

The October 10<sup>th</sup>, 2023 Town of Tioga board meeting was brought to order at 7:00pm.

Present were Councilman Drew Griffin, Councilman Paul Welch with Deputy Supervisor Robert Strong presiding.

Also present was Highway Superintendent Russell Story, Constable Jerry Pierce, Town Historian Anne Stout, Bob Wells, Krista Story, Town Attorney Robert McKertich, Kris Morris, Honorable Michele Bogart and REAP Rep Pat Hansen.

Councilman Welch made the motion to approve the September 12<sup>th</sup>, 2023 board minutes as presented, Councilman Griffin seconded, carried.

Councilman Griffin made the motion to approve the September Planning Board minutes as presented, Councilman Welch seconded, carried.

Councilman Griffin made the motion to approve the September 2023 reports as given, Councilman Welch seconded, carried.

Update from Superintendent Story:

- Black topped our weeper pipes
- Finished shoulder work on Allyn Rd
- Worked ditches where it was needed
- Getting prepared for the snow season
- Arm mower needs frequent repairs
- BridgeNY – Completion of project by 2026 and will know more about the bonding procedure by next meeting.

REAP Representative Pat Hansen stated she met with Healthy Schools and Communities Grant for \$15,000.00 The Town has received to use for various signage at Ransom Park for the walking trail and new sign for the barn.

Councilman Griffin made the motion to close the regular meeting and open an executive session at 7:10pm, Councilman Welch seconded, carried.

Councilman Welch made the motion to close the executive session at 7:28pm, Councilman Griffin seconded, carried.

Kris Morris from the Tioga Center Fire Department presented the Board with an estimate for the water filtration system the fire station wants to install from Artic Bear in the amount of \$8,490.00. Mr. Morris is requesting the Town contribute a percentage of the cost due to the Town Hall using their well. The Town mows the Fire Department's lawn as well as plows and salts the Fire Department's parking lot during the Winter months in exchange for water usage.

Councilman Griffin made the motion to pay 30% of the cost of the water filtration system for the Tioga Center Fire Department of the \$8,490.00 quote that was provided to The Board, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Absent

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Road inspection was discussed and Superintendent Story requested The Highway Committee come to the Town barn for the Superintendent to review equipment with them.

The Highway Committee members and Deputy Supervisor Strong will meet Superintendent Story at the Town Barn on Thursday, October 12<sup>th</sup> at 5pm for the requested meeting.

Councilman Welch made the motion to update the #6-2023 Resolution to change the violation of policy to coincide with the Employee Handbook policy on drug-free zero tolerance policy, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Absent

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

**Resolution #6-2023**  
**TOWN OF TIOGA DRUG- FREE WORKPLACE POLICY**

The Town of Tioga recognizes the importance of a safe, efficient and healthy work environment for all employees. Being under the influences of any drug or alcohol on the job poses serious risks to a person's health and safety and jeopardizes the public trust that has been placed in the Town of Tioga. Consequently, The Town of Tioga has developed the following policy, in accordance with the Drug-Free Workplace Act of 1988, 44 CFR Part 17, Sub-part F.

**POLICY**

The Town of Tioga absolutely prohibits any use, consumption, sale, manufacture, distribution, dispensing, purchase, transfer or possession of any controlled substance and/or alcohol by any employee while on duty or while on worksite or Town of Tioga premises. This shall also include the use or consumption of any Cannabis product. In addition, employees are strictly prohibited from being under the influence of any controlled substance and/ or alcohol while performing worksite assignments or while attending Town of Tioga sponsored training sessions or meetings. Legally prescribed medications are excluded from this prohibition and permitted only to the extent that the use of such medications does not adversely affect the employee's work ability, job performance or the safety of the employee or others.

As a condition of employment, employees agree to abide by the terms of the prior paragraph, and to notify The Town of Tioga of any criminal drug statute conviction for a violation in the workplace no later than five (5) days after such conviction. The Town of Tioga is required, by law, to notify our Federal funding source of any convictions within ten (10) calendar days of receiving notice from the employee or other official source. As a minimum, the Town of Tioga will provide the Federal Funding source with the position title of the affected employee and Town of Tioga's Federal Identification number.

**VIOLATION OF POLICY**

The Town of Tioga is a drug-free zero tolerance Town. Any employee who violates this policy shall be subject to immediate termination.

Councilman Griffin made the motion to hold a Budget Workshop and Special Meeting to be held on October 24<sup>th</sup> at 5:00pm located at the Tioga Town Hall, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Absent

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Wendy Walch from Tioga County SWCD has requested The Town complete a Mitigation actions feedback survey to review any additions the Town would like to add to their page on the County Hazardous Mitigation Plan.

The Board has tabled this survey until the October 24<sup>th</sup> special meeting for further review.

Councilman Welch made the motion to close the regular meeting at 7:53pm and open the Public Hearing, Councilman Griffin seconded, carried.

Councilman Griffin made the motion to close the Public Hearing at 7:55pm and re- open the regular meeting, Councilman Welch seconded, carried.

Councilman Griffin made the motion to override the Tax Cap if needed, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Absent

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

#### **RESOLUTION #11-2023**

#### **Adopt Local Law #2-2023 to override the Tax Cap Levy**

#### **Est. in General Municipal Law 3-C**

**WHEREAS**, the Town of Tioga wishes to enact a local law to allow the Town of Tioga to override the tax levy limit established in General Municipal Law § 3-c for the year commencing January 1, 2024; and

**WHEREAS**, Local Law #2-2023 To Override the Tax Cap Levy Limit Established in General Municipal Law 3-C, thereof in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been held on October 11<sup>th</sup>, 2023 at 7:30 p.m. before the Town of Tioga Town Board upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting; and

**NOW THEREFORE** upon a motion by Councilperson Griffin, seconded by Councilperson Welch and carried; therefore, be it

**RESOLVED**, that the Town Board of the Town of Tioga voted and approved to exceed the tax levy limit if needed for 2024 fiscal year.

**LOCAL LAW #2-2023**

**A LOCAL LAW OF THE TOWN OF TIOGA, NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW SECTION 3-c.**

**Section 1.** Legislative Intent.

It is the intent of this local law to allow the Town of Tioga to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2.** Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3.** Tax Levy Limit Override.

The Town Board of the Town of Tioga, New York, County of Tioga is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

**Section 4.** Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 7.** Effective Date.

This local law shall take effect immediately upon adoption, publication and filing with the Secretary of State.

Councilman Griffin made the motion to accept Resolution #9-2023 Approval of the 2023 Amended Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Absent

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

**RESOLUTION #9-2023**

**Approval of the 2023 Amended Municipal Cooperative Agreement for the Greater Tompkins County  
Municipal Health Insurance Consortium**

**WHEREAS**, the Town of Tioga is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

**WHEREAS**, the municipal participants in the Consortium, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010) and the 2023 Amendment that provides for the operation and governance of the Consortium, and

**WHEREAS**, the Consortium's Board of Directors has recommended approval of the 2023 amended agreement, and

**WHEREAS**, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by each municipal board,

**RESOLVED**, that the Town of Tioga approves and authorizes the Chief Executive Officer to sign the 2024 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium,

**RESOLVED**, further, that the Clerk of the Town of Tioga is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

Planning Board Chairman Doug Chrzanowski recommends keeping the 2024 fee schedule the same as 2023 rates.

Councilman Welch made the motion to keep the 2024 fee schedule the same as 2023 rates, Councilman Griffin seconded, carried.

Roll call vote:

Councilman Hyatt – Absent

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Proposed Resolution #10-2023 Audit Request for NYS Board of Elections was presented and failed to pass. Councilman Griffin made a motion to dismiss Resolution #10-2023, Councilman Welch seconded, carried.

Constable Pierce stated that 3 great pyrenees dogs located on Glenmary Dr. that were running at large and attacked and killed a fellow resident's cat in the presence of the cat's 14 year old owner.

Constable Pierce attempted to contact Town of Tioga Dog Control Officer, Kyle Fleming with no response from Mr. Fleming.

Constable Pierce stated that the owners of the deceased cat had not had contact from Mr. Fleming as of Wednesday, October 4<sup>th</sup> when this incident had occurred approximately two weeks prior.

Many residents have complained throughout his three years as Dog Control Officer that Mr. Fleming does

not return their calls nor answer his phone.

Dog Control Officer Kyle Fleming has been requested to perform an enumeration many times within the last three years and has failed to do so.

Constable Pierce recommends suspending Dog Control Officer's pay until these issues are resolved.

Councilman Griffin made the motion to suspend Dog Control Officer Kyle Flemings pay and to send a letter to the Supervisor and Deputy Supervisor of the Town of Owego informing them of the issues we are having with Mr. Flemings lack of services, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Absent

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Griffin made the motion to pay the General Fund in the amount of \$12,683.01 Councilman Welch seconded, carried.

Councilman Welch made the motion to pay the Highway Fund in the amount \$165,360.58, Councilman Griffin seconded, carried.

Councilman Griffin made the motion to move \$330.00 from General Fund account line A1110.1 to A1110.4 for the payment for Ann L. Nickels for Court Clerk fill in, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Absent

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

Councilman Griffin made the motion to adjourn at 8:17pm, Councilman Welch seconded, carried.

Tiffany Middendorf

Tioga Town Clerk