



## **Tioga County Legislative Worksession Minutes** **March 7, 2019 –1:00 p.m.**

### **Legislators Present:**

Legislator Balliet  
Legislator Hollenbeck  
Legislator Mullen  
Legislator Roberts  
Chair/Legislator Sauerbrey  
Legislator Sullivan  
Legislator Weston

### **Legislators Absent:**

Legislator Monell  
Legislator Standinger

### **Guests:**

Dan Green, Solar Energy Developer, NY Owego I LLC Solar (*departed @ 1:10 p.m.*)

### **Staff Present:**

County Attorney Peter DeWind  
Legislative Clerk Maureen Dougherty  
Deputy Legislative Clerk Cathy Haskell  
Ag Development Specialist Zack Baker (*departed @ 1:04 p.m.*)  
Planning Director Elaine Jardine (*departed @ 1:04 p.m.*)  
ED&P Director LeeAnn Tinney  
Secretary to the County Attorney Diane Stephens (*departed @ 1:18 p.m.*)  
Public Health Deputy Director Sue Medina (*departed @ 1:18 p.m.*)  
ILS/Assigned Counsel Administrator Irene Graven (*departed @ 1:25 p.m.*)  
Director of Emergency Services Mike Simmons  
Chief Accountant/Budget Officer Rita Hollenbeck  
Personnel Officer Bethany O'Rourke (*arrived @ 1:07 p.m.*)

### **Call Meeting to Order –**

Chair Sauerbrey called the meeting to order at 1:02 p.m.



**1:00 PM – Public Hearing: Annual Agricultural District Inclusions -**

Legislative Clerk Dougherty read the legal notice for today’s public hearing regarding annual agricultural district inclusions. Legislators Balliet, Hollenbeck, Mullen, Roberts, Sauerbrey, Sullivan, and Weston attended with Legislators Monell and Standingr being absent.

ED&P Ag Development Specialist Baker received two requests this year from the Town of Tioga and Town of Newark Valley for 74 acres of active agricultural land for inclusion in the County’s Agricultural District. Mr. Baker reported the 74 acres is currently used for grain and maple syrup production, therefore, deemed viable agricultural land. Mr. Baker reported the Ag and Farmland Protection Board met and is recommending the Tioga County Legislature approve this modification. Public hearing adjourned at 1:04 p.m.

**NY Owego I LLC Solar PILOT Request -**

ED&P Director Tinney reported the PILOT request from NY Owego I LLC Solar was brought forward to the ED&P Legislative Committee this week and a resolution has been prepared and included in the meeting packet for Legislature consideration at the March 12, 2019 Legislature meeting. Ms. Tinney reported the ED&P Legislative Committee was in favor of moving this resolution forward to the full Legislature.

Ms. Tinney reported the Town of Owego brought forth this PILOT request associated with NY Owego I LLC, a subsidiary of Delaware Solar. Ms. Tinney reported this PILOT is fashioned similar to the Norbert Solar PILOT. Ms. Tinney reported this PILOT is based on a 5 megawatt system and proposing a \$4,000 per megawatt lump sum payment with an annual 2% escalation. Ms. Tinney reported the payment structure proposed is for the real property taxes on the vacant land to remain the same for each of the taxing authorities; County, Town, and School District. Ms. Tinney reported once the base amount is deducted, the remainder of the lump sum payment would be disbursed equally amongst the three taxing authorities.

Ms. Tinney reported the Town of Owego is requesting authorization for the Chair of the Legislature to sign the PILOT agreement. Ms. Tinney reported this request is being presented to the school board this evening.

Legislator Sullivan inquired about property location. Ms. Tinney reported this is the Rudin Farm located on Gaskill Road, Town of Owego.

Chair Sauerbrey inquired about the customer base.

# Legislature



Mr. Green, Commercial Solar Energy Developer, reported the customer base could include anyone who is currently a NYSEG utility customer (residential, business, commercial, or municipality). Mr. Green reported anyone could subscribe to the energy produced so it is wide open.

Legislator Weston inquired about promotion to potential customers and if the residents and businesses closest to the property location would be given priority.

Mr. Green reported this particular project can support 1,000 average-sized homes. Mr. Green anticipates 40% will go to the industrial component with the remaining 60% going to the residential component. Mr. Green reported this project is open to NYSEG customers statewide; however, project marketing starts locally. Chair Sauerbrey inquired as to whether the 60/40 split is mandated or company choice. Mr. Green reported the 60/40 split is a rule from New York State and Public Service Commission.

Legislator Sullivan inquired whether this project expects to use the entire 31-acre parcel. Mr. Green reported the company would be leasing all 31-acres; however, the panels themselves may not take up the whole parcel, as there will be perimeter fencing and trees.

Ms. Graven reported this is a 15-year PILOT request.

Ms. Tinney reported the resolution will move forward to the March 12<sup>th</sup> Legislature meeting for Legislature consideration.

## **FOIL Appeal –**

The County Attorney presented a FOIL appeal for Legislature review and consideration.

On a straw poll vote, Legislators Balliet, Hollenbeck, Mullen, Roberts, Sauerbrey, Sullivan, and Weston were in favor of overturning the FOIL decision based on new circumstances since the initial FOIL request was received and denied with Legislators Monell and Standingger being absent.

Mr. DeWind will prepare a letter for Chair Sauerbrey's signature informing the individual the appeal decision was overturned in light of new circumstances and the requested information will be provided.



**Approval of Worksession Minutes – February 21, 2019 -**

Legislator Hollenbeck motioned to approve the February 21, 2019 Legislative Worksession minutes as written, seconded by Legislator Mullen with Legislators Balliet, Hollenbeck, Mullen, Roberts, Sauerbrey, Sullivan, and Weston voting yes and Legislators Monell and Standinger absent. Motion carried.

**Action Items -**

Currently, there are no action items.

**Legislative Support – Legislative Clerk Dougherty -**

**Approval of Legislative Support Committee Minutes – February 7, 2019:**

Legislator Weston motioned to approve the February 7, 2019 minutes as written, seconded by Legislator Balliet with Legislators Balliet, Hollenbeck, Mullen, Roberts, Sauerbrey, Sullivan, and Weston voting yes with Legislators Monell and Standinger absent. Motion carried.

Legislative Clerk Dougherty reported the following:

- The March Legislative Meeting is Tuesday, March 12, 2019, at 6:00 p.m. in the Hubbard Auditorium. Finance/Legal Committee will meet at 4:30 p.m. in the Legislative Conference Room.
- Legislator Balliet will do the prayer, pledge, and start the voting process at the March 12, 2019 Legislature meeting.
- Budget is tracking well.

**Recognition Resolution (1) –**

- ✓ **Resolution Recognizing Cindy Iannone’s 18 Years of Dedicated Service to Tioga County** – Legislator Mullen will read and present at the March 12, 2019 Legislature meeting. Ms. Iannone will not be attending; however, Sheriff Howard will speak on behalf of this employee.

**Proclamations (3) –**

- ✓ **Public Health Week (April 1<sup>st</sup> – 7<sup>th</sup>)** – This resolution has been read and presented in previous years, therefore, will just be noted in the minutes of the March 12, 2019 Legislature meeting.
- ✓ **National Nutrition Month** – Legislator Standinger will read and present this resolution at the March 12, 2019 Legislature meeting.
- ✓ **Welcome Home Vietnam Veterans Day** – This resolution has been read and presented in previous years, therefore, will just be noted in the minutes of the March 12, 2019 Legislature meeting.



**State of the County Address** – Chair Sauerbrey will present the State of the County Address at the March 12, 2019 Legislative meeting.

**Resolutions** – Chair Sauerbrey reviewed all resolutions for Legislature consideration at the March 12, 2019 Legislature meeting and discussion occurred on the following:

- ***Appropriate Funds and Modify 2019 Budget*** – Ms. Graven reported this is the ILS five-year criminal justice grant that County Attorney DeWind and Public Defender Awad have been working on and that the Legislature provisionally approved to be paid out of the County’s General Fund. Ms. Graven reported this resolution is requesting appropriation of approved funds for \$154,202. Ms. Graven reported approval is still required from the State Attorney General and State Comptroller.
- ***Accept Indigent Legal Services Award and Amend Budget*** – Ms. Graven reported this resolution is for the ILS Grant she has been overseeing for the past four years. Ms. Graven reported Distribution #8 was approved by the Legislature in 2018 covering the three-year time period of 1/1/18 – 12/31/20 for \$123,804. Ms. Graven reported the funding has been awarded, therefore, requesting appropriation of funds and budget amendment.

Chief Accountant/Budget Officer reported the difference between these two resolutions is that the second resolution is for acceptance of a grant award whereas the first resolution is requesting appropriation and budget modification, but funding has not been awarded.

Mr. DeWind reported this is not a lump sum award, but a draw down grant.

- ***Resolution Opposing the Proposed and Amended 2020 Executive State Budget Impacting Aid and Incentives to Municipalities (AIM) and State Cost Shifts to Counties*** – Chair Sauerbrey reported she sent emails to various elected officials including Senator O’Mara, Senator Akshar, Assemblyman Finch, Assemblyman Friend, and Assemblywoman Lupardo regarding Tioga County’s opposition and noting that a certified resolution would be forthcoming. In addition, Chair Sauerbrey spoke with NYSAC and they are doing every effort to lobby against this proposal.



→ **Appoint Rebecca Roden Deputy Fire Coordinator – Emergency Services –**

Chair Sauerbrey reported this resolution requests appointment of an individual to serve as a non-compensated, volunteer. Personnel Officer O'Rourke reported the Personnel Committee met just prior to this meeting and expressed questions and concerns regarding the volunteer status, therefore, requested additional explanation.

Director of Emergency Services Simmons reported this individual has been a member of the County Fire/EMS Service for years and is a member of the Southside Fire Department. This individual approached Emergency Services looking for a volunteer position.

Ms. O'Rourke reported appointing an individual to serve, as a non-compensated volunteer in a County paid title position is not ideal, therefore, would prefer to have the individual appointed to serve on one of the County's volunteer teams.

Recommendation made to revise the title of this resolution from Appoint Rebecca Roden Deputy Fire Coordinator to Appoint Member to the Critical Incident Stress Debriefing Team. Mr. Simmons and all Legislators in attendance were in favor of this revision. Legislator Mullen concurs that it is not ideal to have individuals volunteering in paid County title positions.

**\*UPDATE: Ms. Dougherty will revise the title of this resolution to Appoint Member to Critical Incident Stress Debriefing Team.**

Legislator Sullivan inquired as to whether the County has any liability for individuals serving on these volunteer teams. Mr. Simmons and Mr. DeWind both reported the County does have liability.

Chair Sauerbrey inquired as to whether the individuals serving on the volunteer boards have to take the same employee required trainings such as Sexual Harassment, etc.

Legislator Sullivan reported the Safety Officer needs to be aware of all the County's volunteer teams/boards to ensure proper scheduling of mandated trainings.

Suggestion made to review the listing of individuals serving on these volunteer teams to ensure they are still active with appropriate titles and then present one resolution re-appointing all active members.

# Legislature



Legislator Mullen suggested moving forward with the title change of this particular resolution for this month and then do a follow-up resolution at another time re-appointing all active members with their appropriate titles.

**Other** – None

**Executive Session –**

Motion by Legislator Roberts, seconded by Legislator Balliet to move into Executive Session to discuss an individual personnel matter. Motion carried to go into Executive Session at 1:45 p.m. with County Attorney DeWind, Personnel Officer O'Rourke, and ED&P Director Tinney remaining in attendance.

Executive Session adjourned at 2:28 p.m.

Meeting adjourned at 2:28 p.m.

Next worksession scheduled for Thursday, March 21, 2019, at 10:00 a.m.

Respectfully submitted,

*Cathy Haskell*

Deputy Legislative Clerk