

Office of the County Attorney

Ronald E. Dougherty County Office Building 56 Main Street Owego, NY 13827

Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 www.TiogaCountyNY.com



FINANCE, LEGAL & SAFETY COMMITTEE

December 09, 2025

10:30 A.M.

- APPROVAL OF MINUTES: November 12, 2025
- FINANCIAL
 - Safety
 - Law
- OLD BUSINESS
 - Litigation and Claims
 - Annual Compliance Trainings
- NEW BUSINESS
 - 56 Main Street construction
- PERSONNEL
 - 3rd Assistant County Attorney vacancy
 - Assistant Public Defender vacancies
 - Public Defender appointment
- RESOLUTIONS
 - AUTHORIZE THE APPOINTMENT OF PUBLIC DEFENDER
 - RECOGNITION OF THOMAS R. CLINE 12 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY
 - ENTER INTO CONTRACT WITH CATAMOUNT CONSULTING FOR AUDIOGRAMS
 - AUTHORIZE APPOINTMENT OF CASE MANAGER (PART TIME) ASSIGNED COUNSEL OFFICE
 - AMEND EMPLOYEE HANDBOOK: SECTION II-ETHICS RULES: ADD SUBSECTION A. NEPOTISM POLICY
 - TRANSFER FUNDS AND MODIFY 2025 BUDGET FOR THE ILS FOURTH FAMILY DEFENSE GRANT
- PROCLAMATIONS
 - N/A

- EXECUTIVE SESSION
- ADJOURNMENT

DRAFT

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FINANCE, LEGAL AND SAFETY COMMITTEE

November 12, 2025

10:30 A.M.

ATTENDANCE:

Legislators: Chair Sauerbrey, Ciotoli, Monell, Standinger, Roberts, Flesher, Brown, Bunce, Aronstam

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Chief Accountant Schurter, Safety Officer Holbrook, Personnel Officer Parke, Public Defender Cline, ILS Administrator Graven

Guest(s): JoEllen Rose

APPROVAL OF THE MINUTES: Legislator Monell asked for a motion to approve October 14, 2025, minutes. Legislator Ciotoli made the motion seconded by Legislator Brown and was unanimously carried.

FINANCIAL: Legal and Safety's budget are tracking well. However, County Attorney DeWind continues to monitor the Legal Fees object line. Additional mailing expenses are being observed to ensure sufficient budget funds for the remaining year.

OLD BUSINESS:

- Litigation and Claims: Opioid Settlement Payments – the County will receive additional payments in the fourth quarter (around \$800,000 for the year).
- Space Heater Policy: A resolution is being presented to update this policy.

NEW BUSINESS:

- CPR/First Aid/Stop the Bleed & Narcan Training – Ms. Holbrook conducted this training for 32 Public Works employees.
- Ms. Holbrook will be facilitating in-person yearly compliance training for Public Works employees.
- The Public Defender's Office is exploring shared services with ITCS for data storage costs, case management system, and the acquisition of a new copier as the current copier lease has expired and the unit needs to be replaced.

PERSONNEL:

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- 3rd Assistant County Attorney vacancy remains open with no interest.
- Assistant Public Defender vacancy remains open with no interest.
- Public Defender vacancy remains open with one application received.

RESOLUTIONS: RECLASSIFICATION OF ASSIGNED COUNSEL APPROPRIATION FOR STANDARD VOUCHER EXPENSES; SALARY FOR PART-TIME ASSIGNED COUNSEL PARALEGAL ASSIGNED COUNSEL OFFICE; AMEND EMPLOYEE HANDBOOK: SECTION IX. SAFETY RULES; SUBSECTION K. SPACE HEATERS; AUTHORIZE ACCEPTANCE OF A GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND AMEND ASSIGNED COUNSEL AND PUBLIC DEFENDER'S 2025 BUDGET; AUTHORIZE ACCEPTANCE OF A GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND AMEND ASSIGNED COUNSEL AND PUBLIC DEFENDER'S 2025 BUDGET were moved into full Legislative session without further questions.

PROCLAMATIONS: N/A

EXECUTIVE SESSION: Legislator Monell made the motion to enter into executive session to discuss a litigation matter and was seconded by Legislator Brown. Legislator Ciotoli made the motion to exit executive session which was seconded by Legislator Brown.

ADJOURNMENT: Legislator Monell adjourned the Finance, Legal and Safety Committee meeting at 11 A.M.

Respectfully submitted,

Sandra Short

Secretary to the 1st Assistant County Attorney



TIOGA COUNTY, NEW YORK

Tioga County 2025 LEGAL BUDGET REPORT

FOR 2025 12

	ORIGINAL APPROP	TRANSFERS/ ADJUSTMENTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
A General Fund							
A1420 Law							
A1420 412706 Shared Services-At	-50,079	0	-50,079	-19,510.80	.00	-30,568.20	39.0%*
A1420 510010 Full Time	231,528	-46,489	185,039	170,692.47	.00	14,346.08	92.2%
A1420 510020 Part Time/Temporar	41,641	0	41,641	36,376.03	.00	5,264.97	87.4%
A1420 520200 Office Equipment	450	0	450	.00	.00	450.00	.0%
A1420 540000 Contract Expense	500	0	500	355.17	.00	144.83	71.0%
A1420 540010 Advertising	635	-425	210	210.00	.00	.00	100.0%
A1420 540040 Books	1,500	0	1,500	720.59	.00	779.41	48.0%
A1420 540180 Dues	2,400	-300	2,100	1,465.61	.00	634.39	69.8%
A1420 540330 Legal Fees	65,000	2,500	67,500	51,607.54	3,915.00	11,977.46	82.3%
A1420 540331 Legal Fees-Adolesc	1,500	0	1,500	500.00	.00	1,000.00	33.3%
A1420 540390 Mileage Expense	300	1,225	1,525	1,163.40	20.00	341.60	77.6%
A1420 540420 Office Supplies	825	-100	725	559.09	.00	165.91	77.1%
A1420 540480 Postage	150	154	304	192.37	.00	111.83	63.2%
A1420 540485 Printing/Paper	400	-54	346	345.80	.00	.00	100.0%
A1420 540731 Training/State Req	1,000	0	1,000	830.00	.00	170.00	83.0%
A1420 581088 State Retirement F	27,207	-5,997	21,210	16,280.46	.00	4,929.79	76.8%
A1420 583088 Social Security Fr	20,191	-3,589	16,602	15,385.28	.00	1,216.82	92.7%
A1420 584088 Workers Compensati	4,780	-971	3,809	3,492.06	.00	316.79	91.7%
A1420 585588 Disability Insuran	204	-57	147	119.88	.00	27.22	81.5%
A1420 586088 Health Insurance F	94,872	-9,493	85,379	83,417.28	.00	1,961.72	97.7%
A1420 588988 Eap Fringe	64	-13	51	46.02	.00	4.93	90.3%
TOTAL Law	445,068	-63,609	381,459	364,248.25	3,935.00	13,275.55	96.5%
TOTAL General Fund	445,068	-63,609	381,459	364,248.25	3,935.00	13,275.55	96.5%
TOTAL REVENUES	-50,079	0	-50,079	-19,510.80	.00	-30,568.20	
TOTAL EXPENSES	495,147	-63,609	431,538	383,759.05	3,935.00	43,843.75	
GRAND TOTAL	445,068	-63,609	381,459	364,248.25	3,935.00	13,275.55	96.5%

** END OF REPORT - Generated by Freyvogel, Christine **



TiOGA COUNTY, NEW YORK

Tioga County 2025 SAFETY BUDGET REPORT

FOR 2025 12

	ORIGINAL APPROP	TRANSFERS/ ADJUSTMENTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
CI Liability Insurance Fund							
CI8042 504 Coordinator/Safety							
CI8042 424010 Interest And Earn	0	0	0	-9,413.65	.00	9,413.65	100.0%
CI8042 510010 Fulltime	60,568	0	60,568	52,909.68	.00	7,658.32	87.4%
CI8042 540070 Car Maintenance	1,000	0	1,000	21.00	.00	979.00	2.1%
CI8042 540140 Contracting Servi	4,500	0	4,500	2,459.00	441.00	1,600.00	64.4%
CI8042 540140 M7674 Contracting	160,000	1,000	161,000	128,463.32	31,536.68	1,000.00	99.4%
CI8042 540220 Automobile Fuel	200	0	200	.00	.00	200.00	.0%
CI8042 540340 Literature	50	0	50	42.94	.00	7.06	85.9%
CI8042 540410 Nursing Supplies	2,000	0	2,000	630.61	.00	1,369.39	31.5%
CI8042 540420 Office Supplies	400	0	400	289.69	.00	110.31	72.4%
CI8042 540480 Postage	75	0	75	.00	.00	75.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	394.63	.00	205.37	65.8%
CI8042 540733 Training/All Othe	2,500	0	2,500	1,520.38	.00	979.62	60.8%
CI8042 581088 State Retirement	7,113	0	7,113	8,706.96	.00	-1,593.96	122.4%*
CI8042 583088 Social Security F	4,477	0	4,477	3,933.28	.00	543.72	87.9%
CI8042 584088 Workers Compensat	1,195	0	1,195	1,074.48	.00	120.52	89.9%
CI8042 585588 Disability Insura	68	0	68	53.28	.00	14.72	78.4%
CI8042 586088 Health Insurance	28,133	0	28,133	27,308.88	.00	824.12	97.1%
CI8042 588988 Eap Fringe	16	0	16	14.16	.00	1.84	88.5%
TOTAL 504 Coordinator/Safety	272,895	1,000	273,895	218,408.64	31,977.68	23,508.68	91.4%
TOTAL Liability Insurance Fund	272,895	1,000	273,895	218,408.64	31,977.68	23,508.68	91.4%
TOTAL REVENUES	0	0	0	-9,413.65	.00	9,413.65	
TOTAL EXPENSES	272,895	1,000	273,895	227,822.29	31,977.68	14,095.03	
GRAND TOTAL	272,895	1,000	273,895	218,408.64	31,977.68	23,508.68	91.4%

** END OF REPORT - Generated by Freyvogel, Christine **

REFERRED TO:

PERSONNEL COMMITTEE
FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -25

AUTHORIZE THE APPOINTMENT OF
PUBLIC DEFENDER

WHEREAS: Legislative approval is required for any appointments made to a Management/Confidential position; and

WHEREAS: The current Public Defender is retiring effective December 31, 2025; and

WHEREAS: A committee was formed to recruit for a replacement and, the committee has identified a qualified candidate; therefore be it

RESOLVED: That the Tioga County Legislature appoints Michael Arcesi to the title of Public Defender at an annual Management/Confidential salary of \$127,561, effective January 1, 2026, for a three-year term, which will continue through December 31, 2028; and be it further

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

REFERRED TO:

FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -25

RECOGNITION OF THOMAS R. CLINE'S
12 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY

WHEREAS: Thomas R. Cline, Esq. began his career with Tioga County as an Assistant Public Defender in the Public Defender's Office on August 14, 2013; and

WHEREAS: Thomas R. Cline was appointed as the Full-time Public Defender for Tioga County on January 1, 2024; and

WHEREAS: During Thomas's tenure he dealt with the challenges of revisions to Federal and State Laws and Statutes regarding Public Defender representation; and

WHEREAS: In the over 12 years as a Public Defender, Thomas has provided excellent legal representation for the indigent clients within Tioga County in every case assigned to the office from traffic matters to homicides; and

WHEREAS: None of Thomas's cases were ever returned by an Appellate Court for new proceedings due to ineffective assistance of counsel on his part; and

WHEREAS: Thomas R. Cline acted as a liaison for Tioga County and Indigent Legal Services ("ILS") in Albany, New York to meet the constitutional standards for representation of indigent clients and thereby saving Tioga County from potential legal liability; and

WHEREAS: Thomas R. Cline was actively involved with the consolidation of positions within the Public Defender's Office that allowed the office to become more efficient in the day-to-day operations; and

WHEREAS: Thomas R. Cline maintained a cordial and helpful relationship with all Town and Village Courts and Tioga County Courts during his tenure with the Public Defender's Office; and

WHEREAS: Thomas R. Cline, Esq. will retire on December 31, 2025; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as the citizens of Tioga County, expresses sincere gratitude to Thomas R. Cline, Esq., for his over 12 years of dedicated and loyal service as Public Defender to Tioga County and its residents; 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, Thomas R. Cline, Esq.

REFERRED TO:

FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -25

ENTER INTO CONTRACT WITH
CATAMOUNT CONSULTING FOR AUDIOGRAMS

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

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

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

RESOLVED: That the Tioga County Legislature authorizes the County Attorney to enter into a one-year contract for 2026 with Catamount Consulting to perform this service at the rates indicated:

Cost of Business Terms:

Catamount Consulting will complete the Onsite Audiometric Testing at a cost of \$1900.00 total with a deposit of \$950.00 or a PO for the full amount. Cost includes input of prior hearing test results and new employees, and all travel costs for the technician.

Scope of Services:

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

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -25

AUTHORIZE APPOINTMENT OF
CASE MANAGER (PART TIME)
ASSIGNED COUNSEL OFFICE

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

WHEREAS: The Legislature has previously approved the creation of this new position to assist the Assigned Counsel Office in providing services in FCA Article 10 cases; and

WHEREAS: The County has been awarded a grant from NYS Office of Indigent Legal Services to fund the position for a three-year period; and

WHEREAS: The Assigned Counsel Office has conducted a recruitment search and has identified a suitable desirable candidate for the position; and

WHEREAS: Jo Ellen Yoest has ample training and over eleven years of directly relevant experience to be successful in the position and can provide benefits to the clients of the office; therefore be it

RESOLVED: That the Assigned Counsel Office is hereby authorized to provisionally appoint Jo Ellen Yoest to the title of Case Manager (Part Time), pending successful completion of civil service examination requirements at an annual Management/Confidential salary of \$29,500, effective December 15, 2025; and be it further

RESOLVED: That in accordance with Tioga County Employee Handbook Management/Confidential Benefits policy, Jo Ellen Yoest shall be eligible for any authorized 2026 Management/Confidential salary increase effective June 15, 2026, following a successful six-month evaluation; and be it further

RESOLVED: That this resolution will be null and void if the Grant is withdrawn or is not renewed after the three-year period.

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE
LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. -25

AMEND EMPLOYEE HANDBOOK:
SECTION II-ETHICS RULES: ADD SUBSECTION A.
NEPOTISM POLICY

WHEREAS: By Local Law No. 5 of the Year 1990 Tioga County adopted the Tioga County Ethics Law to provide guidance to county officers, employees, and appointed officials regarding Tioga County's expectations for standards of ethics and conduct; and

WHEREAS: The County Attorney, in conjunction with the Personnel Officer, have determined Tioga County would benefit from a comprehensive nepotism policy codified in a single location and that provides greater clarity and guidance to county officers, employees, and appointed officials to ensure employment decisions in Tioga County are based on qualifications, merit, and business necessity, and to avoid conflicts of interest or the appearance of favoritism; and

WHEREAS: The County Attorney has written and proposed a new program entitled Nepotism Policy; therefore be it

RESOLVED: That Section II-Ethics Rules: Nepotism Policy is hereby added to read as follows:

SECTION II – ETHICS RULES

a. Nepotism Policy (NEW)

NEPOTISM POLICY

Sections:

- I. Purpose
- II. Scope
- III. Definitions
- IV. Policy
- V. Post-Employment Relationships
- VI. Disclosure Requirements
- VII. Exceptions
- VIII. Enforcement and Remedies
- IX. Related Policies

I. Purpose

To ensure employment decisions in Tioga County are based on qualifications, merit, and business necessity, and to avoid conflicts of interest or the appearance of favoritism.

II. Scope

- This policy applies to all departments, offices, and positions under the jurisdiction of Tioga County, including elected officials, appointed officials, and employees and any members of any board, commission, or agency of government.

III. Definitions

- **Conflicts of Interest:** Occurs when an employee or official's personal, familial, or financial relationships interfere with, or appear to interfere with, the impartial performance of their duties or decision-making responsibilities.
- **Employee:** All persons filling positions of any title within Tioga County including elected officials, appointed officials, paid staff, and any members of any board, commission, or agency of government
- **Nepotism:** The practice of granting employment advantages—such as hiring, promotion, or preferential treatment—to relatives or individuals with close personal relationships, regardless of qualifications or merit. In the context of county government, nepotism undermines fairness, transparency, and public trust by allowing personal relationships to improperly influence employment decisions.
- **Relative:** Includes spouse, domestic partner, parent, child, sibling, grandparent, grandchild, in-laws, stepparents, stepchildren, and anyone residing in the same household.
- **Supervisory Relationship:** Direct or indirect authority to hire, supervise, evaluate, promote, discipline, or terminate employment.

IV. Policy

Tioga County permits members of the same family to work for the County. However, Tioga County will not authorize an appointment where employment would result in nepotism or a possible conflict of interest.

- No employee or official may **hire, promote, or supervise** a relative in any county government role.
- Relatives of current employees or officials **may be hired**, but only if:

- The Department Head or supervisor determines that the safety, efficiency, morale, or administration of the department's operation is not adversely affected if a relative is employed in the same department or division with final approval by the Personnel Officer.
- There is no direct or indirect supervisory relationship.
- They will not influence each other's terms and conditions of employment.
- Any pre-existing family relationship that predates this policy shall be exempt from this policy. However, if the existing employment relationship changes so that this conflict no longer exists, i.e., the relative is in a position that no longer directly reports to the relative supervisor, this policy will apply for future decisions.

V. Post-Employment Relationships

If two employees subsequently begin a personal relationship like those identified above (e.g. marriage, dating, cohabitation), or one that, in the County's judgement, creates potential conflicts of interest or perception of favoritism it is the responsibility of the employees to disclose the existence of the relationship to their Department Head and the Personnel Officer. The Department Head, in conjunction with the Personnel Officer, shall make reasonable efforts to minimize the issues and reserves the right to address the concern through reassignment of duties or relocating and/or removing employees from their positions

VI. Disclosure Requirements

Employees or candidates must disclose any familial relationships with current employees during the hiring or promotion process, and the hiring or promotion must first be approved by the Personnel Officer which may include creating a Nepotism Compliance Plan.

VII. Exceptions

- The policy does not apply to appointments made by **popular elections**.
- Existing employment relationships established before the adoption of this policy may be **grandfathered in** but must be reviewed to ensure no conflict of interest exists.
- Where a Nepotism Compliance Plan has been created. This is a written plan and Agreement created by the Department Head and/or Supervisor that describes the situation warranting an exception and outlines a plan to address and avoid conflicts of interest. The plan must include the signatures of all affected parties and employees involved including the Department Head(s), Personnel Officer, and the County Administrator. The proposed plan must then be submitted to the Legislative Committee

responsible for Personnel and the committee to which the involved department(s) reports. Once approved by the appropriate legislative committees, the Chair of those committees must sign off on the proposed plan.

VIII. Enforcement and Remedies

- Violations of this policy may result in disciplinary action, reassignment, or invalidation of the personnel action.
- Any alleged violation must be reviewed by the Personnel Office in conjunction with the Tioga County Ethics Board.

IX. Related Policies

- Ethics Rules
- Equal Employment Opportunity/Affirmative Action/ADA/PWFA Policy

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -25 TRANSFER FUNDS AND MODIFY 2025 BUDGET FOR
THE ILS FOURTH FAMILY DEFENSE GRANT

WHEREAS: Tioga County Family Public Defender and Assigned Counsel caseworkers require a cell phone; and

WHEREAS: The current Fourth Family Defense Grant Budget does not have the Telephone account open and funded; and

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

RESOLVED: That the Tioga County Legislature authorizes the establishment and Modification of the Fourth Family Defense 2025 Budget by transferring the appropriate funds as follows:

From: A1171 520200 PD	Office Equipment	\$600.00
To: A1171 540660 PD	Telephone	\$600.00
From: A1171 520200 AC	Office Equipment	\$600.00
To: A1171 540660 AC	Telephone	\$600.00