

Eleventh Regular Meeting
November 13, 2012

The Eleventh Regular Meeting of 2012 was held on November 13, 2012 and was called to order by the Chair at 12:04 P.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would like to have a moment of silence for all the Veterans."

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

There were 10 people in attendance.

Chair Weston noted the following Proclamation on Adoption Awareness Month.

PROCLAMATION

This November marks the 22nd annual National Adoption Month. November 17th is National Adoption Day. Our task is to find permanent homes for all our children. Tioga County has finalized 9 adoptions for 2012. Every child in America, every child in Tioga County deserves a permanent, loving family and home; and

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

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

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

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

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

THE TIOGA COUNTY LEGISLATURE does hereby Proclaim November as

ADOPTION AWARENESS MONTH

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

Legislator Huttleston presented the following Proclamation on Prematurity Awareness Month. Heather Morgan-Gulnac, Health Educator of the Health Department read the Proclamation.

County of Tioga EXECUTIVE PROCLAMATION

WHEREAS: Prematurity has been increasing steadily and alarmingly over the past two decades; and our country's premature birth rate has risen by 36 percent over the last 25 years. That is serious cause for concern; and

WHEREAS: Prematurity is the leading killer of America's newborns. In the United States 1 in 8 babies are born prematurely each year and 5,000 of those born will not survive, that's one baby every 30 seconds; and

WHEREAS: Many premature babies will be too small and too sick to go home. Instead, these babies may face weeks or even months in neonatal intensive care units (NICU); and those who survive often have lifelong health problems, including cerebral palsy, intellectual disabilities, chronic lung diseases, blindness and hearing loss to name a few; and

WHEREAS: Doctors have made marvelous advances in caring for babies born too small and too soon, we need to find out how to prevent premature birth from happening in the first place; and

WHEREAS: Women who have had a previous preterm birth, who are pregnant with twins, triplets or more, or women with certain uterine or cervical abnormalities are more at risk to have premature births, but recognize that preterm labor and delivery can happen to any pregnant woman; and

WHEREAS: Advocacy for organizations, such as March of Dimes and Mothers and Babies Perinatal Network of South Central New York, is essential to the Prematurity Awareness Campaign, to educate the public about the problems of prematurity and to decrease the rate of preterm birth in the United States, New York and Tioga County; therefore be it

RESOLVED: That the TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim the month of November 2012 as

PREMATURITY AWARENESS MONTH

and urges all residents to get life-saving prenatal care and educate themselves, their families and the community about prematurity.

Health Morgan-Gulnac spoke. "Just on a closing note, as Mr. Huttleston said, I am a Health Educator at the Tioga County Health Department and I am privileged to come before you this afternoon and accept this Proclamation for prematurity awareness. The statistics that were shared with you in this Proclamation are alarming and prematurity is clearly an important issue in the United States.

"More specifically, from 2009 to 2011 in Tioga County here locally 1400 babies were born. That means approximately 175 were premature. That is 175 to many. Some of you may know at least one of these babies or more. Maybe one of you even has a connection to one of them. I myself know of several babies that were born to soon including four of my nieces and my own daughter. Prior to working at the Tioga County Health Department I worked with teen parents in public health for five years and educated them about having healthy pregnancies. I never once thought that I would develop a problem during my pregnancy, especially one that resulted in having a preemie baby.

"I had the perfect pregnancy until I developed preeclampsia or high blood pressure overnight during my 31st week of pregnancy and my daughter's growth was being restricted. Therefore it was decided the best thing to do was to have Lila. She weighed only 2 pounds 12 ounces and was 14 inches long, but she was absolutely perfect. She stayed in the NICU for 48 very long days, but I am very fortunate because by the grace of God and the wonderful doctors and nurses she just celebrated her second birthday this past October and is healthy.

"I am very passionate about raising awareness around prematurity and advocating for more research to find answers and education, and working with organizations in our community that can help us better reach out to the public and create better lives for moms and babies. Thank you for your support today and in this Proclamation, and in the lives of the babies here in Tioga County including my daughter's."

Gerri Wiley had privilege of the floor. "I am a registered nurse and as you were just told, November is Prematurity Awareness Month. As far as I know there is no low birth weight month or small for gestational age month, or low APGAR score month, yet these three are issues of infant health as well.

"In July of 2012 Elaine Hill of the Charles Dyson School of Applied Economics and Management at Cornell University published preliminary data regarding unconventional natural gas development and infant health, evidence from Pennsylvania. I have this website link in the letter that I will supply to you. From the attached abstract, the results suggest that exposure to natural gas development before birth increases the overall prevalence of low birth weight by 25%, increases overall prevalence of small for gestational age by 17%, and reduces five minute APGAR scores.

"As I said, prematurity is not involved, but these other indices are of equal importance, maybe not so much necessary for the lung development, but they have other sequelae. The County intends to pass a local law I noted criminalizing the sale or possession of psychoactive bath salts as they are dangerous substances, public nuisances, substantially and seriously interfering with the interest of the public and quality of life, total environment, property values, the common good, and are detrimental to the public health safety and welfare. The process of high volume horizontal hydrofracturing results in substantially more harm to the quality of life, again the total community, environment, property values, the common good, and is detrimental to the public health safety and welfare. Therefore I respectfully request Tioga County to do whatever it can to pass any laws protecting its citizens from high volume hydrofracturing.

"Along with my request comes Chapter 6 of Gas Pretrolite, How Shale Gas Development risks public health in Pennsylvania, listing of links to community impacts listed on our RAFT website, and a 47 page list of the harmed composed of 565 families who have been harmed by this process. Additionally, I would like to ask the Legislature to include high volume hydraulic fracturing as part of its hazard mitigation plans. Thank 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	2,111.81	206.24
A1165	District Attorney		2,764.36
A1172	Assigned Counsel		32,275.39
A1325	Treasurer		50.50
A1410	County Clerk		386.64
A1411	Department of Motor Vehicles		315.25
A1420	Law	554.00	3,580.00
A1430	Personnel		327.60
A1450	Elections		3,022.23
A1460	Records Management		611.19
A1490	Public Works Administration		267.23
A1620	Buildings		41,792.54
A1621	Buildings		17,502.00
A1680	Information Technology		4,063.15
A2490	Community College Tuition		26,028.20
A2960	Education Handicapped Children		194,101.42
A3020	Public Safety Comm E911		4,691.84
A3110	Sheriff	105.41	13,891.71
A3140	Probation		997.30
A3146	Sex Offender Program		9,240.00
A3150	Jail		49,475.53
A3315	Special Traffic Programs		800.00
A3410	Fire		3,467.55
A3640	Emergency Mgmt Office		631.45
A3657	Hazard Mitigation Plan		15,013.50
A4010	Public Health Nursing		28,706.54
A4011	Public Health Administration		11,619.63
A4012	Public Health Education		135.00
A4042	Rabies Control		538.00
A4044	Early Intervention		47,896.04
A4053	Preventive/Primary Health Svcs		482.78
A4054	Preventive Dental Services		3,721.32
A4062	Lead Poisoning Program		8.53
A4064	Managed Care-Dental Services		8,284.00
A4070	Disease Control		8,983.33
A4090	Environmental Health		1,056.10
A4210	Alcohol and Drug Services		2,246.05
A4309	Mental Hygiene Co Admin		22,074.17
A4310	Mental Health Clinic		58,157.90
A4320	Crisis Intervention Services		4,736.67

A4321	Intensive Case Management	1,551.41
A6010	Social Services Administration	196,384.94
A6422	Economic Development	571.74
A6510	Veterans' Service	1,170.00
A7310.41	Youth Programs, Refundable	10,374.16
A8020	Planning	1,879.03
A8760	NYS DOS LTCRS Grant	4,795.45
A9060	Health Insurance	1,846.16
SOLID WASTE FUND		102,924.96
SPECIAL GRANT FUND		7,524.06
LIABILITY INSURANCE FUND		386.00
COUNTY ROAD FUND		33,698.02
CAPITAL FUND		548,319.33
CONSOLIDATED HEALTH INSURANCE		302,497.36
SELF INSURANCE FUND		<u>1,300.00</u>
GRAND TOTAL		\$ 1,842,142.72

Legislator Monell made a motion to approve the minutes of October 9 and 18, 2012, seconded by Legislator Sullivan, and carried.

Chair Weston made the following appointments:

Flood Recovery Oversight Committee (FROC)
Legislator Standinger

Information Technology Services Review Committee
Legislator Case

Open Space Advisory Committee
Elaine Jardine, Planning Director
Term 1/1/13-12/31/13

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

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

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. 240-12 *SET PUBLIC HEARING*
2013 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2013 be held at 6:00 P.M., Tuesday, November 20, 2012 in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York 13827.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 241-12 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2013 County taxes among the several Towns are hereby established as follows:

Town of Barton	95.00
Town of Berkshire	100.00
Town of Candor	100.00
Town of Newark Valley	66.50
Town of Nichols	28.00
Town of Owego	80.00
Town of Richford	100.00
Town of Spencer	100.00
Town of Tioga	7.50

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 242-12 MORTGAGE TAX DISTRIBUTION

RESOLVED: That the mortgage tax report for the period April 1, 2012 to September 31, 2012 be and it hereby is accepted; further

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

Town of Barton	\$ 41,823.01
Village of Waverly	10,612.59
Town of Berkshire	4,306.25
Town of Candor	22,709.12
Village of Candor	1,041.78
Town of Newark Valley	16,819.28
Village of Newark Valley	1,976.43
Town of Nichols	10,714.47
Village of Nichols	805.67
Town of Owego	128,681.29
Village of Owego	9,273.25
Town of Richford	4,618.69
Town of Spencer	11,591.67
Village of Spencer	1,397.45
Town of Tioga	<u>23,888.21</u>

\$290,259.16

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Monell introduced Local Law Introductory No. B of 2012:

County of Tioga

Local Law No. of the Year 2012.

A Local Law overriding the Tax Levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 fiscal year.

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

SECTION 1: Title:

This Local Law shall be known as “Tioga County Responsible Budgeting Law of 2012”.

SECTION 2: Declaration of Intent:

The intention of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2013 Tioga County Budget. The slow recovery of the national, state, and local economies from the most recent recession and the continued financial obligations imposed on the County by the State in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2013, in addition to those mandated by the State, which are important to our citizens. In addition, the regulations regarding the tax cap continue to evolve, making it difficult to be certain that the 2013 budget falls under the tax levy limit established by the General Municipal Law. After serious consideration, the Tioga County Legislature has made a determination that although it is the intent to stay under the tax levy limit for the 2103 budget, an override of General Municipal Law Section 3-c (5) is necessary as a protective measure in the event

the NYS Comptroller later determines that the calculation performed by Tioga County was incorrect and the tax levy limit was exceeded.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby overrides the tax levy limit for Tioga County for 2013 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to Section 3-c of the General Municipal Law.

SECTION 4: Severability:

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which remaining portions shall remain in full force and effect.

SECTION 5: Effective Date:

This Local Law shall take effect upon the date on which a certified copy of this Local Law is filed in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

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

REFERRED TO:

LEGAL/FINANCE

RESOLUTION NO. 243-12

*SCHEDULE PUBLIC HEARING
LOCAL LAW INTRO NO. B OF 2012
A LOCAL LAW OVERRIDING THE
TAX LEVY LIMIT FOR TIOGA COUNTY
FOR 2013 AND AUTHORIZING THE
ADOPTION BY TIOGA COUNTY OF A
BUDGET FOR 2013 THAT REQUIRES A
TAX LEVY THAT IS GREATER THAN THE
TAX LEVY LIMIT FOR THE 2013
FISCAL YEAR*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. B of 2012 A Local Law overriding the tax levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 fiscal year in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Wednesday, November 21, 2012 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Sauerbrey introduced Local Law Introductory No. C of 2012:

County of Tioga

Local Law No. of the Year 2012.

A LOCAL LAW PROHIBITING THE SALE AND POSSESSION OF PSYCHOACTIVE BATH SALTS, PSYCHOACTIVE HERBAL INCENSE AND SYNTHETIC HALLUCINOGENS WITHIN THE COUNTY OF TIOGA

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

Article 1. Purpose and Intent

The Legislature of the County of Tioga finds that psychoactive bath salts, psychoactive herbal incense also known as synthetic marihuana, synthetic hallucinogens and other synthetic drugs are dangerous substances, public nuisances, pose an immediate threat to the public health and safety within the County of Tioga, all of which substantially and seriously interfere with the interest of the public in the quality of life, the total community environment, commerce in the county, property values, the common good and are detrimental to the public health, safety and welfare.

The Tioga County Legislature further finds that the sale and/or possession of said substances are unlawful, detrimental to the health, safety and welfare of the residents of the County of Tioga and visitors thereto. It is the purpose of this local law to criminalize the sale and/or possession of psychoactive bath salts, psychoactive herbal incense also known as synthetic marijuana, synthetic drugs and synthetic hallucinogens and to deter or eradicate same and such powers may be exercised either in conjunction with, or apart from, the powers contained in other laws without prejudice to the use of procedures and remedies available under such other laws. The Tioga County Legislature further finds that the sanctions and penalties imposed by this local law constitute an additional and appropriate response to the proliferation of the above described dangerous substances. The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the County of Tioga and to promote the general welfare and safety pursuant to the county's police powers and municipal home rule authority.

Article 2. **Definitions**

For the purposes of this local law, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

1. **"Sale"** shall mean and cover the following activities: to offer for sale, to sell, to distribute, to furnish, to gift, to transfer, to barter, exchange or give, to any person or minor and each and every transaction of the same or similar nature made by any person, whether as principal, proprietor, agent, servant, or employee, with or without actual consideration.
2. **"Person"** shall mean any individual, minor, corporation, business trust, estate, trust, partnership or association, or any other entity or business organization of any kind.
3. **"Possession"** shall mean to possess on one's own person or possession by a person exercising dominion or control over the immediate area where contraband is found whether in a vehicle, vessel, container, snowmobile, dwelling, building or structure or whether upon public or private property.

4. **"Psychoactive Bath Salts"** shall be defined herein as follows:

(A). Any crystalline or powder product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including but not limited to the following substances: 3,4-Methylenedioxymethcathinone (Methylone); 3,4-Methylenedioxypropylamphetamine (MDPV); 4-Methylmethcathinone (Mephedrone); 4-Methoxymethcathinone (Methedrone); 4-Fluoromethcathinone (Flephedrone); 3-Fluoromethcathinone (3-FMC); naphthylpyrovalerone; 2-amino-1-phenyl-1-propanone (cathinone); or any derivatives, analogues, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the *same* effects and/or any other substantially similar chemical structure or compound.

(B). "Psychoactive bath salts" are commonly marketed under the following trade names: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Glass Cleaner, Hurricane, Ivory Snow, Ivory Wave, Legal Phunk, Tranquility, Zoom, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Plant Food, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

(C). "Psychoactive bath salts" as defined herein shall exclude normal, typical bath salts which do not contain synthetic chemical compounds listed above that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate (Epsom salts), sodium chloride (table salt), sodium bicarbonate (baking soda), sodium hexametaphosphate (Calgon, amorphous/glassy sodium metaphosphate), sodium sesquicarbonate and borax.

5. **"Psychoactive herbal incense"** shall be defined herein as follows:

(A). Any organic product consisting of plant material that contains a synthetic chemical compound that elicits *psychoactive* or psychotropic euphoric effects including, but not limited to the following: any synthetic cannabinoid compound that contains 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl)indole(JWH-073), 1-2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200), 5-(1,1-dimethylheptyl)-2-(1R,3S)-3-hydroxycyclohexyl]-phenol, (CP-47,497), 5-(1,1-dimethyloctyl)-2-(1R,3S)-3-hydroxycyclohexyl]-phenol, (cannabicyclohexanol;CP-47,497C8homologue); 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent; 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent; 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent; 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which

exhibit the same effects and/or any other substantially similar chemical structure or compound.

(B). "Psychoactive herbal incense" products are commonly marketed under the following names: K2, K3, Spice, Genie, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Serenity, Fake Weed, but may be marketed under other trade names and contain a common disclaimer that these products are "not safe for human consumption" or similar disclaimer.

(C). "Psychoactive herbal incense" shall exclude typical, standard incense that is sold as incense sticks, oils or cones that is commonly used for their aromatic qualities that do not contain any synthetic chemical compounds listed above which elicit psychoactive or psychotropic euphoric effects.

6. **"Synthetic Hallucinogens"** shall be defined as *any* crystalline or powder product or any organic plant material that is laced with or contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including, but not limited to the following substances:

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E); 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D); 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C); 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I); 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2); 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4); 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H); 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N); and, 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

(7) **"Synthetic Marijuana"** or **"Synthetic Cannabanoids"** shall include the definition of psychoactive herbal incense herein.

(8) **"Synthetic Drug"** shall include the definitions contained in paragraphs 4 through 7 of this section and shall additionally be defined as:

(a) Any substance prohibited in the federal "Synthetic Drug Abuse Prevention Act of 2012," (S. 3187); and

(b) Any synthetic drug *analog* which shall include a substance prohibited by 21 U.S.C. 813, the Federal Analog Act, or any synthetic drug prohibited hereunder where:

1. The chemical structure of which is substantially similar to the chemical structure of a Synthetic Drug as described above; or

2. Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above; or

3. Which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Synthetic Drug as described above.

Article 3. Enforcement

This local law may be enforced by any police officer, as that term is defined by New York State Criminal Procedure Law § 1.20(34), within the County of Tioga

Article 4. Sale or Possession of Synthetic Drugs Prohibited

1. **Unlawful Possession of a Synthetic Drug** - A person is guilty of unlawful possession of a synthetic drug when said person knowingly and unlawfully possesses a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise prescribed by a licensed physician.
2. **Criminal Sale of a Synthetic Drug** - A person is guilty of criminal sale of a Synthetic Drug when said person knowingly and unlawfully sells a substance containing psychoactive bath salts, psychoactive herbal incense and/or a synthetic hallucinogen unless otherwise licensed by the U.S. Drug Enforcement Agency, the Food and Drug Administration or NYS Department of Health.

Article 5. Penalties for offenses

Any person who knowingly and unlawfully violates the provisions of Article 5 of this local law shall be guilty of an unclassified misdemeanor as defined by this local law and NYS Penal Law§55.10.(2)(c) and, upon conviction, shall be punishable by a fine of up to \$1,000 or up to one year's imprisonment, or both.

Article 6. Applicability

This local law shall apply to all actions occurring on or after the effective date of this local law.

Article 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Article 8. Reverse Preemption

This local law shall be null and void on the date that statewide legislation goes into effect, incorporating either the same or substantially similar provisions under the New York State Penal Law and/or New York State Public Health Law as are contained in this local law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Tioga. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

Article 9. Administrative liability

Neither the County of Tioga, nor any officer, agent, or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this local law.

Article 10. SEQRA Determination

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20),(21) and/or (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York State Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Clerk of the Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance as may be necessary in accordance with this local law.

Article 11. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

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

REFERRED TO:

LEGAL/FINANCE

RESOLUTION NO. 244-12

*SCHEDULE PUBLIC HEARING
LOCAL LAW INTRO NO. C OF 2012
A LOCAL LAW PROHIBITING THE
SALE AND POSSESSION OF
PSYCHOACTIVE BATH SALTS,
PSYCHOACTIVE HERBAL INCENSE
AND SYNTHETIC HALLUCINOGENS
WITHIN THE COUNTY OF TIOGA*

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2012 A Local Law prohibiting the sale and possession of psychoactive bath salts, psychoactive herbal incense, and synthetic hallucinogens within the County of Tioga in the Edward D. Hubbard Auditorium of the Tioga County Office Building, 56 Main Street, Owego, New York 13827 on Thursday, December 6, 2012 at 1:00 P.M. All persons desiring to present written or oral comments may do so at said time.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 245-12 *CONFINEMENT OF DOGS
FOR PROTECTION OF DEER*

WHEREAS: The Tioga County Board of Legislators hereby determine that there is a possibility that the deer population in said County could suffer severe depredation due to the possibility of dogs attacking, chasing or worrying deer. That pursuant to the provisions of §122 of the Ag & Markets Law; it is

RESOLVED: That it is hereby ordered that all dogs within the County of Tioga shall be securely contained at all times from November 17, 2012 until April 15, 2013.

NOTICE of this order shall be published one time in the Morning Times and the Tioga County Courier, and a certified copy of this order shall be filed in the Office of the County Clerk and all Town Clerks and all Village Clerks in the County of Tioga.

All provisions set forth in said Agriculture and Markets Law §122 as to the destruction and seizure of any dog by any Dog Control Officer or Peace Officer, and civil penalty on the owner of the dog and all other provisions of said §122 are hereby adopted in this order.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – Legislator Sullivan.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 246-12 *AUTHORIZE 2013 TAX MAP MAINTENANCE CONTRACT*

RESOLVED: That the Chair of the Tioga County Legislature is hereby authorized to enter into a Tioga County tax map maintenance contract with MRB Group, for the calendar year 2013 for an annual charge of \$27,235, payable monthly, which contract will provide for straight transfers, transfer splits, filed maps and surveys, revision forms, tax map revisions, inquiries, contract revision and fee, all subject to the approval of the County Attorney.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 247-12 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: One member term on the Tioga County Planning Board expires as of 12/31/12; and

WHEREAS: The Town of Owego has nominated John Current to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint John Current to the Tioga County Planning Board to serve a 3-year term of 1/1/13 – 12/31/15.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 248-12 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: One member term on the Tioga County Planning Board expires as of 12/31/12; and

WHEREAS: The Town of Nichols has nominated Pam Moore to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Pam Moore to the Tioga County Planning Board to serve a 3-year term of 1/1/13 – 12/31/15.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 249-12 *REAPPOINT MEMBER TO THE
TIOGA COUNTY PLANNING
BOARD*

WHEREAS: One member term on the Tioga County Planning Board expires as of 12/31/12; and

WHEREAS: One of the alternate, at-large members, Jason Bellis of the Town of Candor, to serve another term as their representative; therefore be it

RESOLVED: That the Tioga County Legislature reappoint Jason Bellis to the Tioga County Planning Board to serve a 3-year term of 1/1/13 – 12/31/15.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 250-12 APPOINT MEMBER TO YOUTH BOARD
YOUTH BUREAU

WHEREAS: The Tioga County Youth Board is organized as an advisory body to the Tioga County Youth Bureau; and

WHEREAS: The purpose of the Youth Board is to carry out the provision of Section 95 of the General Municipal Law of the State of New York and Resolution No. 140 of 1981 of the Tioga County Legislature; and

WHEREAS: The Tioga County Youth Board Bylaws provides for representatives to the Youth Board be appointed by the County Legislature; and

WHEREAS: The County Legislature previously appointed members to the Youth Board under Resolution No. 242-10 and vacancies exist and terms have expired; now therefore be it

RESOLVED: That the following listed representative be appointed as a member of the Tioga County Youth Board with the corresponding term of office consistent with the requirement of staggered rotation.

	<u>TERM</u>
Petrea Rae (Appoint – Replacing Elisa Harris)	11/01/12-12/31/2014

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 251-12 *APPOINT MEMBERS TO
TRAFFIC SAFETY BOARD*

RESOLVED: That the following members be reappointed to the Traffic Safety Board for a term as follows:

TITLE	TERM
Arthur Cacciola-Candor	4/1/13-3/31/16
Public Works Commissioner or designee	4/1/13-3/31/16
Tioga County EMO Director	4/1/13-3/31/16
Tioga County Sheriff or designee	4/1/13-3/31/16
Tioga County Economic Development or designee	4/1/13-3/31/16
Vacant-County Representative	4/1/13-3/31/16
Public Health Director or designee	4/1/13-3/31/16

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 252-12 *AWARD CONTRACT TO TAYLOR GARBAGE
SERVICES FOR COUNTY OFFICE BUILDING'S
GARBAGE COLLECTION/DISPOSAL SERVICES*

WHEREAS: The County Office Building's Garbage Collection/Disposal contract is ending December 31, 2012; and

WHEREAS: The Legislature approved a contract between Tioga County Probation Department and The Family and Children's Society for the provision of adult sex offender treatment in 2013; and

WHEREAS: The Family and Children's Society is continuing to offer a sexual offender treatment program for a maximum of 20 adult sex offenders at any point in time to Tioga County Probation for \$110,880 annually; now therefore be it

RESOLVED: That the Probation Director is approved to contract with The Family and Children's Society to provide adult sexual offender treatment services in the amount of \$110,880 annually.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 254-12 *EXERCISE EXTENSION OF TRANSPORTATION
CONTRACT BETWEEN TIOGA COUNTY AND
TIOGA TRANSPORT, INC.*

WHEREAS: The existing contract between Tioga County and Tioga Transport, Inc. for the provision of Public Transportation and Non-Emergency Medicaid Transportation is in effect through December 31, 2012; and

WHEREAS: The aforementioned contract between Tioga County and Tioga Transport, Inc. allows for two one-year extensions of the contract that may be exercised by Tioga County; and

WHEREAS: The first one-year extension is in effect this year; now therefore be it

RESOLVED: That Tioga County authorizes the second one-year extension of the existing contract with Tioga Transport, Inc. from January 1, 2013 through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

Legislator Huttleston moved for the adoption of the following resolution, seconded by Legislator Case.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 255-12 *AUTHORIZATION TO MAKE FEDERAL SECTION 5311
CONSOLIDATED GRANT
APPLICATION - SOCIAL SERVICES*

WHEREAS: Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the states; and

WHEREAS: The County of Tioga may make application annually to the New York State Department of Transportation for such federal aid for operating assistance for a project to provide public mass transportation service on a continuing basis in Tioga County with limited service to contiguous counties; and

WHEREAS: The County of Tioga desires to enter into a continuing agreement with the State of New York for the undertaking of the project; now therefore be it

RESOLVED: That the Chair of the Legislature is authorized to sign the following:

1. A continuing agreement between the County of Tioga and the State of New York providing for the undertaking of the project and authorizing annual grant applications for such Section 5311 funds;

2. Any and all agreements between the County of Tioga and any third party subcontractors necessary to complete the project.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 256-12 *AUTHORIZE THE SUBMISSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROGRAM GRANT*

WHEREAS: The Community Development Block Grant (CDBG) Program has made grant money available for the recovery from Tropical Storm Lee which will be utilized to repay the New York State share of approved FEMA projects ; and

WHEREAS: The application for this grant must be received no later than 5 days after the November 8, 2012 Public Hearing; and

WHEREAS: County Policy #47 requires that a resolution be approved before any grant applications are submitted; therefore be it

RESOLVED: That effective November 8, 2012, Tioga County be authorized to submit the appropriate grant application for the purpose of securing this funding and that the Chair of the Legislature be authorized to sign such application and any other documents necessary to process the grant.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 257-12 *AUTHORIZE THE SUBMISSION OF A NYS
HOMELAND SECURITY – PUBLIC SAFETY
ANSWERING POINT GRANT – SHERIFFS'
OFFICE*

WHEREAS: The NYS Office of Homeland Security has announced a Public Safety Answering Point Grant; and

WHEREAS: Applications for this grant must be received no later than December 11, 2012; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application be submitted; therefore be it

RESOLVED: That the Tioga County Fire Coordinators Office be authorized to submit the appropriate grant application for the purpose of securing this funding, and authorizes the Chair of the Legislature to sign such application.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 258-12

*ACCEPTANCE OF THE BUREAU OF FIRE 2012
NYS DIVISION OF HOMELAND SECURITY
TECHNICAL RESCUE GRANT AND
APPROPRIATION
OF FUNDS*

WHEREAS: The Bureau of Fire has been awarded a NYS Division of Homeland Security and Emergency Services Technical Rescue Grant in the amount of \$23,353; and

WHEREAS: This funding will be allocated to be used on Technical Rescue Equipment and Training for the Technical Rescue Branch of the Tioga County Search and Rescue Team. This Special Team will assist the Fire and Emergency Services in Tioga County with Technical rescues such as High Angle, Trench, Confined Space and Building Collapse Rescues where skills and Specialized Equipment are not currently available; and

WHEREAS: This funding now needs to be appropriated in the Bureau of Fire Budget to be used on Technical Rescue Equipment and Training for the Technical Rescue Branch of the Tioga County Search and Rescue Team; be it therefore

RESOLVED: That the Tioga County Legislature accepts this New York State Division of Homeland Security Technical Rescue Grant and the Chair of the Legislature authorized to sign the grant contract upon approval of the County Attorney; and be it further

RESOLVED: That the Homeland Security Technical Rescue Grant Program (Project # T192619) be appropriated as follows:

From: State Aid-Tech Rescue T192619-A3306.12 \$23,353

To: 2012 NYS Technical Rescue Grant A3412.20-130 \$20,353
 2012 NYS Technical Rescue Grant A3412.40-140 \$ 3,000

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HHS COMMITTEE
 JOB TRAINING COMMITTEE

RESOLUTION NO. 259-12 AMEND TIOGA EMPLOYMENT
 CENTER BUDGET

WHEREAS: The Tioga Employment Center, as part of the Broome-Tioga Workforce New York for employment and training services, is funded under the federal Workforce Investment Act; and

WHEREAS: The Tioga Employment Center had been allocated Program Year 2012 (July 1, 2012 – June 30, 2013) funding to include \$81,093.20 Youth funds; and

WHEREAS: Broome Workforce NY needs to hold back \$44,500 from the Youth allocation for the administration of the Tioga contract for the WIA Youth Program contract for education and workforce development youth services; and

WHEREAS: The Tioga County Sheriff's Office has identified \$6,000 within a Jail Appropriation account that could be transferred to fund these computer upgrades; therefore be it

RESOLVED: That the following monies be transferred as follows:

FROM: Jail Account 3150.40.93 – Building Maintenance \$6,000

TO: Sheriff's Account 3110.20.130 – Equipment not car \$6,000

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 261-12 *TRANSFER OF FUNDS*
 VETERANS' SERVICE AGENCY

WHEREAS: The Tioga County Information Technology Department has advised the Veterans' Service Agency that their computers will have an unserviceable operating system and must be upgraded by the end of 2012; and

WHEREAS: No prior notice was provided and therefore no funding was appropriated within the Veterans' Service Agency 2012 budget for this purpose; and

WHEREAS: The Budget Director has instructed that funding to upgrade these computers be allocated from foreseeable unspent funds contained in the various appropriation accounts within the Veterans' Service Agency 2012 budget; and

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 263-12 *APPROPRIATION OF FUNDS*
PUBLIC HEALTH

WHEREAS: Tioga County Health Department is mandated to provide a Rabies Control Program for Tioga County residents; and

WHEREAS: Due to an increase in the number residents receiving post-exposure medical services, the costs have exceeded the budgeted amount; and

WHEREAS: Additional expenditure appropriations are needed to meet the costs of the mandated medical services that have and will be provided; and

WHEREAS: State Aid reimbursement funding is available for the County costs; and

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

RESOLVED: That funding be appropriated as follows:

From:	A3442.00	State Aid: Rabies Control Program	\$15,000
To:	A4042.40-590	Rabies Control – Services Rendered	\$15,000

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 264-12 *AWARD CONTRACT FOR
FY12 HOMELAND SECURITY GRANT
AND TRANSFER OF FUNDS*

WHEREAS: A 2012 State Homeland Security Grant (SH12-1047-D00) has been awarded in the amount of \$59,000. \$45,250 has been allotted for Tioga County Emergency Management with the remaining balance of \$13,750 allotted for the Waverly Police Department; and

WHEREAS: These monies are budgeted for upgrading county radio systems, the satellite telephone contract, and reverse 911 calling notification system; therefore be it

RESOLVED: That the FY12 NYS Homeland Security Grant (SH12-1047-D00) be appropriated as follows:

FROM: EMO Grant Revenue 3356.12 \$45,250

TO: EMO Grant Equipment 3358.20.130 \$30,000
 EMO Grant Contracting 3358.40.140 \$15,250

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. 265-12 *AWARD CONTRACT FOR
FY11 HOMELAND SECURITY GRANT
AND TRANSFER OF FUNDS*

WHEREAS: A 2011 State Homeland Security Grant (SH11-10340-E00) has been awarded in the amount of \$66,862; and

WHEREAS: These monies are budgeted to update the County’s Comprehensive Emergency Plan, and for the purchase of equipment to enhance the security and efficiency of the EOC (Emergency Operating Center); therefore be it

RESOLVED: That the FY11 NYS Homeland Security Grant (SH11-1034-E00) be appropriated as follows:

FROM: EMO Grant Revenue	3356.11	\$66,862
TO: EMO Grant Contracting	3357.40.140	\$50,000
EMO Grant Equipment	3357.20.130	\$16,862

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Huttleston, and Monell.

No – Legislators Hollenbeck and Weston.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 267-12 *CONTRACT WITH EXCELLUS BLUE CROSS/BLUE SHIELD TO ADMINISTER HEALTH INSURANCE BENEFITS*

WHEREAS: Tioga County uses the service of Excellus Blue Cross Blue Shield of Central New York to administer health insurance benefits for Tioga County and members of the Tioga County Consolidated Municipal Health Insurance Program (TCCMHIP) including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross Blue Shield of Central New York has submitted a new contract to continue administering said programs for the period of January 1, 2013 through December 31, 2013; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Excellus Blue Cross Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County and other participants in the TCCMHIP for the period January 1, 2013 through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 268-12 *CONTRACT WITH EBS-RMSCO, INC. TO
ADMINISTER FLEXIBLE SPENDING AND HEALTH
REIMBURSEMENT ACCOUNT PROGRAMS*

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

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

WHEREAS: The administration cost will be \$4.45 per participant per month for any employees enrolled in the flexible spending and \$4.45 per participant per month for any employees enrolled in the health reimbursement account; 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 EBS-RMSCO, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2013 through December 31, 2013; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2013 through December 31, 2013; and be it further

RESOLVED: That in compliance with Federal Health Care Reform the maximum annual pledge for the medical flexible spending portion is now \$2,500 for the period of January 1, 2013 through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 269-12 *AUTHORIZE PURCHASE OF SPECIFIC AND
AGGREGATE STOP-LOSS FOR
CONSOLIDATED HEALTH INSURANCE
PROGRAM*

WHEREAS: The Tioga County Consolidated Municipal Health Insurance Program's (TCCMHIP) specific and aggregate stop-loss policies expire December 31, 2012; and

WHEREAS: TCCMHIP continues to experience rising health insurance costs and large claims incurred by individual members; and

WHEREAS: The continuance of both specific and aggregate stop-loss coverage help to limit exposure to the TCCMHIP; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase specific and aggregate stop-loss, subject to review by the County Attorney, from an A Rated or better Insurance Company who can provide the best coverage not to exceed a cost of \$388,040 dependent on enrollment, for the Tioga County Consolidated Municipal Health Insurance Program for the period of January 1, 2013 through December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 270-12 *AUTHORIZE PURCHASE OF SPECIFIC EXCESS AND EMPLOYERS' LIABILITY INSURANCE FOR WORKERS' COMPENSATION PROGRAM*

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy through Safety National Casualty Corp expires December 31, 2012; and

WHEREAS: The Tioga County Self-Insurance Plan's employers' liability insurance policy through Capital Indemnity Corp expires December 31, 2012; and

WHEREAS: The Tioga County Self-Insurance Plan by-laws allow the committee to purchase excess or catastrophic insurance; and

WHEREAS: The continuance of both excess and employers' liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; and

WHEREAS: Safety National Casualty Corp. and Capital Indemnity Corp are both A rated insurance companies and both are licensed in New York State; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase specific excess insurance, subject to review by the County Attorney, from Safety National for the period of January 1, 2013 through December 31, 2013 to be paid for out of the 2013 Tioga County Self-Insurance budget account S1722.40; and be it further

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to purchase employers' liability insurance, subject to review by the County Attorney, from Capital Indemnity Corp for the period of January 1, 2013 through December 31, 2013 to be paid for out of the 2013 Tioga County Self-Insurance budget account S1710.40-270

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 271-12 *AUTHORIZE CONTRACTS WITH SADD
SCHOOL ASSOCIATES FOR 2013*

WHEREAS: It is the desire of the STOP DWI Program to award six contracts with SADD School Associates which are defined as Independent contractors not entitled to County Employee benefits; and

WHEREAS: It is the desire to award the six SADD School Associate contracts for the calendar year 2013 to the following individuals; Matt Gelder to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego Apalachin School District; Karen Curtis to serve the Spencer Van Etten School District; Janice Barto to serve the Tioga Central School District and Debra Lauper to serve the Waverly School District; and

Title	Name	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					
2 ND Assistant Public Defender	Mark J. Loughran	6	3/1/12-12/31/15	N	11.84
Director of Community Services	Lori Monk	7	10/10/12-10/09/17	Y	N/A

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO HEALTH & HUMAN SERVICES
PERSONNEL COMMITTEE

RESOLUTION NO. 273-12 *AUTHORIZE BACKFILL OF VACANT SECRETARY TO THE DIRECTOR OF COMMUNITY SERVICES MENTAL HYGIENE DEPARTMENT*

WHEREAS: The position of Secretary to the Director of Community Services became vacant on 7/18/12 due to an announced resignation; and

WHEREAS: On 7/24/12, written authorization was obtained by the Legislative Chair to recruit and on 10/5/12 Legislative Chair also provided written authorization to fill said position upon the conclusion of the 90-day waiting period; and

WHEREAS: Both the recruitment process and the 90-day waiting period have concluded and the Director of Community Services has identified a well qualified candidate to fill the position; therefore be it

RESOLVED: That the Director of Community Services is hereby authorized to backfill the Secretary to the Director of Community Services with the provisional appointment of Nancy Shea at an annual, non-union salary of \$31,400 effective on 12/03/12; and be it further

RESOLVED: That Ms. Shea shall not be eligible for a salary increase until after December 31, 2013.

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. 274-12 *AUTHORIZE 2013 SALARIES*
BOARD OF ELECTIONS

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

WHEREAS: Non-Union staff has been authorized a salary increase; therefore be it

RESOLVED: That the 2013 rates of pay, for the Board of Elections staff shall be as follow:

	2013 pay
Commissioners (2)	\$37,283
Deputy Commissioners (2)	\$30,189

ROLL CALL VOTE

Yes – Legislators Roberts, Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, Huttleston, Monell, and Weston.

No – None.

Absent – None.

RESOLUTION ADOPTED.

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. 275-12 *AMEND RESOLUTION #277-11*
EXTEND HIRING DELAY THROUGH 2013

WHEREAS: Resolution #277-11 amended Resolution 269-10, which amended Resolution #224-10, thereby establishing a 90-day delay in backfilling vacancies; and

WHEREAS: Tioga County has saved significant money by prohibiting vacancies from being filled immediately; and

WHEREAS: The County Legislature would like to continue this practice through 2013 as one step toward controlling the 2013 County Budget; therefore be it

RESOLVED: That Resolution 277-11 is hereby amended to be effective through December 31, 2013.

ROLL CALL VOTE

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

No – Legislator Huttleston.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 12:30 P.M.