

Eleventh Regular Meeting
November 14, 2023

The Eleventh Regular Meeting of 2023 was held on November 14, 2023 and was called to order by the Chair at 12:03 P.M. Legislators Brown, Ciotoli, Flesher, Monell, Mullen, Roberts, and Sauerbrey were present with Legislators Standinger and Weston being absent.

Chair Sauerbrey asked Legislator Roberts to have a moment of prayer. "Our Heavenly Father, we ask that you grant us wisdom today and ask the blessing on all the people here today that work for the government."

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

There were 8 people in attendance.

Chair Sauerbrey reported we have one proclamation; **Adoption Awareness Month** that will be noted in the minutes.

COUNTY OF TIOGA
EXECUTIVE PROCLAMATION

This November marks the 33rd annual National Adoption Month. November 18, 2023, is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County finalized three adoptions this year to date. Tioga has seven children freed for adoption, six placed with adoptive homes and one of those youth is awaiting a match with a forever family. Every child in America and Tioga County deserves a permanent, loving forever family and home; and

WHEREAS: Tioga County adoptive families serve as a source of love, identity, self-esteem, and support for children freed for adoption in Tioga County; and

WHEREAS: Tioga County adoptive families provide a safe and stable home and a nurturing environment where children freed for adoption have the opportunity to live full and productive lives; and

WHEREAS: Accepting responsibility for the care of these children has proven to be very rewarding for many adoptive parents; and

WHEREAS: Numerous public and private agencies work to increase the public's awareness of the needs of children freed for adoption, and the enduring and valuable contribution of adoptive families; and

WHEREAS: It is appropriate to recognize all those in Tioga County who work together on behalf of children freed for adoption; the adoptive families and the professional staff dedicated to ensuring these children become members of a stable and loving family; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim November as

ADOPTION AWARENESS MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to recognize adoptive families in Tioga County.

There was no privilege of the floor.

Legislator Monell made a motion to approve the minutes of October 10 and 19, 2023, seconded by Legislator Brown and carried.

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

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 412-23 ADOPT LOCAL LAW NO. 5 OF 2023

WHEREAS: A public hearing was held on October 19, 2023, following due notice thereof to consider the adoption of Local Law Introductory No. E of the Year 2023; A Local Law establishing the Tioga County Mandatory Source Separation Law and repealing Local Law No. 1 of the Year 2020 entitled Tioga County Mandatory Source Separation Law; and

WHEREAS: It is in the best interest of the residents of Tioga County to adopt such Local Law which will be Local Law No. 5 of 2023; therefore be it

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

County of Tioga

Local Law No. 5 of the Year 2023.

A Local Law establishing the Tioga County Mandatory Source Separation Law and repealing Local Law No. 1 of the Year 2020 entitled Tioga County Mandatory Source Separation Law.

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

SECTION 1: TITLE

Local Law No. 1 of the Year 2020 entitled Tioga County Mandatory Source Separation Law is hereby REPEALED and REPLACED with the establishment of Local Law No. 5 of the Year 2023 entitled Tioga County Mandatory Source Separation Law.

SECTION 2: PURPOSE

The purpose of this article is to encourage, facilitate, and mandate the source separation of recyclable materials on the part of each and every household, business, and institution within Tioga County. The Tioga County Legislature acknowledges that control of the collection, transportation, disposal of solid waste and recycling with emphasis on source reduction and reuse in the county is essential to the economy and general welfare of the citizens of Tioga County. The current version is intended to replace Local Law No. 1 of 2020 entitled Tioga County Mandatory Source Separation Law.

SECTION 3: AUTHORITY

This Local Law is hereby enacted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law and Section 120-aa of the General Municipal Law of the State of New York.

SECTION 4: DEFINITIONS

- A. Terms as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined in Title 6 Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.
- B. As used in this article, the following additional terms shall have the meanings indicated:

MATERIALS RECOVERY FACILITY (MRF) – A facility approved by the New York State Department of Environmental Conservation for receiving and processing recyclable materials into marketable commodities.

PUBLIC FACILITY — Any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools, and churches.

SOURCE SEPARATION — That recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

SOLID WASTE - All materials discarded as being spent, useless, worthless or in excess to the owners at the time of discard or rejection, including but not limited to garbage or refuse, but shall not include Recyclables, Yard and Garden Waste, human wastes, rendering wastes, major appliances, regulated medical waste, construction and demolition wastes, residue from incinerators or other destructive systems for processing waste, junked automobiles, tires, pathological, toxic, explosive, liquid, radioactive material or other waste material which, under existing or future federal, state or local laws, require special handling in its collection or disposal.

SUSTAINABILITY MANAGER - The manager of the Solid Waste Department appointed by the Economic Development & Planning Director, Economic Development & Planning Deputy Director, and/or the Tioga County Legislature.

WASTE COLLECTION SERVICES – Any person, company partnership or other entity providing collection or transfer of refuse and/or solid waste, including tires to a solid waste management facility.

WASTE GENERATOR – Any entity which generates solid waste.

WASTE HAULER – Any person, company, partnership or other entity engaged in the business of providing Collection Service pursuant to any contract, agreement, or other arrangement with any Waste Generator, where Solid Waste is collected for disposal at a permitted solid waste disposal or transfer facility, or a municipal department or other governmental division responsible for collection of Solid Waste from some or all Waste Generators in Tioga County.

SECTION 5: SOURCE SEPARATION REQUIREMENT

A. Every Waste Generator shall Source Separate, which means the segregation of County Recyclable Materials from non-recyclable Solid Waste at the point of generation by Waste Generators, and the placement of County Recyclable Materials into Recycling Receptacles for collection and delivery to a Materials Recovery Facility or Recycling Facility.

Materials that must be source-separated include paper, corrugated cardboard, glass, metals, plastics, leaves, yard wastes, tires, batteries (wet and dry cell) and household hazardous waste. A detailed published list of materials to be curbside recycled will be on file with the Tioga County Legislature and may be updated from time to time.

- B. For the purpose of this article, the term "recyclable material" shall mean those materials that must be source separated, as defined in B, with the exception of household hazardous waste.
- C. Each and every waste hauler, public and private, providing waste collection services in the County of Tioga shall be required to provide curbside collection of source separated recyclables for all units serviced by the hauler.
- D. All public and private haulers are prohibited from commingling source separated recyclables with solid waste.
- E. Every Waste Generator shall deliver or arrange for the delivery of County Recyclable Materials to a Recycling Facility or make source separated County Recyclable Materials available for collection by a Waste Hauler/Recyclables Collector and ultimate delivery to a Materials Recovery Facility or Recycling Facility.

SECTION 6: PREPARATION OF RECYCLABLES AND OTHER SOURCE SEPARATED MATERIALS FOR CURBSIDE COLLECTION

- A. Nothing in this article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collection of recyclables.
- B. From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by a waste hauler, those recyclable materials shall be considered the property of the waste hauler. No other person shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article.
- C. In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street in accordance with the provisions of this article.
- D. Placement of Recyclables
 - 1. Recyclable materials shall be placed separately from any non-recyclable solid waste placed for collection. Recyclable materials should be prepared in conformance with County practices and standards established pursuant to this section.
 - 2. No person shall place any recyclable materials at or near any curb, sidewalk or street for purposes of collection unless the materials are prepared in conformance with County practices and standards established pursuant to this section.
 - 3. The Tioga County Sustainability Manager is hereby authorized and directed to designate, by written statement, from time to time, the practices and standards for preparation of recyclables for collection. Such written

designation shall be filed with the Clerk of the County Legislature and shall become effective 90 days after filing. The Tioga County Sustainability Manager may solicit information and input from solid waste collectors, solid waste management facility operators, and other concerned parties prior to designating revised rules for preparation of materials.

- E. Waste haulers shall not be responsible for collection of waste materials, which have not been placed or prepared in accord with this article. In the event of non-collection of waste or recyclable materials, the hauler shall provide written notification of reason for non-collection.
- F. The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition or reimburse the County or other municipal entity for the same.

Multifamily buildings and complexes.

- A. Apartment complexes, condominium complexes, cooperative apartments, hotels, motels and bungalow or resort colonies shall be required to establish a private drop off program for the source separation of recyclable materials for collection and transportation to a recycling facility where curbside collection is not practiced or desired.
- B. The owner and/or manager of every multifamily apartment building or condominium within the County shall provide and maintain, in a neat and sanitary condition, recycling drop off(s) to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling drop off(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the drop off(s) in the manner prescribed by facility management.
- C. The owner or manager of every multifamily building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

Residential/commercial (institutional) and industrial waste and recyclables.

- A. All residential solid waste collected by either municipal or private haulers shall be source separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- B. All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- C. All recyclable commercial/industrial/institutional by-products shall be source separated and delivered to an appropriate facility for the express purpose of

processing for sale to a secondary materials market. Nothing in this section shall prevent waste generators from marketing these materials directly to an end-use market, secondary materials market or secondary materials broker.

SECTION 7: PENALTIES

Penalties for Waste Generators.

- A. Failure to comply with this article by any person shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source separation or proper preparation on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material, which clearly states the reason for non-collection.
- D. Individuals convicted of a first offense under this article shall be subject to a fine of not less than \$25 and not more than \$50. Conviction of a second offense within one year of the first offense shall be punishable by a fine of not less than \$50 and not more than \$100. Conviction of subsequent offense(s) within one year of the first offense shall be punishable by a fine of at least \$100 and not more than \$200. In addition to the penalties listed above, anyone convicted of an offense under the provisions of this article shall be subject to a civil penalty to recover cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup costs, if applicable.
- E. Any company, partnership, corporation, municipality or entity other than an individual person convicted of a first offense as provided for by this article shall be subject to a fine of not less than \$200 and not more than \$1,000. Conviction of subsequent offenses shall be punishable by a fine of not less than \$1,000 and not more than \$2,000. Any such entity convicted of an offense under the provisions of this article shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup costs, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Tioga County in a court of competent jurisdiction to compel compliance with or to restrain by injunction such violation.

Penalties for Waste Haulers.

- A. Failure of any hauler to comply with this article shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. Violation of any section of this article shall be punishable by a fine not in excess of \$1,000. In addition, the violation of any section of this article shall be subject to a civil penalty imposed by the County to recover cost associated with

enforcement and prosecution, including but not limited to reasonable attorneys' fees, court costs and site cleanup costs, if applicable. And, in addition, Tioga County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

SECTION 8: SOLID WASTE DISPOSAL ON PUBLIC FACILITIES AND PROPERTY

- A. All public facilities within Tioga County shall provide public refuse receptacles for solid waste disposal by facility users and employees. These receptacles shall only be utilized for solid waste generated onsite.
 - 1. Parks may, in lieu of providing separate public receptacles for refuse, require that park patrons take their refuse with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing refuse from the park and disposing of them in accordance with this article.
- B. There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked RECYCLE, and a list of recyclable items shall accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable materials in order to facilitate recycling. These receptacles shall only be utilized for recyclables generated onsite.
- C. All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from non-recyclables shall be placed on the facility user.
 - 1. Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing recyclables from the park and disposing of them in accordance with this article.
 - 2. Notwithstanding the provisions of the subsection, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform to this section.
- D. It shall be a violation of this article for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.
- E. It shall also be a violation of this article for any person to place or to cause to be placed any recyclable material in or near a public refuse receptacle designated for non-recyclable materials.
- F. Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to \$50 or community service.

- G. The proprietor of any public facility convicted of a violation of this section shall be subject to a fine of up to \$200 or community service. Each day of violation shall constitute a separate offense.

SECTION 9: ENFORCEMENT & PERMITTING

- A. All provisions of this article shall be enforced by a municipal code enforcement official or other appropriate enforcement agencies.
- B. Permit Procedures for Haulers (Commercial, Business)
1. No Hauler shall collect, transfer or dispose of solid waste and recyclable materials in Tioga County without possessing a current permit issued by the Sustainability Manager.
 2. An application for a solid waste/recycling permit shall be in writing and shall contain such information as required by the Sustainability Manager.
 3. The application shall be accompanied by the following:
 - a. Evidence of insurance, conforming with current NYSDEC and Tioga County requirements.
 - b. Payment of the administration fee payable to the Tioga County Treasurer and mailed to Tioga County Solid Waste, 56 Main Street, Owego, NY 13827.
 4. Within fifteen (15) business days of receipt of application, the Sustainability Manager shall, in writing, grant or deny the application, or require other further information and/or documentation. The Sustainability Manager may require additional information regarding the condition of the applicant's vehicles to ensure they will not leak during transit and are capable of transporting material in a covered condition. The permit may be withheld for reasons which include the failure to submit all required information, unsuitable condition of the vehicle(s); any unresolved fines and/or the applicant's history of prior suspensions/violations.
 5. Annual reporting is required by February 28th. If a hauler does not report their annual tonnages and supporting documentation, their permit will not be renewed until all past reporting documentation is submitted to the Sustainability Manager.
 6. Permits shall expire annually on March 31st. Permits may be renewed pursuant to the provisions of this law.
 7. Permits may be suspended or revoked by the Sustainability Manager pursuant to this local law.
 8. Permit fees and or changes in permit fees shall be reviewed and approved by the Tioga County Legislature.
 9. Termination of a permitted hauler's insurance automatically invalidates the hauling permits.
 10. Permits shall not be transferable to another business without express written permission of the Sustainability Manager.
 11. Permits may be suspended by the Sustainability Manager for the following:

- a. If upon inspection, the hauler's vehicle is in such a condition as to allow leakage while in transit, or
 - b. If the body of the truck is not wholly enclosed and or the contents (load) are not secured with a cover or tarping mechanism or other appropriate load securing device, or
 - c. If the operation or unloading of vehicles is not conducted in a manner so as to prevent the premature spillage or loss of contents, or
 - d. If the hauler has failed to remedy the conditions leading to a suspension of a permit within the time specified in such order of suspension, or
 - e. Any other violation of law of these regulations.
12. Suspension or revocation of a permit will be followed by a written notice of such violation, addressed to the permittee. Within fifteen (15) days of the receipt of said written notice of suspension or revocation, the hauler must notify, in writing to the Sustainability Manager and the Finance Committee of the Tioga County Legislature and shall file petition stating the reasons and basis for said appeal.
13. Within fifteen (15) days of an appeal, the Finance Committee shall conduct a hearing, upon notice to the permittee to review the action of the Sustainability Manager with respect to suspension or revocation of a permit. The permittee shall present all witnesses and documents and shall be entitled to be represented by counsel at any stage of the proceedings. Said proceedings may be adjourned only once by right of the permittee; and all other adjournments shall be determined by the members of the Committee. Within fifteen (15) days of said hearing, said appeals committee shall by written decision, affirm the actions of the Sustainability Manager, reinstate such permit, and/or take any other appropriate action. Permittee may continue to conduct hauling operations during the appeal period.

SECTION 10: REPORTING TO TIOGA COUNTY SUSTAINABILITY MANAGER

- A. All waste haulers, and any other person or entity that collects, transports and/or markets recyclables, must maintain monthly records of all recyclable material. These records must include the following:
1. The total tonnage, by material, of recyclable material collected.
 - a. The total tonnage, by material, of recyclable material delivered to each and every materials recovery facility, secondary materials market, secondary materials broker or end-use market.
 - b. Weight slips from the broker or end-use market will fulfill this requirement.
- B. Reports containing the information required in this section shall be compiled and delivered to the Sustainability Manager on an annual basis. Reports shall be filed with the Sustainability Manager no later than February 28th of the subsequent year of filing.

C. Each waste hauler shall retain for no less than five years the records and documents required pursuant to this article and shall make such documents available upon the request of the Sustainability Manager or law enforcement officers.

SECTION 11: PRIORITY

Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the State, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County.

SECTION 12: EFFECTIVE DATE

This Local law shall take effect January 1, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 413-23 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2023 to September 30, 2023 be and it hereby is accepted; and be it further

RESOLVED: That the County Treasurer be authorized and directed to pay to the Supervisors of the several Towns and the Treasurers of the several Villages the amounts apportioned to them as follows:

Barton (Town)	\$	19,172.09
Berkshire (Town)		9,368.24
Candor (Town)		62,954.25
Candor (Village)		4,080.46
Newark Valley (Town)		71,546.83
Newark Valley (Village)		6,341.81
Nichols (Town)		16,282.48

Nichols (Village)	3,025.99
Owego (Town)	114,440.54
Owego (Village)	17,758.64
Richford (Town)	2,519.05
Spencer (Town)	7,268.95
Spencer (Village)	5,595.22
Tioga (Town)	19,147.90
Waverly (Village)	<u>12,317.59</u>
	\$371,820.04

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 414-23 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 Roberts, Sauerbrey, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 415-23 REAPPOINT MEMBER TO THE
BROOME-TIOGA WORKFORCE
DEVELOPMENT BOARD

WHEREAS: Chris Powers' position on the Broome-Tioga Workforce Development Board representing the Private Sector is up for reappointment for a term of 3 years; and

WHEREAS: Chris Powers has agreed to continue to serve for a three-year term on the Broome-Tioga Workforce Development Board; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Chris Powers to the Broome-Tioga Workforce Development Board for a three-year term effective January 1, 2024 through December 31, 2026.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 416-23 REAPPOINT MEMBER TO THE
BROOME-TIOGA WORKFORCE
DEVELOPMENT BOARD

WHEREAS: J. Brian Scanlon's position on the Broome-Tioga Workforce Development Board representing the Private Sector is up for reappointment for a term of 3 years; and

WHEREAS: J. Brian Scanlon has agreed to continue to serve for a three-year term on the Broome-Tioga Workforce Development Board; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint J. Brian Scanlon to the Broome-Tioga Workforce Development Board for a three-year term effective January 1, 2024 through December 31, 2026.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 417-23 *REAPPOINT MEMBER TO THE
BROOME-TIOGA WORKFORCE
DEVELOPMENT BOARD*

WHEREAS: Karen Shelp's position on the Broome-Tioga Workforce Development Board representing the Private Sector is up for reappointment for a term of 3 years; and

WHEREAS: Karen Shelp has agreed to continue to serve for a three-year term on the Broome-Tioga Workforce Development Board; therefore be it

RESOLVED: That the Tioga County Legislature hereby reappoint Karen Shelp to the Broome-Tioga Workforce Development Board for a three-year term effective January 1, 2024, through December 31, 2026.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 421-23 REAPPOINT MEMBER TO THE
TIOGA COUNTY BOARD OF HEALTH

WHEREAS: Section 344 of the Public Health Law requires that members of the Board of Health shall serve six (6) year staggered terms; and

WHEREAS: The appointed term for Thomas Nytch, DVM on the Board of Health expires 12/31/23; and

WHEREAS: The Board of Health recommends reappointment and Dr. Nytch has agreed to serve for another term; therefore be it

RESOLVED: That Thomas Nytch, DVM be reappointed to the Board of Health for a term of 1/1/24-12/31/29.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 422-23 ENTER INTO CONTRACT WITH
EVOLUTION CONSULTING, LLC FOR
CDL DRUG AND ALCOHOL TESTING

WHEREAS: Federal law requires random drug and alcohol testing of CDL drivers performing “safety sensitive” tasks; and

WHEREAS: Tioga County has coordinated with towns and villages within Tioga County to have testing done by an outside agency; and

WHEREAS: Tioga County has obtained three quotes for random drug and alcohol testing of CDL drivers performing “safety sensitive” tasks; and

WHEREAS: The proposal from Evolution Consulting, LLC, to perform this service, is the most cost effective; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a one-year contract for 2024 with Evolution Consulting, LLC to perform this service at the rates indicated:

Complete DOT/Non-DOT Random Testing Program:

- Random Selection of Employees Calculated Quarterly (50% for drug, 10% for alcohol)
- All Random Drug & Alcohol Tests performed quarterly on-site
- Record Management
- DOT Audit Assistance
- Regulatory Updates
- MIS Reports
- Collection Site Management
- Supervisor Training
- Laboratory and MRO Set-up with own Laboratory Account
- Online Access to Reporting 24 hours a day
- Assistance with Mediation Between MRO and DER

Additional Charges: Pre-employment, post-accident, reasonable suspicion, follow-up, or return to duty tests:

Normal Business Hours:

- | | |
|--|-------------------------------|
| • 5 Panel Urine: (in office or on-site) | \$55.00 per test |
| • Breath alcohol test (in office or on-site) | \$32.00 per test |
| • Scheduled On-site fee | \$0.70/mile to/from test site |
| • Employee No Show Fee | \$40.00 after ½ hour wait |
| • Training (as required) | \$150.00 |
| • Drug and Alcohol Policy, if needed | \$250.00 |
| • <i>Additional charges for clinic pass through fees will apply.</i> | |

Emergency and After Hours:

- Post Accident: \$150.00 plus \$0.70/mile

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY
PUBLIC WORKS COMMITTEE

RESOLUTION NO. 423-23 ENTER INTO CONTRACT WITH
CATAMOUNT CONSULTING FOR AUDIOGRAMS

WHEREAS: Occupational Safety and Health Administration (OSHA) requires annual audiograms and hearing conservation training for county employees whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A scale (slow response) or, equivalently, a dose of fifty percent; and

WHEREAS: Tioga County has obtained quotes for audiogram testing and hearing conservation trainings; and

WHEREAS: The proposal from Catamount Consulting, to perform this service, is the most cost effective and convenient option; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a one-year contract for 2024 with Catamount Consulting to perform this service at the rates indicated:

Cost of Business Terms:

Catamount Consulting will complete the Onsite Audiometric Testing at a cost of \$1800.00 total with a deposit or PO of \$900.00. Cost includes input of prior hearing test results and new employees, and all travel costs for the technician.

Scope of Services:

- Baseline & Annual Audiogram testing for up to 40 people. Any additional employees over the contracted 40 will be charged a fee to be determined.
- Testing will take place at the Department of Public Works, 477 Rt. 96, Owego, NY 13827.
- Group testing of 6 employees every 30 minutes with hearing video.
- Test administration by computerized technology with same day results and full record-keeping package within 10 business days.
- Test performed by CADHC Certified Technicians.
- All tests verified by an Audiologist.
- All testing is OSHA/MSHA Compliant.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 424-23 *AUTHORIZE CONTRACT BETWEEN
RIVERSIDE FORENSIC PATHOLOGY, PLLC AND
TIOGA COUNTY*

WHEREAS: Riverside Forensic Pathology, PLLC will provide professional services for autopsies, laboratory testing, x-rays, and use of morgue facilities for Tioga County for the contract period of January 1, 2024 – December 31, 2024; and

WHEREAS: The contract with Riverside Forensic Pathology, PLLC calls for \$1,100 per complete autopsy examination to be paid to pathologists and various other fees depending on tests, x-rays, etc. that are needed; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Tioga County Legislative Chair to sign a contract, upon approval of the County Attorney, with Riverside Forensic Pathology, PLLC for services rendered to Tioga County at the costs listed above and for a term of 1/1/24 – 12/31/24.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 RESOLUTION NO. 425-23 *AUTHORIZE CONTRACT WITH
 FAIRVIEW RECOVERY SERVICES FOR CONTRACTING
 FOR MENTAL HYGIENE CONTRACTED STAFFING*

WHEREAS: Tioga County Mental Hygiene is seeking the services of Fairview Recovery Services for the purpose of contracting Mental Hygiene Contracted Staffing; and

WHEREAS: Helio Health has been performing these services in the past and has decided to not renew the contract with Tioga County Mental Hygiene; and

WHEREAS: Fairview Recovery Services has performed these services in the past for Tioga County Mental Hygiene; and

WHEREAS: Tioga County Mental Hygiene budgeted in 2024 for this contract; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a contract with Fairview Recovery Services for \$252,000, for contracting for Mental Hygiene Contractual Staffing for the period January 1, 2024 through December 31, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
 RESOLUTION NO. 426-23 *AUTHORIZE CONTRACT WITH
 TOMPKINS-SENECA-TIOGA BOCES TO
 ADMINISTER PREVENTION SERVICES*

WHEREAS: Tioga County Mental Hygiene uses the services of Tompkins-Seneca-Tioga BOCES for the purpose of Alcohol and Substance Abuse Prevention in Tioga County; and

WHEREAS: Tioga County Mental Hygiene receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: Tompkins-Seneca-Tioga BOCES has been performing these services in the past and Tioga County Mental Hygiene is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into renewal contracts with Tompkins-Seneca-Tioga BOCES, for \$10,696 plus any additional state aid received, for the continuation of Alcohol and Substance Abuse Prevention for the period January 1, 2024 through December 31, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 427-23

AUTHORIZE CONTRACT WITH CATHOLIC CHARITIES TO ADMINISTER ONGOING INTEGRATED SUPPORTED EMPLOYMENT SERVICES

WHEREAS: Tioga County Mental Hygiene uses the services of Catholic Charities of Rochester, d.b.a. Catholic Charities Tompkins/Tioga for the purpose of Ongoing Integrated Employment Services in Tioga County; and

WHEREAS: Tioga County Mental Hygiene receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: Catholic Charities has been performing these services in the past and Tioga County Mental Hygiene is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with Catholic Charities, for \$17,637 plus any additional state aid received, for the continuation of Ongoing Integrated Employment Services for the period January 1, 2024 through December 31, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 428-23 *AUTHORIZE CONTRACT WITH ASPIREHOPENY
TO ADMINISTER PARENT SUPPORT SERVICES*

WHEREAS: Tioga County Mental Hygiene uses the services of AspireHopeNY, Inc. for the purpose of administering Parent Support Services in Tioga County; and

WHEREAS: Tioga County Mental Hygiene receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: AspireHopeNY has been performing these services in the past and Tioga County Mental Hygiene is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with AspireHopeNY, for \$64,518 plus any additional state aid received, for the continuation of Parent Support Services in Tioga County for the period January 1, 2024 through December 31, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 429-23 *AUTHORIZE CONTRACT WITH TRINITY
TO ADMINISTER PREVENTION AND JAIL SERVICES*

WHEREAS: Tioga County Mental Hygiene uses the services of Council on Alcohol and Substance Abuses of Livingston County, d.b.a. Trinity for the purpose of Alcohol and Substance Abuse Prevention in Tioga County and in the Tioga County Jail; and

WHEREAS: Tioga County Mental Hygiene receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents and Tioga County Jail inmates; and

WHEREAS: Trinity has been performing these services in the past and Tioga County Mental is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into renewal contracts with Trinity, for \$270,098 plus any additional state aid received, for the continuation of Alcohol and Substance Abuse Prevention in the community as well as the Tioga County Jail for the period January 1, 2024 through December 31, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 430-23 *AUTHORIZE CONTRACT WITH REHABILITATION SUPPORT SERVICES, INC. TO ADMINISTER PSYCHOSOCIAL CLUB, HEALTH HOME NON-MEDICAID CARE MANAGEMENT, HEALTH HOME SERVICE DOLLARS & ADMINISTRATION, SUPPORTED HOUSING RENTAL ASSISTANCE & COMMUNITY SERVICES, WARM LINE AND DROP-IN CENTER*

WHEREAS: Tioga County Mental Hygiene uses the services of Rehabilitation Support Services, Inc. (RSS) for the purpose of administering the following programs: PsychoSocial Club, Health Home Non-Medicaid Care Management, Health Home Service Dollars & Administration, Supported Housing Rental Assistance & Community Services, Warm Line and Drop-In Center; and

WHEREAS: Tioga County Mental Hygiene receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: RSS has been performing these services in the past and Tioga County Mental Hygiene is seeking a contract renewal; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into a renewal contract with RSS, for \$269,914 plus any additional state aid received, for the continuation of PsychoSocial Club, Health Home Non-Medicaid Care Management, Health Home Service Dollars & Administration, Supported Housing Rental Assistance & Community Services, Warm Line and Drop-In Center in Tioga County for the period January 1, 2024 through December 31, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 431-23 *AUTHORIZE CONTRACT WITH LIFETIME BENEFIT SOLUTIONS, INC. TO ADMINISTER FLEXIBLE SPENDING AND HEALTH REIMBURSEMENT ACCOUNT PROGRAMS*

WHEREAS: Tioga County currently uses the services of Lifetime Benefit Solutions, Inc. to administer Tioga County's flexible-spending and health reimbursement account programs; and

WHEREAS: Lifetime Benefit Solutions, Inc. has submitted a new contract to continue administering said programs and conduct all required compliance testing services; and

WHEREAS: The Flexible-Spending program is a negotiated benefit for all Tioga County unionized employees; and

WHEREAS: The Health Reimbursement Account is a negotiated benefit for CSEA union employees; and

WHEREAS: Both the employees and the County can save tax dollars on money channeled through the flexible spending program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Lifetime Benefit Solutions, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2024 through December 31, 2024; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2024 through December 31, 2024.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 432-23 *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 three-year agreement with the NYS Office of Indigent Legal Services with a Budget of \$771,014 per year for Years 6, 7, and 8; and

WHEREAS: The amount allocated to Tioga County from NYS for the fiscal year 2023 is \$771,014; and

WHEREAS: The NYS Office of Indigent Legal Services intends to maintain the \$771,014 level of funding for the following two years thereafter; and

WHEREAS: It is necessary for Tioga County to approve entering into a three-year agreement with NYS Office of Indigent Legal Services and adopt Year 6 budget in an amount not to exceed \$771,014; and

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

RESOLVED: That the Tioga County Legislature hereby approves the Year 6 budget of said distribution in an amount not to exceed \$771,014 and further approves entering into a three-year contract for Years 6, 7, and 8 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 6 distribution contract with the NYS Office of Indigent Legal Services.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 433-23 *RESOLUTION TO APPROVE A CONTRACT BETWEEN THE TIOGA CO. PROBATION DEPT. & THE FAMILY AND CHILDREN'S COUNSELING SERVICES TO PROVIDE ADULT & JUVENILE SEXUAL OFFENDER ASSESSMENT AND TREATMENT SERVICES IN THE JOURNEY PROJECT*

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult and juvenile sex offender treatment in 2023; and

WHEREAS: The Family and Children's Society contract with Tioga County Probation provides for a total of 21 sexual offender slots as follows: 15 adult assessment and treatment slots; 10 adult safety monitor education slots; 6 juvenile offender assessment and treatment slots and 10 parent safety monitor education slots for a cost of \$123,840 annually; therefore be it

RESOLVED: That the Probation Director is approved to contract in 2024 with The Family and Children's Society to provide adult sexual offender assessment and treatment, juvenile sexual offender assessment and treatment and educational sessions for adult supervisors and parent supervisors in the amount of \$123,840 annually.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 434-23 RESOLUTION TO CONTRACT WITH NATIONAL TEST SYSTEMS FOR INSTANT URINE TESTS AND LAB TESTING

WHEREAS: Tioga County Probation needs to purchase instant urine testing products and lab services to provide confirmed test results for defendants and respondents court ordered to submit to substance abuse testing; and

WHEREAS: Tioga County Probation has obtained three estimates for the purchase of instant urine testing products as follows:

1. Premier Biotech - \$3.60 each for 12 panel test (AMP/BAR/BUP/BZO/COC/MDMA/MET/MTD/OPI/OXY/PCP/THC). Lab testing \$19.95 per analyte plus \$15.00 shipping per shipment per bag
2. Drug Tests in Bulk - \$3.50 each for 16 panel test (AMP/BAR/BUP/BZO/COC/ETG/FEN/K2/MET/MDMA/MTD/OPI/PCP/THC/TRA)—only supply cups, no lab testing
3. National Test Systems - \$3.60 each for 12 panel test plus adulterant test (COC/THC/MOP/AMP/MET/BZO/MTD/OXY/MDMA/BUP/FEN/ETG)

And

WHEREAS: The cost to purchase testing supplies from National Test Systems is less expensive and more expeditious for Probation’s testing program; and

WHEREAS: Tioga County Probation has been using National Test Systems for their lab services and purchasing their urine samples. Confirmation with pricing as follows:

Class I Drugs: (AMP/MET/MDMA/THC/COC/BAR/MTD/PCP): \$17.00/ drug
 Class II Drugs: (OPI/OXY/6MAM/BZO/BUP/FYL/GABA/KRA/TRAM): \$24.00/ drug
 Class III Drugs: (K2/SPICE): \$44.00/ drug

Therefore be it

RESOLVED: That the Tioga County Probation Director is approved to contract with National Test Systems to purchase instant testing supplies and lab services from

November 1, 2023 to October 31, 2024, if the contract is approved by the County Attorney.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 435-23 *RESOLUTION TO AMEND THE CONTRACT
BETWEEN THE TIOGA COUNTY PROBATION DEPT. AND
BUDDI US, LLC*

WHEREAS: The Probation Department is need of Electronic and Alcohol 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 amended and enlarged said contract to include alcohol monitoring and insurance on monitoring units. The new contract having been approved by the Tioga County Attorney will have Tioga County Probation charged for electronic monitoring, alcohol monitoring, and cell phone monitoring as follows:

Electronic Monitoring: \$3.80 per day + \$0.65 per day insurance – total \$4.45/day
Alco Tag + GPS: \$9.00 per day + \$0.65 per day insurance – total \$9.65/day
Alco Tag only: \$6.75 per day + \$0.65 per day insurance - total \$7.45/day
Cell Phone check in app: \$1.00 per day

And

WHEREAS: Tioga County Probation has budgeted funds for Electronic Monitoring services for 2024 in the amount of \$3,500 in account number A3142.540140 – Contracting Services; therefore be it

RESOLVED: That Tioga County Probation Director is approved to enter into the Amended Enlarged contract with Buddi US, LLC to provide Electronic Monitoring hardware and alcohol 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 Roberts, Sauerbrey, Brown, Ciotoli, Flesher, Monell, and Mullen.

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 436-23 *AUTHORIZE CONTRACT WITH DELTA DENTAL
TO ADMINISTER DENTAL BENEFITS*

WHEREAS: Tioga County uses the service of the CSEA Employee Benefit Fund to administer dental insurance benefits for Management/Confidential employees of Tioga County; and

WHEREAS: Employees have expressed a desire for more competitively priced dental benefits; and

WHEREAS: Delta Dental has offered a plan with similar coverage at a lower rate than the CSEA Employee Benefit Fund; and

WHEREAS: Delta Dental has offered a two-year rate guarantee; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Delta Dental, subject to review by the County Attorney, to administer dental insurance benefits for Tioga County for the period January 1, 2024, through December 31, 2025; therefore be it

RESOLVED: That the Delta Dental insurance plan will be the only dental insurance plan made available to Management/Confidential employees during the contract period.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 437-23 *AMEND RESOLUTION NO. 390-23;
AUTHORIZE 2023-2024 CONTRACTS WITH
SADD SCHOOL ASSOCIATES
STOP DWI*

WHEREAS: Resolution No. 390-23 authorized contracts for the SADD School Associates for the 2023-2024 school year; and

WHEREAS: This resolution had erroneously listed Erika Brown as the SADD School Associate for the Spencer Van Etten School District; and

WHEREAS: Michelle Varner is the designated SADD School Associate for Spencer Van Etten School District and should receive the compensation in the amount of \$100 each month for the ten months of the school year, not to exceed \$1,000 for the year; therefore be it

RESOLVED: That Resolution No. 390-23 be amended to reflect Michelle Varner as the SADD School Associate for Spencer Van Etten School District.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 438-23 *RESOLUTION TO APPROVE AND ENTER INTO
A MEMORANDUM OF UNDERSTANDING (MOU)
WITH IPPC TECHNOLOGIES FOR SEX OFFENDER
MONITORING*

WHEREAS: Tioga County Probation is in need of a monitoring system for an enhancement to sex offender supervision in 2023; and

WHEREAS: This enhancement will monitor the cell phones, computers, and other devices that can access the Internet on the probationers that have been convicted of a sex offense; and

WHEREAS: Tioga County has coordinated with IPPC Technologies for Sex Offender Monitoring; therefore be it

RESOLVED: That the Tioga County Legislature authorizes Tioga County Probation to enter into a Memorandum of Understanding (MOU) with IPPC Technologies for Sex Offender monitoring.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 439-23 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE
ON MEMO OF UNDERSTANDING (MOU) WITH
TIOGA COUNTY SOIL AND WATER
CONSERVATION DISTRICT*

WHEREAS: Sustainability, as part of the Reduce, Reuse Recycle Program, would like to purchase one hundred (100) Orbis 80 Gallon Earth Machine Composters to sell at cost to residents of Tioga County; and

WHEREAS: Sustainability does not have the space needed to house the composters; and

WHEREAS: Soil and Water has offered to house said Orbis 80 Gallon Earth Machine Composters to residents of Tioga County; and

WHEREAS: Sustainability and Soil and Water have agreed that Soil and Water shall house and distribute said composters to the residents of Tioga County; and

WHEREAS: Tioga County and the Tioga County Soil and Water Conservation District are desirous of having a Memo of Understanding with regard to this agreement in place; therefore be it

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Memo of Understanding between the Tioga County Soil and Water Conservation District and Tioga County.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 440-23 *AUTHORIZING LEGISLATIVE CHAIR SIGNATURE
ON MEMO OF UNDERSTANDING (MOU) WITH
TIOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY*

WHEREAS: The Tioga County Industrial Development Agency (TCIDA) will execute the contract with Deluge for professional services for public relations/social media; and

WHEREAS: The professional services will be split between TCIDA, Tioga County Property Development Corporation, Tioga County Economic Development & Planning Department, and Tioga County Sustainability; and

WHEREAS: The TCIDA will invoice the following Departments for 2023 and 2024 as follows:

Tioga County Property Development Corporation: \$1,250 for 2023 and \$1,718.18 for 2024

Tioga County Economic Development: \$1,250 for 2023 and \$1,718.18 for 2024

Tioga County Planning: \$1,250 for 2023 and \$429.55 for 2024

Tioga County Sustainability: \$2,695 for 2023 and \$3,865.91 for 2024

Therefore be it

RESOLVED: That Tioga County and the Tioga County Industrial Development Agency are desirous of having a Memo of Understanding with regard to this agreement in place; and be it further

RESOLVED: That the Tioga County Legislature agrees to authorize the Legislative Chair to sign the Memo of Understanding between the Tioga County Industrial Development Agency, Tioga County, and Tioga County Property Development Corporation.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE

RESOLUTION NO. 441-23 AUTHORIZATION LEASE FOR EMPIRE ACCESS

WHEREAS: The Tioga County Legislature recognizes the importance of quality Internet services for businesses and residents within the county borders; and

WHEREAS: The ITCS Department has helped facilitate that development through work with Empire Access, providing a "POP" (Point of Presence) location in the County data center that can be utilized by providers to connect to the Empire Access fiber optic network; and

WHEREAS: The provider, Empire Access, has approached the County to lease space to maintain a data rack at a rate of \$250 per month for a lease term of 5 years, renewable 3 times for a total of 15 years; and

WHEREAS: The provider, Empire Access, will discount the County's monthly recurring Business Internet Services fees at the rate of \$250 per month as payment for this lease agreement; therefore be it

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized to sign the associated lease agreement with Empire Access at a rate of \$250 per month for a lease term of 5 years, renewable three times for a total of 15 years, in accordance with Local Law 4 of 2001.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE

RESOLUTION NO. 442-23 AUTHORIZATION TO PROCEED WITH SHARED SERVICES AGREEMENT

WHEREAS: The Tioga County Legislature recognizes the need to maintain efficient government operations and achieve cost savings for services where applicable; and

WHEREAS: The Information Technology and Communication Services Department has conducted extensive work with the municipality of Candor (Town) to identify and plan a shared IT services arrangement to be implemented in 2023; and

WHEREAS: This process has identified that implementing shared services with the Town of Candor will achieve a cost savings for the municipality and provide revenue to the County to offset existing service costs; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to sign paperwork associated with the shared services agreement for the Town of Candor, contingent upon review and approval by the County Attorney and Chief Information Officer.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 443-23

*AUTHORIZE APPLICATION TO THE NYS OFFICE
OF MENTAL HEALTH COMMUNITY MENTAL HEALTH
LOAN REPAYMENT PROGRAM*

WHEREAS: The NYS Office of Mental Health in an effort to address critical staffing shortages has instituted the OMH Community Mental Health Loan Repayment Program; and

WHEREAS: This program is a student loan repayment program;

WHEREAS: This program will support specific titled licensed mental health professionals in eligible mental health programs; and

WHEREAS: An eligible program is required to apply on behalf of the eligible individual for funds to be used to repay qualified education loans, over a three-year period; and

WHEREAS: Tioga County Mental Hygiene is an eligible program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to apply to the NYS Office of Mental Health to be an eligible program for mental health staff to apply for education loan repayment.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 444-23 *AMEND RESOLUTION NO. 291-19;
AUTHORIZE AMENDED AGREEMENT WITH
MOTOROLA SOLUTIONS CHANGE ORDER #4
EMERGENCY SERVICES*

WHEREAS: Resolution No. 291-19 authorized the Director of Emergency Services to enter into an agreement with Motorola Solutions for a P25 Phase 1 Digital Simulcast Trunked Radio System at an amount not to exceed \$9,620,000; and

WHEREAS: Resolution No. 23-22 authorized an additional \$3,100,000 to convert to a P25 Phase 2 Digital Simulcast Trunked Radio System for more ample radio coverage; and

WHEREAS: With the progression of the radio project, Motorola Solutions has prepared Change Order #4 that adds the cost of building 4 new tower sites, refurbishing one county owned site, and adding our equipment to PA State Police site. Additionally, the change order includes enhancements to radio and telephone equipment that has changed since the original contract of 2019. The

total cost of the equipment and services provided in Change Order #4 is not to exceed \$5,650,000; therefore be it

RESOLVED: That the County Legislature hereby authorizes an agreement with Motorola Solutions, 500 West Monroe Street, 44th Floor, Chicago, IL 60661 for the construction of 4 new tower sites, refurbishment of one existing site, along with changes and enhancements to communications equipment; and be it further

RESOLVED: That the County has designated funding in the State Interoperable Grants; ARPA; Reserves; and Surcharge accounts; therefore be it

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

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. 445-23 *APPLY FOR INDIGENT LEGAL SERVICES GRANT*

WHEREAS: The New York State Office of Indigent Legal Services has made available to Tioga County a three-year, non-competitive grant totaling \$123,804.00 to improve the quality of Indigent Legal Services provided under Article 18-B of the County Law; and

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

WHEREAS: The grant funds will be used:

1. To partially fund the positions listed below:
 - a. Chief Public Defender
 - b. Family Court Public Defender

- c. Family Court Paralegal
 - d. Part-time First Assistant Public Defender
 - e. Part-time Second Assistant Public Defender
 - f. Part-Time Assigned Counsel Administrator
 - g. Part-Time Assigned Counsel Assistant
2. To fund the on-line research tool for the Public Defender's Office.
 3. To fund the annual support for the PD CMS system.
 4. To partially fund Investigative, Expert Witness, Transcripts, and Training for the Public Defender's Office.

Therefore be it

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

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 446-23 *AUTHORIZE ACCEPTANCE OF 2024 NYS PTS GRANT
(PTS-2023-TIOGA CO SO-00118-054)
APPROPRIATION OF FUNDS &
MODIFY 2023 BUDGET
SHERIFF'S OFFICE*

WHEREAS: The Sheriff's Office applied for and was awarded a NYS PTS (Police Traffic Services) grant (PTS-2023-Tioga Co-SO-00118-054) in the amount of \$12,540; and

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

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

RESOLVED: That the 2023 budget be modified and funds be appropriated to the following accounts:

FROM: A3110.445890 Federal Aid – Other Transportation \$12,540
 TO: A3110.510030 Sheriff Overtime \$12,540

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
 FINANCE COMMITTEE

RESOLUTION NO. 447-23 *AUTHORIZE ACCEPTANCE OF THE
 NYS 2023 PSAP OPERATIONS GRANT AND
 MODIFY 2023 BUDGET*

WHEREAS: The Sheriff's Office applied for and was awarded a NYS Office of Interoperable and Emergency Communications PSAP Operations grant in the amount of \$109,805; and

WHEREAS: This funding will reimburse the E911 budget for Dispatcher personnel service costs incurred in 2023; therefore be it

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

RESOLVED: That the 2023 budget be modified to reflect this state aid and that this funding be receipted with the following revenue account.

Revenue Account: A3020 433310 \$129,044

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

Legislator Flesher moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 448-23 *REQUESTING TIOGA COUNTY OFFICE OF EMERGENCY SERVICES BE ALLOWED TO EXCEED FOOD & BEVERAGE PURCHASE GUIDELINES*

WHEREAS: The Tioga County Office of Emergency Services conducts training courses and at these events provides food, beverages, and supplies to those in attendance as well as information on resources, benefits, and services available to emergency management teams; and

WHEREAS: County Policy – Section III; Subsection H. Purchase of Food, Beverages and Supplies limit expenses to \$150 per event; and

WHEREAS: The Tioga County Office of Emergency Services held an I-300 Intermediate Incident Command System course (24 hours) in September, that exceeded the \$150.00 per event limit, and requests to exceed the event limit must be made by resolution and require the approval of the County Legislature:

September 12 – Lunch/Dugans Parkview – A3410.540360 – Meals/Food \$161.10

September 13 – Lunch/Dugans Parkview – A3410.540360 – Meals/Food \$124.50

September 14 – Lunch/Dugans Parkview – A3410.540360 – Meals/Food \$227.10

And

WHEREAS: The Tioga County Emergency Services budget (A3410.540360) has sufficient funds to cover the above-referenced food costs; therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Office of Emergency Services to exceed the per event limit using funding as identified.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 449-23 *REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO EXCEED FOOD & BEVERAGE PURCHASE GUIDELINES*

WHEREAS: The Tioga County Veterans Service Agency (TCVSA) conducts multiple community outreach events monthly and at these events provides food, beverages, and supplies to those in attendance as well as information on resources, benefits, and services available to veterans, military, and their families; and

WHEREAS: County Policy – Section III; Subsection H. Purchase of Food, Beverages, and Supplies limit expenses to \$150 per event; and

WHEREAS: The TCVSA will be holding the following events in November and December, with grant funds being used, that will exceed the \$150.00 per event limit, and requests to exceed the event limit must be made by resolution and require the approval of the County Legislature:

November 9 – Thanksgiving Grocery Giveaway, Dwyer Grant - \$1,000.00

November 12-15 – Onward Ops @ Ft. Drum, ETS Grant - \$500.00

November 29-30 – MHFA Class, Dwyer Grant - \$700.00

December 2 – MHFA Class, Dwyer Grant - \$1,000.00

December 9 – Army/Navy Game Watch Party, Dwyer Grant, \$1200.00

Therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to exceed the per event limit using grant funding as identified, noting that TCVSA will not exceed the total amount mentioned for each event above.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. 450-23

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS

WHEREAS: A project for the Tioga County Bridge Preventative Maintenance Program Phase 10 (FFY 24), PIN 9754.59 (the Project) is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-Federal Funds; and

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

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

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

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

RESOLVED: That the sum of \$10,000 is hereby appropriated from account D5110.540050 and made available to cover the costs of participation in the above phases of the Project; and it is further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall

WHEREAS: The Catholic Charities Tompkins/Tioga (CCTT) organization has proposed a project wherein a 5-bedroom home will be rented for veterans/men in need of transitional housing who are struggling with poverty, substance use or other issues leaving them without housing or support, as well as other case management services; and

WHEREAS: The funding requested would help CCTT get started with renting a home, provide the needed case management, and assist individuals with community and employment opportunities; and

WHEREAS: It has been determined by the US Treasury that ARPA funds granted shall be considered obligated by calendar year end 2024, and expended by the end of calendar year 2026; and

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

WHEREAS: Legislative approval is needed for the use of any American Recovery Funds; therefore be it

RESOLVED: That ARPA funds in the 2023 Budget be appropriated as follows:

FROM:	A1325 540429 M7674 OUTSIDE SUPPORT-ARPA	\$250,000
TO:	VID: 829 CATHOLIC CHARITIES	\$250,000
	Manual Check Payment	

Chair Sauerbrey spoke. "This funding will help to house men who need a place to stay when they come out of prison or when they are homeless and need to start a new beginning. This is a really good thing. This is a very small part in a very big problem."

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ITCS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 452-23 *TRANSFER AUTHORIZED CAPITAL PROJECT
AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO
FUND ACCESS CONTROL SYSTEM UPGRADE FOR
PROBATION DEPARTMENT*

WHEREAS: The Chief Information Officer has identified a need and made a recommendation to the Tioga County Legislature for the installation of an additional door reader and electric strike and the upgrade of existing intercom system within the Probation Department; and

WHEREAS: American Rescue Plan Act "ARPA" funds have been appropriated in the Tioga County 2023 Capital Budget in account H1680 520620 M7674 for use specifically as designated by the Tioga County Legislature for Access Control; and

WHEREAS: The Chief Information Officer would like to designate \$4,934.32 of those American Rescue Plan Act "ARPA" funds for use in the purchase of necessary Access Control Hardware and licenses at the Tioga County Probation Department; and

WHEREAS: The Tioga County Legislature shall oversee and authorize all ARPA expenditures whether budgeted or not; and

WHEREAS: Legislative approval is needed to amend the ITCS 2023 Capital Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the ITCS 2023 Capital Budget:

From: H1680 520620 M7674	Software Expense – ARPA	\$4,934.32
To: H1680 521090 M7674	Computer – ARPA	\$4,934.32

And be it further

RESOLVED: The Chief Information Officer is authorized to purchase (1) Verkada AD33 Multi-format Card Reader with associated 10-year door license and (1) Verkada TD52 Video Intercom with associated 10-year Intercom License and one electric door strike and installation with ARPA funds appropriated from the following accounts for no more than the amount requested:

From: H1680 521090 M7674	Computer – ARPA	\$4,934.32
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FROM:	CI8042 540140 M7674 Contracting Services-ARPA	\$5,951.36
TO:	H1680 521090 M7674 Computer- ARPA	\$3,605.18
	H1680 520620 M7674 Software Expense-ARPA	\$2,346.18

And be it further

RESOLVED: That the Tioga County Legislature authorizes the purchase one (1) Verkada CM52-E PTZ camera, one (1) Verkada CB62-E Bullet camera and two (2) Ten-year camera licenses from Infnit Technology Solutions, 7037 Fly Road, East Syracuse, NY 13057 using the PEPPM Purchasing Program, not to exceed \$5,951.36, to be paid out of the following accounts:

H1680 521090 M7674 Computer -ARPA	\$3,605.18
H1680 520620 M7674 Software Expense-ARPA	\$2,346.18

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 454-23 *AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE OF OFFICE CHAIRS FOR THE TREASURER’S OFFICE*

WHEREAS: The Treasurer’s Office has identified a need for the replacement of two chairs; and

WHEREAS: The Treasurer's Office chair expense account A1325 520070 has no funds available at this time; and

WHEREAS: Budget Amendments and Transfers require Legislative approval; therefore be it

RESOLVED: That funding be transferred and appropriated as follows:

FROM:	A1325 540140	Contracting Services	\$600.00
TO:	A1325 520070	Chairs	\$600.00

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO:	ADMINISTRATIVE SERVICES COMMITTEE FINANCE/LEGAL COMMITTEE
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RESOLUTION NO. 455-23	<i>TRANSFER OF FUNDS 2023 BUDGET MODIFICATION VETERANS' SERVICE AGENCY</i>
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WHEREAS: The Tioga County Veteran Services' Agency (TCVSA) needs to purchase a new printer; and

WHEREAS: The TCVSA shall be utilizing funds as allowed by ARPA program guidelines to pay for the necessary printer; and

WHEREAS: The TCVSA consulted with Chief Information Officer regarding repairing or replacing printer and he recommended replacing the printer with exact make and model due to it being cheaper to replace than repair; and

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

RESOLVED: That TCVSA budget be modified, and the following sums be transferred within the 2023 TCVSA budget to cover the costs of the printer needed:

From: A6510 540640 M7674	Supplies (Not Office) - ARPA	\$ 189.00
To: A6510 520621 M7674	Computer Equipment - ARPA	\$ 189.00

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 456-23 TRANSFER OF FUNDS
BUDGET MODIFICATION
MENTAL HYGIENE

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

WHEREAS: Tioga County Mental Hygiene has received notice by New York State Office of Mental Health that two Tioga County residents were assigned these services, along with the required documentation and payment amount; and

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

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

RESOLVED: That the Tioga County Mental Hygiene 2023 budget be modified, and funds be transferred as follows:

From: A4210 510010 Salary Full Time \$ 26,376.85

To: A4390 540590 Criminal Psychiatric: Services Rendered \$ 26,376.85

ROLL CALL VOTE

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

No – None.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 458-23 *BUDGET MODIFICATION 2023 AND TRANSFER FUNDS
PUBLIC WORKS*

WHEREAS: The Legislature is in need of replacement chairs for the Legislative Conference Room; and

WHEREAS: The Legislative Clerk has received a quote on NYS Contract #PC68336 for the replacement chairs; and

WHEREAS: The Tioga County Public Works Department has the funding needed to fulfill this request within its own budget, yet this will require a budget modification and transfer of funds; and

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

RESOLVED: That the Tioga County Legislature authorize the creation of budget line A1620.520070 Chairs; and it is further

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the 2023 Budget:

From: A1620.540140	Contracting Services	\$6,000.00
To: A1620.520070	Chairs	\$6,000.00

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY

RESOLUTION NO. 459-23 *ESTABLISH NEW BUDGET LINE, MODIFY 2023 BUDGET
AND TRANSFER FUNDS
SAFETY OFFICE*

WHEREAS: The Safety Officer has a need for a stand/bookcase to serve as a security checkpoint at the main entrance; and

WHEREAS: The bookcase selected by the Safety Officer for this purpose costs \$132.70; and

WHEREAS: Furniture must be purchased using a Furniture expense line 520210 and the 2023 Safety budget does not have this established line; and

WHEREAS: Legislative approval is required for budget amendments and transfer of funds; therefore be it

RESOLVED: That a 520210 Furniture line be established in the Safety budget and that the following funds be transferred for said purchase:

From:	CI8042	540733	Training/All Other	\$ 132.70
To:	CI8042	520210	Other Furniture	\$ 132.70

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 460-23 *AMEND BUDGET AND TRANSFER FUNDS
CLEANING STAFF - PUBLIC WORKS*

WHEREAS: Tioga County Public Works created eight (8) new cleaning staff positions within their department by way of Resolution Nos. 370-23 and 405-23; and

WHEREAS: Resolution No. 370-23 states that funding for the new positions will be transferred from within the current budget; and

WHEREAS: Amending the budget and transfer of funds requires Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the following budget amendment and transfer of funds:

From:	A1620.540140	Contracting Services	\$80,225.00
To:	A1620.510010	Full Time	\$50,000.00
	A1620.581088	State Retirement Fringe	\$ 6,100.00
	A1620.586088	Health Insurance Fringe	\$18,000.00
	A1620.585588	Disability Insurance Fringe	\$ 100.00
	A1620.584088	Workers Compensation Fringe	\$ 2,000.00
	A1620.583088	Social Security Fringe	\$ 4,000.00
	A1620.588988	EAP Fringe	\$ 25.00

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE
 LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 461-23 AMEND 2023 BUDGET AND TRANSFER FUNDS
 SOLID WASTE

WHEREAS: Tioga County Solid Waste's Sustainability Manager has funds from a Clean Energy Communities grant; and

WHEREAS: These funds are for energy efficiency and clean energy equipment; and

WHEREAS: Buildings & Grounds determined purchasing LED Parking Lot Area Lights for HHS parking lot is the best use of these funds and amending of Budget and Transfer of Funds requires Legislative approval; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the transfer of \$2,351.93 and appropriate funds as follows:

From: A8160 520280	Tools Large/Power	\$2,221.08
From: A8160 542640	Supplies (Not Office)	\$ 130.85
To: A8160 520130	Equipment (Not Car)	\$2,351.93

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 462-23 *AMEND BUDGET & TRANSFER OF FUNDS*
TREASURER'S OFFICE

WHEREAS: The cost of Community College has increased, along with an increase of enrollment numbers; and

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

WHEREAS: The Treasurer's Office has identified the amount of additional funding needed in 2023; and

WHEREAS: The Budget Office identified available funding in General Fund Balance; and

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

RESOLVED: That funding be transferred and appropriated as follows:

FROM:	A.390900	Fund Balance	\$250,000
TO:	A2490.540487	Program Expense	\$250,000

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 463-23 AMEND BUDGET & TRANSFER OF FUNDS
PUBLIC HEALTH

WHEREAS: The costs of the New York State mandated Preschool School Supportive Health Services Program ("Preschool") are larger than the budgeted 2023 amounts; and

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

WHEREAS: Public Health has identified a portion of the needed funds available within their Early Intervention Escrow account; and

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

WHEREAS: Budget Amendments and Transfers of Funds require Legislative approval; therefore be it

RESOLVED: That funding be transferred and appropriated as follows:

From: A2960 434600	State Aid- Handicapped Education	\$ 13,125
A2960 416050	Fees- Handicapped Education	\$ 10,000
A4044 540487	Program Expense	\$125,000
To: A2960 540590	Services Rendered	\$148,125

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 464-23 AMEND 2023 BUDGET & TRANSFER FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has need for additional badge access installations on doors in their Clinic area; and

WHEREAS: TCPH has discussed with the Commissioner of Public Works and worked with the Chief Information Officer on the plan to purchase the necessary equipment; and

WHEREAS: TCPH has funds available in their 2023 Capital budget due to savings on some vehicles that were purchased as part of the DPW Capital Vehicle Plan, yet requires transfer to appropriate budget lines; and

WHEREAS: As this is for the TCPH Clinic and using TCPH budgeted funding, it will be eligible for State Aid reimbursement; and

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

RESOLVED: That funding be transferred and appropriated as follows:

From: H4011 520060 Car/Truck \$ 9,217.13

To: H4011 520130 Equipment (Not Car) \$ 9,217.13

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 465-23 AMEND BUDGET & APPROPRIATE FUNDS
PUBLIC HEALTH

WHEREAS: Tioga County Public Health (TCPH) has been awarded additional funding from NYS Department of Health; and

WHEREAS: The funding originated from the Centers for Disease Control and is being distributed through Health Research Inc.; and

WHEREAS: The funding is for the “Pilot Program for Protecting Vulnerable Private Wells and Smaller Water Systems”; and

WHEREAS: Resolution No. 238-22 appropriated the initial funding award, which the balance will still be available through the new funding period; and

WHEREAS: The new funding period is through August 31, 2024; and

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

RESOLVED: That funding be appropriated as follows:

From: A4090 434500-WELL State Aid-Public Health-Well \$ 44,000

To: A4090 540595-WELL Services Rendered-Well \$ 44,000

And be it further

RESOLVED: That the balance of this funding on 12/31/2023 be carried forward into the 2024 budget in the same budget lines.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 466-23 *REQUEST AND TRANSFER OF CONTINGENCY FUNDS & MODIFY 2023 BUDGET ASSIGNED COUNSEL*

WHEREAS: The Assigned Counsel Attorney reimbursement rate was increased effective April 1, 2023 and the Assigned Counsel account will not have sufficient funds for the remainder of 2023; and

WHEREAS: Contingency Funds will need to be transferred from the Contingency Account to the Assigned Counsel Account, & Modify Assigned Counsel 2023 Budget to accommodate the increase in the rates for 2023; and

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

RESOLVED: That the Tioga County Legislature authorizes a transfer as follows:

From: A1990 540715 Contingency Transfer \$60,000

To: A1172 540030 Assigned Counsel \$60,000

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. 467-23 *UPDATE CHART OF ACCOUNTS AND
AMEND 2023 BUDGETS FOR TREASURER'S OFFICE AND
BUDGET OFFICE*

WHEREAS: The Treasurer's Office has identified two accounts that they would like to see removed from their Org A1325; and

WHEREAS: The Budget Officer agrees they would be better classified under Budget Org A1340; and

WHEREAS: Legislative approval is required to amend budget; therefore be it

RESOLVED: That A1325 411400 Emergency Telephone E911 Surch be merged to A1340 411400 Emergency Telephone E911 Surch; and be it further

RESOLVED: That A1325 427350 Opioid Settlement Funds be merged to A1340 427350 Opioid Settlement Funds.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 468-23 *AUTHORIZE APPOINTMENT OF
MENTAL HYGIENE COMPLIANCE OFFICER
MENTAL HYGIENE*

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

WHEREAS: The position of Mental Hygiene Compliance Officer (\$59,610-\$69,610; Management/Confidential) was created and funded as of October 10, 2023 by way of Resolution No. 406-23; and

WHEREAS: Following recruitment efforts, the Director of Community Services has identified a well-qualified candidate that she would like to appoint to said title; therefore be it

RESOLVED: That the Director of Community Services is authorized to provisionally appoint Angelica Deyo-Cruz to the title of Mental Hygiene Compliance Officer, at an annual Management/Confidential salary of \$62,105, effective November 20, 2023; and be it further

RESOLVED: That in accordance with Tioga County Employee Handbook Management/Confidential Benefits policy, Ms. Deyo-Cruz shall be eligible for any authorized 2024 Management/Confidential salary increase effective May 20, 2024, following a successful six-month evaluation.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 469-23 *AUTHORIZE APPOINTMENT OF PUBLIC DEFENDER
(PUBLIC DEFENDER)*

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

WHEREAS: The Public Defender position will become vacant upon the retirement of the current incumbent, George Awad on December 30, 2023; therefore be it

RESOLVED: That the Tioga County Legislature is authorized to promote Thomas Cline to the title of Public Defender, at an annual, Management/Confidential salary of \$116,940, effective January 1, 2024, for the balance of the four-year term which shall continue through December 31, 2025; and be it further

RESOLVED: That in accordance with Tioga County's Civil Service Rules, Mr. Cline shall serve a probationary period of eight to fifty-two weeks; and be it further

RESOLVED: That in accordance with Tioga County Employee Handbook Management/Confidential Benefits policy, Mr. Cline shall be eligible for any authorized 2024 Management/Confidential salary increase effective July 1, 2024, following a successful six-month evaluation.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standing and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 470-23 *APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER
BOARD OF ELECTIONS*

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

WHEREAS: Due to retirement, the Republican Election Commissioner for the Republican Party will become vacant as of December 2, 2023; and

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Kelly Johnson be and hereby is appointed Election Commissioner for the Republican Party effective December 2, 2023, through December 31, 2024, at the annual M/C salary of \$51,988.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 471-23 APPOINTMENT OF ELECTION WORKER PART-TIME

WHEREAS: Legislative approval is required for any appointment to any position not covered by a collective bargaining agreement or part of the Management/Confidential listing; and

WHEREAS: The position of Election Worker, Part-Time (Republican), has been vacant since September 19, 2023; and

WHEREAS: Authorization to backfill the vacancy was approved on October 10, 2023; and

WHEREAS: The Election Commissioners have selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Tiffanie M. Rosenberger shall be appointed as Election Worker effective November 15, 2023, at the 2023 rate of \$14.47/hr.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 472-23 *AUTHORIZE POSITION RECLASSIFICATION
PUBLIC WORKS*

WHEREAS: Legislative approval is required for position reclassification; and

WHEREAS: On October 20, 2023, the Personnel Department received a position description questionnaire from Christopher Smith, Maintenance Mechanic I (CSEA grade 5) who works within the Building and Grounds unit of the Public Works Department; and

WHEREAS: This resulted in the review of work tasks performed by Mr. Smith in comparison to the Maintenance Mechanic classification levels; and

WHEREAS: Due to the type of work assigned to and performed by Mr. Smith which routinely involves two skill trades, the Personnel Officer has determined justification exists to classify Mr. Smith to a Maintenance Mechanic II (CSEA grade 4); therefore be it

RESOLVED: That the Tioga County Legislature authorizes the reclassification of one Maintenance Mechanic I position currently filled by Christopher Smith to Maintenance Mechanic II and that Mr. Smith receive an increase of \$0.78 to his current hourly rate; and be it further

RESOLVED: That Christopher Smith's new hourly rate will be \$19.53 retroactive to October 20, 2023.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 473-23 RECLASSIFY AND FILL UNFUNDED VACANT POSITIONS
AND ABOLISH POSITIONS
SHERIFF'S OFFICE

WHEREAS: Legislative approval is required for all position reclassifications and funding of positions; and

WHEREAS: One full-time Deputy Sheriff and one full-time Road Patrol Sergeant position have been unfunded and vacant since December 5, 2009 and August 1, 2010 respectively; and

WHEREAS: The Sheriff has reviewed staffing needs and has determined that two Deputy Sheriff positions are needed to meet the demands of the Road Patrol Division; and

WHEREAS: To meet this need, the Sheriff would like to fund the Deputy Sheriff position and reclassify and fund the Road Patrol Sergeant position to a Deputy Sheriff; and

WHEREAS: The Sheriff would like to abolish one part-time Cook and one part-time Deputy Sheriff position effective January 1, 2024 with funding from these positions being used to offset the partial cost of two full-time Deputy positions; therefore be it

RESOLVED: That the Legislature hereby authorizes the reclassification of one unfunded Road Patrol Sergeant to a funded full-time Deputy Sheriff; fund the vacant full-time Deputy Sheriff; abolish one part-time Deputy Sheriff and abolish one part-time Cook effective January 1, 2024.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Brown, Ciotoli, Flesher, and Monell.

No – Legislator Mullen.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 474-23 *UNFUND (1) FULL-TIME CONFIDENTIAL ASSISTANT,
CREATE, FILL AND APPOINT (1) FULL-TIME ASSISTANT
DIRECTOR OF ADMINISTRATIVE SERVICES
PUBLIC HEALTH*

WHEREAS: Legislative approval is required for creation of all new positions, the unfunding of positions, and to appoint M/C employees; and

WHEREAS: The Public Health Director has reviewed the staffing needs within the Public Health Department and supported a desk audit of the Management/Confidential (M/C) position of Confidential Assistant; and

WHEREAS: Upon completion of the desk audit, the Personnel Officer determined that a new position was appropriate, and determined the appropriate classification for said title; and

WHEREAS: The new title is Assistant Director of Administrative Services; and

WHEREAS: Jason Davis has four years experience in the role with Tioga County Public Health, in addition to previous experience, and has successfully performed throughout; therefore be it

RESOLVED: That one (1) full-time M/C position of Confidential Assistant be unfunded effective November 18, 2023; and be it further

RESOLVED: That one (1) full-time M/C position of Assistant Director of Administrative Services (M/C \$48,765 – \$58,765) be created and filled effective November 18, 2023, in accordance with payroll requirements; and be it further

RESOLVED: That Jason Davis be provisionally appointed to the full-time M/C position of Assistant Director of Administrative Services effective November 18, 2023 at an annual salary of \$53,765; and that if unable to be permanently appointed shall return to the position of Confidential Assistant; and be it further

RESOLVED: That in accordance with Tioga County Employee Handbook Management/Confidential Benefits policy, Mr. Davis shall be eligible for any authorized 2024 Management/Confidential salary increase effective May 18, 2024, following a successful six-month evaluation.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 475-23 AMEND EMPLOYEE HANDBOOK:
SECTION IV. PERSONNEL RULES;
SUBSECTION j. MANAGEMENT/CONFIDENTIAL
BENEFITS

WHEREAS: The Management/Confidential Salary Committee met in July to discuss recommendations for 2024 pertaining to the Management/ Confidential staff; and
WHEREAS: The Committee recommends that a Longevity Policy be instituted for all Management/Confidential employees; therefore be it

RESOLVED: That Section IV., Personnel Rules, Subsection j. Management/Confidential Benefits (S27) is hereby amended effective January 1, 2024, by adding the following:

XIII. Longevity Increments

Longevity Increments

Upon Completion of:	
In January 2024	<p>One-time Longevity Increment of \$100, per year for all eligible full-time Management Confidential (M/C) employees with at least one full year of service.</p> <p>Part-time eligible M/C employees increments of \$50, per year with at least one full year of part-time service.</p> <p>Determination date for years of service will be based upon time as M/C employee on January 1, 2024.</p>
2025, and on	<p>Longevity Increment of \$500, on landmark years of service - 5, 10, 15, 20, 25, 30, 35, 40 for eligible full-time M/C employees.</p> <p>Part-time eligible M/C employees increments of \$250.</p> <p>Determination date for years of Service will be based upon time as a County Employee.</p>

In the first payroll period worked in 2024 (payday of 1/18/2024), a one-time increment of \$100 per year will be added to the current salary base after the annual M/C salary increase, for eligible full-time M/C employees with at least one full year of service. Part-time eligible M/C employees, a one-time increment of \$50 per year will be added to the current salary base after the annual M/C salary increase. Determination date for years of service will be based upon time as M/C employee on January 1, 2024. This one-time increment will be effective January 1st, upon receipt by the Personnel Officer of the prior years' timely satisfactory evaluation.

Starting in 2025, eligible full-time M/C employees will be entitled to a \$500 increment added to the current salary base after completion of five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, and forty.

Part-time eligible M/C employees will be entitled to a \$250 increment added to the current salary base after completion of five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, and forty. Part-time eligible M/C employees' hourly rate will increase at a pro-rated amount.

Longevity Increments shall be payable on the employee's anniversary date, upon receipt by the Personnel Officer of the prior years' timely satisfactory evaluation; and be it further

RESOLVED: That the remainder of Section IV. Personnel Rules; Subsection j., Management/Confidential Benefits Policy remains unchanged.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 476-23 *AMEND EMPLOYEE HANDBOOK:
SECTION IV. PERSONNEL RULES; SUBSECTION j.,
MANAGEMENT/CONFIDENTIAL BENEFITS;
PARAGRAPH II. A. LEAVE ACCRUALS, VACATION*

WHEREAS: The Personnel Officer has reviewed the Employee Handbook Section IV; Personnel Rules Subsection j., Management/Confidential Benefits; Paragraph II. A. Leave Accruals, Vacation; and

WHEREAS: The Personnel Officer has identified the need to amend Section IV; Personnel Rules Subsection j., Management/Confidential Benefits; Paragraph II. A. Leave Accruals, Vacation, which may affect various current employees; therefore be it

RESOLVED: That Section IV; Personnel Rules Subsection j., Management/Confidential Benefits; Paragraph II. A. Leave Accruals, Vacation is hereby amended to read as follows:

II. Leave Accruals

All full-time Management/Confidential employees (except elected officials) are eligible for the following:

A. VACATION

- Accounting for vacation time shall be done by the Treasurer's Office through the County central computer on a per-pay period basis, as reported to the Treasurer's Office by the various departments.
- Vacation days are accrued on each employee's anniversary date, which is maintained by the Treasurer's Office. Anniversary dates are adjusted on a day for day basis for any unpaid absence that has not been previously approved. No adjustment of the anniversary date shall occur if an unpaid medical leave is pre-approved and does not exceed one cumulative year (260 working days) in duration. Once pre-approved medical leave(s) exceeds one cumulative year, the anniversary date shall be adjusted on a day for day basis for all days in excess of 260. An unpaid leave of absence for non-Family/Medical Leaves reasons which is approved in advance shall result in adjustment of the employee's anniversary date as of day one.
- Vacation days cannot be used until they are actually accrued. Vacation time may be used in one-hour increments. If a half-day is used, 3 ½ hours will be charged.
- For employees hired without credit for relevant prior work experience, the following chart shall apply:

CHART 1:

<u>Years of Tioga County Service:</u>	<u>Vacation Days:</u>
Upon hire	0
6-month anniversary	5 days
1 year anniversary	10 days (minus any used between 6 months and one year)
2 year - 5-year anniversary	10 days
6 year - 12-year anniversary	15 days
13 year -19-year anniversary	20 days
20 years and over	25 days

- For those employees hired with credit for five or more years of relevant prior work experience who have not yet reached (as of December 1, 2000) the anniversaries indicated below, vacation will be accrued based upon the sum of the prior relevant work experience plus the total relevant Tioga County experience, as follows:

CHART 2:**Prior Years Experience plus Tioga**

<u>County Experience Upon Date of Hire:</u>	<u>Vacation Days:</u>
5*	10
6-12	15
13 and over	20

(*Employees with less than five years of prior relevant experience shall be considered to have no prior relevant experience, and therefore covered by Chart 1).

- Years of relevant prior experience shall be determined at the time of employment with Tioga County (within the Management/Confidential plan) by the Personnel Department and shall take into account all of an employee's relevant prior work experience. The judgment of the County in this matter shall be at its sole discretion and shall be final and binding on all parties concerned.
- Department Heads shall notify the Chair of the Legislature and Legislative Standing Committee Chair a minimum of ten (10) days in advance of their intent to use vacation time, per Section IV. Personnel Rules, Subsection a. Positions/Leave Time/Vacancies, Paragraph V. Leave Time, B.; this notification shall be in writing, for which email is acceptable.

The Department Head and second in command (as designated by the Department Head) shall not be on vacation at the same time for more than three (3) workdays without advance authorization from the Chair of the Legislature and Legislative Standing Committee Chair. It is the Department Head's responsibility to submit such requests in writing.

Any vacation leaves in excess of ten (10) workdays require prior approval of the Legislative Chair.

- All Other Management/Confidential Employees must file a written request for vacation a minimum of ten (10) working days in advance of the requested leave with the Department Head for all leaves over five (5) days in length. Leave of less than five (5) days duration may be granted within 24 hours' notice. Exceptions to this may be granted by the Department Head, however, all requests for vacation leave must be approved by the Department Head.

- In no case shall an employee accrue more than 25 days' vacation on his/her anniversary date.
- No employee shall carry more than 40 days' vacation at any time. Therefore, the amount of vacation days an employee has on the books the day before his/her anniversary plus the number of days s/he is to accrue on his/her anniversary should equal 40 or less. Any days over 40 shall be immediately lost on the employee's anniversary.
- Exception: In the event unforeseen and unanticipated circumstances may cause an employee to have more than 25 days of vacation upon the day before his/her anniversary, a request to carry-over more than 25 days may be submitted by the employee to the Personnel Officer for review prior to the employee's anniversary date. In reviewing the request, the Personnel Officer shall consider what may have caused the situation (for example: staffing, special projects, and the employee's efforts to take vacation time during the preceding 12 months). In the event such request is approved, the employee will be allowed to carry more than 25 days over but will be required to use the extra days by the date 6 months after his/her anniversary. Any extra days remaining 6 months after the anniversary date will be lost. In the event the request is denied or if an employee has more than 25 days' vacation on the day before his/her anniversary and has not submitted a request, the balance will be reduced to 25 days as indicated in Section III.2. Requests received by Personnel on or after the employee's anniversary date will be denied.
- There will be no payment in lieu of vacation while the incumbent is employed by Tioga County.
- Any unused vacation time plus a portion of the coming year's accrual shall be paid for upon separation from the County. Employees granted vacation upon hire based upon qualifying prior work experience must work a minimum of twelve (12) months for Tioga County in order to be eligible for payment of the pro-rated portion of the coming year's vacation accrual.
- Employees are required to give at least 10 working days advance notice of their resignation or retirement or forfeit any and all pay for earned vacation time. In determining whether this requirement is

met, it will be assumed that all employees work Monday through Friday schedule. The Personnel Officer, upon consultation with the Department Head, may make an exception.

- An employee who leaves employment and is rehired more than six (6) months after separation shall be considered a new hire and payment of accrued vacation upon initial separation will be taken into account when determining vacation allowance upon rehire.
- An employee who leaves and is rehired within six (6) months shall have his/her anniversary date adjusted to account for the time not employed by Tioga County.

And be it further

RESOLVED: That the remainder of Section IV. Personnel Rules; Subsection j., Management/Confidential Benefits remains unchanged.

ROLL CALL VOTE

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

No – None.

Absent – Legislators Standinger and Weston.

RESOLUTION ADOPTED.

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

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 477-23 AMEND EMPLOYEE HANDBOOK:
SECTION IX. SAFETY RULES, SUBSECTION I.
TIOGA COUNTY COMMERCIAL DRIVER LICENSE
DRUG AND ALCOHOL TESTING

WHEREAS: Federal Law requires employers of persons who hold Commercial Driver's Licenses (CDL's) to institute a policy requiring drug and alcohol testing of safety sensitive employees as well as education and training of employees and supervisors; and

WHEREAS: Tioga County has an established policy known as Tioga County Commercial Driver License Drug and Alcohol Testing that needs to be amended in whole due to numerous updates and changes; and

WHEREAS: The County Attorney has reviewed the Employee Handbook and has identified the need to amend the policy in its entirety and replace it; therefore be it

RESOLVED: That the Tioga County Commercial Driver License Drug and Alcohol Policy be amended in its entirety and replaced as follows:

i. TIOGA COUNTY COMMERCIAL DRIVER LICENSE DRUG AND ALCOHOL TESTING (FORMERLY POLICY #41)

**TIOGA COUNTY COMMERCIAL DRIVER LICENSE
DRUG AND ALCOHOL TESTING**

- I. *Introduction*
- II. *Education and Training*
- III. *Voluntary Leave of Absence*
- IV. *Testing for Prohibited Drugs and Alcohol*
- V. *Collection and Analysis*
- VI. *Alcohol Testing Procedures*
- VII. *Violations*
- VIII. *Consequences*
- IX. *Employee Rights*

I. INTRODUCTION

- A. Background - Because of the particular importance of assuring that safety sensitive employees are free of the effects of drug and alcohol use, federal law requires that employers of persons who hold Commercial Driver's Licenses (CDL's) institute a policy requiring drug and alcohol testing of safety sensitive employees as well as education and training of employees and supervisors. It is the purpose of this Drug and Alcohol Testing Policy to comply with the requirements of regulations of the Federal Highway Administration to assure safe and healthy operations. Appendix A Drug and Alcohol Testing Job Titles subject to testing is located on the County Intranet "Employee Handbook-EH Forms".

B. Goals - This Policy is designed to:

1. Protect employees and the public from injury and economic loss caused by employees affected by drugs and alcohol.
2. Create a deterrent environment discouraging use, possession, and sale of drugs on or off County property.
3. Provide education and training on the effects and indicators of drug and alcohol use.
4. Encourage employees needing assistance to consult the Employee Assistance Program.
5. Provide for the use of rehabilitation programs so that employees who fail to pass drug and alcohol tests may qualify for return to duty in the same position.

C. Scope and Applicability - This policy is intended to:

1. Comply with all applicable laws and regulations governing drug and alcohol testing of safety sensitive employees.
2. The Federal Highway Administration (FHWA) has adopted and published regulations at 49 C.F.R. Part 382, entitled "Controlled Substances & Alcohol Use and Testing. These apply to safety sensitive employees of the Public Works Department and all employees in other Departments holding CDL's and required to use them in their work.
3. A CDL is required to operate a commercial vehicle. A commercial vehicle is a vehicle which:
 - a. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds, or
 - b. Has a gross weight rating of 26,001 or more pounds, or
 - c. Is designed to carry 16 or more passengers including the driver, or
 - d. Is of any size and is used to transport hazardous waste.
4. The regulations mandate urine drug testing and breath alcohol testing for safety sensitive positions and prevent performance of safety sensitive functions when there is a positive test result.
5. The U.S. Department of Transportation (DOT) has also promulgated regulations at 49 C.F.R. Part 40, entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" setting standards for the collection and testing of urine specimens and the administration of breath alcohol tests.
6. This policy is intended to be in full compliance with the foregoing regulations. If there is any inconsistency between those regulations and the provisions of this Policy, or if this Policy fails to cover anything contained in those regulations, the provisions of the regulations shall prevail and shall be considered to be a part of this Policy. All issues relating to implementation and application of this Policy shall be

subject to grievance and arbitration procedures in the respective collective bargaining agreements.

D. Definitions and Discussion

1. For purposes of this Policy, "*prohibited drugs*" are defined to include the following prohibited substances:
 - a. Marijuana
 - b. Cocaine
 - c. Opiates
 - d. Amphetamines
 - e. Phencyclidine
2. *Alcohol* - As used herein, alcohol means the intoxicating agent in the beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. References to use or possession of alcohol include use or possession of any beverage, mixture or preparation containing alcohol.
3. *Alcohol Misuse* consists of a violation of the following requirements:
 - a. No safety sensitive employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater.
The provisions of this subparagraph exceed the requirements of federal regulations.
 - b. No safety sensitive employee shall be on duty or operate a vehicle while that employee possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicine containing alcohol (prescription or over-the-counter), unless the package seal is unbroken.
 - c. No employee shall use alcohol while performing a safety sensitive function.
 - d. No employee shall perform a safety sensitive function within four hours after using alcohol.
 - e. No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first.
 - f. Refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol test.
4. *Drug misuse* consists of violation of the following requirements:
 - a. Perform a safety-sensitive function when the driver uses any controlled substance, except when the use is under the instructions of a physician who has advised the driver that the substances does not adversely affect the driver's ability to safely operate a commercial vehicle.

b. Refuse to submit to a post-accident, random, reasonable suspicion, or follow-up drug test.

5. "*Safety sensitive function*" means any of the following on-duty functions:

a. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the employee has been relieved from duty;

b. All time inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

c. All driving time;

d. All time, other than driving time, in or upon any commercial motor vehicle;

e. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

f. All time spent performing driver requirements relating to accidents;

g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;

h. All time while on active duty or voluntary standby status. The provisions of this subparagraph (h) are not required by federal regulations.

6. "*Substance abuse professional*" means a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor, certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

II. EDUCATION AND TRAINING

A. The county or a contract vendor engaged by it will conduct an employee education and training program for all employees who perform safety sensitive functions, consisting of at least 60 minutes of instruction.

B. The education component shall include display and distribution of informational material, including a hot-line telephone number for the Employee Assistance Program (EAP) and copies of this Policy.

C. The training component for safety sensitive employees shall include information on the effects and consequences of prohibited drug use on personal health, safety, and work environment, the signs and symptoms that may indicate prohibited drug use, the effect of alcohol misuse on an individual's health, work, and personal life, signs

and symptoms of an alcohol problem (the employee's or a co-worker's) and available methods of intervening when an alcohol problem exists, including confrontation, referral to EAP, and/or referral to management.

- D. Supervisory employees shall receive at least 60 minutes of additional training on the physical, behavioral, and performance indicators of probable drug use if they will be determining when an employee is subject to drug and/or alcohol testing for reasonable suspicion under this policy.
- E. Records shall be maintained of all education and training conducted. Attendance of employees being trained will be recorded.

III. VOLUNTARY LEAVE OF ABSENCE

- A. All employees who are experiencing drug or alcohol problems and have not been instructed to undergo a reasonable suspicion, post-accident, or random drug or alcohol test under this Policy shall have the right to obtain leave of absence for the purpose of participating in an authorized rehabilitation program. Such employee shall be entitled to sick leave, vacation time, and any other accrued benefits in accordance with the respective collective bargaining agreement and Section IV Personnel Rules, subsections (a) positions/leave time/vacancies, (d) personnel policies and procedures for employees, and (i) family and medical leave. If and when such benefits are exhausted, the employee shall be entitled to an unpaid leave of absence in accordance with the respective collective bargaining agreement and Section IV Personnel Rules, subsections (a) positions/leave time/vacancies, (d) personnel policies and procedures for employees, and (i) family and medical leave, not to exceed eighteen (18) months.
- B. To obtain such a leave the employee shall furnish to the employee's supervisor evidence of participation in a certified drug or alcohol rehabilitation program. It is important to inform the supervisor of the drug or alcohol problem before being instructed to take one of the tests enumerated in the first sentence of this paragraph.
- C. Termination and/or dismissal from participation in the certified drug or alcohol rehabilitation program shall automatically terminate the employee's voluntary leave.

IV. TESTING FOR PROHIBITED DRUGS AND ALCOHOL

A. Types of Testing Allowed

1. Analytical testing of urine of safety sensitive employees for prohibited drugs and of breath for alcohol misuse shall be conducted as provided by this Policy and as required by law or regulations. The six testing categories are:
 - a. Pre-Employment Testing (Appendix B Drug and Alcohol Testing Random Drug Testing Notification located on the County Intranet "Employee Handbook-EH Forms").
 - b. Reasonable Suspicion Testing (Appendix C Drug and Alcohol Testing Fitness for Duty Reasonable Suspicion and Post Accident Testing located on the County Intranet "Employee Handbook-EH Forms").
 - c. Post Accident Testing (Appendix C Drug and Alcohol Testing Fitness for Duty Reasonable Suspicion and Post Accident Testing located on the County Intranet "Employee Handbook-EH Forms").
 - d. Random Testing (Appendix D Drug and Alcohol Testing Random Drug and Alcohol Testing Employee Notification Procedure located on the County Intranet "Employee Handbook-EH Forms").
 - e. Return to Duty Testing
 - f. Follow-up Testing

B. Testing

1. Pre-Employment Testing (Appendix B Drug and Alcohol Testing Random Drug Testing Notification located on the County Intranet "Employee Handbook-EH Forms").
 - a. All applicants for employment in or assignment to a safety sensitive function shall be tested for prohibited drugs.
 - b. The drug tests required by this section shall be administered only after the applicant is informed in writing that the urine sample being collected will be tested for the five classes of prohibited drugs.
 - c. An applicant who fails a drug test shall not be hired for any County position but shall not be barred from reapplying at a later date not less than one year after the date of the failed test, provided that the applicant has followed all procedures described in Article VIII of the Policy, including a return to duty test, and has agreed to be subject to follow-up testing.

2. Reasonable Suspicion Testing (Appendix C Drug and Alcohol Testing Fitness for Duty Reasonable Suspicion and Post Accident Testing located on the County Intranet "Employee Handbook-EH Forms").
 - a. An employee who performs a safety sensitive function and who is reasonably suspected by the employer of using a prohibited drug or the misuse of alcohol, or both, shall be administered a drug test (urine) or alcohol test (breath) or both, as appropriate. An employee may be reasonably suspected of using a prohibited drug or of the misuse of alcohol, or both, by a departmental supervisor, or other employer who has been trained in the detection of drug use or in the detection of alcohol misuse through observations concerning the appearance, behavior, speech or body odors of the employee. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee.
 - b. Alcohol testing is authorized only if the observations stated above are made during, just preceding, or just after the period of the workday that the employee is ready to perform or immediately available to perform his duties. When a reasonable suspicion alcohol test ordered, the employee shall not perform or continue to perform safety sensitive functions until (1) an alcohol test is administered and the employee's alcohol concentration measures less than 0.02, or (2) 24 hours have elapsed following the determination that there is a reasonable suspicion to believe that the employee has violated the restrictions on alcohol use.
3. Post Accident Testing (Appendix C Drug and Alcohol Testing Fitness for Duty Reasonable Suspicion and Post Accident Testing located on the County Intranet "Employee Handbook-EH Forms").
 - a. For purposes of this Policy, the term "accident" means an occurrence associated with the operation of a vehicle causing (1) the death of an individual, (2) bodily injury to an individual who receives medical treatment, or (3) disabling damage to one or more vehicles requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The phrase "disabling damage" means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs.
 - b. Each employee performing safety sensitive functions with respect to a vehicle involved in an accident shall be tested for alcohol and drugs if:

- The accident involves a human fatality;
 - The accident involves bodily injury with immediate medical treatment away from the scene and CDL operator cited for a moving violation;
 - Disabling damage to any motor vehicle requiring tow away and CDL operator cites for a moving violation.
- c. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. Nothing in this paragraph shall be construed to require the delay of necessary medical attention for injured people following an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- d. A post-accident alcohol test shall be administered within 8 hours of the accident. A post-accident drug test shall be administered within 32 hours following the accident.
4. Random Testing (Appendix B Drug and Alcohol Testing Random Drug Testing Notification located on the County Intranet "Employee Handbook-EH Forms").
- a. Any employee performing a safety sensitive function shall be subject to random drug and alcohol testing.
 - b. The selection of employees for random alcohol or drug testing shall be made by a scientifically valid method, such as a random number table or a computer based random number generator that is matched with the employee's social security number, payroll identification number or other comparable identifying number. Each employee shall have an equal chance of being tested each time selections are made. An employee may be selected for both types of tests at the same time.
 - c. The number of random drug tests conducted each year shall be consistent with the minimum annual percentage testing rate as determined by the Federal Motor Carrier Safety Administration.
 - d. Random alcohol and drug tests are unannounced, and the dates for administering them shall be spread reasonably throughout the calendar year.
 - e. Each employee who is notified of selection for random alcohol and/or drug testing shall proceed to the test site immediately, or, if the employee is performing a safety sensitive function at the time of notification, the employee

shall cease to perform the safety sensitive function and proceed to the testing site as soon as possible.

- f. An employee shall only be tested for alcohol while the employee is ready to, immediately available to or performing safety sensitive functions, just before the employee is ready to or immediately available to perform safety sensitive functions, or just after the employee has ceased performing such functions.

5. Return to Duty Testing

- a. Before an employee returns to duty requiring the performance of a safety sensitive function after engaging in alcohol misuse, the employee shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
- b. Before an employee returns to duty requiring the performance of a safety sensitive function after engaging in drug use, the employee shall undergo a return to duty drug test with a result indicating a verified negative result for drug use.

6. Follow-up Testing

- a. Following a determination by a substance abuse professional that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of drugs, the employee shall be subject to unannounced follow-up alcohol and/or drug testing as directed by a substance abuse professional.
- b. The number and frequency of follow-up tests shall be as directed by the substance abuse professional and shall consist of at least six tests in the first twelve months following the employee's return to duty.
- c. The employee's supervisor may direct the employee to undergo return-to-duty and follow-up testing for both alcohol and drugs, if the substance abuse professional determines that return-to-duty and follow-up testing for both alcohol and drugs is necessary for that employee.
- d. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty.
- e. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered if the substance abuse professional determines that such testing is no longer necessary.

V. COLLECTION AND ANALYSIS

- A. All collection of urine or breath for random testing shall be performed at a facility or facilities to be designated by the County, and for all other testing required by this Policy, at the site of an independent health provider selected by the Safety Officer. Employees shall be advised of the location of the testing site during training on alcohol and drugs, and by a supervisor at the time testing is required.
- B. Collection and testing of urine and breath shall be in accordance with 49 C.F.R. Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
- C. The collection site for urine samples will provide a privacy enclosure for urination, a toilet, a suitable, clean, writing surface, and a water source for hand washing which, if practicable, will be outside the privacy enclosure. Any water source within the privacy enclosure will be secured to prevent its use to adulterate the urine sample.
- D. The employee will be assured of privacy during urination except in circumstances where there is evidence that the prior sample was altered, adulterated, or tampered with, in which case a retest will be required, and privacy will not be assured.
- E. The urine specimen must be split and poured into two specimen bottles. This provides the employee with the option of having an analysis of the split sample performed at a separate laboratory if the primary specimen test result is verified positive.
- F. Urine testing will be conducted at a laboratory certified by the United States Department of Health and Human Services.
- G. All drug testing laboratory results will be reviewed by a qualified Medical Review Officer (MRO) to verify and validate test results. An MRO is a licensed physician responsible for receiving laboratory results generated by a drug testing program who has knowledge of substance abuse disorders and has relevant training and qualifications.
- H. The MRO will review and interpret all confirmed positive tests by reviewing the employee's medical history, including any medical records and biomedical information provided, affording the employee a reasonable opportunity to discuss the test result, and deciding whether there is a legitimate medical explanation for the result including legally prescribed medication.
- I. The MRO will notify each employee who has a verified positive test that the employee has 72 hours in which to request a test of the split specimen at a separate certified laboratory.
- J. Upon completion of the MRO'S review the MRO shall report each verified test result to the Safety Officer. The employee's supervisor will be informed

- by the Safety Officer of a verified positive test result, and the employee will be removed from safety sensitive functions and shall be subject to the consequences outlined in Article VIII of this Policy. Removal from safety sensitive functions will be immediate and will not await the result of any requested retest.
- K. An employee requesting a drug retest shall pay the cost of the additional analysis and all costs associated with the transfer of the specimen to another laboratory including shipping and handling. If the retest results in the employee passing the drug test, Tioga County shall reimburse any costs collected in advance. Selection of the certified laboratory for retests will be made by the Safety Officer or the MRO.

VI. ALCOHOL TESTING PROCEDURES

- A. Alcohol testing shall be conducted by collection of a breath specimen through the use of an evidential breath testing device (EBT) that is approved by the National Highway Traffic Safety Administration. The test must be performed by a breath alcohol technician (BAT), who is trained to proficiency in the operation of the EBT being used and in the alcohol testing procedures specified in the regulations.
- B. The persons who will serve as BAT's shall be personnel employed by a health facility selected by the County. The health facility will be identified to employees during training and by a supervisor at the time of selection for an alcohol test.
- C. Alcohol tests will be conducted at a site that provides privacy to the individual being tested.
- D. Upon arrival at the alcohol collection site, the employee must provide positive identification to the BAT. After testing procedures are explained to the employee, the employee and the BAT must complete, date and sign the alcohol testing form.
- E. Screening Test
1. The BAT will open an individually sealed, disposable mouthpiece in view of the employee and attach it to the EBT. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
 2. Following the screening test, the BAT must show the employee the result displayed on the EBT or a printed result. If the result of the screening test is an alcohol concentration of less than 0.02, no further testing is required, and the test will be reported to the employer as a negative test. The employee may then return to his or her safety sensitive position.

F. Confirmation Test

1. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test must be performed.
2. The confirmation test must be conducted at least 15 minutes, but not more than 20 minutes, after completion of the initial test. The employee will be instructed not to eat, drink, or put any object or substance in his/her mouth, and will be instructed not to belch to the extent possible while awaiting the confirmation test. The confirmation test will be performed whether or not the employee complies with such instructions.
3. The confirmation test is conducted using the same procedures as the screening test. A new mouthpiece will be used.
4. If the initial and confirmatory test results are not identical, the confirmation test result is deemed to be the final result.
5. The BAT will transmit all results to the Safety Officer in a confidential manner. If the employee must be removed from safety sensitive duties, the BAT will notify the Safety Officer immediately. The employee's supervisor will be informed by the Safety Officer, and the employee will be removed from safety sensitive functions by the supervisor.
6. Where a random, reasonable suspicion, or post-accident alcohol test indicates an alcohol concentration of .02 percent or more but less than .04 percent, the employee shall not perform safety sensitive functions until at least 24 hours after such test. Only if there are other duties available for the employee to perform, during such time, shall the employee receive the employee's regular rate of pay after the test. An employee, for whom other duties are not available, may use any available vacation day or personal time. Sick time shall not be available for this purpose.
7. On the day following a random, reasonable suspicion, or post-accident alcohol test indicating an alcohol concentration of .02 percent or more but less than .04 percent, the employee may be required to submit to another alcohol test, whether or not the employee is reasonably suspected of alcohol misuse. In the event this test indicates an alcohol concentration of .02 percent or more, but less than .04 percent, the employee shall not perform safety sensitive functions until at least 24 hours after such test; and shall immediately be sent home without pay. The provisions of this paragraph are not required by federal law or regulation.

VII. VIOLATIONS

A. The following conduct shall be considered a Major Violation of this Policy:

1. Having a verified positive result after having taken a drug or alcohol test as required by this policy. For purposes of this subparagraph A, a verified positive result includes an alcohol test indicating an alcohol concentration of .04 percent or more.
2. Using alcohol while performing safety sensitive functions.
3. Using alcohol within eight hours after an accident requiring a post-accident alcohol test or until the employee undergoes a post-accident alcohol test, whichever occurs first.
4. Refusal to submit to a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, or a follow-up alcohol or drug test required by this policy.
5. Failure to produce an adequate urine or breath sample when selected for testing, where such failure is not consistent with the requirements of 49 C.F.R. Part 40.
6. Altering, adulterating, or tampering with a urine sample or a breath sample used in a drug or alcohol test required by this Policy, or otherwise distorting the result of a required drug or alcohol test or attempting to do any of the foregoing.
7. Refusal to sign consents or releases required by federal regulations in connection with drug or alcohol tests.
8. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater.
9. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee uses any of the drugs prohibited by this Policy, except when the use is pursuant to the instructions of a physician who has advised the employee that the drug does not adversely affect the employee's ability to operate safely a commercial motor vehicle.
10. Failure to comply with the requirements of a treatment or rehabilitation program prescribed by a substance abuse professional while on authorized leave as a result of a violation of this policy.

B. The following conduct shall be considered a Minor Violation of this Policy:

1. Being on duty or operating a commercial motor vehicle while possessing alcohol unless the alcohol is manifested and transported as part of a shipment.
2. Performing safety sensitive functions within four hours after using alcohol.

VIII. CONSEQUENCES

- A. Each employee who commits a Major Violation or a Minor Violation of this Policy shall be immediately removed from safety sensitive functions, as required by federal law and regulations. In addition, although not required by federal law or regulation:
1. Any employee who commits a Minor Violation shall be subject to progressive disciplinary action up to and including termination.
 2. Any employee who commits a Major Violation, if not terminated pursuant to paragraph 3 or 4, shall be placed on an involuntary, unpaid leave of absence not to exceed eighteen (18) months. During such leave of absence, the employee may use accrued benefits such as sick time, vacation time, compensatory time, etc. Nothing in this Article VIII shall be construed to prevent the imposition of progressive discipline up to and including termination for conduct of such employee while under the influence of alcohol or while using any prohibited drugs.
 3. Any employee who commits a Major Violation involving the death of a person or bodily injury to an individual who immediately receives medical treatment away from the scene of the accident shall be subject to progressive disciplinary action up to and including termination.
 4. The employment of any employee who commits a Major Violation of this Policy twice within a five-year period shall be terminated immediately.
 5. Any disciplinary steps taken under this policy shall be in accordance with Section 75 of the Civil Service Law.
- B. Each employee who has engaged in conduct prohibited by this Policy shall be advised of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.
- C. Each employee who engages in conduct prohibited by this Policy and has not had his/her employment terminated shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug abuse.
- D. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall be referred to a treatment or rehabilitation program and shall be evaluated by a substance abuse professional to determine whether the employee has properly followed and completed such rehabilitation or treatment program.

- E. An employee who has violated this Policy and has not had his or her employment terminated shall qualify for return to duty by following the recommendations of a substance abuse professional including completion of a treatment or rehabilitation program, as certified by such substance abuse professional, and by passing a return to duty drug test or alcohol test or both, as specified by the substance abuse professional. The employee shall be allowed up to eighteen (18) months to return to duty. Failure to return to duty within said time period shall result in disciplinary action up to and including termination.
- F. An employee who has violated this Policy and undertakes a treatment or rehabilitation program upon the recommendation of a substance abuse professional shall bear the expense of such treatment or rehabilitation program. Medical benefits, if available to the employee, may be used for such purposes.
- G. Any employee who returns to safety sensitive functions after having satisfied the requirements of this Article VIII shall be subject to follow-up testing as provided in Article IV (6) of this Policy.

IX. EMPLOYEE RIGHTS

A. Testing and Waiting Time

All time spent on testing, including reasonable travel time of not more than one hour to and from the testing facility, is paid time under regular pay status, including overtime, if applicable. Employees will be paid while being tested for the time away from duty, or, if their duty assignment has ended, they will be paid up to the time they are released from the testing site. All costs of testing under this Policy shall be borne by the County, except as specifically provided in article V (K).

B. Confidentiality

The County shall make every effort to assure confidentiality throughout the testing process and to protect the individual dignity and right to privacy of all employees. Personal data regarding the drug testing results and rehabilitation program evaluations will be forwarded only to the Safety Officer and are confidential. Any release of this information to persons other than representatives of the Safety Officer, Personnel Officer, or the employee's supervisor is prohibited without the written permission of the employee tested.

C. Employee Assistance Program

The Employee Assistance Program is open to all employees and their families who voluntarily seek its assistance, except that the EAP may not be used to avoid the taking of a drug or alcohol test when an employee has been selected for testing under this Policy. An employee who has been

selected to take a required drug or alcohol test may not avoid the obligation to take the test by past or future participation in the EAP. Voluntary participation in the EAP is confidential and will not adversely affect an employee's employment with the County.

D. Return to Work

Any employee qualified to return to duty pursuant to this Policy has the right to return to duty in the same position immediately, subject to the provisions of Section 72 of the Civil Service Law.

- E. The County shall make reasonable efforts to afford employees the right to union representation whenever an employee is directed to submit to an alcohol or drug test. Such representation shall not interfere with, or more than minimally delay, the movement of the employee to the testing site and shall not include the presence of a union representative when the independent health provider referred to in Article V (A) is conducting the testing, collection or required preliminary procedures (interview, identification, consents, etc.).

***APPENDICES A THORUGH E ARE LOCATED ON THE COUNTY INTRANET*
"EMPLOYEE HANDBOOK – EH FORMS"**

Meeting adjourned at 12:24 p.m.