


<p><b>Agenda</b></p> 	<p style="text-align: center;"><b>TIOGA COUNTY LEGISLATURE</b></p> <p style="text-align: right;"><b>9/12/2024*</b> 12:00 PM EDWARD D. HUBBARD AUDITORIUM Ronald E. Dougherty County Office Building 56 Main Street Owego NY 13827</p> <p style="text-align: center;"><b>*MEETING DATE CHANGE*</b></p>	
<p>Meeting called by:</p>	<p>Chair Martha Sauerbrey</p>	
<p>Type of meeting:</p>	<p>9<sup>th</sup> Regular</p>	
<p>Attendees:</p>	<p>Legislator Brown Legislator Ciotoli Legislator Flesher Legislator Monell Legislator Mullen Legislator Roberts Legislator Sauerbrey Legislator Standinger</p>	
<p style="text-align: center;"><b>Agenda topics</b></p>		
<p>Invocation Pledge of Allegiance  Proclamation (1)  Privilege of the Floor Approval of Minutes  Petitions, Communications &amp; Notices  Appointments/Reappointments  Reports Standing Committees</p>	<p>Legislator/Chair Sauerbrey Legislator/Chair Sauerbrey  Employee Recognition &amp; Appreciation Week  August 13, 2024</p>	

## RESOLUTIONS

1. Designation of Tioga County Local Development Corporation, d.b.a. Tioga County Tourism, as Authorized Tourism Promotion Agency for 2025
2. Recognize Tioga County Chamber of Commerce as the County's Official Chamber of Commerce
3. Acceptance of the Application for Vera Clark – Tioga County Search and Rescue Team
4. Acceptance of the Application for Penelope Ward – Tioga County Search and Rescue Team
5. Acceptance of the Application for Richard VanHall – Tioga County Haz-Mat Team
6. Establish Equalization Rates
7. Amend Resolution No. 291-19; Authorize Amended Agreement with Motorola Solutions Change Order #6 – Emergency Management
8. Amend Resolution No. 230-24; Execute Lease Extension with MCP Enterprises, Inc. for Child Advocacy Center
9. Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project and Appropriating Funds
10. Authorize Commitment of Cash Match for Village of Newark Valley Empire State Development Planning & Feasibility Studies Grant Application from Economic Development
11. Authorize Contract with A New Hope Center – Social Services
12. Approve 2025 STOP DWI Plan
13. Amend Tioga County Sanitary Code – Public Health
14. Approve Sole Source Purchase Motorola Solutions License Plate Recognition System – Sheriff's Office
15. Approve Sole Source Purchase I Am Responding Emergency Notification Program – Emergency Management

16. Seeking Legislative Approval to Be Allowed to Exceed the Tioga County Food & Beverage Purchase Guidelines
17. Requesting Tioga County Veterans' Service Agency Be Allowed to Exceed Food & Beverage Purchase Guidelines
18. Authorize Purchase of Specific Excess and Employer's Liability Insurance for Worker's Compensation Program
19. Authorize Purchase of Employer's Liability Insurance for Workers' Compensation Program
20. Authorization to Accept Juul Settlement Funds, Amend Budget and Appropriate Funds – Public Health
21. Resolution to Approve a Grant Award from NYS Division of Criminal Justice for County Pre-Trial Services
22. Amend Budget & Appropriate Funds – Public Health
23. Appropriation of Funds and Amend 2024 Budget – Social Services
24. Create One (1) Full-Time Public Health Emergency Preparedness Coordinator – Public Health
25. Authorize Appointment of Deputy Director of Emergency Services – Emergency Management

**COUNTY OF TIOGA  
EXECUTIVE PROCLAMATION**

WHEREAS: The mission and services of Tioga County depend heavily on the tireless contributions of its dedicated employees; and

WHEREAS: The Tioga County Legislature wishes to recognize the efforts of all Tioga County employees; and

WHEREAS: The Employee Recognition Committee was created to provide a mechanism to show our appreciation for the Employees of Tioga County; and

WHEREAS: Those employees who have served for more than 25 years have shown a steadfast commitment to serving the well-being of the residents of Tioga County, and should be recognized by those whom they have served; and

WHEREAS: The Tioga County Legislature would like to especially recognize the following employees who have attained 25-35 years since last year’s ceremonies:

<u>Name</u>	<u>Department</u>	<u>Years</u>
Kristen Kallin	Probation	35
Beth Ayers	Social Services	30
Linda Beers	Mental Health	30
Alan Bobier	Sheriff	30
Cathy Haskell	Legislature	30
Todd Kopalek	Public Health	30
James McFadden	Treasurer	30
Michael Bidwell	Public Works	25
Brian Cain	Probation	25
Shawn Kemmery	Sheriff	25
Kimberly Lombardoni	Sheriff	25

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the week of September 16<sup>th</sup> – 20<sup>th</sup>, 2024 as

**EMPLOYEE RECOGNITION AND APPRECIATION WEEK**

in the County of Tioga, New York, and call upon our citizens to join in recognizing these dedicated employees.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -24 DESIGNATION OF TIOGA COUNTY  
LOCAL DEVELOPMENT CORPORATION, D.B.A.  
TIOGA COUNTY TOURISM, AS AUTHORIZED  
TOURISM PROMOTION AGENCY FOR 2025

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the County; and

WHEREAS: The Tioga County Tourism Office coordinates with the State in its tourism grants program; and

WHEREAS: The New York State Tourism Grants Program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA); therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2025 budget year and authorized to make application for and receive grants on behalf of the County pursuant to the New York State Tourism Promotion Act.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -24 RECOGNIZE TIOGA COUNTY CHAMBER OF  
COMMERCE AS THE COUNTY'S OFFICIAL  
CHAMBER OF COMMERCE

WHEREAS: The Tioga County Chamber of Commerce, originally incorporated as the Owego Chamber of Commerce on June 4, 1919 has continuously strived to promote a healthy and robust business environment and advocate for its member businesses throughout the community; and

WHEREAS: The Tioga County Chamber of Commerce is the largest and oldest Chamber in the county, serving all sections of Tioga County as well as parts of Broome, Tompkins, and Bradford Counties; and

WHEREAS: The Chamber plays a vital role in promoting business and community involvement, fostering the growth of local businesses, and enhancing the quality of life for every business and individual in the region; and

WHEREAS: The Tioga County Chamber offers valuable services and new opportunities to its members, advancing the local community through outstanding promotion, support, and advocacy for economic development; and

WHEREAS: The Chamber's Junior Chamber program enriches the lives of high school students attending the Owego-Apalachin School District, and its administration of Leadership Tioga supports businesses and nonprofits throughout the Southern Tier; and

WHEREAS: The Tioga County Chamber of Commerce works closely with local and state agencies to provide essential information and support, creating a solid cornerstone for the community; and

WHEREAS: Over its distinguished 100-year history, the Tioga County Chamber of Commerce has demonstrated continuous service to the residents and communities it serves, encouraging and supporting new business opportunities, facilitating partnerships, and promoting the growth of existing businesses; and

WHEREAS: The success of the Tioga County Chamber of Commerce is directly correlated to the dedicated efforts of its Board of Directors, staff, and members, whose commitment, enthusiasm, and excellence have greatly benefited the organization and community it serves; and

WHEREAS: The Tioga County Chamber of Commerce will continue to be a leading resource for information about tourism, local events, and business education for many years to come; therefore be it

RESOLVED: That the Tioga County Legislature hereby recognizes the Tioga County Chamber of Commerce as the official Chamber of Tioga County, recognizing its invaluable contributions to the business community and its role in fostering economic growth and prosperity throughout the region.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -24 ACCEPTANCE OF THE APPLICATION FOR  
VERA CLARK TIOGA COUNTY SEARCH AND  
RESCUE TEAM

WHEREAS: The NYS Environmental Conservation Law gives authority to the DEC Forest Rangers to direct search and rescue missions as well as provide training and support to other agencies that do the same; and

WHEREAS: New York State Department of Environmental Conservation (DEC) Forest Rangers respond to search and rescue incidents statewide. Working with other state agencies, local emergency response organizations, and volunteer search and rescue groups, Forest Rangers locate, and extract lost, injured, or distressed people from across New York State; and

WHEREAS: This service is provided by local, highly trained volunteers; and

WHEREAS: Vera Clark currently possesses training and skills needed by the Tioga County Search and Rescue Team; therefore be it

RESOLVED: That Vera Clark be added to the Tioga County Search and Rescue Team roster.



REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -24 ACCEPTANCE OF THE APPLICATION FOR  
PENELOPE WARD TIOGA COUNTY SEARCH  
AND RESCUE TEAM

WHEREAS: The NYS Environmental Conservation Law gives authority to the DEC Forest Rangers to direct search and rescue missions as well as provide training and support to other agencies that do the same; and

WHEREAS: New York State Department of Environmental Conservation (DEC) Forest Rangers respond to search and rescue incidents statewide. Working with other state agencies, local emergency response organizations, and volunteer search and rescue groups, Forest Rangers locate, and extract lost, injured, or distressed people from across New York State; and

WHEREAS: This service is provided by local, highly trained volunteers; and

WHEREAS: Penelope Ward currently possesses training and skills needed by the Tioga County Search and Rescue Team; therefore be it

RESOLVED: That Penelope Ward be added to the Tioga County Search and Rescue Team roster.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -24 ACCEPTANCE OF THE APPLICATION FOR  
RICHARD VANHALL TIOGA COUNTY  
HAZ-MAT TEAM

WHEREAS: The Office of Emergency Services provides high quality Hazardous Materials Team support to the Fire Service in Tioga County and adjacent counties through the NYS Fire Mutual Aid Plan; and

WHEREAS: This service is provided by local, highly trained volunteers; and

WHEREAS: Richard VanHall has applied for membership to the County Haz-Mat Team; and

WHEREAS: Richard VanHall currently possesses training and skills needed by the Tioga County Haz-Mat Team to work at the Entry Level of the Team; therefore be it

RESOLVED: That Richard VanHall be added to the Tioga County Haz-Mat Team roster.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. -24 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2025 County taxes among the several Towns are hereby established as follows:

Town of Barton	60.50
Town of Berkshire	71.00
Town of Candor	66.70
Town of Newark Valley	47.00
Town of Nichols	18.40
Town of Owego	53.50
Town of Richford	74.50
Town of Spencer	79.00
Town of Tioga	4.50

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

RESOLUTION NO. -24 AMEND RESOLUTION NO. 291-19;  
AUTHORIZE AMENDED AGREEMENT WITH  
MOTOROLA SOLUTIONS CHANGE ORDER # 6  
EMERGENCY MANAGEMENT

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

WHEREAS: Change Order #1 separated the Computer Aided Dispatch (CAD) from the Radio Tower Project at no cost to the County; and

WHEREAS: By Resolution No. 23-22, the Legislature authorized Change Order #2 for additional tower sites, equipment and conversion to a P25 Phase 2 Digital Simulcast Trunked Radio System for a cost not to exceed \$3,100,000; and

WHEREAS: By Resolution No. 152-22, the Legislature authorized Change Order # 3 to include adding Owego Police to the Computer Aided Dispatch (CAD); adding Digital Evidence Module for Owego; adding Pictometry for Mapping; adding Rapid Notification Module; and Data Transfer Costs for a cost not to exceed \$133,020.84; and

WHEREAS: By Resolution No. 20-23 and Resolution No. 123-24, the Legislature authorized the County to enter into a lease with Motorola Solutions at an amount not to exceed \$4,044,973.15; and

WHEREAS: By Resolution No. 444-23, the Legislature authorized Change Order #4 to include the additional cost of building 4 new tower sites, refurbishing one county owned site, adding our equipment to PA State Police site and additional enhancements to radio and telephone equipment that has changed since the original contract of 2019 for an additional cost not to exceed \$5,650,000; and

WHEREAS: By Resolution No. 199-24, the Legislature authorized Change Order #5 to include a shelter and generator for the Ballou Road tower site at a cost not to exceed \$619,642.08 with Motorola Solutions; and

WHEREAS: With the progression of the radio project, it is necessary to add the Aware for 911 product line, at no additional cost to the County, to facilitate the implementation of 911 Data Assist (RAVE); therefore be it

RESOLVED: That the County Legislature hereby authorizes an amended agreement by way of Change Order #6 with Motorola Solutions, 500 West Monroe Street, 44<sup>th</sup> Floor, Chicago, IL 60661 to add the Aware for 911 product line at no cost to the county; and be it further

RESOLVED: That the Chair of the Legislature be authorized to execute Motorola's Change Order #6, after review and approval by the County Attorney.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -24 AMEND RESOLUTION NO. 230-24;  
EXECUTE LEASE EXTENSION WITH  
MCP ENTERPRISES, INC. FOR  
CHILD ADVOCACY CENTER

WHEREAS: The Department of Social Services was authorized by way of Resolution No. 230-24 to extend a lease with MCP Enterprises, Inc. for office space at 6 McMaster St., Suite #3, Owego at a monthly rate of \$900 for the Child Advocacy Center in Tioga County; and

WHEREAS: On July 23, 2024, MCP Enterprises, Inc. sold the property and assigned the Department of Social Services' lease to the new owner, C & M Real Estate Holdings, LLC.; and

WHEREAS: The space needs of the center necessitate a larger space; and

WHEREAS: A larger space in the building, marked as Suite #2, suitable in size for the proper operation of the Child Advocacy Center has become available, and C & M Real Estate Holdings, LLC has offered an Addendum to the existing lease acknowledging the Department of Social Services' move to Suite #2; therefore be it

RESOLVED: That the Chair of the Legislature is authorized and directed to sign said Lease Addendum with C & M Real Estate Holdings, LLC for space at 6 McMaster St., Owego, NY, Suite #2 commencing on October 1, 2024 at the monthly rate of \$1,900.

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. -24

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

WHEREAS: A project for the Day Hollow Road, Taylor Road, Bodle Hill Road Pavement Rehabilitation PIN 9754.30 (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Construction and Construction Support and Construction Inspection work; therefore be it

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

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

RESOLVED: That the sum of \$1,116,700.00 is hereby appropriated from Paving Projects Account H5110.540001.H2402 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall 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 Chair of the Tioga County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tioga 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 municipality's first instance 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: ED&P COMMITTEE

RESOLUTION NO. -24 AUTHORIZE COMMITMENT OF CASH MATCH FOR VILLAGE OF NEWARK VALLEY EMPIRE STATE DEVELOPMENT PLANNING & FEASIBILITY STUDIES GRANT APPLICATION FROM ECONOMIC DEVELOPMENT

WHEREAS: The Village of Newark Valley is applying to Empire State Development's (ESD) Planning & Feasibility Studies grant program to fund a consulting firm to develop a new Downtown Economic Development Strategic Plan as encouraged by ESD staff; and

WHEREAS: This downtown plan project budget is \$45,000 as determined by conducting a Request for Proposals to various consultants; and

WHEREAS: If awarded and upon completion, the intention of the Village of Newark Valley Downtown Economic Strategic Plan is to proceed to an ESD New York Forward grant application in the future; and

WHEREAS: ESD requires a 50% cash match for Planning & Feasibility Studies grant program and Tioga County Economic Development would like to contribute a small amount of cash to the proposed project budget in partnership with the Village of Newark Valley, who will commit the remaining of the 50% match in cash; and

WHEREAS: In 2025, Economic Development anticipates having \$5,000 available in the budget line item of A6422.540590 Services Rendered to commit as Tioga County's cash match to said grant application; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes earmarking a total cash match commitment of \$5,000 from the 2024 Economic Development budget as specified; and be it further

RESOLVED: That if the Village of Newark Valley is awarded the grant request from NYS Empire State Development in late fall of 2024 these funds be carried forward to the specified account in 2025.

REFERRED TO HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -24 AUTHORIZE CONTRACT WITH  
A NEW HOPE CENTER  
SOCIAL SERVICES

WHEREAS: The Department of Social Services contracts with A New Hope Center to provide two Advocates, funded through the New York State Office of Victim Services, to assist the Child Advocacy Center in their mission; and

WHEREAS: The Department of Social Services wishes to renew the contract for October 1, 2024 through September 30, 2025 in the amount of \$142,498.15; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with A New Hope Center for the period October 1, 2024 through September 30, 2025.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -24 APPROVE 2025 STOP DWI PLAN

WHEREAS: The New York State Governor's Traffic Safety Committee (GTSC) requires counties to submit an annual STOP DWI Plan by October 1st for the use of monies collected under the STOP DWI Program; and

WHEREAS: The STOP DWI Coordinator has submitted a 2025 STOP DWI Plan to the Tioga County Legislature for approval; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the 2025 STOP DWI Plan including the following budgeted appropriations:

Enforcement	\$ 9,000
Prosecution Related	\$ 1,000
Probation	\$ 5,000
Rehabilitation	\$ 1,000
PI&E	\$17,000
Administration	<u>\$ 450</u>
	\$33,450

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
RESOLUTION NO. -24 AMEND TIOGA COUNTY SANITARY CODE  
PUBLIC HEALTH

WHEREAS: The Tioga County Sanitary Code assists Tioga County Public Health Division of Environmental Health in upholding rules and regulations to protect the health and well-being of our community; and

WHEREAS: This document has not been reviewed since its establishment in May 2001; and

WHEREAS: Tioga County Public Health under advisement by Tioga County Board of Health, with consultation from the Tioga County Attorney, has determined a need to amend the May 2001 document to be up to date with current practice and align with New York State Sanitary Code regulations; and

WHEREAS: Tioga County Board of Health has reviewed and approved proposed amendments as of August 5, 2024; and

WHEREAS: The amended Tioga County Sanitary Code requires Legislative approval prior to filing with the New York State Department of Health Center for Environmental Health and the Tioga County Clerk’s Office; therefore be it

RESOLVED: That the Tioga County Sanitary Code is hereby amended as follows:

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**ARTICLE I**  
**Short Title; General Definitions; General Provisions**

**Section 1. Short Title**

The rules and regulations herein contained together with any and all amendments thereto shall constitute and comprise the Sanitary Code of the Tioga County Health District and be known and may be cited as the Tioga County Sanitary Code.

**Section 2. General Definitions**

Whenever used in this Code, unless otherwise expressly stated or unless the context or subject matter requires different meaning, the following terms shall have the respective meanings hereafter set forth or indicated.

1. **Animal Waste** shall mean the accumulated feces and urine from any animal, the feces of fowl, embryos, blood, and any other offal, solids or fluids resulting from the raising or slaughtering of these animals or fowl, including used bedding.
2. **Board** shall mean the Board of Health of the Tioga County Health District.
3. **Sanitary Code** shall mean and comprise the rules and regulations now or hereafter formulated, promulgated and adopted by the Board of Health of the Tioga County Health District pursuant to Section Three Hundred and Forty-seven (347) of the Public Health Law.

4. **Commissioner** shall mean the Commissioner or the Director of Public Health of the Tioga County Health Department, or his duly authorized representative.
5. **County** shall mean the County of Tioga County.
6. **Department** shall mean the Department of Health of the Tioga County Health District.
7. **Dwelling Unit** shall mean any room or group of rooms located within a dwelling and forming a single (habitable) unit with facilities which are used or intended to be used for living, sleeping, cooking, or eating.
8. **Food Service Establishment** shall mean any place in which food is prepared for a public service, including all eating and drinking establishments whether fixed or mobile, temporary or permanent except common carriers in interstate service.
9. **Health District** shall mean the Tioga County Health District (the area of Tioga County) established pursuant to the provisions of Section Three Hundred and Forty (340) of the Public Health Law.
10. **Offensive Material** shall mean any sewage or human fecal matter or the contents of holding tanks, cesspools, septic tanks and chemical toilets in either liquid or solid state.
11. **Permit** shall mean a written license and/or authorization to carry on a specified activity or activities as regulated by this Code, the State Sanitary Code or the Public Health Law, and includes any written approval issued by the Commissioner or his duly designated representative.
12. **Permittee** shall mean a person who holds a valid permit issued by the Commissioner, the State Department of Health or the State Department of Environmental Conservation.
13. **Person** shall mean an individual, group of individuals, partnership, firm, corporation, association, county, city, town or village or improvement district, and include the plural as well as the singular.



14. **Public Health Council** shall mean the Public Health Council of the State of New York as described in Sections Two Hundred and Twenty (220) through Two Hundred and Twenty-Five (225) of the Public Health Law.
15. **Public Health Law** shall mean the Public Health Law of the State of New York constituting Chapter Forty-five of the consolidated laws.
16. **Public Place** shall mean any place or premises, wherein the general public is or may be an invitee, regardless of whether or not such place is owned, maintained or operated by a private organization or agency, but shall not be construed as conferring jurisdiction over a State or Federal agency.
17. **Rubbish** shall mean solid or liquid waste material, including but not limited to: paper and paper products, rags, trees or leaves, needles and branches therefrom, vines, lawn and garden debris, furniture, cans, crockery, plastics, cartons, chemicals, paint, greases, sludges, oils and other petroleum products, wood, sawdust, demolition materials, tires and automobiles and other vehicles and parts for junk, salvage or disposal. Rubbish shall not consist of garbage or other putrescible material, incinerator residue, street sweepings, dead animals, offal, hazardous substances or offensive materials.
18. **Refuse** shall mean all putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.
19. **State** shall mean the State of New York.
20. **State Sanitary Code** shall mean the rules and regulations promulgated under Section Two Hundred and Twenty-five (225) of the Public Health Law by the Public Health Council of the State of New York and designated as the State Sanitary Code.

### **Section 3. Applicability; Legal Effect**

1. The provisions of this Code shall be in force throughout the Health District.
2. The provisions of this Code shall have the force and effect of law.
3. It shall be the duty of the Board and the Commissioner of the Health District, existing pursuant to law, to enforce every provision of this Code.

4. Nothing herein contained shall be construed to restrict the power of any city, town or village to adopt and enforce additional or existing ordinances relating to health and sanitation, provided that such ordinances are not inconsistent with the provisions of the Public Health Law, the State Sanitary Code or this Code.

#### **Section 4. Legal Presumptions; Evidence; Reports as Evidence**

1. As provided by Section Three Hundred and Forty-eight (348) of the Public Health Law, certified copies of this Code shall be received in evidence in all courts and proceedings in the State.
2. As provided by Section Three Hundred and Forty-seven (347) of the Public Health Law, every rule, regulation, order and direction adopted by the Board shall state the date on which it takes effect and a copy thereof signed by the Commissioner shall be filed as a public record in the Department, in the State Department of Health and in the Office of the Clerk of Tioga County and shall be published in such a manner as the Board may from time to time determine. No such rule, regulation, order or direction shall be effective prior to filing as a public record in the State Department of Health.
3. As provided by Section Ten (10) of the Public Health Law written reports of State and local health officers, inspectors, investigators, nurses and other representatives of State and local health officers on questions of fact pertaining to, concerning or arising under and in connection with complaints, alleged violations, investigations, proceedings, actions, authority and orders, related to the enforcement of this Code, the Public Health law, the State Sanitary Code or any local health regulation shall be presumptive evidence of the facts so stated therein, and shall be received as such in all courts and places.

#### **Section 5. Construction**

1. This Code is intended to be consistent with the applicable Federal and State Law and shall be construed, whenever necessary, to achieve such consistency.
2. This Code shall be liberally construed for the protection of health and safety in the Health District.

**Section 6. Separability of Provisions**

In the event that any provision of this Code is declared unconstitutional or invalid, or the application thereof to any person or circumstance is held invalid, the applicability of such provision to other persons and circumstances and the constitutionality or validity of every other provision of the Code shall not be affected thereby.

**Section 7. Meaning of Certain Words**

Words used in the singular include the plural and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

**ARTICLE II**  
**Administration and Enforcement**

**Section 1. The Board of Health; Officers; Meetings**

1. The Board shall meet in accordance with the by-laws.
2. The president, or other presiding officer of the Board may call special meetings thereof when in his judgment, the protection, preservation or improvement of the public health of the Health District or any part thereof requires it. *The president or other presiding officer of the Board must call a special meeting at the written request of the majority of the Board.*
3. A majority of the membership of the Board shall constitute a quorum at any regular or special meeting of the Board and not less than a majority of the total number of the Board may perform and exercise the powers of the Board.
4. The Board shall elect a president from among its members who shall serve as presiding officer of the Board.
5. The Board shall elect a vice-president from among its members who shall serve as presiding officer of the Board in the absence of the president.
6. The Board may adopt by-laws for the proper conduct of its affairs, election of officers and appointment and appointment of committees, not inconsistent with law.

**Section 2. The Board of Health; Quasi-Judicial Powers**

1. As provided by Section Three Hundred and Nine (309) of the Public Health Law, the Board may:

- a. Issue subpoenas which shall be regulated by the State Civil Practice Law and Rules;
- b. Compel the attendance of witnesses;
- c. Administer oaths to witnesses and compel them to testify;
- d. By resolution, designate one of its members to sign and issue subpoenas;
- e. Appoint one or more hearing officers as shall be necessary to carry out its functions and duties. The Hearing Officer shall have the same powers possessed by the Board to hold and conduct hearings. The Hearing Officer shall function under the supervision of the Board and shall make findings of fact and recommendations to the Board;
- f. Issue warrants to any peace officer of any municipality in the Health District to apprehend and remove such person or persons as cannot otherwise be subjected to its orders or regulations;
- g. Issue warrants to the Sheriff of the County to bring to its aid the power of the County whenever it shall be necessary to do so;
- h. Prescribe and impose penalties for the violation of or failure to comply with any of its orders or regulations, or the provisions of the State Sanitary Code not exceeding two thousand dollars (\$2,000) for a single violation or failure, to be sued for, and recovered by it in any court of competent jurisdiction;
- i. Make, without publication thereof, such orders and regulations for the suppression of nuisances and concerning all other matters in its judgment detrimental to the public health in special or individual cases, not of general application, and serve copies thereof upon the owner or occupant of any premises whereon such nuisances or other matters may exist, or upon which may exist the cause of other nuisances to other premises, or cause the same to be conspicuously posted thereon; and
- j. Maintain actions in any court of competent jurisdiction to restrain by injunction violators of their orders, rules and regulations of the Board, or otherwise to enforce such orders and regulations.

**Section 3. The Commissioner; General Powers**

1. As provided by Section Three Hundred and Twenty-four (324) of the Public Health Law, the Commissioner shall:
  - a. Make an annual sanitary survey and maintain sanitary supervision over the territory within the Health District;
  - b. Make a sanitary inspection periodically of all places of public assemblage, and report thereon to those responsible for the maintenance of such places of public assemblage;
  - c. Promote the spread of information as to the cause, nature and prevention of prevalent diseases, and the preservation and improvement of health;
  - d. Take such steps as may be necessary to secure prompt and full reports by physicians and veterinarians of reportable diseases;
  - e. Take such steps as may be necessary to secure prompt and completed registration of births and deaths;
  - f. Attend conferences called by the State Commissioner of Health or his authorized representative;
  - g. Enforce within the Health District the provisions of the Public Health Law, State Sanitary Code, and this Code.

**Section 4. Inspections; General**

1. The Commissioner may, during their regular business hours, inspect any premises, matter or thing subject to the provisions of this Code.
2. The Commissioner may, during their regular business hours, inspect any record required to be kept pursuant to the Public Health Law, State Sanitary Code, or this Code.
3. All premises covered by the regulation of this Sanitary Code shall be subject to inspection by the Commissioner or his official representative, and if any violation of the Sanitary Code exists on the premises any permit granted by the Commissioner may be suspended.

**Section 5. Inspections; Interference**

1. No person shall interfere with, obstruct or refuse to allow any employee or authorized representative of the Department to enter upon and inspect any premises, place or thing within the jurisdiction of the Department, in the discharge of his official duties or Department business.
2. No person shall interfere with, obstruct or refuse to allow the examination of any occupant of any premises, place or thing by an employee or authorized representative of the Department, in the discharge of his official duties.
3. No person shall interfere with or resist any employee or authorized representative of the Department in the discharge of his official duties.

**Section 6. Inspections; Taking Samples**

The Commissioner may take and remove any substance or thing or any necessary part or portion thereof from any premises or place as a sample for investigation or evidence when in the opinion of the Commissioner such substance or thing may be dangerous or detrimental to the public health.

**Section 7. Notices; Posting; Destroying**

1. Notices shall be in the English language, provided, however, if the Department is of the opinion that the person or persons to whom the required warning, notice or instructional sign is addressed may not understand the English language, the Department may require that such warning, notice or sign shall appear legibly in English and other designated foreign languages.
2. No person shall remove, mutilate, conceal, obstruct or tear down any notice or placard of the Department posted in or on any premises or public place pursuant to the requirements of the Public Health Law, State Sanitary Code or this Code, except by written permission of the Commissioner.

**Section 8. Service of Notice**

Unless otherwise expressly provided by the Public Health Law, by any other provision of this Code, or by the State Sanitary Code, service of notice of hearing shall be *made by registered or certified mail or by personal service*. 1. Where service, whether by personal service or by registered or certified mail, is made upon an infant, incompetent, partnership, corporation, governmental subdivision, board or commission, it shall be made upon the person or persons

designated to receive personal service as prescribed by Article Three (3) of the State Civil Practice Law and Rules.

### **Section 9. Hearings**

1. The Board may cause to be held a formal hearing on any application, complaint, circumstances, or alleged violation of the health laws and regulations under the jurisdiction of its Department.
  - a. Unless otherwise provided in the Public Health Law or State Sanitary Code, such hearings shall be on fifteen (15) days notice to the person or persons concerned and shall be set down for a day certain.
  - b. The notice of the hearing shall set forth:
    - (1) The time and place of the hearing;
    - (2) The purpose of the hearing;
    - (3) Charges and violations complained of, if any, with specific reference to the provisions and sections of the Public Health Law, State Sanitary Code and this Code involved;
    - (4) the right to present evidence;
    - (5) the right to examine and cross-examine witnesses; and,
    - (6) the right to be represented by counsel.
2.
  - a. On the return day of the hearing, the Hearing Officer shall note the appearances of the persons attending the hearing.
  - b. Witnesses shall be sworn and testimony shall be recorded.
3. The Hearing Officer shall thereafter prepare findings of fact and conclusions. *The Hearing Officer shall make recommendation for corrective actions to be required as well as penalties to be assessed. After considering the Hearing Officers recommendation the Board shall make a formal order of final corrective actions and penalties to be required. Any requirements or penalties assessed shall be at the sole discretion of the Board. The Board shall not be bound by recommendations of the Hearing Officer.*
4. The order provided for in Subdivision 4 of this Section shall be filed in the Department and copy thereof be served on all respondents.
5. Nothing herein contained shall preclude the Department from taking any action other than the formal hearing provided for, as may be

prescribed by law; nor shall the Department be precluded from taking such other action by virtue of the order made pursuant to this Section.

#### **Section 10. Hearings; Appearances**

1. At any hearing conducted pursuant to this Code, any party to the proceedings may appear personally and with *or without* counsel and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses.
2. At any hearing conducted pursuant to this Code, if any party shall appear without counsel, the Hearing Officer shall advise such party of his right to counsel; and that if he desires to proceed without counsel, that he may call witnesses, cross-examine witnesses, and produce evidence in his behalf. *Counsel representing the party appearing before the Hearing Counsel shall be at their own expense.*
3. Appearances shall be noted on the official record of hearings.

#### **Section 11. Investigations; Hearings; Adjournments**

1. The Hearing Officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a day certain.
2. If an adjournment is requested in advance of the hearing date, such request shall be submitted to the Hearing Officer in writing, and specify the reason for such request.
3. In considering an application for adjournment of a hearing, the Hearing Officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.

#### **Section 12. Investigations; Hearings; Subpoenas**

The Board or any member of the Board designated by resolution of the Board for such purpose, shall *allow* subpoenas to be issued at the request of any party. *The serving of subpoenas and any connected expense shall be at the expense of the party issuing the subpoena.*

#### **Section 13. Investigations; Hearings; Procedure**

1. The Hearing Officer shall not be bound by the rules of evidence in the conduct of a hearing, but determination shall be founded upon sufficient legal evidence to sustain it.



2. Upon the conclusion of a hearing, the Board shall take such action upon such findings and determinations as it deems proper, and shall execute an order carrying such findings and determinations into effect.
3. The action of the Board may include the assessment of civil penalties in accordance with the Public Health Law.
4. An order of suspension or revocation of any permit or license may contain such provisions as to renewal or reinstatement as the Board shall direct.
5. The Board may direct a re-hearing or require the taking of additional evidence, and may rescind or affirm a prior determination after such rehearing.
6. *Records of a formal hearing shall be made available to all parties through Tioga County Freedom of Information Law (FOIL).*

#### **Section 14. Post-Hearing Procedures**

1. The Commissioner shall cause to be served upon the respondents copies of findings of fact, conclusions and orders made as a result of a formal hearing.
2. Service of findings of fact, conclusions and orders shall be made in the manner prescribed for the service of notice of hearings.

#### **Section 15. Enforcement; Violations; Criminal Penalties**

As provided by Section Three Hundred and Forty-eight (348) of the Public Health Law, the provisions of this Code shall have the force and effect of law and any non-conformance or non-compliance with any provision thereof shall constitute a violation punishable on conviction for a first offense by a fine not exceeding two hundred fifty dollars (\$250) or imprisonment for not exceeding fifteen (15) days, or both; and for a second or subsequent offense by a fine not exceeding five hundred dollars (\$500) or by imprisonment for not exceeding fifteen (15) days, or both.

#### **Section 16. State Sanitary Code; Violations; Penalties**

As provided for by Section Two Hundred and Twenty-nine (229) of the Public Health Law, the provisions of the State Sanitary Code shall have the force and effect of law and the non-compliance or non-conformance with any provision thereof shall constitute a violation punishable on conviction for a first offense by a fine not exceeding two hundred fifty dollars (\$250) or by imprisonment for not exceeding fifteen (15) days, or both; and for a second or subsequent

offense by a fine not exceeding five hundred dollars (\$500) or by imprisonment for not exceeding fifteen (15) days, or both.

### **Section 17. Willful Violation of Health Laws**

As provided by Section Twelve-b (12-b) of the Public Health Law, a person who willfully violates or refuses to comply with any lawful order or regulation prescribed by the Board or Commissioner, is guilty of a misdemeanor; except however, that where such order or regulation applies to a tenant with respect to his own dwelling unit or to an owner occupied one or two family dwelling, such person is guilty of an offense for the first violation punishable by a fine not to exceed fifty dollars (\$50) and for a second or subsequent violation is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment not to exceed six (6) months or by both such fine and imprisonment.

### **Section 18. Violations of Public Health Laws or Regulations; Penalties and Injunctions**

1. As provided by Section Twelve (12) of the Public Health Law, any person who violates, disobeys or disregards any term or provision of the Public Health Law or of any lawful notice, order or regulation pursuant thereto for which a civil penalty is not otherwise expressly prescribed by law, shall be liable to the people of the State for a civil penalty not to exceed two thousand dollars (\$2,000) for every violation.
2. The penalty provided for in Subdivision 1 of this Section may be recovered by an action brought by the State Commissioner of Health in any court of competent jurisdiction.
3. *As provided by subdivision (f) of section 309 of the Public Health Law, any person who violates, disobeys, or disregards the terms of any order or regulation of the State Sanitary Code or of the Board, shall be subject to the imposition of a civil penalty, not exceeding two thousand dollars (\$2,000) for each violation or failure, to be sued for and recovered by it in any court of competent jurisdiction.*
4. Nothing in this Section contained shall be construed to alter or repeal any existing provisions of the law declaring such violations or any of them to be misdemeanors or felonies or prescribing the penalties therefor.

### **Section 19. Enforcement; Violations; Other Than by Prosecution**

1. The Department may seek to obtain the voluntary compliance with this Code, the State Sanitary Code or the Public Health Law by way of

notice, warning or educational means. *The Department may seek compliance or correction through any legal means or other remedy as provided for in New York State law.*

2. This Section shall not be construed to require that such non-compulsory methods must be employed or attempted before proceeding by way of compulsory or other legally prescribed procedures.

**ARTICLE III**  
**Permits and Licenses: Generally**

**Section 1. Permits and Licenses; Application**

1. Application for a permit or for renewal of a permit shall be made on forms furnished by the Department and shall contain all information called for by said forms.
2. Application for a permit or for the renewal of a permit shall be accompanied by such other information, evidence or documentation as the Department may require or as may be provided by the Code.
3. In addition to the information specifically required to be submitted to the Department, or if no specific information is required for certain permits, the Department may require the following information;
  - a. The name, age, residence and business address of the applicant, and if the applicant is a partnership or other group, of each member of such partnership or group; and, if the applicant is a corporation, or each officer of the corporation; and
  - b. Information concerning the applicant, its individual members or officers, relating to education, training and experience, moral character, physical health, and history of prior criminal conviction, including violations and offenses, other than motor vehicle offenses.
4. Application for a permit or for the renewal of a permit shall be made by and signed by;
  - a. In the case of an individual who is to be the permittee, by the individual or his representative duly authorized in writing; or,

- b. In the case of a partnership, by a general partner or a representative of the partnership duly authorized in writing; or,
  - c. In the case of an un-incorporated association or group, who shall submit a certified copy of a resolution of the governing board or executive committee of such association or group authorizing the making of such application; or,
  - d. In the case of a corporation, by a duly authorized officer or representative of the corporation, who shall submit a certified copy of a resolution of the board of directors of the corporation, authorizing the making of such application; or,
  - e. In the case of a municipality, other than the County, by the executive officer, or representative duly authorized in writing.
- 5. Every individual applicant for a permit or for renewal of a permit shall be eighteen years of age or over.
  - 6. Application for a permit or renewal of a permit constitute an agreement that the permittee assumes responsibility for the operation, conduct and maintenance of the activity authorized by the permit, in accordance with the provisions of this Code and conditions required by the permit, and to inspections pertaining thereto.

**Section 2. Permits and Licenses; Posting; Expiration**

- 1. Every permit shall expire one year from the date of issuance unless otherwise stated in the permit and may be extended by the Department in writing for a specific limited time for cause.
- 2. Every permittee shall apply for renewal of a permit not later than thirty (30) days prior to the expiration date of such permit; unless otherwise required by the Code, the State Sanitary Code, or the Public Health Law.
- 3. A permittee shall comply with the conditions contained in the permit and the provisions and requirements of this Code, the State Sanitary Code, and the Public Health Law under which such permit was issued.
- 4. Every permit shall be kept on the premises designated or covered by the permit and shall be posted in a conspicuous place on such premises in such a manner as to be clearly visible to the public. It shall be available for inspection at all times by the Department.

5. Permits shall remain the property of the Department and shall be surrendered to a duly authorized representative of the Department on demand upon the expiration thereof or when suspended or revoked as herein provided.

**Section 3. Permits and Licenses; Not Transferable**

1. Except as may be otherwise provided in this Code a permit issued to a particular permittee or for a designated purpose, place or vehicle, shall not be valid for use by any other person or for any other purpose, place or vehicle.
2. Any attempted or purported transfer of a permit to a person not designated as the permittee therein, or for a purpose or place not authorized by such permit shall be cause to revoke such permit.
3. The Department may approve, in writing, the continuation of an activity authorized by a permit by a partnership, or by a sole remaining individual or group thereof, if the partnership or group originally authorized by such permit has been reorganized, provided that such change of organization has been duly recorded with the Department within ten (10) days after such change of organization.

**Section 4. Permits and Licenses; Suspension and Revocation**

1. The Board may suspend or revoke a permit which was issued by the Department for violation or non-conformance with the conditions or requirements or provisions of this Code, the State Sanitary Code or the Public Health Law under which such permit was issued.
2. The Board may suspend or revoke a permit for cause after due notice and hearing.

**Section 5. Permits and Licenses; Refusal to Issue**

1. Except as may be otherwise provided in the Public Health Law, the State Sanitary Code or this Code:
  - a. The Department may refuse to issue a permit or a renewal thereof when the application therefor is incomplete or not accompanied by the required fee, or outstanding penalties, if any.
  - b. The Department may refuse to issue a permit or renewal thereof when the applicant fails to provide any information required by the Department.

- c. The Department may refuse to issue a permit or renewal thereof if the application or investigation thereof indicates to the Department that the activity or premises to be covered by the permit applied for does not meet the requirements of the Code, the State Sanitary Code or the Public Health Law or other provisions of law; or that, the maintenance, conduct or operation of such activity or premises does not meet the requirements or provisions of law or may result in a public health hazard.
- d. The Department may refuse to issue a permit or renewal thereof or a certificate of approval for any activity, operation or premises that, in the opinion of the Department, may result in a condition which may be dangerous or harmful to health and life, or that fails to meet the requirements of the Public Health Law, the State Sanitary Code or this Code.
- e. Except upon express authorization of the Board, no permit shall be issued to a person who within the previous six (6) months has had such permit revoked.
- f. Approval of an application for a permit or renewal thereof shall be denied for any sufficient or competent reason, including but not limited to any of the following:
  - (1) the proposed construction, location, purpose, business or other act is in violation of any of the provisions of the Public Health Law, the State Sanitary Code, this Code or any local municipal law, ordinance or regulation; and or,
  - (2) inaccurate, incomplete, false or misleading information stated in the application, including any plans, drawings, specifications or other data submitted in support thereof; and or,
  - (3) failure to correct existing violations or regulations pertaining to any particular place, vehicle or business after service of written notice thereof, whether or not related to the pending application; and or,
  - (4) competency to perform not shown to the satisfaction of the Commissioner.

**Section 6. Permits and Licenses; Denial; Suspension; Revocations; Forfeiture; Effective Date**

1. Except as may otherwise be ordered by the Board or by the Commissioner, the denial of a permit or certificate of approval or the suspension or revocation of a permit or certificate of approval, shall become final upon notice thereof to the applicant or permittee concerned.
2. Service of a notice of denial or refusal to issue a permit or certificate of approval shall be made in the manner provided in the Code for the service of a notice of hearing.
3. A permit or written approval shall terminate and be considered forfeit and shall become null and void upon service of written notice and after a hearing under any of the following circumstances:
  - a. That the process of construction or the operation involved reveals conditions otherwise than as indicated in the approved plans, drawings, specifications and application; or,
  - b. That the construction or operation involved is a violation of any ordinance or regulation of any duly constituted government authority or any political subdivision thereof; or,
  - c. That the construction or operation involved is otherwise than in accordance with standards, rules and regulations pertaining to such construction or operation or the conditions of a permit or written approval pursuant to the provisions of the Public Health Law, the State Sanitary Code or this Code; or,
  - d. That no action has been taken under such permit or written approval within the period specified in the permit or written approval or if no period is specified, within a period of one (1) year following the date of issuance thereof, or within a period beyond which the purpose, need or usefulness of the permit or written approval no longer exists.

**Section 7. Permits and Licenses; Denial; Appeal**

1. Unless otherwise provided in the Public Health Law or State Sanitary Code, whenever the Department refuses to issue a permit or a renewal thereof or a certificate of approval and no hearing has been had in the

matter, the applicant may appeal such action to the Board by serving a notice of appeal in writing in the Department addressed to the Commissioner or the Board within ten (10) days following the service of notice of denial or refusal to issue the permit or certificate of approval.

2. The notice of appeal shall contain:
  - a. The full name of the applicant, permittee or party affected; and,
  - b. The type of permit or renewal thereof or certificate of approval for which the application was made or the nature of the action complained of; and,
  - c. The place of business listed in the application to which the appeal relates; and,
  - d. A statement that the applicant or permittee or other party affected appeals to the Board to review the action of the Department; and,
  - e. The signature of the applicant, permittee or party affected, or, if the permittee or party affected is not an individual the signature and title of a partner or other individual of the partnership or group, or of an officer of a corporate applicant, permittee or party affected.
3. Unless otherwise provided in the Public Health Law, within three (3) days following service of the notice of appeal, or simultaneous with service, the applicant, permittee or party affected shall submit a memorandum addressed to the Commissioner or to the Board containing his objection to the action of the Department.
4. The applicant can have a hearing unless the Board feels there is no need for this except as may be otherwise prescribed by the Public Health Law or State Sanitary Code, the Board may affirm the action of the Department or it may set the matter down for a hearing upon notice as provided in in this Sanitary Code.



**ARTICLE IV**  
**Food Service Establishments**

**Section 1. Requirements**

Part 14 of the State Sanitary Code establishes the regulations for food service establishments in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**Section 2. Permit Required**

1. It shall be unlawful for any person to operate a food service establishment in the County unless such person possesses a valid permit issued by the Commissioner, pursuant to this Article, to operate such food service establishment.
2. Only persons who comply with the requirements of Part 14 of the State Sanitary Code shall be entitled to receive and retain such permit to operate a food service establishment.
3. Permits to operate a food service establishment, except for temporary food service establishments as defined in Part 14 of the State Sanitary Code, shall be issued annually, and will expire one (1) year from the date of issuance, except as otherwise stipulated on the permit.
4. A permit to operate a food service establishment may be suspended or revoked by the Commissioner pursuant to Part 14 of the State Sanitary Code upon violation by the holder of any of the requirements of said Part 14 of the State Sanitary Code.

**ARTICLE V**  
**Swimming Pools, Spray Grounds, Bathing Beaches and Spa Pools**

**Section 1. Applicability**

The requirements of this Article shall not apply to a private swimming pool, bathing beach or other bathing facility owned and/or operated by an individual solely for the use of his family and friends.

**Section 2. Requirements**

Part 6 of the State Sanitary Code establishes the regulations for swimming pools, spray grounds, bathing beaches and spa pools in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**Section 3. Safety Plan**

Operators of swimming pools, spray grounds, bathing beaches and spa pools must develop, update and implement a written safety plan, consisting of procedures for daily bather supervision, injury prevention, reacting to emergencies, injuries and other incidents, providing first aid and summoning help.

The safety plan shall be approved by the permit-issuing official and kept on file at the facility. Approval will be granted when all the components of this section are addressed so as to protect the health and safety of the bathers, and the plan sets forth procedures to ensure compliance with Subpart 6-1 of the State Sanitary Code.

**ARTICLE VI**

**Temporary Residences, Mass Gatherings, Children’s Camps, Campgrounds,  
and Migrant Farmworker Housing**

**Section 1. Requirements**

1. Part 7 of the State Sanitary Code establishes the regulations for temporary residences, mass gatherings, children’s camps, and campgrounds in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.
2. Part 15 of the State Sanitary Code establishes the regulations for Migrant Farmworker housing in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**ARTICLE VII**

**Mobile Home Parks**

**Section 1. Requirements**

Part 17 of the State Sanitary Code establishes the regulations for Mobile Home Parks in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**ARTICLE VIII  
Lead Poisoning Control**

**Section 1. Requirements**

Subpart 67-2 of the State Sanitary Code establishes the regulations for Lead Poisoning Control-Environmental Assessment and Abatement in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**ARTICLE IX  
Realty Subdivisions**

**Section 1. Requirements**

Part 74 of the State Sanitary Code establishes the regulations for realty subdivisions in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**ARTICLE X  
Tanning Facilities**

**Section 1. Requirements**

Part 72 of the State Sanitary Code establishes the regulations for tanning facilities in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**ARTICLE XI  
Clean Indoor Air Act and Adolescent Tobacco Use Prevention Act (ATUPA)**

**Section 1. Requirements**

1. Article 13-E, Section 1399 of the Public Health Law establishes the regulations for the Clean Indoor Air Act in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.
2. Article 13-F, Section 1399 of the Public Health Law establishes the regulations for the Adolescent Tobacco Use Prevention Act (ATUPA) in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**ARTICLE XII  
Public Water Systems**

**Section 1. Requirements**

Part 5 of the State Sanitary Code establishes the regulations for public water systems in the Tioga County Health District, as enacted and now or subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

**Section 2. Water Dispensing**

No person or persons shall serve, provide or make available or accessible for others, drinking water which is not potable or from a supply which is not adequately protected and maintained.

**Section 3. Ice for Human Consumption**

1. Places manufacturing ice for use for human consumption shall meet the requirements of this article.
2. Protection from contamination: All ice intended for off-premises consumption shall be packaged and handled at all times so as to prevent contamination.
3. Labeling: All packaged ice offered for sale or use in the Tioga County Health District for human consumption, shall be labeled with the name of the producer and the words "Ice for human consumption."

**ARTICLE XIII  
Public Health Nuisances**

**Section 1. Definitions**

Public Health Nuisance shall mean a condition or act which is or may become a detriment or menace to *public health or interfere with the free use of property so as to cause discomfiture affecting the health of the community or persons in the neighborhood.*

**Section 2. Nuisances; Commissioners Duty to Investigate**

The Commissioner shall receive and examine into all complaints made by any inhabitants of the Health District concerning nuisances or causes of danger or injury to life and health in the Health District and may request such complaints be made in writing.

**Section 3. Nuisances; Investigations; Reports**

1. A designated representative of the Board and/or the Commissioner may enter upon or within any place or premises where nuisances or conditions dangerous to life and health, or which are the causes of nuisances elsewhere, are known or believed to exist to inspect or examine same.
2. The owners, agents or occupants of any place or premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this Article and Title One (1) of Article Thirteen (13) of the Public Health Law.
3. The Commissioner shall furnish the Board and the owners, agents and occupants of the place or premises on which conditions exist with a written statement of the results and conclusions of an examination or inspection conducted pursuant to this Article.
4. The Commissioner shall, if the condition is declared not to be a nuisance or condition dangerous to health or if no action is taken, forward the original or copies of all reports to the State Commissioner of Health within the time specified in Section 8.4 of the State Sanitary Code.

**Section 4. Nuisances; Abatement and Suppression**

1. The Board and/or the Commissioner shall order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the Health District.
2. The Board and/or the Commissioner may, if the owner, agent or occupant of any place or premises whereon any nuisance or condition deemed to be detrimental to the public health exists, or causes the existence of such nuisance or condition elsewhere, fails to comply with any such order, enter upon the place or premises to remove or suppress such nuisance, condition or matter to which said order relates.
3. The expense of such removal and abatement shall be paid and may be collected in the manner prescribed in the Sections 1306 and 1307 of the Public Health Law.

**Section 5. Unsanitary Buildings**

1. Whenever any building or part thereof shall become unsanitary or any dwelling shall become unsanitary as to be unfit for human habitation or in the event occupancy of a building or dwelling shall cause an unsanitary condition on or adjacent to the premises thereof so as to constitute a nuisance, the inspections, investigations, notice to owners and others, the hearing and orders shall be performed as under the Nuisances Article of this Sanitary Code.
2. Upon failure of said owners to comply with said order, the Commissioner may issue a further order to be affixed conspicuously upon such building or dwelling and served upon the occupant or lessee thereof and upon the owner thereof or his agent requiring all persons to vacate such building or dwelling and to discontinue its use at such time as shall be stated in said order and until such time as the building or dwelling shall be placed in a sanitary habitable condition and the nuisance abated. Upon failure of such building or dwelling to be vacated within the time specified the Board of Health may issue a warrant to the Sheriff directing that such building or dwelling shall be vacated, and the Sheriff shall forthwith execute such warrant pursuant to law.

**Section 6. Animal Waste**

1. Animal or fowl excreta may be used on a farm as fertilizer on the farm where produced.
2. Animal or fowl excreta shall not be deposited, accumulated or piled within 50 feet of the residence or well of another property owner, nor in or within the same distance of any stream, watercourse, or body of water that borders or crosses another's property. Animal or fowl excreta shall not be deposited, accumulated or piled in any place or in any manner which would allow it to pollute any body of water, stream, intermittent stream, or watercourse.
3. Animal waste shall not be accumulated, piled or deposited in any manner which may create a nuisance detrimental to health.

**ARTICLE XIV  
Refuse Disposal Control**

**Section 1. Requirements**

The purpose of this Article is to protect public health and the environment by avoiding public health nuisances and public health hazards caused by refuse accumulation, collection and disposal.

1. Garbage shall be accumulated in closed, durable, non-absorbent watertight containers. The interior of reusable containers shall be kept clean by thorough washing and draining as needed.
2. On every premise there shall be adequate containers to accumulate refuse and so placed and maintained as to not create a nuisance.

**ARTICLE XV  
Air Pollution Control**

**Section 1. Open Fires**

1. No person shall burn any rubbish in any open fire except in conformity with the provisions of this Article.
2. No person shall burn, cause, suffer, allow or permit burning in an open fire of:
  - a. Garbage;
  - b. Rubbish, except:
    - (1) Rubbish resulting from residential activity, outside of a boundary of 1/8 mile of the periphery of any city or village,
    - (2) Rubbish resulting from farming activity,
    - (3) Downed tree limbs and branches (also called brush) that are less than 6 inches in diameter and 8 feet in length, including branches with attached leaves; ONLY when in accordance with the burn ban dates.
3. The following types of open burning shall not be considered violations:
  - a. Fires in outdoor grills and outdoor fireplaces for the purpose of preparing food.

- b. Campfires and fires used solely for recreation purposes. However, the burning of leaves and lawn and garden debris shall not be considered recreational burning.
- c. Fire-training exercises sponsored by an agency or fire recognized by the Tioga County Department of Emergency Services.

**ARTICLE XVI**  
**Fees**

**Section 1. Fees Generally**

- 1. In all cases where a fee has been established for a permit or registration by this Article said fee shall be paid to the County of Tioga upon submittal of an application for a permit, registration or operating certificate or renewal of a permit, registration or an operating certificate.
- 2. Those fees which are required by State Law, the State Sanitary Code, or any other State rule and regulation are not specifically included in this Article.
- 3. If a permit issued by the Department covers two or more operations for which a fee would be required singly, except as specifically stated in this Article the fee for such permit shall be the sum of the fees for all operations covered by said permit.

**ARTICLE XVII**  
**Severability**

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this Sanitary Code shall be adjudged by any court or agency of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgement shall have been rendered.



**ARTICLE XVIII**  
**Effective Date**

60 days after New York State Department of Health Office of Public Health Center for Environmental Health approved and filed with the Tioga County Clerk.

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

RESOLUTION NO. -24 APPROVE SOLE SOURCE PURCHASE  
MOTOROLA SOLUTIONS  
LICENSE PLATE RECOGNITION SYSTEM  
SHERIFF'S OFFICE

WHEREAS: Legislative approval is required for all sole source purchases; and

WHEREAS: The Sheriff's Office would like to purchase a License Plate Recognition System in the amount of \$17,425, from a sole source provider, Motorola Solutions, which has been determined to be in the County's best interest; and

WHEREAS: There are sufficient funds available in the State Homeland Security 2022 Grant, Account A3361.520130.SHS22; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Sheriff's Office to purchase a License Plate Recognition System, with Motorola Solutions, in the amount of \$17,425, which will be paid from Account A3361.520130.SHS22.

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

RESOLUTION NO. -24 APPROVE SOLE SOURCE PURCHASE  
I AM RESPONDING  
EMERGENCY NOTIFICATION PROGRAM  
EMERGENCY MANAGEMENT

WHEREAS: Legislative approval is required for all sole source purchases; and

WHEREAS: The Director of Emergency Services would like to continue the renewal subscription for the I Am Responding emergency notification program and has received a quote in the amount of \$11,224, from a sole source provider, Emergency Services Marketing Corp., Inc. which has been determined to be in the County's best interest; and

WHEREAS: There are sufficient funds available in the State Homeland Security 2022 Grant, Account A3360.540140.SHS22; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Emergency Services to enter into an agreement with Emergency Services Marketing Corp., Inc., for the one-year subscription to the I Am Responding emergency notification program, in the amount of \$11,224, which will be paid from Account A3360.540140.SHS22.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -24 SEEKING LEGISLATIVE APPROVAL TO BE ALLOWED TO EXCEED THE TIOGA COUNTY FOOD & BEVERAGE PURCHASE GUIDELINES

WHEREAS: The Tioga County Economic Development and Planning (TCEDP) Community Development Specialist is planning the Annual Talent Supply Table (TST) gathering event for the purpose of networking and sharing information on work-based learning best practices to Tioga County schools, businesses, and workforce partners; and

WHEREAS: The TST gathering will provide food, beverages, and supplies; and

WHEREAS: The TST gathering was held August 21, 2024 at Owego Free Academy; and

WHEREAS: Tioga County Policy Section III, Financial Rules, Subsection H, Purchase of Food and Beverage Policy limits the expense to \$150.00; and

WHEREAS: The food and beverage expense for the TST gathering will not exceed \$1,000.00; and

WHEREAS: Expenses for the TST gathering will be reimbursed by grant funds from the Appalachian Regional Commission; therefore be it

RESOLVED: That the Tioga County Legislature hereby allows the TCEDP Community Development Specialist to exceed the County policy for the Annual Talent Supply Table networking gathering and provide food and beverages not to exceed \$1,000.00.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. -24 REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO EXCEED FOOD & BEVERAGE PURCHASE GUIDELINES

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

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

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

October 14-18, Onward Ops – Ft. Drum:	\$1200.00 (ETSSP Grant)
October 26, Veterans & Family Pancake Breakfast:	\$500.00 (ARPA Grant)

Therefore be it

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

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -24 AUTHORIZE PURCHASE OF SPECIFIC EXCESS AND  
EMPLOYER'S LIABILITY INSURANCE FOR  
WORKERS' COMPENSATION PROGRAM

WHEREAS: Midwest Employers Casualty Company, the company which provides the specific excess policy, is offering a two-year policy term option; and

WHEREAS: This two-year policy term option will lock in the premium rate for a two-year period along with the specific retention levels; and

WHEREAS: The premium would continue to be payable in annual installments; therefore be it

RESOLVED: That the Tioga County Legislature is authorized to accept the two-year policy option and purchase specific excess insurance through Midwest Employers Casualty Company, upon approval by the County Attorney, for the period of January 1, 2025 through December 31, 2026 to be paid for out of the 2025 and 2026 Tioga County Self-Insurance budget.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -24 AUTHORIZE PURCHASE OF EMPLOYER'S LIABILITY  
INSURANCE FOR WORKERS' COMPENSATION  
PROGRAM

WHEREAS: The Tioga County Self-Insurance Plan's employer's liability insurance policy expires December 31, 2024; and

WHEREAS: The continuance of employer's liability insurance helps to limit exposure to the Tioga County Self-Insurance Plan; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of employer's liability insurance, subject to review by the County Attorney, from an A- Rated or better insurance company for the period of January 1, 2025 through December 31, 2025 to be paid for out of the 2025 Tioga County Self-Insurance budget.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -24 AUTHORIZATION TO ACCEPT  
JUUL SETTLEMENT FUNDS, AMEND BUDGET AND  
APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Tioga County has been allocated funds from the Juul Settlement;  
and

WHEREAS: The intent and purpose of the funds are preventing youth and  
young adults from initiating vaping, supporting Community/school anti-vaping  
programs, cessation, enforcing vaping laws/regulations and surveillance; and

WHEREAS: Tioga County Public Health will receive these funds and lead the  
efforts of the County toward the purpose of the funding; and

WHEREAS: Authorization to accept funding, amending budget and  
appropriating said funds requires Legislative approval; and

WHEREAS: The amount of the funding is \$323,674.26; and

WHEREAS: There will be no additional County cost for receiving these funds (i.e.  
cash match); therefore be it

RESOLVED: That Tioga County Public Health is authorized to accept the Juul  
Settlement funds for Tioga County; and be it further

RESOLVED: That budget be amended and funds appropriated as follows:

From:

A4053 434011-JUUL State Aid: Primary & Preventative \$323,674.26

To:

A4053 540487-JUUL Program Expense \$ 323,674.26

And be it further

RESOLVED: That available funds on 12/31/24 of the original \$323,674.26 will be  
carried forward into the New Year.



REFERRED TO: PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -24 RESOLUTION TO APPROVE A GRANT AWARD  
FROM NYS DIVISION OF CRIMINAL JUSTICE  
FOR COUNTY PRE-TRIAL SERVICES

WHEREAS: The Probation Department received a Grant Award from the New York State Division of Criminal Justice Services for the County Pre-Trial Services in the amount of \$60,000; and

WHEREAS: This funding must be accepted and appropriated; therefore be it

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

RESOLVED: That the 2024 Budget be modified and funds be appropriated to the following accounts:

FROM:	A3140.433100 CPS01 State Aid-Probation Pretrial Grant	\$60,000
TO:	A3140.520060 CPS01 Car/Truck	\$45,000
	A3140.540487 CPS01 Program Expenses	\$15,000

And be it further

RESOLVED: That appropriations be re-established for the remaining unspent balance as of 12/31/24 and carried forward into the New Year until projects are completed.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. -24 AMEND BUDGET & APPROPRIATE FUNDS  
PUBLIC HEALTH

WHEREAS: Resolution No. 219-24 amended the budget and appropriated funding for the Tioga County Public Health's Creating Healthy Schools and Communities (CHSC) program; and

WHEREAS: Tioga County Public Health has been awarded an additional amount of funding toward this program; and

WHEREAS: Similar to the initial award, the funding will pass through Broome County to Tioga County Public Health; and

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

RESOLVED: That funding be appropriated as follows:

From:			
A4053 422800-CHSC	Health Services-Other Gov		\$ 11,400
To:			
A4053 540640-CHSC	Supplies (Not Office)		\$ 11,400

And be it further

RESOLVED: That available funds on 12/31/24 of the original \$11,400 will be carried forward into the New Year.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. - 24 APPROPRIATION OF FUNDS AND  
AMEND 2024 BUDGET  
SOCIAL SERVICES

WHEREAS: Tioga County Department of Social Services has budgeted 2024 A6055 Day Care expenses based on historical trends; and

WHEREAS: 2024 A6055 Day Care expenses will exceed the budgeted amount due to State policy and eligibility changes; and

WHEREAS: Day Care expenses receive 100% reimbursement from the NYS Child Care Block Grant; and

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

RESOLVED: That funding be appropriated as follows:

From: A6055.436550 State Aid - Day Care \$ 350,000

To: A6055.540487 Day Care Program Expense \$ 350,000

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -24 CREATE ONE (1) FULL-TIME  
PUBLIC HEALTH EMERGENCY  
PREPAREDNESS COORDINATOR  
PUBLIC HEALTH

WHEREAS: Legislative approval is required to create and fill a new position; and

WHEREAS: The Public Health Director has determined there is need to create a Management/Confidential (M/C) position of Public Health Emergency Preparedness Coordinator; and

WHEREAS: The Public Health Director has worked in conjunction with the Personnel Office in creating the position description and to determine the appropriate classification for said title; therefore be it

RESOLVED: That one (1) full-time M/C position of Public Health Emergency Preparedness Coordinator (M/C \$51,924 – \$61,924) be created effective September 23, 2024.

REFERRED TO: PUBLIC SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -24 AUTHORIZE APPOINTMENT OF  
DEPUTY DIRECTOR OF EMERGENCY SERVICES  
EMERGENCY MANAGEMENT

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

WHEREAS: The Deputy Director of Emergency Services position has been vacant since February 12, 2024; and

WHEREAS: A qualified candidate has been interviewed and selected; therefore be it

RESOLVED: That William Ellis be provisionally appointed to the title of Deputy Director of Emergency Services at an annual Management/Confidential salary of \$62,700 effective September 23, 2024, pending successful completion of civil service examination requirements; and be it further

RESOLVED: That in accordance with Tioga County Employee Handbook Management/Confidential Benefits policy, Mr. Ellis shall be eligible for any authorized 2025 Management/Confidential salary increase effective March 23, 2025, following a successful six-month evaluation.