



Tioga County Worksession Minutes **May 18, 2023 – 10:00 a.m.**

Legislators Present:

Legislator Brown
Legislator Ciotoli
Legislator Flesher
Legislator Monell
Legislator Roberts
Chair/Legislator Sauerbrey
Legislator Standinger (*Arrived at 10:21 a.m.*)

Legislators Absent:

Legislator Mullen
Legislator Weston

Guests:

Christina Olevano, Tioga County ASAP Coalition Project Director (*Departed at 10:20 a.m.*)

Staff present:

Peter DeWind, County Attorney (*Arrived at 10:17 a.m.*)
Amy Eiklor, Deputy Legislative Clerk
Elaine Jardine, Planning Director (*Departed at 10:37 a.m.*)
LeeAnn Tinney, ED&P Director (*Departed at 10:37 a.m.*)
Linda Parke, Personnel Officer

Call Meeting to Order: Chair Sauerbrey opened the meeting at 10:01 a.m.

Tioga Advocacy Support & Prevention Coalition Presentation – C. Olevano:

Christina Olevano, Tioga County ASAP Coalition Project Director, explained that the organization is federally funded through a Drug Free Communities Grant and is in the middle of year five of that grant. The grant is good for five years and the organization can only be awarded one more five-year grant before they are maxed out. The organization has submitted the grant application but will not find out if it is awarded until July or August.

Ms. Olevano must complete a report every six months to the CDC regarding seven specific strategies of the program. Ms. Olevano presented a PowerPoint and highlighted the following information dating back to 2019:

- Providing Information - Social media presence and outreach has increased significantly since 2019.
- Enhancing Skills – The COVID-19 pandemic greatly affected youth, parenting education, and skill classes as most places, including schools, were shut down. Overall, community education through ASAP has increased since 2019.
- Provide Support – Youth recreation, drop-off programs, and alternative drug free events are slowly on the rise again after COVID-19 restrictions were lifted.
- Enhance Access & Reduce Barriers – Improving access to substance abuse treatment programs, Narcan training, and reducing stigmas has increased since 2019. Medication take-back events and medicine cabinet locks are some of the services ASAP provides to the community.
- Changing Consequences – Strengthening enforcement, particularly partnering with the Tioga County Sheriff's Office, has greatly increased patrols, community outreach, and awareness. Undercover alcohol and tobacco surveillance on local retailers has not decreased since the pandemic. About 50% of retailers that were checked sold alcohol or tobacco to minors.
- Physical Design – ASAP has increased the number of signs around Tioga County that remind customers to drink responsibly and to discourage underage drinking. The organization encourages smoke-free and alcohol-free public spaces within Tioga County, and they are currently focusing on implementing cannabis-free initiatives. Ms. Olevano emphasized that this year's Strawberry Festival and Tioga County Fair will be completely smoke-free and will include signs stating that.
- Educating & Informing About Changing Policies and Laws – Ms. Olevano has been working closely with schools on creating policies and procedures for student violators of the smoke-free environment of schools. One of which is helping students quit vaping through support and resources, as opposed to just suspending the violator. Ms. Olevano has consulted with local businesses on public policies, particularly those concerning the use of cannabis.
- Total outreach has recovered well since the height of the COVID-19 pandemic. The organization uses TV, radio, social media, and newspapers to get their message across to the community.

Ms. Olevano encouraged the Legislators to reach out to her if they have any questions or would like additional information.

Roles/Responsibilities of Tioga County Planning Board Presentation – E. Jardine:

Planning Director, Elaine Jardine, presented a PowerPoint regarding the Tioga County Planning Board and the current issues they are facing. Ms. Jardine reported that the Tioga County Planning Board was created in 1972 via resolution 43-72, containing nine members. The current Planning Board consists of eleven members, one from each of the nine towns and the two largest villages, Village of Owego, and Village of Waverly. Two alternates were added

in 2005. Ms. Jardine explained that the Tioga County Planning Board is responsible for reviewing the mandated 239 referrals. New York State General Municipal Law requires that certain types of municipal planning, zoning, and projects be referred to County Planning Boards for review prior to local action being taken. Ms. Jardine writes a professional review of the proposal based on local laws and numerous other factors. With the information provided by Ms. Jardine, the County Planning Board votes on a recommendation. As the Planning Director, Ms. Jardine does not have a vote on the project.

Ms. Jardine reported the County Planning Board is experiencing a lack of members. There are currently four vacancies on Tioga County's Planning Board, which brings the total number of members down to seven, plus two alternates. Six members are needed for a quorum and majority vote. Ms. Jardine reported one of the alternates resides out of state December through April. There have been longstanding vacancies from the Town of Richford and Town of Spencer. The Village of Waverly and Town of Berkshire are also currently lacking representation on the County Planning Board. When the County Planning Board meets, there is often a lack of quorum. For example, there was a County Planning Board meeting held last night, where six members were present, but one member had a conflict of interest, therefore, had to abstain. With only five votes, the result was a non-action and the County Planning Board had to waive their right to a recommendation on that case. Ms. Jardine stated the County Planning Board will never hold up a project due to lack of votes. In cases like that, the project goes back to local Planning Boards, without a recommendation from the County Planning Board.

Ms. Jardine presented a couple of options the Legislature could consider to fix the issue of the Tioga County Planning Board. The first option is for the Legislature to declare, via resolution, that the Department of Economic Development & Planning be the agency responsible for 239 referrals. Ms. Jardine showed a chart listing the pros and cons of a County Planning Board vs. ED&P staff:

County Planning Board	
Pros	Cons
Provides Open Government	Consumes dedicated staff time (up to 5 days per month)
Takes decision burden off staff	Schedule adherence to monthly meeting timeline causes delayed Municipal action
Project reviewed by "peers"	No flexibility
ED&P Staff	
Pros	Cons
No monthly timeline restrictions	Decisions fall on Tioga County staff only
Faster response to applicants	No "peer" review
Municipal Boards can act quicker	No defined public participation opportunity
Facilitates efficiency and flexibility	
Can incorporate other ED&P work at the same time	
Can thoroughly solicit & receive interdepartmental County staff comments	
Can handle 239 referrals to NYS DOT Region 9, if needed	

Another option Ms. Jardine suggested was to reduce the number of members on the County Planning Board. However, this option would result in some towns or villages not having any representation on the County Planning Board. She suggested modifying the Tioga County Planning Board Candidate for Appointment Form. Ms. Jardine stated the current situation of the County Planning Board could make the Board unsuccessful in the future. It's difficult to secure volunteers, especially for evening meetings that cannot be conducted virtually. She asked the Legislature to consider the options for the future of the County Planning Board that she presented.

Legislator Ciotoli inquired if there is anything in the State Bylaws, or any place else, that says meetings cannot be held virtually. Ms. Jardine replied yes, Tioga County has not passed a Local Law allowing for virtual meetings. New York State Law has strict guidelines and requirements for public bodies holding virtual meetings. Even if virtual meetings were permissible, virtual attendees cannot vote anyway. Legislator Flesher asked if anyone from the public attends County Planning Board meetings. Ms. Jardine responded the public only attends when there is a controversial issue. Legislator Roberts inquired if ED&P took over the process if the public would be allowed input on the case. Ms. Jardine said no, as there would be no meetings.

Chair Sauerbrey asked where recommendations for County Planning Board candidates come from. Ms. Jardine explained that candidates are recommended to the County Planning Board at the municipal level. The Tioga County Legislature has the appointing authority to approve or deny membership on the County Planning Board. Chair Sauerbrey inquired if anyone could reach out to potential candidates or if it falls solely on municipal officials. Ms. Jardine replied that it does not have to fall solely on municipal officials. If Legislators know of an interested individual in their District, that person can submit a Tioga County Planning Board Candidate for Appointment Form for Legislature consideration. Legislator Brown asked if there was any way the County Planning Board could be reconfigured like Legislative Districts where two towns are represented by one member. County Attorney DeWind stated that could lead to towns or villages not having true representation.

Legislator Standinger asked if Home Rule comes into play at all when making the final decision for cases to be approved or disapproved. Ms. Jardine responded that it is ultimately up to the municipality's Planning Board to make the final decision. The Tioga County Planning Board is just making the recommendation. However, if the Tioga County Planning Board's recommendation is to disapprove a project, the local Planning Board must have a supermajority to override the recommendation.

Ms. Jardine will send the presentation out to the Legislators for their review. Chair Sauerbrey thanked Ms. Jardine for the information and stated the topic will be discussed again. Chair Sauerbrey asked that the Tioga County Planning Board discussion be added as an Action Item.

ACTION: The Legislature will process the information presented by Planning Director Jardine and discuss the options for the County Planning Board at a later date.

Update on State of Emergency: Chair Sauerbrey reported she declared a State of Emergency on May 11th regarding the possible incoming migrants. She reported the

information coming from New York State and what is occurring around the state regarding migrants moving outside New York City are conflicting. With the end of Title 42, migrants are inundating New York City, which cannot handle the high number. New York City is putting migrants on buses and moving them to upstate counties, supposedly letting the counties know ahead of time. However, it appears New York City is not always informing counties ahead of time and buses of migrants are just showing up in some areas. New York City reportedly said it would reimburse upstate counties for the expense of housing migrants in hotels and services they receive. This includes 24/7 security for migrants. By Law, counties are required to provide services to homeless individuals. Agencies and organizations in New York City are reaching out to hotels throughout the state asking if there is space for migrants, who are expected to stay for a minimum of 90 days. It has been reported some hotel rooms are already booked full of migrants into January 2024. Hotels in neighboring Broome County have already been contacted by New York City agencies. There have been reports around the state of hotels kicking homeless Veterans out of their rooms to accommodate migrants. This has also been the case for individuals that have existing hotel reservations, such as for weddings. Hotels can make more revenue from housing New York City-sponsored migrants than from regular customers.

Chair Sauerbrey is consulting with Mental Hygiene, Public Health, and Social Services staff to discuss the options should migrants arrive in Tioga County. There are many unanswered questions at this time and New York State will not provide answers. Chair Sauerbrey intends on extending the State of Emergency every five days until more information is provided. Legislator Monell inquired what the State of Emergency allows Tioga County to do. Chair Sauerbrey responded it allows for Tioga County to set restrictions on hotels accepting migrants. The Emergency Order states hotels and motels are not permitted to contract or engage in business with municipalities other than Tioga County for the purpose of sheltering asylum seekers without a license granted by Tioga County. Chair Sauerbrey reached out to the local Tourism Director and asked her to call all the hotels and motels in Tioga County on a regular basis to find out if any migrants are staying in Tioga County. Chair Sauerbrey stated should migrants stay in Tioga County hotels or motels; Tioga County would not receive hotel/motel tax on those rooms as governments do not pay tax.

Legislator Standinger reported local religious organizations met this week on ways to help potential asylum seekers that enter Tioga County. Chair Sauerbrey stated she spoke to several local religious leaders that expressed concern over the declaration of a State of Emergency. She explained that much like the rest of the state, Tioga County does not have the staff, resources, or capability to shelter an influx of migrants. She emphasized Tioga County welcomes individuals and families into the community, but they must be able to sustain themselves by having the ability to work, proper immunizations, and a support system. It is the obligation of Tioga County to take care of the taxpayers first. Legislator Standinger concurred and said the state and federal government will not acknowledge the limited resources of local governments when it comes to assisting large numbers of asylum seekers. Chair Sauerbrey will gather as much information about this subject as she can and will gladly speak to anyone that has questions or concerns.

Approval of Worksession Minutes: On motion of Legislator Ciotoli, seconded by Legislator Brown, the May 4, 2023 minutes were unanimously approved.

Action Items: Currently, we have none.

Other:

- ***Legislator Participation in Memorial Day Parade:*** Chair Sauerbrey reported she was contacted about Legislator participation in this year's Memorial Day Parade in Owego. Chair Sauerbrey will be participating in the parade and asked her fellow Legislators if they were interested in participating as well. Chair Sauerbrey expects to ride in a Tioga County dump truck. She asked the Legislators to check their calendars and she will reach out to them again next week.
- ***Increase in Homelessness in Tioga County:*** Chair Sauerbrey reported Tioga County, particularly in the Village of Owego, is seeing an increased number of homeless individuals, not related to the migrant crisis. After speaking with the Commissioner of Social Services, it appears some of the homeless individuals do not wish to seek social services.

Executive Session: Seven Legislators were in attendance with Legislators Mullen and Weston being absent. Personnel Officer Parke, County Attorney DeWind, and Deputy Legislative Clerk Eiklor remained in attendance. Motion by Legislator Monell, seconded by Legislator Brown, to move into Executive Session to discuss financial and employment histories of individuals at 11:05 a.m. Motion carried. Motion by Legislator Ciotoli to adjourn, seconded by Legislator Roberts. Executive Session adjourned at 12:00 p.m.

On a straw poll vote, all Legislators in attendance agreed to authorize Personnel Officer Parke to proceed with part II of phase I of the compensation study.

On a straw poll vote, all Legislators in attendance agreed to authorize Personnel Officer Parke to proceed with the formation of a committee for phase II of the compensation study.

Meeting adjourned at 12:02 p.m.

Next Worksession scheduled for Thursday, June 8, 2023, at 1:00 p.m.

Respectfully submitted,

Amy Eiklor

Deputy Legislative Clerk