

# Agenda



## TIOGA COUNTY LEGISLATURE

2/9/2021

12:00 PM

EDWARD D. HUBBARD AUDITORIUM  
 Ronald E. Dougherty County Office Building  
 56 Main Street  
 Owego NY 13827

Meeting called by: Chair Martha Sauerbrey

Type of meeting: 2<sup>nd</sup> Regular

Attendees:  
 Legislator Balliet  
 Legislator Hollenbeck  
 Legislator Monell  
 Legislator Mullen  
 Legislator Roberts  
 Legislator Sauerbrey  
 Legislator Standinger  
 Legislator Sullivan  
 Legislator Weston

### Agenda topics

Invocation  
 Pledge of Allegiance

Legislator/Chair Sauerbrey  
 Legislator/Chair Sauerbrey

Recognition Resolutions (4)

Joy Bennett, Probation  
 Frank Lavore, Jr., Sheriff's Office  
 Julie Kipling, Sheriff's Office  
 Sean Shollenberger, Sheriff's Office

Privilege of the Floor  
 Approval of Minutes

January 4, 7, and 12, 2021

<p>Petitions, Communications &amp; Notices          Appointments/Reappointments          Reports Standing Committees</p>		
<p>RESOLUTIONS:</p>	<ol style="list-style-type: none"> <li>1. Appoint Member to Board of Ethics</li> <li>2. Set Public Hearing for 2021 Annual Agricultural District Inclusions</li> <li>3. Home Rule Request in Support of S2031/A4044: Amend County Law and Tax Law, in Relation to Authorizing the County of Tioga to Impose an Additional Surcharge to Pay for Costs Associated with Updating the Telecommunication Equipment and Telephone Services Needed to Provide an Enhanced 911 Emergency Telephone System to Serve Such County and Providing for the Repeal of Such Provisions Upon Expiration Thereof</li> <li>4. Resolution to Approve a Sole Source Contract and Maintenance Agreement between Tioga County Probation Department and AutoMon, LLC to Provide Software and Maintenance of the Caseload Explorer Product</li> <li>5. Authorizing the Implementation and Funding of 100% of the Costs of a Transportation Project which may be Eligible for Federal Aid and/or State Aid, or Reimbursement from Bridge NY Funds</li> <li>6. Award Construction West Creek Road Bridge BIN: 3335200</li> <li>7. Amend Budget &amp; Appropriate Funds – Public Health</li> <li>8. Approve Funding 2020 Youth Bureau Program Funding Increase</li> <li>9. Re-Establish Prior Year 2020 Unspent Funds for 2021 Budget – Social Services (JD Program)</li> <li>10. Re-Establish Prior Year 2020 Unspent Funds for 2021 Budget – Social Services (RTA Program)</li> <li>11. Authorize Appointment: Network Administrator</li> <li>12. Appointment of Democratic Deputy Commissioner of Elections Board</li> <li>13. Authorize Waiver of 90-Day Hiring Delay – Department of Social Services</li> </ol>	

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -21 RESOLUTION RECOGNIZING  
DONNA JOY BENNETT'S 39 YEARS OF  
DEDICATED SERVICE TO TIOGA COUNTY

WHEREAS: Joy Bennett began her employment with Tioga County on March 23, 1981 as a Caseworker at Tioga County Department of Social Services. On October 27, 1986, Joy accepted the position of Probation Officer with the Tioga County Probation Department. She was promoted to Senior Probation Officer on January 13, 1992. She was promoted to Probation Supervisor on June 30, 1992; and promoted to Probation Director on January 15, 2003 which is the position she will retire from; and

WHEREAS: Joy Bennett has been a dedicated and loyal employee in the performance of her duties and responsibilities during the past 39 years. During those 39 years, she was a staunch advocate for the citizens of Tioga County at the State and National level through her representation and leadership as the President of the NYS Council of Probation Administrators (COPA) and participation in the American Probation and Parole Association (APPA). In addition, Joy was at the forefront of the statewide Probation Reform efforts becoming an authority and resource regarding Leandra's Law legislation, and a valuable voice during the roll out of Raise the Age legislation, bail reform, and implementation of the Caseload Explorer data system; and

WHEREAS: Joy Bennett will retire on January 31, 2021; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Joy Bennett for her thirty-nine years of dedicated and loyal service to Tioga County and its most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated and outstanding employee, Joy Bennett.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -21 RESOLUTION RECOGNIZING  
FRANK LAVORE'S 24 YEARS OF  
DEDICATED SERVICE TO TIOGA COUNTY

WHEREAS: Frank Lavore was appointed as a Corrections Officer on March 8, 1997; promoted to Corrections Sergeant on April 13, 2000; promoted to Deputy Sheriff on December 30, 2000; and promoted to his present position of Sergeant, Road Patrol on August 24, 2013; and

WHEREAS: Frank Lavore has been dedicated and loyal in the performance of his duties and responsibilities during the past 24 years to Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Frank Lavore retired from the Tioga County Sheriff's Office on January 29, 2021; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Frank Lavore for his 24 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Frank Lavore.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -21 RESOLUTION RECOGNIZING  
JULIE KIPLING'S 22 YEARS OF  
DEDICATED SERVICE TO TIOGA COUNTY

WHEREAS: Julie Kipling was appointed as a Corrections Officer on January 27, 1999; appointed as a part-time Deputy Sheriff on April 27, 1999; appointed as full-time Deputy Sheriff on January 26, 2002; promoted to Sergeant, Road Patrol on December 24, 2016; and promoted to her present position of Investigator on January 1, 2018; and

WHEREAS: Julie Kipling has been dedicated and loyal in the performance of her duties and responsibilities during the past 22 years to Tioga County, thereby earning the respect of her colleagues and peers throughout Tioga County; and

WHEREAS: Julie Kipling will retire from the Tioga County Sheriff's Office on February 27, 2021; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Julie Kipling for her 22 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Julie Kipling.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -21 RESOLUTION RECOGNIZING  
SEAN SHOLLENBERGER'S 20 YEARS OF  
DEDICATED SERVICE TO TIOGA COUNTY

WHEREAS: Sean Shollenberger was appointed as a Corrections Officer on September 20, 1995; promoted to Corrections Sergeant on September 26, 1998; transferred to Tompkins County and then transferred back to Tioga County as a Corrections Officer on October 15, 2006; and

WHEREAS: Sean Shollenberger has been dedicated and loyal in the performance of his duties and responsibilities during his 20 years of employment with Tioga County, thereby earning the respect of his colleagues and peers throughout Tioga County; and

WHEREAS: Sean Shollenberger retired from the Tioga County Sheriff's Office on February 1, 2021; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Sean Shollenberger for his 20 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Sean Shollenberger.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -21 APPOINT MEMBER TO  
BOARD OF ETHICS

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (B) – Ethics Board Membership states members who have served two full three-year terms may not be reappointed for at least one year after the expiration of their last term; and

WHEREAS: Stuart Yetter, Jr. will conclude his two full three-year terms as of March 31, 2021; and

WHEREAS: Charles E. Davis, a resident of Richford, NY has agreed to serve on the Board of Ethics to fill the vacancy of Stuart Yetter, Jr.; therefore be it

RESOLVED: That Charles E. Davis be and hereby is appointed to the Board of Ethics for a three-year term effective April 1, 2021 through March 31, 2024.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. -21

SET PUBLIC HEARING FOR 2021  
ANNUAL AGRICULTURAL DISTRICT INCLUSIONS

WHEREAS: The Tioga County Legislature, as per Resolution 296-03 designated January 2<sup>nd</sup> through January 31<sup>st</sup> as the official annual enrollment period for inclusion of viable agricultural properties in agricultural districts as required by §303-B of the NYS Agricultural and Markets Law 25-AA; and

WHEREAS: Tioga County Planning has received requests for inclusion of land in agricultural districts and said law requires that the Tioga County Legislature hold a public hearing before making a decision on inclusion of lands; therefore be it

RESOLVED: That the Tioga County Legislature will hold a public hearing on requests of inclusion of viable agricultural land in agricultural districts received within the designated time period in 2021 on February 18, 2021 at 10:05 A.M. in the Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY. All interested parties will be heard by the Tioga County Legislature at this hearing.



REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -21 HOME RULE REQUEST IN SUPPORT OF S2031/A4044: AMEND COUNTY LAW AND TAX LAW, IN RELATION TO AUTHORIZING THE COUNTY OF TIOGA TO IMPOSE AN ADDITIONAL SURCHARGE TO PAY FOR COSTS ASSOCIATED WITH UPDATING THE TELECOMMUNICATION EQUIPMENT AND TELEPHONE SERVICES NEEDED TO PROVIDE AN ENHANCED 911 EMERGENCY TELEPHONE SYSTEM TO SERVE SUCH COUNTY AND PROVIDING FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF

WHEREAS: The current County of Tioga Enhanced 911 Emergency Telephone System is in need of updating; and

WHEREAS: State Legislative authority is needed to amend the current County Law by adding section 337 authorizing and empowering Tioga County Legislature to adopt, amend or repeal local laws to impose an additional surcharge per access line for the costs associated with obtaining, operating and maintaining an enhanced 911 system; and

WHEREAS: State Legislative authority is needed to amend Section 186-g of the Tax Law, paragraphs (b) and (c) of subdivision 2, as separately amended by chapters 120 and 711 of the laws of 2019, to impose a surcharge on each wireless communications device; and

WHEREAS: The additional imposed surcharges will pay for costs associated with obtaining, operating, and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve Tioga County; therefore be it

RESOLVED: That the Tioga County Legislature hereby requests the enactment of Senate Bill number S2031 and Assembly Bill number A4044 entitled "An Act to amend the County Law and the Tax Law, in relation to authorizing the County of Tioga to impose an additional surcharge to pay for the costs associated with updating the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such county; and providing for the repeal of such provisions upon expiration thereof.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -21 RESOLUTION TO APPROVE A SOLE SOURCE CONTRACT AND MAINTENANCE AGREEMENT BETWEEN THE TIOGA COUNTY PROBATION DEPARTMENT AND AUTOMON LLC TO PROVIDE SOFTWARE AND MAINTENANCE OF THE CASELOAD EXPLORER PRODUCT

WHEREAS: The Tioga County Legislature has approved contracts between Tioga County Probation Department and AutoMon LLC since 2008; and

WHEREAS: AutoMon LLC has changed their contract status with New York State, the Tioga County Legislature is approving that the Probation Department can contract with AutoMon LLC as a sole source provider of Caseload Explorer, a software program that meets the qualifications of 9 NYCRR 345, which mandates NYS Probation Departments to use a software program that automatically sends Presentence Investigation completed in the software program to the DCJS PSI Repository in Albany, NY. Caseload Explorer software is the only software in New York State that meets this criteria; and

WHEREAS: AutoMon, LLC has submitted their yearly Maintenance Agreement to Tioga County Probation which consists of the base charge of \$4,577.04 plus a fee of \$248.80 per user. Probation has 17 registered users of the software, so the total cost for basic software maintenance for 2021 is \$8,806.64; and

WHEREAS: AutoMon, LLC has agreed to credit Tioga County Probation \$419.25 towards this invoice for a "2020 COVID discount"; therefore be it

RESOLVED: That the Probation Director is approved to contract with AutoMon, LLC as a sole source provider for software and maintenance costs in 2021 for Caseload Explorer and Ce Assessments in the amount of \$8,387.39.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. -21 AUTHORIZING THE IMPLEMENTATION AND FUNDING OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT WHICH MAY BE ELIGIBLE FOR FEDERAL AID AND OR STATE AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS

WHEREAS: A project for the rehabilitation of BIN 3335200 – West Creek Road over West Branch Owego Creek, PIN 9754.80, (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 95% Federal Funds and 5% non-Federal Funds; and

WHEREAS: The County of Tioga will design, let and construct the “project”; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the costs of the work of the Project or portions thereof;

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 authorizes the County of Tioga to pay 100% of the cost of the Preliminary Engineering / Design and Construction, Construction Support and Construction Inspection work for the Project or portions thereof, with the understanding that qualified costs may be eligible for Federal-aid, State-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED: That the sum of \$1,339,000 is hereby appropriated from West Creek Road Bridge account H5110.540004.H1904 and made available to cover the costs of participation in the Construction, Construction Support and Construction Inspection phase of the Project; and it is further

RESOLVED: That the Tioga County Legislature hereby agrees that the County of Tioga shall be responsible for all costs of the project which exceed the amount of Federal-aid, State-aid, or NY Bridge Funding Awarded to the County of Tioga; and it is further

RESOLVED: That in the event the Project costs not covered by Federal-aid, State-aid, or NY Bridge funding exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and it is further

RESOLVED: That the County of Tioga hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and that the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED: That the Chair of the Tioga County Legislature be and is hereby authorized to execute on behalf of the County of Tioga, all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Tioga's funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED: That this Resolution shall take effect immediately.

REFERRED TO: PUBLIC WORKS COMMITTEE  
RESOLUTION NO. -21 AWARD CONSTRUCTION  
WEST CREEK ROAD BRIDGE BIN: 3335200

WHEREAS: Tioga County was awarded funding for this project through NYSDOT; and

WHEREAS: Funding is available for the construction of the project; and

WHEREAS: The Commissioner of Public Works received sealed bids on January 29, 2021 and the bids results were as follows:

Silverline Construction	\$ 937,529.00
Procon Contracting LLC	\$1,066,000.00
R. DeVincentis Construction, Inc.	\$1,080,000.00
Economy Paving	\$1,075,757.00
Bothar Construction	\$1,256,769.40
Vector Construction	\$1,019,186.43
ING Civil Inc.	\$1,062,400.00
Slate Hill Constructors	\$1,182,030.28

WHEREAS: Delta Engineers have completed the review of the bids and finds the low bidder Silverline Construction meets all of the qualifications of the bid specifications; therefore be it

RESOLVED: That the Tioga County Legislature authorize awarding the bid to Silverline Construction not to exceed \$937,529.00 to be paid out of the following account:

H5110.540004.H1904 – West Creek Road Bridge – BIN 3335200

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -21 AMEND BUDGET & APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County Public Health has been awarded funding from New York State Department of Health (NYSDOH); and

WHEREAS: The funding is specifically designated for Public Health efforts toward Influenza Vaccination capacity in Tioga County; and

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

RESOLVED: That funding be appropriated as follows:

From: A4011 434010	Public Health: State Aid	\$13,565.95
To: A4011 540595	Public Health: Services Rendered	\$13,565.95

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -21 APPROVE FUNDING 2020 YOUTH BUREAU PROGRAM FUNDING INCREASE

WHEREAS: The Tioga County Legislature approves Youth Bureau program funding which is 100% reimbursable from the New York State Office of Children and Family Services; and

WHEREAS: The Tioga County Youth Bureau's 2020 program funding was initially approved by Resolution 232-20; and

WHEREAS: New York State Office of Children and Family Services has now increased funding for County sponsored Youth Bureau programs by \$4,550; and

WHEREAS: The Tioga County Youth Board, in consultation with the Department of Social Services, has recommended the following program have the previously approved allocation increased by the amount below to utilize this increased allocation:

Kali's Klub House 7 Keys to Success Program	\$4,550
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Therefore be it;

RESOLVED: That the above program, as recommended by the Tioga County Youth Board, be approved by the Tioga County Legislature for this increased funding in the amount indicated above.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. - 21 RE-ESTABLISH PRIOR YEAR 2020  
UNSPENT FUNDS FOR 2021 BUDGET  
SOCIAL SERVICES

WHEREAS: NYS has not billed the Department of Social Services for the local share of Secure Detention Services for 2015 through 2020; and

WHEREAS: The Department of Social Services has estimated the amount of unbilled services to be \$191,228; and

WHEREAS: Re-establishment of prior year funds requires Legislative approval; therefore be it

RESOLVED: That the following account and amount are re-established and the 2021 budget is amended.

A6010.540487 JD Program Expense	\$191,228.00
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REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -21 RE-ESTABLISH PRIOR YEAR 2020  
UNSPENT FUNDS FOR 2021 BUDGET  
SOCIAL SERVICES

WHEREAS: Pending final approval of the 2020 Raise the Age Plan, the Department of Social Services has not been billed for related Maintenance and Aftercare Services; and

WHEREAS: The Department of Social Services has estimated the amount of unbilled services to be \$325,872.28; and

WHEREAS: Budget Officer shall be authorized to make necessary budget transfers based on final year-end numbers; and

WHEREAS: Re-establishment of prior year funds requires Legislative approval; therefore be it

RESOLVED: That the following DSS accounts and amounts are re-established and the 2021 budget be amended as follows:

**DSS PROGRAM – Raise the Age**

A6123 540487 RTA	JD Program Expense	\$	307,672.28
A6123 436230 RTA	State Aid-Juvenile Delinquent	\$	307,672.28
A6070 540487 RTA	JD Program Expense	\$	18,200.00
A6070 436700 RTA	State Aid-Services for Recipients	\$	18,200.00

REFERRED TO: INFORMATION TECHNOLOGY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -21 AUTHORIZE APPOINTMENT:  
NETWORK ADMINISTRATOR

WHEREAS: Legislative approval is required for any appointment to a non-union position within Tioga County; and

WHEREAS: The position of Network Administrator (\$52,824-\$62,824, Non-union) has been vacant since August 29, 2020, due to resignation; and

WHEREAS: The Chief Information Officer has recruited for said vacancy and has identified a qualified candidate; therefore be it

RESOLVED: That the Chief Information Officer is authorized to provisionally appoint Cuyler Kochin to the title of Network Administrator at an annual salary of \$55,000.00 effective February 16, 2021, pending successful completion of all civil service examination requirements.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. --21 APPOINTMENT OF DEMOCRATIC DEPUTY  
COMMISSIONER OF ELECTIONS BOARD

WHEREAS: Legislative approval is required for any appointment to a non-union position within Tioga County; and

WHEREAS: The position of Deputy Commissioner of Elections Board (Democratic) has been vacant since December 31, 2020, due to removal; and

WHEREAS: The Democratic Election Commissioner received verbal authorization at the December 22, 2020, Legislative Worksession to fill said position prior to the 90-day delay implemented by Resolution 195-20; and

WHEREAS: The Democratic Election Commissioner has selected a candidate to fill said vacancy; therefore be it

RESOLVED: That Sandra Cooper shall be appointed as Deputy Commissioner of Elections effective February 17, 2021, annual non-union salary of \$36,235.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -21 AUTHORIZE WAIVER OF 90-DAY HIRING DELAY  
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Resolution 195-20 created a 90-day hiring delay effective October 1, 2020; and

WHEREAS: The Department of Social Services has several vacancies and new hires in its Children's Services division; and

WHEREAS: Megan Weed, Caseworker, resigned on December 3, 2020 and has expressed an interest in being reinstated to the position of Caseworker; and

WHEREAS: The backfill date for Ms. Weed's vacancy with the 90-day delay is March 3, 2021; therefore be it

RESOLVED: That the Commissioner of Social Services is hereby granted a waiver from the 90-day hiring delay and is authorized to fill one Caseworker vacancy with the reinstatement of Megan Weed effective February 16, 2021.