



Cortland County Legislature

Legislative Session

Legislative Chambers
Cortland, NY 13045
<http://www.cortland-co.org>

~ Agenda ~

Thursday, March 23, 2023

6:00 PM

TC3 Extension Center

WebEx Meeting Information

<https://cortlandny.webex.com/cortlandny/j.php?MTID=m3dd334bba16a816ef32634a595edb22e>

Thursday, March 23, 2023 6:00 PM | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 2341 321 3864

Password: Y796RmtP4cm

Join by phone

+1-415-655-0001 US Toll

Access code: 234 132 13864

Public Hearings

1. Local Law "B" of 2023 a Local Law Setting the Salary of Cortland County Election Commissioners
2. Local Law "C" of 2023 a Local Law Creating an Exception to the Residency Requirement for Assistant County Attorneys for Cortland County
3. Local Law "D" of 2023 – a Local Law Redistricting the County of Cortland

Salute to the Flag

Call to Order

Roll Call

Attendee Name	Present	Absent	Late	Arrived
Legislator Douglas Bentley	☐	☐	☐	
Minority Leader Beau Harbin	☐	☐	☐	
Legislator Cathy Bischoff	☐	☐	☐	
Legislator Ronald J. Van Dee	☐	☐	☐	
Legislator Susan Wilson	☐	☐	☐	
Legislator Richard Stock	☐	☐	☐	
Legislator Ann Homer	☐	☐	☐	
Chair of the Legislature Kevin Fitch	☐	☐	☐	
Legislator Linda Jones	☐	☐	☐	
Legislator Kelly L. Fairchild-Preston	☐	☐	☐	
Legislator Christopher Newell	☐	☐	☐	
Legislator Joseph Nauseef	☐	☐	☐	
Legislator Eugene Waldbauer	☐	☐	☐	
Legislator Sandra Price	☐	☐	☐	
Majority Leader George Wagner	☐	☐	☐	
Legislator Paul Heider	☐	☐	☐	
Legislator Mitchel Eccleston	☐	☐	☐	

Approval of Minutes

1. Cortland County Legislature - Legislative Session - Feb 23, 2023 6:00 PM
2. Cortland County Legislature - Special Meeting - Mar 9, 2023 9:45 AM

Privilege of the Floor

Proclamations & Recognitions

Presentation of Petitions, Communications, and Notice

1. Communication - Greg Leach

Receive and File

1. Cortland County Annual Probation Report 2022

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Resolutions from the Chair

ON MOTION OF FITCH

AGENDA ITEM NO. 1

Appoint Member - Cortland County Board of Ethics

WHEREAS, On August 28, 2008, the Cortland County Legislature adopted Local Law 2 of 2008 “Adopting a County Code of Ethics and Requiring Financial Disclosure by Certain County Officials and Employees”, AND

WHEREAS, Local Law 2 of 2008 establishes a five-member County Board of Ethics, charged with the general responsibility for ensuring full compliance with the Code of Ethics and disclosure and which shall serve at the pleasure of the Cortland County Legislature, NOW THEREFORE BE IT

RESOLVED, that the following is hereby appointed to the Board of Ethics for the term designated:

Donald C. Armstrong - Community Member - term to expire December 31, 2026

, AND BE IT FURTHER

RESOLVED, that the Chair of the Legislature hereby appoints Donald C. Armstrong to serve as the Chair of the Cortland County Board of Ethics.

Referred from Building & Grounds Committee

ON MOTION OF HEIDER

AGENDA ITEM NO. 2

Authorize Agreement with Bell & Spina Architects for Specs for Cortland County Courthouse Column and East/West Entrance Rehabilitation - Buildings and Grounds Department

WHEREAS, the Cortland County Buildings and Grounds Committee recommends moving forward with necessary repairs and rehabilitation to the Cortland County Courthouse, AND

WHEREAS, the columns on the interior of the Courthouse and the east and west entrances of the Courthouse are in need of repair and/or replacement, AND

WHEREAS, to proceed with the column and east/west entrance projects, there is a need to have engineering specifications drawn up, AND

WHEREAS, Bell & Spina Architects of 215 Wyoming Street Syracuse, NY 13204, has the expertise to draw up specifications for said projects, AND

WHEREAS, Resolution No. 70-22 authorized the allocation of \$1,000,000 of American Rescue Plan funding for the planning, preparation and implementation of repairs to the Cortland County Courthouse and the funding is available in Account No. A16205.52320.ARP, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon approval of the County Attorney or designee, is hereby authorized and directed to execute a contract, for an amount not to exceed \$200,000, with Bell & Spina Architects, 215 Wyoming Street Syracuse, NY 13204, for the completion of the specifications for said projects, AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee and subject to appropriation of funding, be and hereby is authorized to enter into an agreement with Bell & Spina Architects of 215 Wyoming Street Syracuse, NY 13204, for said purposes at a cost not to exceed \$200,000, to be paid from Account No. A16205.52320.ARP.

Referred from Highway Committee

ON MOTION OF NEWELL

AGENDA ITEM NO. 3

Authorize Agreement City of Cortland Vermicomposting at Cortland County Landfill

WHEREAS, the City of Cortland has been awarded a grant to install a vermicomposting site for the use of Cortland County businesses and residents, AND

WHEREAS, an ideal location for this site is the Cortland County Landfill, AND

WHEREAS, the Cortland County Legislature's Highway Committee recommends a long-term agreement with the City of Cortland for the use of a portion of the Cortland County Landfill as a vermicomposting site, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature authorizes the County Administrator, upon review and approval of the County Attorney or designee, to enter into a long-term agreement with the City of Cortland for said purposes at no cost to Cortland County.

ON MOTION OF NEWELL**AGENDA ITEM NO. 4****Amend Resolution No. 114-22 - Authorize Agreement/Installation of Active Landfill Gas Collection and Control System - Highway Department**

WHEREAS, Resolution No. 114-22 authorized the County Administrator to enter into agreements and award bids needed for the planning, installation and implementation of an active gas collection and flaring system at the Cortland County Landfill for a cost not to exceed \$1.7 million, AND

WHEREAS, the amount needed for the planning, installation and implementation of an active gas collection and flaring system at the Cortland County Landfill came in at a cost of \$2,215,000, NOW THEREFORE BE IT

RESOLVED, that Resolution No. 114-22 be and hereby is amended to authorize the County Administrator, upon approval of the County Attorney, or their designee, to enter into agreements and award bids needed for the planning, installation and implementation of an active gas collection and flaring system at the Cortland County Landfill for a cost not to exceed \$2,215,000 million.

Referred from Health & Human Services Committee**ON MOTION OF PRICE****AGENDA ITEM NO. 5****Authorize Agreement for Diagnosis and Treatment of Sexually Transmitted Diseases - Health Department**

WHEREAS, the County Health Department, is required to provide services for the diagnosis and treatment of sexually transmitted diseases (STDs) through contract pursuant to the provision of Article 23 of the Public Health Law of the State of New York, AND

WHEREAS, the County Health Department desires to contract with clinics that have fully qualified clinician(s) to perform the necessary examination to detect the presence of such diseases and who will be in compliance with the professional licensing requirements of the New York State Education Department, AND

WHEREAS, the clinic shall seek third party reimbursement for services provided to the greatest extent possible and at no time will residents of the County be denied diagnosis and treatment for STDs due to the inability or refusal to pay for services, AND

WHEREAS, the County is responsible to pay the cost of services not covered by third party entities and said costs are budgeted in STD Contracted Services account A40115.54815.STD, AND

WHEREAS, the agreements will be in effect from April 1, 2023 until March 31, 2025 with the right to renew by the parties for 2 year terms, up to 3 renewals total, NOW THEREFORE BE IT

RESOLVED, that the County Administrator and Public Health Director, upon review and approval by the County Attorney or designee are hereby authorized to execute agreements for the provision of said services with fully qualified providers.

ON MOTION OF PRICE**AGENDA ITEM NO. 6****Abolish One Position of Social Services Attorney/Create One Position of Associate Social Services Attorney/Social Services Attorney - Department of Social Services**

WHEREAS, the needs of the Department of Social Services will be better served by abolishing one (1) Social Services Attorney and creating one (1) Associate Social Services Attorney/Social Services

Attorney, AND

WHEREAS, the Health & Human Services Committee recommends the abolition and creation of these positions, NOW THEREFORE BE IT

RESOLVED, that one (1) position of Social Services Attorney (Grade 6, Management Compensation Plan, \$73,873-\$98,324/YR, competitive, full time with benefits) be and hereby is abolished effective March 23, 2023 at midnight, AND BE IT FURTHER

RESOLVED, that one (1) position of Associate Social Services Attorney/Social Services Attorney (Grade 7, Management Compensation Plan, \$68,718-\$91,464 competitive, full time with benefits OR Grade 6, Management Compensation Plan, \$73,873-\$98,324/YR, competitive, full time with benefits) be created with permission to fill effective March 24, 2023 at 12:01 am.

ON MOTION OF PRICE

AGENDA ITEM NO. 7

Create Age Well Center Manager (Full-Time) and Food Service Helper (Part-Time) - Area Agency on Aging

WHEREAS, the needs of the agency will be better served by creating one full-time position of Age Well Center Manager and one part-time position of Food Service Helper, AND

WHEREAS, the Health and Human Services Committee recommends the creation of these positions, NOW THEREFORE BE IT

RESOLVED, that one position of Age Well Center Manager (CSEA, Grade 10, \$18.8329-23.8377/hr, competitive class, full-time with benefits) and one position of Food Service Helper (CSEA, Grade 3, \$15.0557-19.0567/hr, labor class, part-time, 15hrs/week, no benefits) be created with approval to fill on March 23, 2023.

ON MOTION OF PRICE

AGENDA ITEM NO. 8

Accept Funds Sports Opportunity Funding Youth Bureau - Health Department

WHEREAS, The NYS Office of Children and Family Services, through the Resource Allocation Plan has made available the sum of \$17,580 to Cortland County Youth Bureau, AND

WHEREAS, each municipal youth bureau will receive an allocation for the Sports Opportunity Funding to serve children and youth ages 6-17 based on the population of eligible youth in the county, AND

WHEREAS, the County Youth Bureau has designated the funds to the various county municipalities and agencies from January 1, 2023 through September 30, 2023, and for which a copy is in the County Youth Bureau Office, AND

WHEREAS, part of the funding has already been budgeted, AND

WHEREAS, the 2023 County Budget will need to be amended as follows:

<u>Revenue:</u>		<u>Current</u>	<u>Inc/Dec</u>	<u>Balance</u>
A73125.43820. YB	Youth Bureau	(\$68,686)	(\$409)	(\$69,095)
<u>Expenditure:</u>		<u>Current</u>	<u>Inc/Dec</u>	<u>Balance</u>
A73125.51005	Personnel	\$17,000	(\$2,935)	\$14,065
A73125.54005	Office Supplies	\$0	\$500	\$500

A73125.54020	Postage	\$100	(\$65)	\$35
A73125.54035	Educ/Train	\$0	\$500	\$500
A73125.54040	Membership/Dues	\$0	\$300	\$300
A73125.54045	Mileage	\$0	\$200	\$200
A73125.54048	Program Supplies	\$0	\$1500	\$1500
A73125.54815	Program Exp - SDPP	\$51,686	<u>\$409</u> \$409	\$52,095

, NOW THEREFORE BE IT

RESOLVED, that the County Administrator and Public Health Director, upon review and approval by the County Attorney or designee, and subject to appropriation of the funding by the Legislature, is hereby authorized and directed to execute the Resource Allocation Planning Agreement with the NY State Office of Children and Family Services and contract with approved agencies, AND BE IT FURTHER,

RESOLVED, that the Treasurer's office is authorized to pay from the appropriate expense account and that in the event that the county does not receive the appropriate funds from the NY State Office of Children and Family Services, the County shall not be liable to pay any of its own funds to meet any deficiency under the terms of the contract, AND BE IT FURTHER

RESOLVED, the Director of Finance shall carryover all unused grant funds to the subsequent year(s) budget covered by the grant, per the approved grant agreement.

ON MOTION OF PRICE

AGENDA ITEM NO. 9

Authorize Agreement for Rabies Program - Environmental Health/Health Department

WHEREAS, New York State Public Health Law gives primary responsibility for the control and suppression of rabies to local health departments, AND

WHEREAS, the primary purpose of this program is to implement a rabies plan that will protect the residents of Cortland County from contracting rabies based on current New York State Department of Health guidelines, AND

WHEREAS, these activities include but are not limited to: specimen preparation and shipment; and pet vaccination clinics, AND

WHEREAS, the Cortland County Health Department is seeking to contract with Veterinary offices for an initial period of one year, 4/1/23-3/31/24 to help coordinate the efforts of the local rabies program, AND

WHEREAS, the cost of these services will range from \$125.00 to \$400.00 per service and are budgeted in Environmental Health Rabies Contracted Services account A40125.54615.RAB, NOW THEREFORE BE IT

RESOLVED, that the County Administrator and Public Health Director, upon review and approval by the County Attorney or designee, are hereby authorized to execute agreements for the provision of said services with fully qualified providers.

Referred from Agriculture/Planning/Environment Committee

ON MOTION OF HARBIN

AGENDA ITEM NO. 10

Amend 2023 Budget/Authorize Agreement for Outside Counsel

WHEREAS, the Cortland County Legislature adopted Local Law No. 1 of 2018 which established a PILOT Agreement for Commercial Solar Energy Systems in Cortland County and thereafter amended that local law with the enactment of Local Law No. 5 of 2020, entitled, “Solar Energy System PILOT Law of the County of Cortland, New York”, AND

WHEREAS, since that time, there have been changes to New York State Real Property Tax Law Section 487 and both State and Federal Legislation has focused on encouraging renewable energy, AND

WHEREAS, the Cortland County Legislature feels that it is in the best interest of the County to achieve energy efficiency and renewable energy goals and at the same time be fiscally responsible to all taxpayers of the County, AND

WHEREAS, the County Attorney recommends that the County Legislature engage the services of outside counsel specializing in Real Property Tax Law, Payment in Lieu of Tax (PILOT) Agreement negotiations, with knowledge and experience concerning the advisability of entering into the same, and knowledge of current and pending legislation concerning renewable energy, AND

WHEREAS, the County Attorney recommends engaging the services of Hodgson Russ LLP,
NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature authorizes the Chair of the Cortland County Legislature, upon review of County Attorney or designee, to execute and accept the terms outlined in the January 27, 2023 correspondence from Hodgson Russ LLP, AND BE IT FURTHER

RESOLVED, that the 2023 Cortland County Budget be amended as follows:

Increase:

A359900	Appropriated Fund Balance	\$10,000
A10105.54055	Professional Services	\$10,000

, AND BE IT FURTHER

RESOLVED, the Cortland County Legislature be and hereby authorizes payment of said legal services up to the amount of \$10,000; with said services charged against account A10105.54055.

ON MOTION OF HARBIN

AGENDA ITEM NO. 11

Authorize Agreement with Cortland County Soil & Water Conservation District

WHEREAS, the Cortland County Legislature created the Special Taxing District known as the “Little York Lake Protection and Rehabilitation District” (hereinafter “District”) as of January 1, 2023 pursuant to Resolution No. 298-21, the same having passed public referendum, AND

WHEREAS, the Cortland County Legislature has designated the Cortland County Soil and Water Conservation District as the administrative agent for the District at no cost except for the

reimbursement for direct costs from said District, AND

WHEREAS, the Cortland County Legislature has approved the budget for the District for the 2023 fiscal year, AND

WHEREAS, during the budget process each year the funds for the District are appropriated and approved by the Legislature, AND

WHEREAS, the Cortland County Legislature finds that it is in the public's interest to enter into a formal agreement with the Cortland County Soil and Water Conservation District to permit that entity to take necessary steps to effect the plan submitted with the annual budget of the District and approved in the current fiscal year County Budget, including entering into contracts in its own name and seeking reimbursement from the County upon submission of itemized vouchers, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, be and hereby is authorized to enter into a contract between the County of Cortland and the Cortland County Soil and Water Conservation District for said purposes.

ON MOTION OF HARBIN

AGENDA ITEM NO. 12

Appoint Director of Planning - Planning Department

WHEREAS, the Cortland County Legislature has a vacant position of Director of Planning, AND

WHEREAS, interviews were conducted by the County Administrator and interview committee and they have offered a recommendation for this appointment, AND

WHEREAS, the Agriculture, Planning and Environmental Committee approves the appointment as recommended by the interview committee, AND

WHEREAS, the County Legislature has received from the County Administrator and the Agriculture, Planning and Environmental Committee the recommendation for appointment of _____ as Director of Planning, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature does hereby appoint _____ as Director of Planning at an annual salary of \$_____ (Grade 3, Step __, Management Compensation Plan, non-competitive class) effective _____ at 12:01 AM.

Referred from Judiciary & Public Safety Committee

ON MOTION OF FAIRCHILD-PRESTON

AGENDA ITEM NO. 13

Abolish Cook (32 Hrs/Week)/Create Cook (40 Hrs/Week) - Sheriff's Office

WHEREAS, the needs of the Sheriff's Office will be better served by abolishing one (1) Cook (32 hours) position and creating one (1) Cook (40 hours) position, AND

WHEREAS, the Judiciary and Public Safety Committee recommends the abolition and creation of these positions, NOW THEREFORE BE IT

RESOLVED, that one (1) position of Cook (Grade 2 Corrections/Civilian Union, \$17.4089-\$23.1381/hr, non-competitive class, 32 hours/week) be and hereby is abolished effective March 23, 2023 at midnight, AND BE IT FURTHER

RESOLVED, that one (1) position of Cook (Grade 2 Corrections/Civilian Union, \$17.4089-\$23.1381/hr, non-competitive class, 40 hours/week) be created with permission to fill effective March 24, 2023 at 12:01 am.

Create Part-Time Crime Victim Advocate - Office of the District Attorney

WHEREAS, the needs of the agency will be better served by creating one part-time position of Crime Victim Advocate, AND

WHEREAS, the Judiciary and Public Safety Committee recommends the creation of this position, NOW THEREFORE BE IT

RESOLVED, that one position of Crime Victim Advocate (CSEA, Grade 9, 18.2559-23.1072/hr, competitive class, part-time, no benefits), be created with approval to fill on March 24, 2023.

Referred from Government Operations Committee**Amend 2023 Budget/Abolish Two Positions of Election Commissioner (Part-Time)/Create Two Positions of Election Commissioner (Full Time) - Board of Elections**

WHEREAS, the needs of the agency will be better served by abolishing two (2) Election Commissioner positions (part-time) and creating two (2) full time Election Commissioner positions, AND

WHEREAS, the Government Operations Committee recommends the abolition and creation of these positions, NOW THEREFORE BE IT

RESOLVED, that two (2) positions of Election Commissioner (\$34,552.37/YR, unclassified, part-time, 30 hrs/week with benefits) be and hereby are abolished effective March 24, 2023 at midnight, AND BE IT FURTHER

RESOLVED, that two (2) positions of Election Commissioner off scale equivalent to Grade 10 Step 1, Management Compensation Plan, (\$55,315, unclassified, full time with benefits) be created with permission to fill effective May 25, 2023 at 12:01 am, AND BE IT FURTHER

RESOLVED, that, pursuant to Election Law Section 3-208, each Cortland County Election Commissioner shall receive an equal salary, to be fixed by the County Legislature annually, and will not receive salary increases based upon the salary step plan, AND BE IT FURTHER

RESOLVED, that the 2023 budget be and hereby is amended as follows:

Increase:

A359900	Appropriated Fund Balance	\$42,000
A14505.51005	Personal Services	\$42,000

Local Law "B" of 2023 a Local Law Setting the Salary of Cortland County Election Commissioners

WHEREAS, said Local Law has been in its final form upon the desks of the members of the Legislature at least seven (7) calendar days, exclusive of Sunday, prior to this date, AND

WHEREAS, a public hearing thereon has been held before this Legislature after publication of notice thereof as legally required, NOW THEREFORE BE IT

RESOLVED, that Local Law “B” of 2023 is hereby adopted and shall take effect upon the filing thereof in the Office of the Secretary of State as provided by Municipal Home Rule Law, and be it further

RESOLVED, that, as this local law is subject to permissive referendum, the Clerk of the Legislature shall cause an abstract of this local law to be published in the County’s official newspaper at least once a week for two successive weeks, the first publication of which shall be had within ten days after the local law is adopted;

, NOW THEREFORE

BE IT ENACTED by the County Legislature of the County of Cortland as follows:

Section I:

Pursuant to Election Law §3-208, each Cortland County Election Commissioner shall receive an equal annual salary, to be fixed by the County Legislature.

Section II:

The annual salary for each Cortland County Election Commissioner shall be increased from \$34,552.37 to \$55,315 for fiscal year 2023 and paid over the balance of 2023 calendar year, upon the effective date of this local law.

Section III:

This local law is subject to permissive referendum and shall not take effect until at least forty-five (45) days after its adoption as provided for by Municipal Home Rule Law §24.

ON MOTION OF STOCK

AGENDA ITEM NO. 17

Appoint Republican Election Commissioner

WHEREAS, due to the untimely passing of Robert C. Howe, duly appointed Cortland County Republican Election Commissioner, there is a vacancy for a term expiring December 31, 2023, AND

WHEREAS, the Cortland County Republican Committee has submitted a certification endorsing the appointment of Michelle S. Brown as the Cortland County Republican Election Commissioner, NOW THEREFORE BE IT

RESOLVED, that Michelle S. Brown, 16 Frank Street, Cortland, New York 13045, is hereby appointed as the Cortland County Republican Election Commissioner for a term beginning May 25, 2023 through December 31, 2023.

ON MOTION OF STOCK

AGENDA ITEM NO. 18

Local Law "C" of 2023 a Local Law Creating an Exception to the Residency Requirement for Assistant County Attorneys for Cortland County

WHEREAS, said Local Law has been in its final form upon the desks of the members of the Legislature at least seven (7) calendar days, exclusive of Sunday, prior to this date, AND

WHEREAS, a public hearing thereon has been held before this Legislature after publication of notice thereof as legally required, NOW THEREFORE BE IT

RESOLVED, that Local Law “C” of 2023 is hereby adopted and shall take effect upon the filing

thereof in the Office of the Secretary of State as provided by Municipal Home Rule Law, NOW THEREFORE

BE IT ENACTED by the County Legislature of the County of Cortland as follows:

SECTION 1.

Preface: It is a strong desire of the Cortland County community to install Cortland County residents in the position of Assistant County Attorney in Cortland County. It is a strong belief of Cortland County that Cortland County residents are knowledgeable about and concerned with the affairs of Cortland County. As has been recognized by the Courts, we believe that a resident of our County has a stake in the life of this community that is not necessarily shared by a non-resident. A resident is more likely to be familiar with local problems, conditions and needs, and is better qualified to perform the duties of the relevant office in question. *DeHondv. Nyquest*; (65 Misc. 2d 526, 529-530, 318 NYS2d (1971)). At the same time, however, the complexity and breadth of Cortland County Government present a challenge with respect to staffing and recruitment. We recognize that the pool of candidates from which we draw in our County is responsible and caring; however, it is sometimes difficult to staff an office from the pool in Cortland County. This law is being passed based upon the existence of the residency requirement in Public Officer's Law §3.

SECTION 2.

Definitions:

County Attorney - The person holding such office as appointed under Section 500 of the County Law.

Assistant County Attorney - The person or persons appointed by the County Attorney under Section 502 of the County Law, including the title of Chief Assistant County Attorney.

SECTION 3.

Purpose: It is the purpose of this Local Law to confirm the commitment of Cortland County to hire residents who have the necessary qualifications and skills to meet the requirements of the position for Assistant County Attorney of Cortland County. This Law will permit Cortland County to alleviate the problem of staffing and recruitment by permitting Cortland County to solicit candidates for the office of Assistant County Attorney from the Counties contiguous to Cortland County in the event of an inability to recruit a sufficient number of qualified candidates from within Cortland County for the position.

SECTION 4.

Authority: Under the Municipal Home Rule Law, Section 10, the County of Cortland has the authority to authorize a non-resident to hold the position of Assistant County Attorney. Section 500 of the County Law provides that any county having no resident attorney-at-law available may employ an attorney-at-law residing in another county.

SECTION 5.

Authority of Cortland County to Hire Applicants for the Position of Assistant County Attorney for Cortland County from Contiguous Counties to Cortland County: Upon written request from the County

Attorney to consider non-Cortland County residents for the position of Assistant County Attorney, the Personnel Officer shall determine if all recruitment efforts have been adequately pursued, including soliciting applicants from the Cortland County Bar Association, and provide the County Attorney with an approval/denial to hire a non-Cortland County resident. Upon receiving the Personnel Officer's approval, the County Attorney shall be authorized to consider and hire applicants who are residents from any contiguous Counties to Cortland County to the position of Assistant County Attorney or Chief Assistant County Attorney.

SECTION 6.

Severability: If any section of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof that can be given effect without the invalid provision, but shall be confined in its operation to the section thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7.

Effect: This Local Law shall take effect upon filing pursuant to the provisions of Article 3, Section 27 of the Municipal Home Rule Law.

ON MOTION OF STOCK

AGENDA ITEM NO. 19

**APPROVED BY THE FINANCE AND ADMINISTRATION COMMITTEE AS ORIGINALLY
ON THE AGENDA (NOT AS AMENDED BY THE GOVERNMENT OPERATIONS
COMMITTEE)**

Rescind Resolution No. 14-23 - Legislative Mileage Policy - Legislature

WHEREAS, Resolution No. 258-15 adopted a Legislative Mileage Reimbursement Policy,
AND

WHEREAS, Resolution No. 14-23 amended the policy to fairly enable reimbursement without restricting the ability of Legislators who must drive further due to their residence location, AND

WHEREAS, the Cortland County Government Operations Committee recommends rescinding Resolution No. 14-23, NOW THEREFORE BE IT

RESOLVED, that Resolution No. 14-23 be and hereby is rescinded.

Referred from Finance & Administration Committee

ON MOTION OF WAGNER

AGENDA ITEM NO. 20

Accept Bids and Award Contract for County-Wide Office Supplies - Audit Department

WHEREAS, a Request for Proposals (RFP) was issued on January 27, 2023 for a supplier of various office supplies and such bids were due and received by March 2, 2023, AND

WHEREAS, bids were received from the following:

Hummel's Office Plus, 25 Canal Street, Mohawk, NY 13407
WB Mason Co., Inc., 59 Centre Street, Brockton, MA 02301

, AND

WHEREAS, the bids were evaluated to determine whether they met the specifications of the RFP and compared to identify the vendor that represents the lowest responsible bidder, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature awards the contract to Hummel's Office Plus as the vendor's bid was determined to be in the best interest of the County based on the evaluation performed, AND BE IT FURTHER

RESOLVED, that the County Administrator, upon approval of the County Attorney or designee is authorized to sign an agreement with Hummel's Office Plus, 25 Canal Street, Mohawk, NY 13407, effective April 1, 2023 for a one year term with an option to extend for an additional three one-year terms.

ON MOTION OF WAGNER

AGENDA ITEM NO. 21

Resolution Calling on the Governor of New York State to Remove from the 2024 Executive Budget Part M of the Article VII Revenue Bills

WHEREAS, on February 1, 2023, the Governor of New York State announced New York State's Fiscal Year 2024 Executive Budget (the "Budget"), AND

WHEREAS, the Budget includes Article VII Revenue Bills, AND

WHEREAS, Article VII Revenue Bills includes Part M adding a new section 989 of the Real Property Tax Law titled "Distribution of surplus in tax enforcement proceedings" ("Proposed Budget Legislation"), AND

WHEREAS, the Proposed Budget Legislation seeks to require municipalities governed by Article 11 of the Real Property Tax Law ("RPTL") to give excess money to a prior owner of real property sold by the municipality after taking title pursuant to Article 11 of the RPTL, AND

WHEREAS, the Proposed Budget Legislation should be removed from the Fiscal Year ("FY") 2024 Budget because (1) it is unconstitutional since Article VIII, Section 1 of the New York Constitution restricts a county from giving any money to or in aid of any individual, or private corporation or association or private undertaking, (2) it is unfair to lien holders since all liens are cut off by Section 1131 of Article 11 at the time an interested party fails to redeem or answer, which time comes prior to the County taking title and selling the parcel, (3) it will be practically impossible for a county to accurately account for all administrative costs associated with administering enforcement of taxes for thousands of parcels during a two year time period involving subcontractors and staff from multiple departments, (4) it is unclear whether litigation costs incurred in enforcing taxes pursuant to Article 11 would be included, (5) the number of unpaid parcels are likely to increase with owners knowing that they do not have to pay lien holders, including the mortgage lien on their home, real estate agents and other costs that would be required absent this Proposed Budget Legislation, (6) the Proposed Budget Legislation does not address the circumstances where there is no "prior owner" or the prior owner is deceased or the method and attempts required to ensure that the "prior owner" accepts payment and (7) it is unfair to the gross majority of parcel owners in the County who timely pay their taxes or properly sell their home if they no longer desire to own it, AND

WHEREAS, the Cortland County Legislature's Finance and Administration Committee has reviewed this resolution and recommends that the Governor remove Part M from the FY 2024 Executive Budget, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby calls on the Governor of New York State to remove from the FY 2024 Executive Budget Part M of the Revenue Bills, AND BE IT FURTHER

RESOLVED, that the Clerk of the Cortland County Legislature shall forward copies of this resolution to the Governor of the State of New York, the New York State Legislature, the New York State Congressional Delegation, and all others deemed necessary and proper.

ON MOTION OF WAGNER

AGENDA ITEM NO. 22

Reaffirming Cortland County's Endorsement of Special State Legislation Amending Article 31 of the New York State Tax Law to Permit Cortland County to Impose a Tax on the Transfer of Real Property (A1261, S3603)

WHEREAS, the Cortland County Legislature approved Resolution No. 289-22, "A Home Rule Request For Special Legislation Amending Article 31 of the New York State Tax Law to Permit Cortland County to Impose a Tax on the Transfer of Real Property, AND

WHEREAS, it is proposed that the rate of such tax shall be one dollar (\$1.00) when the consideration exceeds five hundred dollars (\$500.00), at the rate of one dollar for each five hundred dollars or fractional part thereof, AND

WHEREAS, in order to enact a Property Transfer Tax in Cortland County the New York State Legislature must adopt special Home Rule legislation to enable the County of Cortland to enact a local law for the imposition of such a tax, AND

WHEREAS, Senator Lea Webb has introduced New York State Senate bill S3603 and Assemblymember Anna Kelles has introduced Assembly bill A1261 on behalf of Cortland County, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature endorses and requests State approval of said legislation, and urges its elected representatives in the Senate and Assembly to support this legislation, AND BE IT FURTHER

RESOLVED, that the Clerk of this Legislature and the County Attorney prepare the documentation necessary for the New York State Legislature to enact said Legislation, AND BE IT FURTHER

RESOLVED, that the Chairman of the Legislature and Clerk of the Legislature, upon review and approval by the County Attorney, be and hereby is authorized to execute the appropriate Home Rule Request for the enactment of said special law.

Announcements

Adjournment