grant will be used to offset \$23,821 of budgeted salary costs; therefore be it

RESOLVED: That the Emergency Services Office be allowed to accept the awarded 2020 Emergency Management Planning Grant in the amount of \$23,821.

To: A3640-443050-EMP20 Federal Aid-Civil Defense \$23,821.00

ROLL CALL VOTE

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

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. 234-20 *AUTHORIZE CONTRACT BETWEEN
TWIN TIER PATHOLOGY ASSOCIATES, PC AND
TIOGA COUNTY*

WHEREAS: Beginning January 1, 2021 Twin Tier Pathology Associates, PC will provide services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County; and

WHEREAS: The contract calls for \$950.00 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 Twin Tier Pathology Associates, PC for services rendered to Tioga County at the costs listed above and for a term of 1/1/21 through 12/31/21.

Legislator Standinger spoke. "Our Administrative Coroner, Stew Bennett, has very diligently pursued these costs and I thank him for reducing the increase to a manageable level."

Legislator Mullen spoke. "I agree with Legislator Standinger. The cost could be extraordinary, especially during this time of COVID-19. Stew has done a fantastic job keeping those costs under control."

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO:	PUBLIC WORKS COMMITTEE
RESOLUTION NO. 235-20	<i>INTER-MUNICIPAL AGREEMENT HAZARDOUS WASTE</i>

WHEREAS: Tioga County has had a contract and inter-municipal agreement for the disposal of hazardous waste with Broome County over the last twenty 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 the years 2021-2022; 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 the years 2021-2022 upon approval by the County Attorney.

ROLL CALL VOTE

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

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

RESOLUTION NO. 236-20 *RESOLUTION TO CONTINUE APPROVAL FOR CONTRACT BETWEEN THE TIOGA COUNTY PROBATION DEPT. AND CAYUGA COUNSELING SERVICE, INC.*

WHEREAS: Raise the Age mandates and changes made to 9 NYCRR 356 and 9 NYCRR 359 require Probation Departments to offer a variety of Alternative to Detention and Pre-Dispositional Supervision programming for both Juvenile Delinquents and Raise the Age Youth based on their risk level. The services provided must be proven evidence based services or promising evidence based services; and

WHEREAS: Tioga County Probation would like to continue to contract with Cayuga Counseling Service, Inc. to provide promising evidence based services to Probation involved youth. This program will provide both Alternative to Detention programming and Pre-dispositional Supervision programming for youth in Youth Part Court, Family Court or Intake and Diversion Services at Probation; and

WHEREAS: In 2020, the County Legislature approved a contract with Cayuga Counseling Service, Inc. to provide 8 slots of juvenile specialized supervision to reduce the County's need for expensive specialized secure detention, secure

and non-secure detention and the newly mandated Pre-dispositional Supervision; and

WHEREAS: The cost of the contract is \$72,509.81 for twelve months. The County received RTA funding for this program for 2019 and the Probation Department will list the program in the next application for Raise the Age funding when it is available; therefore be it

RESOLVED: That the Tioga County Probation Director is approved to continue to contract with Cayuga Counseling Service, Inc. in 2021 to provide Alternative to Detention and Pre-Dispositional Supervision programming for both Juvenile Delinquents and Raise the Age Youth, if the contract is approved by the County Attorney.

ROLL CALL VOTE

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

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

RESOLUTION NO. 237-20 *RESOLUTION TO APPROVE A CONTRACT BETWEEN THE TIOGA COUNTY PROBATION DEPT. AND BUDDI US, LLC*

WHEREAS: The Probation Department is need of Electronic Monitoring Services to provide alternative to incarceration and alternative to detention services via Court order for Tioga County adults and juveniles; and

WHEREAS: Probation has been contracting with a company, Buddi US, LLC that is willing to provide Electronic Monitoring Services to Tioga County Probation at the cost of \$3.80 per day per unit; and

WHEREAS: The Tioga County Attorney has previously approved a contract with Buddi US, LLC that will charge the County \$3.80 per day per unit, with no fee for

units on the shelf. Said contract includes a rollover clause that allows the contract to roll over year to year unless terminated by one of the parties; and

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services for 2021 in the amount of \$4,000 in account number A3142-540140; therefore be it

RESOLVED: That Tioga County Probation Director is approved to contract with Buddi US, LLC to provide Electronic Monitoring hardware and internet accessible software for adults and juveniles to the Probation Department as part of the County's Alternative to Incarceration and Alternative to Detention programming.

ROLL CALL VOTE

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

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. 238-20 *RESOLUTION TO APPROVE
STSJP CONTRACT FOR SFY 2020-2021
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 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	\$19,766.00
State Share	\$12,254.92
County Share	\$ 7,511.08

ROLL CALL VOTE

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

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. 239-20 AMEND RESOLUTION #170-90
 FORFEITURE OF CRIME PROCEEDS
 FOR DRUG ENFORCEMENT ACTIVITIES

WHEREAS: Resolution 170-90 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: Section 1349 of the Civil Practice Law and Rule has changed and should be updated per resolution; and

RESOLVED: That the Tioga County Legislature does hereby update the following rules and regulations in regard to forfeiture of crime proceeds:

1. All forfeitures of crime proceeds shall primarily be governed by Section 1349 of the Civil Practice Law and Rules as amended.
 - A. Fifteen percent (15%) of all monies realized through forfeiture to the claiming authority in satisfaction of actual costs and expenses incurred in the investigation, preparation and litigation of the forfeiture action, including that proportion of the salaries of the attorneys, clerical and

- investigative personnel devoted thereto, plus all costs and disbursements taxable under the provisions of this chapter;
- B. Five percent (5%) of all monies realized through forfeiture to the claiming agent in satisfaction of actual costs incurred for protecting, maintaining and forfeiting the property including that proportion of the salaries of attorneys, clerical and investigative personnel devoted thereto;
 - C. Forty percent (40%) of all monies realized through forfeiture which are remaining after distributions pursuant to paragraphs of this subdivision, to the chemical dependence service fund (Office of Alcoholism and Substance Abuse Services-OASAS) established pursuant to section ninety-seven-w of the state finance law ;
 - D. Seventy-five percent (75%) of such monies shall be deposited to a law enforcement purposes subaccount of the general fund of the state where the claiming agent is an agency of the state or the political subdivision or public authority of which the claiming agent is a part, to be used for law enforcement use in the investigation of penal law offenses or law enforcement assisted diversion;
 - E. The remaining twenty-five percent (25%) of such monies shall be deposited to a prosecution services (A1165) subaccount of the general fund of the state where the claiming authority is the attorney general or the political subdivision of which the claiming authority is a part, to be used for the prosecution of penal law offenses.
2. Amounts received in general fund of County restricted for Law enforcement purposes should be used for Law enforcement purpose by the District Attorney in the year received. If not used, the unexpended balance shall be transferred to Criminal Proceed Forfeiture Reserve Fund (Account A-388901). The amounts in this account must be used in the next succeeding fiscal year for Law enforcement purposes by the District Attorney.
 3. Said funds shall be dispersed under the sole discretion and authority of the District Attorney for Drug enforcement and such other related Law enforcement programs as he may require, subject to the appropriate account and audit by the Tioga County Treasurer.

ROLL CALL VOTE

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

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. 240-20 *RESOLUTION APPORTIONING
FORFEITURE OF CRIME PROCEEDS
FOR DRUG ENFORCEMENT ACTIVITIES*

WHEREAS: Tioga County has received \$15,233.00 from three drug forfeiture cases; 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 attached; 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	\$ 2,284.95
	A1165-426260	Forfeiture of Crime Proceeds Restricted	\$12,948.05
TO:	A1165-540335	Asset Forfeiture Expense	\$15,233.00

ROLL CALL VOTE

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

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
FINANCE COMMITTEE

RESOLUTION NO. 241-20 *APPROPRIATION OF FUNDS*
2020-2021 NYS STOP DWI CRACKDOWN
ENFORCEMENT GRANT
STOP DWI

WHEREAS: The NYS STOP-DWI Foundation Board has awarded a Crackdown Enforcement grant of \$17,000 (contract #C002527) to Tioga County STOP-DWI; and

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

RESOLVED: That the 2020-2021 NYS STOP DWI (contract #C002527) be appropriated as follows:

FROM: A3315-445890-CRK20 Federal Aid-Other Transp NPSP	\$17,000
TO: A3315-540590-CRK20 Services Rendered-STOP DWI	\$17,000

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY
FINANCE COMMITTEE

RESOLUTION NO. 242-20 *AUTHORIZE AND FUND RENEWAL OF
MICROSOFT WINDOWS 10 SOFTWARE LICENSES
WITH APPROPRIATION FROM CAPITAL SOFTWARE
RESERVE ACCOUNT*

WHEREAS: The Tioga County Legislature recognizes the importance of County infrastructure; and

WHEREAS: The County utilizes Microsoft Windows software for critical daily operations; and

WHEREAS: The ITCS Director has evaluated the current Microsoft licensing needs; and

WHEREAS: A need to renew Microsoft software license maintenance to ensure the County is in license usage compliance has been identified; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the payment of software fees in the amount of \$64,635.00 to Dell, the holder of the Microsoft NYS OGS contract for software purchases, from the Capital Software Reserve Fund for the purchase of Microsoft Windows 10 licenses; and be it further

RESOLVED: That the following funds be transferred:

FROM: H387804 Capital Software Reserve Fund \$64,635.00

TO: H1680-520620 Information Technology Capital Software \$64,635.00

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY

RESOLUTION NO. 243-20 *AMEND EMPLOYEE HANDBOOK;
COMPREHENSIVE INFORMATION SECURITY
POLICY, SECTION VIII; SUBSECTION V, F –
ACCEPTABLE USE-EMAIL AND
SUBSECTION VII, M – INFORMATION RETENTION*

WHEREAS: The Tioga County Employee Handbook needs to be amended due to New York State consolidating and revising the CO-2, ED-1, MI-1, and MU-1 Schedules with a new single, comprehensive Retention and Disposition Schedule for New York Local Government Records (LGS-1) covering records for all types of local governments; and

WHEREAS: The new LGS-1 Schedule is in effect as of August 1, 2020 and must be adopted by the local governing board prior to utilization; and

WHEREAS: The new LGS-1 Schedule is issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records; therefore be it

RESOLVED: That Tioga County Employee Handbook be amended with the following updates to the Comprehensive Information Security Policy, Section VIII, Subsections F and M to change reference from Schedule CO-2 to Schedule LGS-1:

Section VIII; subsection V, F – Acceptable Use – Email:
change “Schedule CO-2” to “Schedule LGS-1”

Section VIII; subsection VII, M – Information Retention:
change “Records Retention and Disposition Schedule CO-2, Section 185.13, 8NYCRR (Appendix J)” to “Retention and Disposition Schedule for New York Local Government Records (LGS-1)”

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 244-20 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, 2021 through December 31, 2022.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: INFORMATION TECHNOLOGY
PERSONNEL COMMITTEE

RESOLUTION NO. 245-20 AUTHORIZE SALARY REALLOCATION
WITHIN CSEA SALARY SCHEDULE FOR
GIS TECHNICIAN
INFORMATION TECHNOLOGY

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

WHEREAS: On July 28, 2020, the Personnel Department received a position description questionnaire from Bryan Goodrich, Geographic Information Systems (GIS) Technician (CSEA SG IX, \$40,898-41,598), who works within the Information Technology Department; 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 necessary revisions to the GIS Technician job description which included use of independent judgment, a thorough knowledge level, and degree requirement, there is justification to request a salary reallocation of the title within the CSEA Salary Schedule; therefore be it

RESOLVED: That the title of GIS Technician shall be reallocated from CSEA Salary Grade IX to CSEA Salary Grade XI (\$44,572-45,272) effective retroactive to July 28, 2020; and be it further

RESOLVED: That Bryan Goodrich's annual salary shall be increased by \$3,674 effective retroactive to July 28, 2020.

ROLL CALL VOTE

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

No – None.

Absent – None.

RESOLUTION ADOPTED.

The meeting adjourned at 12:18 P.M.