

Tenth Regular Meeting
October 12, 2010

The Tenth Regular Meeting of 2010 was called to order by the Chair at 1:30 P.M. Eight Legislators were present, Legislator Sauerbrey being absent.

Chair Weston asked Legislator Monell to have a moment of prayer. "I would ask for a moment of silence for our Troops that are across the waters. Lord we thank you for this opportunity that we have to serve as the Leaders of this County. We pray Lord that you would give us wisdom as we make decisions. Bless this group today and all that we do."

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

There were 25 people in attendance.

Elizabeth Jenkins presented Employee of the Third Quarter 2010 to Jill Hellenthal from the Department of Social Services.

"Jill began her career with the Department of Social Services in May of 1981 as a Temporary Clerk-Typist in the Income Maintenance Unit. In June of 1981 she was appointed permanently to that position. In August of 1984 she was appointed to the title of Account Clerk-Typist and worked in the Accounting Division of DSS. In October of 1984 she returned to the Income Maintenance Unit upon her promotion to Social Welfare Examiner. In August of 1986 she was again promoted to Senior Social Welfare Examiner and in February of 1988 she was again promoted to Principal Social Welfare Examiner. In October of 1997 Jill was promoted to her current title of Head Social Welfare Examiner. In May of 2000 she graduated from Leadership Tioga. She is currently a member of Tioga County's Community Response Network in her role as Domestic Violence Liaison.

"While working full time, Jill also attended SUNY Binghamton on a part-time basis for 12 years and finally earned her Bachelor's Degree in Applied Social Sciences with an emphasis in Education and Human Development in December of 1997.

"Jill and her husband David have two grown daughters, Jennifer and Tina. She is currently a Literacy Volunteer in the Owego area. Jill's hobbies are reading, oil painting, and playing with her grandchildren. I would like to take this time to congratulate Jill."

Shawn Yetter, Commissioner of Social Services, spoke. "I would like to thank the Legislature and the Employee Recognition Committee for continuing this important program that gives us an opportunity to recognize the County's finest employees. Today it is my opinion you have chosen to honor one of the most knowledgeable individuals in our organization, especially when it comes to eligibility programs within the world of Social Services and I would venture to say she is one of the most knowledgeable across the State with all of her years of experience.

"Jill is our sixth most senior employee with over 28 years with the Department and over those years she has quietly and with her very unassuming nature earned the respect of everyone within the Agency. I am glad that Liz pointed out in the bio the work towards the Bachelor's Degree because I think one of the most impressive things that I have watched Jill do over the years was diligently work on that Degree while working full time and raising a family, and I think we all shared her sense of pride with her when she reached that important milestone.

"Jill's commitment to the Agency has never wavered through the good times and the bad times. Unfortunately the word "civil servant" gets used these days by the public as if it were a dirty word, but Jill is a civil servant who everyone should be proud of and pleased that she has chosen to give her career to the people of Tioga County. I wish the public could follow Jill around for just one day as she makes critical decisions with her staff about how to make sure those needing our assistance are helped appropriately while keeping their needs in mind and balancing the myriad of rules and regulations we must deal with along with the expectations of the taxpayers, and she juggles all of those at the same time and very expertly.

"The important thing about Jill is at the end of the day whatever the situation with a client or the family she was working with or the emergency that was being faced, she always reaches a successful outcome. I would like to congratulate Jill on behalf of the Agency on a well deserved honor and recognition."

Jill spoke. “I just want to thank the Employee Recognition Committee and the Legislators for supporting the program. I am going to retire next year, but in the meantime I am going to continue to do what I have always done. I love my job and I enjoy the people that I work with. I come in every day, they are my friends, they make the day go well, and I love a challenge. I want to thank everyone for this honor and I appreciate it very much. Thank you.”

Legislator Huttleston spoke. “We go back a long ways. She is one of my near neighbors. I really appreciate the work that you do and several of the other employees, and it certainly makes my job easier, it makes Shawn's easier. I really appreciate it. It is people like you that make this County what it is and continue the good work, and lots of luck and God bless you.”

Chair Weston noted the following Proclamation on School Board Recognition Week.

PROCLAMATION

WHEREAS: Public Education provides the cornerstone of the American Educational System; and

WHEREAS: This effort depends heavily on the contributions of the dedicated and unpaid members of School Boards; and

WHEREAS: The Governor of the State of New York has proclaimed October 25-October 29, 2010 as School Board Recognition Week; and

WHEREAS: The Tioga County Legislature recognizes the efforts of all members of Boards of Education; now therefore

THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate October 25-October 29, 2010 as

SCHOOL BOARD RECOGNITION WEEK

in the County of Tioga, New York, and commend this observance to our citizens.

George Penney had privilege of the floor. "I am speaking in reference to the Veterans' Service Officer. Two part time positions will not adequately allow ample service to the Veterans of Tioga County. At present just to inform Veterans about their eligibility for particular services requires hours on the telephone to Buffalo. As more Veterans return the needs will be greater. Thank you."

Chris Bonner had privilege of the floor. "You know you turn on your TVs at night, you see these politicians up there, you call them politicians, I call them worthless because that is all they are doing is lying to you. They are telling you how good you have it. We did not do it. Somebody must have done it. All our jobs are leaving the country. Where are they going? They are going to Mexico and then hey Mexico got to high, they went to India. Now they are telling us that hey it is not our fault, but I am going to tell you whose fault it was. Anybody ever remember NAFTA and who passed it, Congress passed it. They never read it. Suppose I was to come to you as an executive of some financial company and I say to you hey look sign this, do not worry about it, you do not need to read it, it is only 3000 pages, you can read it later. What these humps in Washington DC did, they signed on to this thing and they sent our jobs overseas. Another slap in the face, if the companies lose money or if they are seized over by those foreign powers, we the taxpayers have got to pay for their losses. Did you ever hear of such a thing? If they did that, why they should be strung up some of these guys over there. They are out there voting for you.

"Now I do not know who you are voting for and I am not going to tell you who I am voting for. All I am saying is the democrats and republicans drop them down the tubes man. Do not vote for this party stuff because all they are is making a sweet little nest for themselves in there with big pensions and every other thing. Ladies and gentlemen your kids are not going to have any future I am going to tell you that right now and if you do not start moving around here and taking a little bit of initiative, I am telling you."

The list of audited bills was submitted and is summarized as follows:

<u>Code</u>	<u>Description</u>	<u>Equipment</u>	<u>Expense</u>
A1010	Legislative Board		659.60
A1165	District Attorney		1,059.35
A1172	Assigned Counsel		17,818.95

A1325	Treasurer		479.00
A1355	Assessments		7.80
A1410	County Clerk		372.75
A1411	Department of Motor Vehicles		247.13
A1420	Law		362.11
A1430	Personnel		1,034.85
A1450	Elections		20,361.41
A1460	Records Management		86.12
A1490	Public Works Administration		157.70
A1620	Buildings		85,526.79
A1680	Information Technology		8,604.45
A2490	Community College Tuition		1,711.10
A2960	Education Handicapped Children		169,953.75
A3020	Public Safety Comm E911 System		10,068.82
A3110	Sheriff	532.80	25,101.25
A3140	Probation	135.99	149.76
A3146	Sex Offender Program		8,766.67
A3150	Jail	270.40	47,678.90
A3315	Special Traffic Programs		649.80
A3410	Fire		3,811.91
A3640	Emergency Mgmt Office		542.07
A3641	Emergency Mgmt Grant Program	781.00	
A4010	Public Health Nursing		57,955.62
A4011	Public Health Administration		3,670.92
A4012	Public Health Education		2,270.72
A4042	Rabies Control		337.21
A4044	Early Intervention		55,151.59
A4047	Handicapped Education Admin		56.27
A4053	Preventive/Primary Health Services		732.31
A4054	Preventive Dental Services		508.94
A4064	Managed Care-Dental Services		13,875.98
A4070	Disease Control		4,944.95
A4090	Environmental Health		13,653.70
A4210	Alcohol and Drug Services		5,677.79
A4211	Council on Alcoholism		19,847.32
A4309	Mental Hygiene Co Admin	180.00	9,905.05
A4310	Mental Health Clinic		86,014.46
A4311	Rehabilitation Support Services		14,051.50

A4315	Mental Retardation	621.24
A4320	Crisis Intervention Services	16,172.45
A4321	Intensive Case Management	1,380.76
A4333	Psycho Social Club	39,170.25
A6010	Social Services Administration	135,472.73
A6141	Energy Crisis Assistance Programs	23,902.00
A6422	Economic Development	123.51
A6610	Sealer Weights/Measures	324.02
A8020	Planning	28.29
A9060	Health Insurance	1,537.34
SOLID WASTE FUND		121,343.67
COUNTY ROAD FUND		52,210.18
SPECIAL GRANT FUND		10,443.85
CONSOLIDATED HEALTH INSURANCE		66,354.89
CAPITAL FUND		724,639.72
LIABILITY INSURANCE FUND		11.19
WORKERS' COMP		<u>11,857.00</u>
GRAND TOTAL		\$ 1,901,359.65

Legislator Sullivan made a motion to approve the minutes of September 14, 2010, seconded by Legislator Hollenbeck, and carried.

Committee meeting reports are on file in the Legislative Clerk's Office and may be procured there by any interested person.

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 189-10 *RESOLUTION AUTHORIZING THE
ASSIGNMENT TO NEW YORK MUNICIPAL
BOND BANK AGENCY ("MBBA") THE
COUNTY'S AUTHORIZATION UNDER THE
AMERICAN RECOVERY AND REINVESTMENT
ACT OF 2009 TO ISSUE RECOVERY ZONE
ECONOMIC DEVELOPMENT BONDS AND
THE NEGOTIATION AND EXECUTION OF A
BOND PURCHASE AGREEMENT BY WHICH
THE COUNTY MAY SELL ITS SERIAL BONDS TO
MBBA AND MBBA MAY ISSUE ITS BONDS FOR
THE BENEFIT OF THE COUNTY.*

Adoption moved by Legislator McEwen,
Seconded by Legislator Monell.

WHEREAS: Tioga County (the "County") is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

WHEREAS: The County Legislature of the County desires to undertake a capital project consisting of the reconstruction of certain bridges throughout the County, including Lockwood, Straits Corners, Halsey Valley Rd., Dean Creek Rd., Gridleyville, Gaskill Rd. and Sabin Rd., all to include related construction, demolition, renovations, site improvements, original furnishings, fixtures and equipment required for such purposes, architectural, inspection and engineering fees, and all other cost incidental to such work (collectively, the "Project")

WHEREAS: The American Recovery and Reinvestment Act of 2009 ("ARRA") authorized the County to issue recovery zone economic development bonds in an amount of up to \$936,000 (the "County's RZED Allocation"), pursuant to a suballocation of the national volume cap on Recovery Zone Bonds provided by the federal Treasury Department; and

WHEREAS: The County Legislature, by Resolution No. 266-09 adopted on October 13, 2009, designated the entire County as a Recovery Zone for purposes of ARRA; and

WHEREAS: The County is now considering financing the Project by participating in a bond financing program being undertaken by the State of New York Municipal Bond Bank Agency ("MBBA"), under which (i) MBBA would publicly issue, on a pooled basis, for the benefit of the County and other participating counties and municipalities, its special revenue bonds constituting recovery zone economic development bonds ("RZEDs"), and/or direct payment build America bonds ("Direct Payment BABs"); and (ii) the County would issue its serial bonds to MBBA as security for, and the source of payment of, the allocable portion of MBBA's bonds that are issued for the benefit of the County; and

WHEREAS: If the County were to finance the Project through such pooled financing, MBBA would issue for the benefit of the County up to \$936,000 (representing the full amount of the County's RZED Allocation) of RZEDs and up to \$4,274,000 of Direct Payment BABs; and

WHEREAS: By a bond resolution adopted on September 14, 2010 (the "Bond Resolution") the County (a) determined that the Project constitutes a "Type II Action" under SEQRA, (b) authorized up to \$9,000,000 serial bonds of the County to finance the Project; and

WHEREAS: The County Legislature now intends (i) to authorize the assignment of the County's RZED Allocation to MBBA to allow for the issuance by MBBA of RZEDs to finance the Project, and (ii) to delegate authority to the County Treasurer, as the chief fiscal officer of the County, to execute any and all documents, certificates and instruments and to take such actions as County Treasurer shall determine to be reasonable and necessary in connection with the County's financing of the Project though the issuance of RZEDs and Direct Payment BABs by MBBA; now therefore be it

RESOLVED: By the County Legislature of the County of Tioga, New York, as follows:

Section 1. The County Treasurer is hereby authorized to assign to MBBA the County's RZED Allocation, in the full amount of \$936,000, for the purpose of enabling MBBA to issue RZED bonds for the benefit of the County to finance the Project.

Section 2. The County Treasurer is further authorized to sell the County's serial bonds authorized under the Bond Resolution in a private sale to the MBBA pursuant to Section 57.00 of the Local Finance Law.

Section 3. In connection with the issuance by MBBA of its RZEDs and Direct Payment BABs to finance the purchase of such serial bonds of the County, the County Treasurer, as the chief fiscal officer of the County, is hereby authorized as follows: (a) to negotiate and approve the terms of, and to execute and deliver on behalf of the County, a bond purchase agreement or similar agreement or instrument (the "BPA") by which the County agrees to sell its serial bonds to MBBA and MBBA agrees to issue its RZEDs and Direct Payment BABs for the benefit of the County and to purchase out of the proceeds thereof the County's serial bonds for the Project; (b) to execute and deliver on behalf of the County any and all agreements, certificates, and instruments contemplated by or required under the terms of the BPA; (c) to execute a certificate assigning the County's entire RZED Allocation to MBBA for the purpose of allowing MBBA to issue its RZEDs to finance the Project; (d) to take such other actions as the County Treasurer shall determine, based on the advice of the County Attorney and the County's Bond Counsel, are reasonable and proper in connection with the purchase of the County's bonds by MBBA. The delegation of authority to the County Treasurer in this resolution is in addition to and not in lieu of the authority delegated to the County Treasurer in Sections 8 and 9 of the Bond Resolution.

Section 4. This resolution shall take effect immediately.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 190-10 APPOINT MEMBER
BOARD OF ETHICS

WHEREAS: Ed Hollenbeck, Majority appointment, on the Board of Ethics term, has resigned; and

WHEREAS: Royden L. Fox has agreed to serve as his replacement on the Board of Ethics; now therefore be it

RESOLVED: That Royden L. Fox, Majority appointment, be hereby appointed to the Board of Ethics for the unexpired term of Ed Hollenbeck effective 10/12/10 through 12/31/10; and be it further

RESOLVED: That Royden L. Fox, Majority appointment, Board of Ethics, be appointed for a three-year term of 1/1/11–12/31/13.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 191-10

*AUTHORIZE THE RECEIPT OF AN
ANNUAL 6% ADMINISTRATION FEE
FOR SERVICES PROVIDED AS LOCAL
SPONSOR FOR THE SNOWMOBILE
TRAILS GRANT-IN-AID FOR TIOGA
COUNTY SNOWMOBILE CLUBS*

WHEREAS: On May 11, 2004 Resolution No. 149-04 was approved authorizing Tioga County as the Local Sponsor to request state funding on behalf of the Tioga County Snowmobile Clubs, namely Tioga Ridge Runners, Ridge Riders of Whitney Point, Spencer-VanEtten Snowmobile Club, Dryden-Caroline Drifters and Candor Valley Riders; and

WHEREAS: Tioga County has completed the submittal and documentation of the annual Snowmobile Trails Grant-in-Aid since 2004; and

WHEREAS: The current budget and time constraints must be considered in these efforts; and

WHEREAS: Considering these constraints, receipt of an annual 6% administration fee can be realized from each of the clubs award; and

WHEREAS: The snowmobile clubs will continue to work with Tioga County Economic Development and Planning as the local sponsor and to submit and document grant applications for funding; therefore be it

RESOLVED: That as of the 2010/2011 Snowmobile Trails Grant-in-Aid, the County of Tioga will continue to be the local sponsor for the listed snowmobile clubs and realize a 6% administration fee for services provided on an annual basis prior to distribution of the award; and be it further

RESOLVED: That the Chair of the County Legislature is hereby authorized to sign an updated Operating Agreement contingent upon review and approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO:

ED&P FINANCE COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 192-10

*APPROPRIATION OF
ADDITIONAL REVENUE FOR THE
SNOWMOBILE GRANT
PROGRAM – ECONOMIC
DEVELOPMENT & PLANNING*

WHEREAS: The Snowmobile Grant Program received an unanticipated additional funding of \$22,153.57 for the 2010 calendar year; therefore be it

RESOLVED: That the additional \$22,153.57 be appropriated from A3989 State Aid Snowmobile Grant Program to Snowmobile Grant Account A7180.40-590.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 193-10 *TRANSFER OF FUNDS*
ASSIGNED COUNSEL

WHEREAS: The Assigned Counsel has had an increase in number of cases recently; and

WHEREAS : The Assigned Counsel budget will not be sufficient until the end of the year and needs to have funds transferred; therefore be it

RESOLVED: That the amount of \$40,000 be transferred from Contingency Account A1990.40-715 to Assigned Counsel Account A1172.40-30.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS
FINANCE

RESOLUTION NO. 194-10 *AMEND RESOLUTION 280-09*
MODIFY 2009 BUDGET FOR
EAST RIVER DR. BRIDGE OVER
WAPPASENING CREEK (BIN 3335410)

WHEREAS: Resolution 280-09 authorized the Commissioner of Public Works to go out to bid for the above project and appropriated funds accordingly; and

WHEREAS: The funds for the project have been secured through Federal funding and therefore the 2009 funds for the project need to be reappropriated; therefore be it

RESOLVED: That Resolution 280-09 be amended to authorize the Treasurer to transfer the \$1.655M back to the General Fund to reduce the Appropriated Fund Balance; and be it further

RESOLVED: That the money be transferred according to the following:

From Account	H2009.02	East River Rd Bridge	\$1.655M
To Account	H9901.93-715	Transfer to Other Funds	\$1.655M
From Account	A5031	Interfund Transfer	\$1.655M
To Account	A599	Appropriated Fund Balance	\$1.655M

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 195-10 APPROVE 2011 STOP DWI PLAN

WHEREAS: The New York State Governor's Traffic Safety Committee (GTSC) requires Counties to submit an annual STOP DWI Plan for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2011 STOP DWI Plan to the Tioga County Legislature for approval; be it therefore

RESOLVED: That the Tioga County Legislature hereby approves the 2011 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$ 61,900
Prosecution Related	\$ 14,300
Probation	\$ 16,200
Rehabilitation	\$ 13,500
PI & E	\$ 23,000
Administration	<u>\$ 950</u>
	\$129,850

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 196-10 *RENEW CONTRACT WITH EBS-RMSCO, INC. TO ADMINISTER FLEXIBLE SPENDING PROGRAM*

WHEREAS: Tioga County currently uses the services of EBS-RMSCO, Inc. to administer Tioga County flexible-spending program for employees; and

WHEREAS: EBS-RMSCO, Inc. has submitted a new contract to continue administering said program and conduct all required compliance testing services; and

WHEREAS: The flex card administrative cost will remain at \$4.45 per participant per month and offers participants a more convenient way to pay for their flexible spending account health care and dependent care expenses thereby having a positive impact on enrollment; and

WHEREAS: The flexible-spending program is a negotiated benefit for all Tioga County union employees; and

WHEREAS: Both employees and the County can save tax dollars on money channeled through this program for out of pocket medical expenses and/or dependent care expenses; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Personnel Officer to enter into a contract with EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2011 through December 31, 2011; and be it further

RESOLVED: That Tioga County will continue with the flex card for the period of January 1, 2011 through December 31, 2011; and be it further

RESOLVED: That the maximum annual pledge for the medical flexible spending portion will remain at \$4,000 for the period of January 1, 2011 through December 31, 2011.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. 197-10 STANDARD WORK DAY AND
REPORTING RESOLUTION
COUNTY ATTORNEY AND
PERSONNEL OFFICES

WHEREAS: The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term; therefore be it

RESOLVED: That the County of Tioga hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
County Attorney	Judith Quigley	9431	33345877	7	8/16/10-12/31/11	Y	N/A
1 st Assistant County Attorney	Christian Root	9133	38282877	7	8/16/10-12/31/11	Y	N/A
2 nd Assistant County Attorney	John VanWert	5483	33612086	7	8/16/10-12/31/11	Y	N/A
Secretary to County Attorney	Elizabeth Shepardson	8809	20312161	7	8/16/10-12/31/11	Y	N/A
Personnel Officer	Bethany O'Rourke	7037	35552819	7	3/18/10-3/17/16	Y	N/A

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 198-10 *AUTHORIZE 2011 SALARIES
BOARD OF ELECTIONS*

WHEREAS: The salaries for employees of the Board of Elections are set by resolution; and

WHEREAS: Employees of the Board of Elections salaries were frozen for two years; and

WHEREAS: Non-Union staffs have been authorized a 2 percent salary increase; therefore be it

RESOLVED: That the 2011 rates of pay for the Board of Elections staff shall be as follows:

	2011 pay:
Commissioner (2)	\$34,680.00
Deputy Commissioner (2)	\$27,540.00

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 199-10 *AUTHORIZE BACKFILL
DEPUTY ELECTION COMMISSIONER
(BOARD OF ELECTIONS)*

WHEREAS: Both the Republican and the Democratic Election Commissioners are appointed to their respective positions; and

WHEREAS: The position of Deputy Election Commissioner is by appointment by the respective Commissioner of Elections per Election Law §3-300; and

WHEREAS: The Republican Deputy Election Commissioner position became vacant on September 13, 2010; and

WHEREAS: Resolution 173-10 granted a waiver from the 60 Day Hiring Delay for the Republican Deputy Election Commissioner position; and

WHEREAS: A replacement has been chosen for this vacancy; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the appointment of Vera L. Richards as the Republican Deputy Election Commissioner at an annual salary of \$27,000 effective Wednesday, October 13, 2010.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 200-10 ABOLISH FULL-TIME POSITION; CREATE
PART-TIME POSITION
(VETERANS' SERVICE OFFICE)

WHEREAS: The position of Veterans' Service Officer has been vacant since May 13, 2010; and

WHEREAS: The Director of Veterans' Service Agency and the County Legislature have been analyzing the staffing needs of the department; and

WHEREAS: It has been decided that having two part-time positions should adequately meet the needs of the department and allow ample service to the veterans of Tioga County; therefore be it

RESOLVED: That effective October 13, 2010 the full-time position of Veterans' Service Officer shall be abolished and a part-time (17 hours/week) position of Veterans' Service Officer shall be created; and be it further

RESOLVED: That the hourly rate for said part-time position shall be \$14.826; and be it further

RESOLVED: That the Director of Veterans' Service Agency may fill the position as soon hereafter as a qualified candidate is located being that the full-time position was vacant more than 60 days.

Legislator Monell made a motion to amend the above resolution, seconded by Legislator Sullivan, and to read as follows:

"And be it further

"RESOLVED: That this change be effective for six months to allow for further review."

ROLL CALL VOTE ON AMENDMENT

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

AMENDMENT ADOPTED

ROLL CALL VOTE ON RESOLUTION WITH AMENDMENT

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION AND AMENDMENT ADOPTED

Legislator Roberts made a motion to have the following late-filed resolution considered, seconded by Legislator McEwen and carried.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 201-10

A RESOLUTION OF THE TIOGA COUNTY LEGISLATURE EXPRESSING OPPOSITION TO THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) REGULATORY PROPOSAL BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND RAISING SERIOUS CONCERNS REGARDING THE UNATTAINABLE MANDATE AND LACK OF PARITY REPRESENTED IN LOAD ALLOCATIONS FOR THE STATE OF NEW YORK COMPARED TO OTHER BAY STATES AND WATERSHED JURISDICTION PARTNERS; AND REQUESTING INTERVENTION BY OUR ELECTED REPRESENTATIVES IN THE UNITED STATES CONGRESS, NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY IN SECURING A MORATORIUM ON REGULATORY IMPLEMENTATION OF THE CHESAPEAKE BAY TMDL IN NEW YORK UNTIL SUCH OBJECTIONS AND CONCERNS ARE FULLY ADDRESSED

WHEREAS: Clean water and healthy watersheds are a priority for New York farmers, which play a critical role in proven and successful local efforts to conserve and protect New York's natural resources; and

WHEREAS: The U.S. Environmental Protection Agency Region 3 is implementing a Chesapeake Bay TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the NY portion of the Chesapeake Bay watershed area; and

WHEREAS: New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed with agriculture (21%) being the dominant business sector; and

WHEREAS: The federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected to cost New York State as much as \$250 million over the next 15 years, without being able to satisfy EPA's regulatory goal; and

WHEREAS: The best way to achieve the important public benefit of clean water at a regional level is through locally led conservation efforts, rather than a top-down federal, one-size-fits-all regulatory approach such as EPA's TMDL for the Chesapeake Bay watershed; and

WHEREAS: EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area; and

WHEREAS: Even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program; and

WHEREAS: Even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation; and

WHEREAS: We object to EPA's discriminatory regulatory process that disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed; and

WHEREAS: We oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay watershed water quality concerns; and

WHEREAS: We object to the fact that in order to satisfy EPA's regulatory goals without confirmation of water quality improvement, EPA has not ensured realistic delivery of needed funding and technical assistance and has not provided regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables; and

WHEREAS: Each and every day farmers across New York work to improve their environmental sustainability recognizing that appropriate natural resource management is critical to maintaining success of their businesses for future generations; supporting farmers in these endeavors is how government can best aid agriculture in protecting water quality; and

WHEREAS: We support state and locally driven collaborative initiatives which effectively use federal environmental funds and specifically address areas of high environmental risk and employ a farm-specific focus, such as NYS Department of Agriculture and Market's Agricultural Environmental Management Program; and

WHEREAS: We support NYS Department of Environmental Conservation's recommendations in their draft Phase I Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal; and now therefore be it

RESOLVED: That while the Tioga County Legislature fully supports responsible efforts to improve water quality in the Chesapeake Bay watershed and protect our State's environment and natural resources, we object to the unfair and unattainable mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms; and be it further

RESOLVED: That the Tioga County Legislature urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it further

RESOLVED: That a copy of this resolution be transmitted to our two United States Senators, the Honorable Charles Schumer and the Honorable Kirsten Gillibrand; to our United States Representative, the Honorable Maurice Hinchey; to the Honorable Governor David Paterson; to our New York State Senator, the Honorable Thomas Libous; to our New York State

Assembly Representative, the Honorable Gary Finch; to the Commissioner of the NYS Department of Agriculture and Markets; to the Commissioner of the NYS Department of Environmental Conservation and to EPA Region 2 Administrator Judith Enck.

ROLL CALL VOTE

Yes – Legislators Monell, Weston, Quinlan, Roberts, Sullivan, Hollenbeck, Huttleston, and McEwen.

No – None.

Absent – Legislator Sauerbrey.

RESOLUTION ADOPTED.

The meeting was adjourned at 1:51 P.M.