



Cortland County Legislature

Legislative Session

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

~ Agenda ~

Thursday, March 28, 2024

6:00 PM

Board Room

WebEx Meeting Information

<https://cortlandny.webex.com/cortlandny/j.php?MTID=ma849cbbd689617a200c8b4ef7711008b>

Thursday, March 28, 2024 6:00 PM | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 2335 517 0979

Password: 9rDGfqB26DE

Join by phone

+1-415-655-0001 US Toll

Access code: 233 551 70979

Salute to the Flag

Call to Order

Roll Call

Attendee Name	Present	Absent	Late	Arrived
Legislator Douglas Bentley	☐	☐	☐	
Legislator Cathy Bischoff	☐	☐	☐	
Legislator Reed Cleland	☐	☐	☐	
Legislator Mitchel Eccleston	☐	☐	☐	
Minority Leader Beau Harbin	☐	☐	☐	
Majority Leader Paul Heider	☐	☐	☐	
Legislator Linda Jones	☐	☐	☐	
Legislator Dominick Mantella	☐	☐	☐	
Legislator William McGovern	☐	☐	☐	
Legislator Joseph Nauseef	☐	☐	☐	
Legislator Christopher Newell	☐	☐	☐	
Legislator Sandra Price	☐	☐	☐	
Legislator Ronald J. Van Dee	☐	☐	☐	
Legislator Keith VanGorder	☐	☐	☐	
Legislator Eugene Waldbauer	☐	☐	☐	
Legislator Susan Wilson	☐	☐	☐	
Chair of the Legislature Kevin Fitch	☐	☐	☐	

Approval of Minutes

1. Cortland County Legislature - Legislative Session - Feb 22, 2024 6:00 PM

Privilege of the Floor

Proclamations & Recognitions

Presentation of Petitions, Communications, and Notice

Receive and File

1. PILOT Notice - ISpice, LLC
2. 2023 Probation Department Annual Report
3. 2023 County Clerk Annual Report

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

Resolution Encouraging Cortland County Municipalities to Become Pro-Housing Communities

WHEREAS, housing affordability and availability are critical issues affecting the residents of Cortland County; AND

WHEREAS, the Pro-Housing Community Program, as outlined by Governor Hochul, aims to address these challenges by promoting responsible development and enhancing housing options for all New Yorkers; AND

WHEREAS, the goals of the Pro-Housing Community Program align with the values and objectives of Cortland County in fostering vibrant, inclusive, and sustainable communities; AND

WHEREAS, participation in the Pro-Housing Community Program offers opportunities for Cortland County municipalities to access technical assistance, funding, and resources to support the development of affordable and accessible housing; AND

WHEREAS, by becoming Pro-Housing Communities, Cortland County municipalities can demonstrate their commitment to addressing housing needs, promoting economic growth, and enhancing the overall quality of life for their residents; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby encourages all municipalities within Cortland County to enroll in the Pro-Housing Community Program administered by the New York State Homes and Community Renewal (HCR); AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature hereby encourages all municipalities to review

and update zoning and building codes to allow for housing development in accordance with the guidance from the New York State Office of Homes and Community Renewal; AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature urges municipal leaders to actively collaborate with the HCR and other relevant stakeholders to develop and implement strategies that advance the goals of the Pro-Housing Community Program; AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature pledges its support to assist municipalities in their efforts to become Pro-Housing Communities by providing necessary resources, guidance, and advocacy; AND BE IT FURTHER

RESOLVED, that copies of this resolution be transmitted to the Governor Hochul, the New York State Office of Homes and Community Renewal, all municipalities within Cortland County, and other relevant stakeholders, urging their support and cooperation in this endeavor.

ON MOTION OF FITCH

AGENDA ITEM NO. 2

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:

Joan Robinson - Community Member - term to expire December 31, 2027

Referred from Building & Grounds Committee

ON MOTION OF HEIDER

AGENDA ITEM NO. 3

Award Bid/Authorize Agreement for County-Wide Elevator/Lift Service and Repair with Kone Inc. - Buildings and Grounds Department

WHEREAS, Requests for Proposal for service and repair of all elevators, lifts and traction lifts owned by Cortland County were opened February 28, 2024; AND

WHEREAS, the elevators, lifts and traction lifts in existence have been in place for an extended period of time, which requires consistent preventative maintenance as well as the ability to respond in a timely fashion in the event of a service call; AND

WHEREAS, one proposal was submitted as follows:

Kone, Inc.
836 North State Street
Syracuse, NY 13205
Maintenance Agreement - up to \$1,575.00/month
Billing Rates for Services Require Outside Scope:
Regular Time - \$285.00 per hour
Overtime - \$425.00 per hour

; AND

WHEREAS, the Buildings and Grounds Committee recommends including the estimated annual cost for parts and repair based on previous experience, and all other aspects of the services to be offered within the proposal, NOW THEREFORE BE IT

RESOLVED, that on the recommendation of the Buildings and Grounds Committee this Legislature hereby authorizes an elevator service contract with Kone, 836 North State Street, Syracuse, NY, 13208, from March 1, 2024 through February 28, 2030 as the best value offered, AND BE IT FURTHER

RESOLVED, that on approval of the County Attorney or designee, the County Administrator is hereby authorized to execute the agreement with Kone for elevator and chairlift service to be funded through Account No. A16205.54015, Maintenance Agreements.

ON MOTION OF HEIDER

AGENDA ITEM NO. 4

Amend 2024 Budget/Authorize Agreement with Civic Plus for Audio Eye Website Accessibility - Information Technology

WHEREAS, Cortland County has a current contract with CivicPlus for the Cortland County website; AND

WHEREAS, the Cortland County Legislature wishes to continue to include AudioEye through CivicPlus on the Cortland County website to provide increased accessibility to the County website; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon approval of the County Attorney or designee, is hereby authorized and directed to enter into an agreement with CivicPlus, 302 S. 4th Street, Manhattan, KS 66502, for AudioEye in the amount of \$4,641.82; AND BE IT FURTHER

RESOLVED, that the 2024 budget be and hereby is amended as follows:

Increase:

A16805.54015 - Maintenance Agreement	\$4,641.82
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A359900 - Appropriated Fund Balance	\$4,641.82
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ON MOTION OF HEIDER

AGENDA ITEM NO. 5

Authorize Agreement with Northstar Lifts LLC for Installation of CPL Lift at Dwyer Memorial Park - Buildings & Grounds Department

WHEREAS, there is a need to replace the elevator/lift at the Main Pavilion of Dwyer Memorial Park; AND

WHEREAS, the Buildings and Grounds Committee reviewed multiple quotes following no responses being received for a Request for Proposals (RFP) for the project; AND

WHEREAS, the Building and Grounds Committee recommends installing a Garaventa Elvoron CPL at Dwyer Memorial Park; AND

WHEREAS, it is the recommendation of the Building and Grounds Committee to enter into an agreement with Northstar Lifts, LLC, of 496 Route 281, Tully, New York 13159, for the installation of a Garaventa Elvoron CPL at Dwyer Memorial Park; AND

WHEREAS, the Cortland County Legislature adopted Resolution No. 155-23 authorizing the use of up to \$100,000 of the Buildings and Grounds Capital Reserve, account no. A.386300.B&G, for the replacement of the elevator/lift; NOW THEREFORE BE IT

RESOLVED, that the Cortland Legislature hereby authorizes the County Administrator, upon review and approval of the County Attorney or designee, to enter into an agreement with Northstar Lifts, LLC, of 496 Route 281, Tully, New York 13159, for the installation of a Garaventa Elvoron CPL at Dwyer Memorial Park.

ON MOTION OF HEIDER

AGENDA ITEM NO. 6

Award Bid for Lease of 49 Grant Street - Authorize Agreement with Catholic Charities of Cortland County - Buildings and Grounds

WHEREAS, the Cortland County Buildings and Grounds Department released a Request for Proposals (RFP) for the lease of County-owned property located at 49 Grant Street, Cortland, New York 13045 for a term to not exceed five (5) years; AND

WHEREAS, the successful bidder shall be responsible for all costs and maintenance associated with the property, with the exception of maintenance and repairs to the roof; AND

WHEREAS, bids were received by and publicly opened on March 4, 2024 at 2:30 PM; AND

WHEREAS, one proposal was received from Catholic Charities of Cortland County, of 33-35 Central Avenue, Cortland, New York 13045; AND

WHEREAS, the proposed monthly rental amount is \$600 per month to be paid to the County; AND

WHEREAS, the Buildings and Grounds Committee recommends awarding the bid to Catholic Charities of Cortland County for the proposed monthly rental amount of \$600; NOW THEREFORE BE IT

RESOLVED, that the Cortland Legislature hereby authorizes the County Administrator, upon review and approval of the County Attorney or designee, to enter into a two (2) year lease agreement with Catholic Charities of Cortland County, of 33-35 Central Avenue, Cortland, New York 13045, beginning April 1, 2024; AND BE IT FURTHER

RESOLVED, all revenue from said lease agreement shall be deposited into Account No. A162042.42410.

ON MOTION OF HEIDER

AGENDA ITEM NO. 7

Appoint Superintendent of Buildings and Grounds

WHEREAS, there is a vacant position of Superintendent of Buildings and Grounds due to a retirement; AND

WHEREAS, the Cortland County Rules of Order (Article IV; 1; I) directs a Committee Chair to “delegate two members of the committee, who shall participate in the selection of a Department Head in a department assigned to it in these Rules, for appointment by the Legislature;” AND

WHEREAS, Buildings and Grounds Committee members Paul Heider and Ronald VanDee were delegated and conducted interviews with the County Administrator and offered a recommendation for this appointment; AND

WHEREAS, the County Legislature has received from the County Administrator and the Buildings and Grounds Committee the recommendation for appointment of _____ as Superintendent of Buildings and Grounds; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature does hereby appoint _____, as Superintendent of Buildings and Grounds effective March 29, 2024 at 12:01 AM, at an annual salary of \$_____ (Management Compensation Plan Grade 8, Step ___, Competitive Class) pursuant to the terms and conditions of the Management Confidential/Management Employment Policy.

Referred from Highway Committee

ON MOTION OF NEWELL

AGENDA ITEM NO. 8

Appoint Members - Cortland County Airport Citizen's Advisory Committee

WHEREAS, the County owns and operates the Cortland County Airport at Chase Field; AND

WHEREAS, Resolution No. 213-15 created and appointed members to the County Airport Citizen's Advisory Committee; AND

WHEREAS, Resolution No. 151-18 adopted the By-Laws for Cortland County Airport Citizen's Advisory Committee; AND

WHEREAS, the membership, per the By-Laws, of the Cortland County Airport Citizen's Advisory Committee shall consist of ten (10) members and an alternate legislative liaison; AND

WHEREAS, the ten (10) members shall include a member of the Legislature in the capacity of liaison; with an alternate Legislator allowed in the event the liaison is unable to attend a meeting, the Cortland County Highway Superintendent, and eight (8) at-large members representing varied economic development, business and airport user interests; NOW THEREFORE BE IT

RESOLVED, that the following individuals be and hereby are appointed to the Cortland County Airport Citizen's Advisory Committee for a term to begin immediately and expire Dec. 31, 2025:

Name	Capacity
Patrick M. Snyder	At-large Member
Brendan O'Bryan	At-large Member
James Spaller	At-large Member
David Keck	At-large Member
Matthew Wetherell	At-large Member
William Cobb	At-large Member
Douglas Withey	At-large Member
Charles Sudbrink	Superintendent of Highways
Christopher Newell	Legislative Liaison
Paul Heider	Alternate Legislative Liaison

; AND BE IT FURTHER

RESOLVED, that the Committee shall provide advisory opinions to the Highway Committee and Legislature on airport operations and improvements, and goals for future development and financial security of the Cortland County Airport; AND BE IT FURTHER

RESOLVED, that the Cortland County Airport Citizen's Advisory Committee shall prepare and

submit meeting minutes to the Legislature Office.

ON MOTION OF NEWELL

AGENDA ITEM NO. 9

Create Two (2) Solid Waste Flow Control Officers - Highway Department

WHEREAS, the needs of the Highway Department - Solid Waste Division will be better served by creating two (2) Solid Waste Flow Control Officers (\$30.00/hr, per diem, no benefits, pending jurisdictional classification); AND

WHEREAS, the Highway Committee recommends the creation of these positions; NOW THEREFORE BE IT

RESOLVED, that two (2) Solid Waste Flow Control Officers (\$30.00/hr, per diem, no benefits, pending jurisdictional classification) be created with permission to fill effective March 29, 2024, for a total cost not to exceed \$30,000.

ON MOTION OF NEWELL

AGENDA ITEM NO. 10

Appoint Members to the Dwyer Memorial Park Advisory Board - Highway Department

WHEREAS, the Cortland County Legislature adopted Resolution No. 298-18 to Establish The Dwyer Memorial Park Citizen's Advisory Board; AND

WHEREAS, the Cortland County Legislature adopted Resolution No. 43-24 which adopted the By-Laws of the Dwyer Memorial Park Citizen's Advisory Board; AND

WHEREAS, the By-Laws state that the Advisory Board shall consist of 5-7 members that shall be residents of Cortland County and familiar with Dwyer Memorial Park; AND

WHEREAS, the term of appointment to the Board shall be for four (4) years; AND

WHEREAS, the Committee provides recommendations and feedback regarding current and future use of the park; NOW THEREFORE BE IT

RESOLVED, that in accordance with the recommendation of the Cortland County Legislature's Highway Committee, the following names are hereby approved for service on said Board for a term to expire on December 31, 2027:

Linda Jones - 2087 E. River Road, Cortland, NY 13045
Larry Jones - 2087 E. River Road, Cortland, NY 13045
Judah Currie - 6559 Steger Road, Preble, NY 13141
Daron Foster - 5771 Hights Gulf Road, Cortland, NY 13045
Kaidon Foster - 5771 Hights Gulf Road, Cortland, NY 13045
Steven Fisher - 5579 Edonna Drive, Homer, NY 13045
Gary Lawrence - 1805 Mountain View Drive, Homer, NY 13077

ON MOTION OF NEWELL

AGENDA ITEM NO. 11

Authorize Memorandum of Agreement Between Cortland County and the Town of Preble for Sidewalk Installation on Little York Lake Road

WHEREAS, the safety and accessibility of roadways are of paramount importance to Cortland County; AND

WHEREAS, the installation of sidewalks along portions of roadways enhances pedestrian safety and promotes community well-being; AND

WHEREAS, Little York Lake Road, situated within the jurisdiction of the Town of Preble, lacks sidewalks, posing risks to pedestrians and cyclists; AND

WHEREAS, Cortland County has the resources and expertise to undertake the installation of sidewalks along the designated portion of Little York Lake Road; AND

WHEREAS, the Cortland County Legislature's Highway Committee recommends authorizing a Memorandum of Agreement with the Town of Preble for the installation of a sidewalk on a portion of Little York Lake Road owned by the Town of Preble, to be installed by the Cortland County Highway Department; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature be and hereby authorizes a Memorandum of Agreement with the Town of Preble for the installation of a sidewalk on a portion of Little York Lake Road owned by the Town of Preble, to be installed by the Cortland County Highway Department.

ON MOTION OF NEWELL

AGENDA ITEM NO. 12

Authorize 2024 Landfill Amnesty Credit for Municipalities - Highway Department/Landfill

WHEREAS, the Highway Committee of the Cortland County Legislature believes that the municipalities of Cortland County will be better served by authorizing a credit to be used at the Cortland County Landfill for the disposal of waste other than garbage at no charge; AND

WHEREAS, the Highway Committee has previously recommended that there be a 30-ton limit per municipality; AND

WHEREAS, the Cortland County Landfill no longer accepts tires at their facility; AND

WHEREAS, the Cortland County Superintendent of the Highways is authorized to establish a credit for each municipality to dispose of waste at no charge; NOW THEREFORE BE IT

RESOLVED, the Superintendent of the Highway Department shall provide each municipality in Cortland County a credit of \$2,700.00 for 2024 and allow said municipalities to dispose of their waste other than garbage at the Cortland County Landfill; AND BE IT FURTHER

RESOLVED, that only authorized municipal representatives utilizing authorized municipal vehicles may bring the waste to the County Landfill in order to make use of the above referenced credit; AND BE IT FURTHER

RESOLVED, that any metal objects (including white goods), construction and demolition waste, and tree waste shall be separated by category at the landfill site by the municipality making delivery; AND BE IT FURTHER

RESOLVED, that tires shall be excluded as an item that is accepted from the municipalities wishing to utilize the amnesty credit; AND BE IT FURTHER

RESOLVED, the Cortland County Superintendent of the Highways shall furnish the Legislature with an accounting of all waste delivered to the landfill utilizing the amnesty credit.

Referred from Government Operations Committee

ON MOTION OF NAUSEEF

AGENDA ITEM NO. 13

Authorize Closure of Bank Account/Reallocation to Petty Cash Account - County Clerk

WHEREAS, the Cortland County Legislature adopted Resolution No. 63-06 establishing a joint petty cash account for the County Clerk and DMV offices (the departments) in the amount of \$1,300; AND

WHEREAS, the Cortland County Legislature adopted Resolution No. 282-21 allowing \$175 of the \$1,300 to be dedicated to a department cash account, where a checking account was established; AND

WHEREAS, access to the checking account is no longer needed; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature be and hereby directs the County Clerk to close the bank account and add the \$175 bank balance to the petty cash account available within the departments; AND BE IT FURTHER

RESOLVED, the joint petty cash account available within the departments be shared as follows:

County Clerk location: \$400
DMV location: \$900

ON MOTION OF NAUSEEF

AGENDA ITEM NO. 14

Abolish Position of Risk Manager/Create Safety Director Position - County Attorney's Office

WHEREAS, the needs of the County Attorney's Office will be better served by abolishing one (1) position of Risk Manager and creating one (1) position of Safety Director; AND

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

RESOLVED, that one (1) position of Risk Manager (Grade 9, Management Compensation Plan, \$61,842-82,312, competitive class, full time with benefits) be and hereby is abolished effective March 28, 2024 at midnight; AND BE IT FURTHER

RESOLVED, that one (1) position of Safety Director (Grade 9, Management Compensation Plan, \$61,842-82,312, competitive class, full time with benefits) be created with permission to fill effective March 29, 2024 at 12:01 am.

ON MOTION OF NAUSEEF

AGENDA ITEM NO. 15

Appoint Democratic Election Commissioner

WHEREAS, the term of Thomas Brown, duly appointed Cortland County Democratic Election Commissioner expires December 31, 2024; AND

WHEREAS, the Cortland County Democratic Committee has submitted a certification endorsing the reappointment of Thomas Brown as the Cortland County Democratic Election Commissioner; NOW THEREFORE BE IT

RESOLVED, that Thomas H. Brown, of 6 Hamlin Street, Cortland, NY 13045, be and hereby is appointed as the Cortland County Democratic Election Commissioner for a term set to run January 1, 2025 through December 31, 2028.

Referred from Judiciary & Public Safety Committee

ON MOTION OF PRICE

AGENDA ITEM NO. 16

Authorize and Accept Community Resiliency, Economic Sustainability, and Technology Program (CREST) Grant - Department of Emergency Response & Communications

WHEREAS, the New York State Senate through Senator Webb's office has awarded the Cortland County Department of Emergency Response and Communications a Community Resiliency, Economic Sustainability, and Technology Program ("CREST") grant in the amount of \$200,000.00 resulting in no new county costs; AND

WHEREAS, the grant will be covering the purchase and installation of two (2) breathing air compressors machines for the Cortland County fire service; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, County Attorney and Director of Finance, upon review and approval by the County Attorney or designee and subject to appropriation of funding by the Legislature, be and hereby are authorized to sign the grant contract with the State of New York Dormitory Authority at an amount not to exceed \$200,000; AND BE IT FURTHER

RESOLVED, that the 2024 budget is amended as follows:

	Current	Change	Revised
A34105.43306.CREST	0	\$200,000	\$200,000
A34105.52015.CREST	0	\$200,000	\$200,000

; AND BE IT FURTHER

RESOLVED, that the Cortland County Department of Emergency Response and Communications is hereby directed to expend the grant funds according to the stated grant guidance; 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.

Referred from Agriculture/Planning/Environment Committee

Referred from Health & Human Services Committee

ON MOTION OF VAN DEE

AGENDA ITEM NO. 17

Authorize Agreement for Expanded In-Home Services for the Elderly (EISEP) and Caregiver Respite Programs - Office for Aging

WHEREAS, the Expanded In-Home Services for the Elderly (EISEP) and Caregiver Respite programs provide critical services to frail older adults; AND

WHEREAS, the Office for Aging requires the services of outside service providers and private organizations to fulfill its charge; AND

WHEREAS, the Office for Aging wishes to enter into a contract with CNY Seniors d/b/a Home Instead Senior Care of Ithaca, for the provision of non-medical personal care, chore/housekeeping services, and caregiver respite; AND

WHEREAS, the total amount of all EISEP and Caregiver Respite contracts shall not exceed the available funds allocated to each program as follows:

EISEP Services	\$130,652
Caregiver Respite	\$2,500

; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, and subject to any appropriation of funding by the Legislature, be and hereby is authorized to execute said agreement.

ON MOTION OF VAN DEE

AGENDA ITEM NO. 18

Authorize Local Aging Adult for Satellite Services (LASS) Site Laptop Memorandums of Understanding - Office for Aging

WHEREAS, the Cortland County Office for Aging (CCOFA) has entered into agreements with the following entities to provide Local Aging Adult Satellite for Services (LASS) programs:

Town of Preble - Contract No. 325-23
Cortland Chenango Rural Services - Contract No. 326-23
Scott Club, Inc. - Contract No. 327-23
Virgil United Methodist Church - Contract No. 328-23
Town of Truxton - Contract No. 329-23

; AND

WHEREAS, the CCOFA purchased six laptops in October of 2022 utilizing HDC5 Consolidated Appropriations Act funds for the enhancement of older adult programming; AND

WHEREAS, the CCOFA has determined it would be beneficial for the LASS programs to have equipment capable of connecting their sites to the CCOFA Age Well Center to engage in shared programming opportunities; NOW THEREFORE BE IT

RESOLVED that the Cortland County Legislature be and hereby approves the County Administrator and the CCOFA Director, upon review and approval by the County Attorney or designee, to sign Memorandums of Understanding for the loan and use of the aforementioned laptops to the organizations outlined herein for the purposes previously stated for the period April 1, 2024 to March 31, 2029 with the option for renewal.

ON MOTION OF VAN DEE

AGENDA ITEM NO. 19

Authorize Agreements for Contractual Psychiatrists - Mental Health Department

WHEREAS, the Mental Health Department is in need of psychiatrists to serve its population and provide required NYS CPL 730 and MHL 9.60 evaluations; AND

WHEREAS, it would be in the best interest of the County to provide these services through an outside vendor contractor who specializes in these unique evaluations; AND

WHEREAS, Dr. Annas and Dr. Kumar, both licensed psychiatrists, are contractors selected to provide this to the Mental Health Department; NOW THEREFORE BE IT

RESOLVED, that the 2024 Cortland County Budget be and hereby is amended as follows:

Decrease:

A43105-51010-4200 \$40,000

Increase:

A43115-54615 \$40,000

; AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review by the County Attorney or designee, be and hereby is authorized to enter into an agreement with Dr. Annas and Dr. Kumar, M.D. for Mental Health Department required NYS CPL 730 and MHL 9/60 evaluation services.

ON MOTION OF VAN DEE

AGENDA ITEM NO. 20

Appoint Member - Older Americans Act Advisory Council

WHEREAS, the By-Laws of the Older Americans Act Advisory Council of the Cortland County Office for Aging state membership shall be 15-25 voting members with at least fifty percent of the membership to be at least sixty years of age that represent target group seniors according to the Older Americans Act of 1965, as amended, and shall also include representatives of health care provider organizations, including veterans and supportive services provider organizations, be broadly representative of all aspects of the county, and include local elected official and the general public; AND

WHEREAS, Article 4, Section 4, states the term shall be for three years, or appointed to complete a term of a person who has resigned, the new person's length of term is defined as the period of the original member's term, with a maximum of two consecutive terms; NOW THEREFORE BE IT

RESOLVED, that the following be and hereby is appointed to the Older Americans Act Advisory Council of the Cortland County Office for Aging:

Name	Capacity	Term Number	Term Expiration
Sharon Torres	Community Member	1 st Term	12/31/2026

ON MOTION OF VAN DEE

AGENDA ITEM NO. 21

Authorize Contracts/Delegate Authority -Community Impact Dollars for HEALing Community Study - Mental Health Department

WHEREAS, the Cortland County Mental Health Department has been awarded an increase in Community Impact Dollars (CID) from \$262,813 to \$483,949 as part of the Columbia HEALing Community Study (HCS); AND

WHEREAS, the HCS leadership committee has designated the funds to be used for funding evidence-based practices and communications interventions matching the approved Columbia budget and action plans; AND

WHEREAS, it is the recommendation of the Health and Human Services Committee to authorize the Cortland County Administrator, Chair of the Cortland County Legislature's Health and Human Services Committee and the Director of Community Services for Cortland County to approve the designation of funds to the following Cortland County contracted agencies; with these budget adjustments:

2023-2024 Columbia Approved	Original CID	Updated CID
Access to Independence	\$24,590	\$32,343
Cayuga Addiction & Recovery Services	\$30,782	\$251,918
CACTC	\$33,291	\$33,291
Cortland County Health Dept.	\$37,191	\$37,191
Family & Children's Counseling Services	\$136,959	\$129,206
TOTAL	\$262,813	\$483,949

; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Administrator, Chair of the Cortland County Legislature's Health and Human Services Committee and the Director of Community Services for Cortland County will approve the designation of funds to various Cortland County contracted agencies; AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review by the County Attorney or designee, be and hereby is authorized to execute agreements with approved county contracted agencies for these funds; AND BE IT FURTHER

RESOLVED, the Director of Finance is authorized to pay the approved county contracted agencies from the appropriate expense account.

ON MOTION OF VAN DEE

AGENDA ITEM NO. 22

Resolution Calling for the SFY 2024-25 Enacted Budget to Include Reforms for Determining the Capacity of a Defendant to Stand Trial

WHEREAS, section § 730 of the Criminal Procedure Law (CPL) provides that defendants charged with felonies who are mentally ill and/or developmentally disabled and who are determined by a court to be unable to understand the charges against them or participate in their own defense (often called "730's") are sent to New York State-operated forensic hospitals solely for the purpose of trying to restore them to competency so they can stand trial; AND

WHEREAS, the origin of CPL § 730 dates back over five (5) decades to the laws of 1970, and parts of it have been declared to be unconstitutional; AND

WHEREAS, competency restoration provides necessary medications but primarily provides services such as courtroom training to familiarize the defendant with courtroom procedures so they can participate in their trial; AND

WHEREAS, in the cases for which restoration is appropriate, most defendants can generally be restored within 90-150 days; AND

WHEREAS, unfortunately, there are also numerous situations where defendants have been kept in restoration for periods of three, six, or even 10 years; AND

WHEREAS, these lengthy confinements have been declared to be unconstitutional by the U.S. Supreme Court as shown in the case of *Jackson v. Indiana* (1972), which provides that states may not indefinitely confine criminal defendants solely on the basis of incompetence to stand trial; AND

WHEREAS, the Office of Mental Health (OMH) has diverged from agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration; AND

WHEREAS, the SFY 2020-21 budget required counties to pay 100 percent of the OMH State Operations costs for individuals receiving court-ordered mental health competency restoration services at State-operated Forensic Psychiatric Centers; AND

WHEREAS, as the full payors of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the Mental Hygiene Law; AND

WHEREAS, the county cost of these services is over \$1,300 per day and current statute does not require a timeline be established for when a defendant is unable to be restored; AND

WHEREAS, the county cost of restoration for one defendant can be upwards of \$400,000 per year; AND

WHEREAS, in New York State, counties, through the county tax levy, already bear an overwhelming portion of the financial burden for supporting individuals suffering from serious mental illness, and the requirement to assume 100% of 730.20 competency restoration costs has taken away millions of dollars from critical behavioral health programming in the community; AND

WHEREAS, given the advances in the behavioral health and the modernization of the criminal justice system, it is time for the State to reform the statutory authority governing competency restoration to ensure that only individuals who are appropriate subjects of 730 court orders are sent for restoration in accordance with the current state of these two systems; AND

WHEREAS, the Legislature has introduced S.1874 (Brouk)/A.5063 (Gunther), which seeks to address the reforms necessary to update the archaic requirements of current statute, many which have been deemed unconstitutional and includes a critical requirement to reinvest any savings derived by the counties back into the local mental hygiene systems of care as follows:

- CPL § 730.10 shall be modified to make clear that restoration is not mental health treatment, so the judiciary is better informed that a 730 order does not treat underlying mental health conditions;
- CPL § 730.20 shall be reformed to establish specific criteria for 730 examiners, streamlining the process to establish equity across the system, and that the psychiatrist or psychologist conducting the psychiatric exam tell the court whether or not there is a reasonable chance of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment;
- OMH will consistently follow their agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration;
- CPL § 730.20 shall adjust the fee for reimbursing psychiatric examiners;
- CPL § 730.50 shall limit the time defendants are ordered for restoration services; AND BE IT FURTHER
- MHL § 9.33 shall allow individuals to be transferred to Article 9 facilities if it is determined that a defendant is unable to be restored;
- MHL § 43.03 shall require Local Governmental Units (counties) to reinvest savings from these reforms into community mental health services

; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature calls on the State to support all provisions outlined in S.1874 (Brouk)/A.5063 (Gunther); AND BE IT FURTHER

RESOLVED, NYSAC shall forward copies of this resolution to Governor Kathy Hochul and the New York State Legislature encouraging them to include these reforms in the SFY 2025 Enacted Budget.

Referred from Finance & Administration Committee

ON MOTION OF BISCHOFF

AGENDA ITEM NO. 23

Resolution Calling for the Restoration of Funding for the Tourism Matching Grants Program in the SFY 2025 State Budget

WHEREAS, the Tourism Matching Grants Program is a state-funded assistance program used by county and regional Tourism Promotion Agencies (TPAs), which are charged with researching, advertising, and marketing New York's top tourism destinations; AND

WHEREAS, this competitive grant program is one of the few remaining public-private partnerships where the state matches private TPA funding dollar-for-dollar, doubling the money used for targeted tourism promotion; AND

WHEREAS, in 2022, New York State welcomed a record 291.5 million visitors, the largest number of visitors in New York State's history, generating more than \$78.6 billion in direct spending and \$123 billion in total economic impact; AND

WHEREAS, direct visitor spending was also up seven percent from 2019, growing to \$79 billion from the previous record-high \$73.6 billion; AND

WHEREAS, tourism is the primary economic driver for many upstate communities that have not recovered fully from the economic aftershocks of the COVID pandemic; AND

WHEREAS, while unemployment nationwide has rebounded since the pandemic and reached record lows, the unemployment rate in New York state lags the nation; AND

WHEREAS, Tourism Matching Grants Program was funded at \$3.8 million prior to 2021 and has seen gradual decreases since; AND

WHEREAS, the SFY 2025 Executive Budget decreases funding for Tourism Matching Grants Program from \$3.45 million to 2.45 million; AND

WHEREAS, now is not the time to decrease this vital funding to local communities; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature urges Governor Kathy Hochul and the New York State Legislature to restore funding for the Tourism Matching Grants Program to a minimum of \$3.45 million in the final SFY 2025 State Budget; AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be and hereby is directed to forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper.

Rescind Resolution No. 214-23 - Allocation of Opioid Reserve Funding to the Alcohol and Drug Council of Tompkins County, Inc.

WHEREAS, Resolution No. 214-23 authorized funding the Alcohol and Drug Council of Tompkins County, Inc. of 201 E. Green Street, Ithaca, NY 14850 in the amount of \$100,000 from the Opioid Settlement Reserve Fund, A386300.OPD, for a counselor for one year (\$65,625) and general operating expenses (\$34,375); AND

WHEREAS, Cortland County received notice of the closure of the Alcohol and Drug Council of Tompkins County, Inc; AND

WHEREAS, it is the recommendation of the Finance and Administration Committee to rescind Resolution No. 214-23 due to the closure of the Alcohol and Drug Council of Tompkins County, Inc.; NOW THEREFORE BE IT

RESOLVED, that Resolution No. 214-23 be and hereby is rescinded; AND BE IT FURTHER

RESOLVED, that \$100,000 of the Opioid Settlement Reserve Funding that was previously allocated to the Alcohol and Drug Council of Tompkins County, Inc remain in the Opioid Settlement Reserve Fund, A386300.OPD, for future allocation.

Announcements

Adjournment