



Cortland County Legislature

Legislative Session

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

~ Agenda ~

Thursday, October 27, 2022

6:00 PM

Board Room

WebEx Meeting Information

<https://cortlandny.webex.com/cortlandny/j.php?MTID=m9e14a0e65c2e3d91dbe1ba1becc2d2da>

Thursday, Oct 27, 2022 6:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 2334 470 4583

Password: SKeerF7t2Z3

Join by phone

+1-415-655-0001 US Toll

Access code: 233 447 04583

Public Hearings

1. Local Law "I" of 2022 – a Local Law Establishing a Payment in Lieu of Taxes (PILOT) Agreement
2. Local Law "J" of 2022 - a Local Law Overriding Tax Levy Limit for Fiscal Year 2023

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 - Sep 22, 2022 6:00 PM
2. Cortland County Legislature - Special Meeting - Oct 6, 2022 11:00 AM

Privilege of the Floor

Proclamations & Recognitions

Presentation of Petitions, Communications, and Notice

Receive and File

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Resolutions from the Chair

Referred from Building & Grounds Committee

Referred from Highway Committee

ON MOTION OF NEWELL

AGENDA ITEM NO. 1

Absolve the Cortland County Industrial Development Agency from Tipping Fees for APEX Project - Landfill/Highway Department

WHEREAS, the Cortland County Industrial Development Agency acquired the former APEX tool property in the City of Cortland after a previous owner demolished the site for scrap and left an eyesore for all County residents, AND

WHEREAS, the property would have remained in a state of disarray for years awaiting a City foreclosure process, had the Industrial Development Agency not stepped in to remediate the issue, AND

WHEREAS, the City of Cortland forgave \$300,000 in past due taxes, in which Cortland County was made whole by the City, AND

WHEREAS, the Industrial Development Agency, in its capacity, has taken on this project for future economic development for the benefit of all County residents, AND

WHEREAS, the Industrial Development Agency hired contractors to properly clean up the site and dispose of the materials according to New York State Department of Environmental Conservation and New York State Department of Labor standards, AND

WHEREAS, the majority of the materials were disposed of at the Cortland County Landfill, AND

WHEREAS, the hours of operation were extended at the landfill to ensure the efficiency of the project and to ensure that the project did not hinder other Cortland County haulers, AND

WHEREAS, the Cortland County Landfill incurred \$4,628.74 in overtime expenses and the total amount of tipping fees for the project totaled \$381,706.10, AND

WHEREAS, the Highway Committee recognizes the importance of the ability of the Industrial Development Agency to bring in viable development to that location and others in Cortland County, AND

WHEREAS, the Highway Committee recommends that Cortland County forego the tipping fees in the amount of \$381,706.10 and recoup the overtime expense of \$4,628.74 from the Cortland County Industrial Development Agency, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature be and hereby absolves the Cortland County Industrial Development agency of the \$381,706.10 in tipping fees from this project, AND BE IT FURTHER

RESOLVED, that the Cortland County Industrial Development Agency will pay Cortland County the incurred overtime fees in the amount of \$4,628.74, to be credited to account no. EL816042.42135, AND BE IT FURTHER

RESOLVED, pending the development of the site, the County will be paid any amount received over the amount due to others with agreements already arranged, up to the amount of the forgiven tipping fees.

ON MOTION OF NEWELL

AGENDA ITEM NO. 2

Amend 2022 Budget and Authorize Purchases - Highway Department

WHEREAS, the County of Cortland will have remaining CHIPS funding anticipated after completing 2022 County Road Projects, AND

WHEREAS, the remaining CHIPS monies can be used toward the purchase of new construction equipment, AND

WHEREAS, an amount of \$170,000.00 will need to be transferred from the County Road Fund CHIPS revenue account to the Road Machinery Fund Equipment Account to Purchase a 2022 MORBARK Eager Beaver 1415 Wood Chipper and a Kubota Skid-Steer with attachments, AND

WHEREAS, the Highway Superintendent has recommended the following purchases available through Sourcewell # 031721, Member ID # 36777:

Eager Beaver 1415 Wood Chipper

VENDOR

AMOUNT

MORBARK

\$59,922.58

Box 1000

Winn, Michigan 48896

AND

Kubota Skid-Steer with Attachments

VENDOR

Admar Supply Co, Inc.

\$110,000.00

, NOW THEREFORE BE IT

RESOLVED, that the 2022 County Budget be amended as follows:

Increase:

E51305.52030	Equipment	\$170,000.00
E513043.43501	CHIPS Revenue	\$170,000.00

Decrease:

D511243.43501	CHIPS Revenue	\$170,000.00
D51125.54077	CHIPS	\$170,000.00

, AND BE IT FURTHER

RESOLVED, that the Cortland County Treasurer be and is hereby authorized and directed to make payment from Account E51305.52030 Highway Equipment Account for the purchase of one 2022 Morbark Eager Beaver 1415 Wood Chipper for an amount of \$59,922.58 from MORBARK, and one Skid-Steer SVL97-2HFC with attachments for an amount of \$110,000.00 from Admar Supply Co., Inc.

ON MOTION OF NEWELL

AGENDA ITEM NO. 3

Award the Handling, Transportation and Safe Disposal of Household Hazardous Waste Agreement - Highway Department/Recycling

WHEREAS, the Cortland County Highway Department advertised for bids for the Handling, Transportation and Safe Disposal of Household Hazardous Waste, AND

WHEREAS, the Cortland County Highway Department has received the following base bid for the Handling, Transportation and Safe Disposal of Household Hazardous Waste:

<u>BIDDER</u>	<u>BASE BID</u>
MXI Environmental Services LLC 26319 Old Trail Road Abingdon, VA 24210	\$11,000.00

, NOW THEREFORE BE IT

RESOLVED, that in accordance with the recommendations of the Highway Committee, the County hereby awards the agreement for the handling, transportation and safe disposal of household hazardous waste bid to the lowest bidder, MXI Environmental Services LLC for the bid price listed above, AND BE IT FURTHER

RESOLVED, that the Cortland County Treasurer be and is hereby authorized and directed to make payment from Account EL81615.54625 for the handling, transportation and safe disposal of household hazardous waste to the lowest bidder, MXI Environmental Services LLC, AND BE IT FURTHER

RESOLVED, that the County Administrator, upon approval by the County Attorney or designee and subject to appropriation of funding by the Legislature, is hereby authorized and directed to execute an agreement with MXI Environmental Services LLC.

Amend 2022 Budget for Fuel - Highway Department

WHEREAS, due to the increase in fuel prices, the Road Machinery Fund budget for fuel will need to be increased to cover costs for the remainder of 2022, AND

WHEREAS, there are monies in the Road Machinery fund balance, NOW THEREFORE BE IT

RESOLVED, that the 2022 Road Machinery be and hereby is amended as follows:

Increase:

E51305.54078	Fuel	\$200,000.00
E359900	Appropriated Fund Balance	\$200,000.00

Authorize Lease Agreement with Cortland County Agricultural Corporation - Highway Department

WHEREAS, there is a need to store County Highway heavy construction equipment during the winter season, AND

WHEREAS, the County of Cortland Agricultural Corporation currently owns buildings at the Cortland County Fairgrounds with adequate space available located at the Cortland County Fairgrounds, AND

WHEREAS, the County of Cortland Agricultural Corporation is agreeable to lease said buildings to Cortland County during the winter season, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon approval by the County Attorney or designee and subject to appropriation of funding by the Legislature, is hereby authorized and directed to execute a lease agreement for the 2022-2023 winter season starting October 15, 2022 and ending May 8, 2023 with the County of Cortland Agricultural Corporation for a fee of \$2,650.00, to be charged to account E51305.54067.

Authorize Sublease of Cortland County Agricultural Corp. Fairgrounds Building to Suit-Kote Corporation - Highway Department

WHEREAS, the County of Cortland has a lease agreement with the Cortland County Agricultural Corporation for storing Highway Equipment in the fairgrounds building from October 15, 2022 through May 8, 2023, AND

WHEREAS, the costs to the County for said lease agreement is \$2,650.00 for the term of the agreement, AND

WHEREAS, one half of the fairgrounds building is available for Suit-Kote Corporation to utilize for storing equipment, AND

WHEREAS, Suit-Kote Corporation is willing to pay one-half of the costs of said lease which amounts to \$1,325.00, AND

WHEREAS, the County of Cortland is agreeable to sublease one half of said building to Suit-Kote under the same terms that the Cortland County Highway Department has with the Cortland County Agricultural Corporation during the winter season, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon approval by the County Attorney or designee and subject to appropriation of funding by the Legislature, is hereby authorized and directed to execute a sublease agreement for the 2022-2023 winter season starting October 15, 2022 and ending May 8, 2023 with Suit-Kote Corporation, 1911 Loring Crossing Road, Cortland, NY 13045 for an amount of \$1,325.00.

Referred from Health & Human Services Committee

ON MOTION OF PRICE

AGENDA ITEM NO. 7

Authorize Agreements Day Care Services - Department of Social Services

WHEREAS, the Cortland County Department of Social Services must be able to purchase daycare services from day care centers to provide care for children eligible for the Low-Income Day Care and Temporary Assistance Day Care programs, AND

WHEREAS, the payment rates for such services are established by New York State as Child Care Market Rates, AND

WHEREAS funds are expended once services are authorized, required, and provided, AND

WHEREAS, payments for day care services are made from one of the following accounts; A60105.56055, A60105.56070, or A60105.56119, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon approval of the County Attorney or designee and subject to appropriation of funding by the Legislature, be and hereby is authorized and directed to execute contractual agreements in 2023 for Day Care Services with agencies/providers pursuant to criteria established by the New York State Office of Children and Family Services.

ON MOTION OF PRICE

AGENDA ITEM NO. 8

Authorize Agreement with Josie's Journey, Inc. for Canine Comfort Care Services – Department of Social Services and Child Advocacy Center

WHEREAS, the Cortland County Department of Social Services and Child Advocacy Center believes there is a therapeutic value to providing clients with access to a trained canine to be utilized for comfort services, AND

WHEREAS, Josie's Journey, Inc. has agreed to contract with Cortland County to provide such services at a cost of \$50 per hour, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, is hereby authorized to sign an agreement with Josie's Journey Inc. for canine comfort services for the term October 1, 2022 – December 31, 2023.

ON MOTION OF PRICE

AGENDA ITEM NO. 9

Not approved by Finance & Administration Committee

Authorize Agreement with Park Outdoor Advertising of New York to Advertise on Billboards for a Commercially Sexually Exploited Youth Public Awareness Campaign – DSS/CAC

WHEREAS, the Department of Social Services/Child Advocacy Center was awarded Safe Harbour funds to develop a system of response for commercially sexually exploited children and trafficked at-risk youth, including an awareness campaign, AND

WHEREAS, the Department of Social Services/Child Advocacy Center desires to contract with Park Outdoor Advertising of New York, Inc., Finger Lakes Division, 2516 Corning Rd., Elmira, New York 14903 for advertisements on various billboards located in Cortland County, AND

WHEREAS, the cost of the advertising (display and maintenance) is \$615 per month per billboard display, AND

WHEREAS, this contract shall be for the term October 1, 2022 through December 31, 2023 for a total cost not to exceed \$5,000, AND

WHEREAS, these expenses are budgeted in account Professional Services A40505.54055.SF, 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, are authorized to execute an agreement with Park Outdoor Advertising of New York, Inc., Finger Lakes Division, for the provision of said services.

ON MOTION OF PRICE

AGENDA ITEM NO. 10

Authorize 2023 Foster Care and Detention Agreements - Department of Social Services

WHEREAS, the Cortland County Department of Social Services must be able to purchase foster care, detention and adoption services for specialized care and placement of children, AND

WHEREAS, the payment rates for such services are established by New York State as Maximum State Aid Rates, AND

WHEREAS, the funds are expended once services are required and provided, AND

WHEREAS, payments for such services are made from one of the following accounts; A60105.56109, A60105.56119, or A60105.56123, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review by the County Attorney or designee, be and hereby is authorized and directed to execute contractual agreements in 2023 for foster care, detention and adoption services with licensed agencies and/or foster care parents licensed or otherwise authorized by the New York State Office of Children and Family Services, AND BE IT FURTHER

RESOLVED, that the said agreements shall be contingent upon the approval of the County Attorney or designee and subject to appropriation of funding by the Legislature.

ON MOTION OF PRICE

AGENDA ITEM NO. 11

Authorize Agreements 2023 Work Experience Work Sites - Department of Social Services

WHEREAS, the Cortland County Department of Social Services is required to provide Work Experience activities as part of an Employment Plan required by the New York State Office of Temporary and Disability Assistance, AND

WHEREAS, there are no funds paid for such services, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review by the County Attorney or designee, be and hereby is authorized and directed to execute contractual agreements from 12/31/22 through 12/31/23 for work experience site placements with the following:

Cortland County Buildings and Grounds
Cortland County Agency on Aging
Cortland County Clerk
Cortland County Employment and Training
Cortland County Grants Administration
Cortland County Health Department
Cortland County Highway Department
Cortland County Legislature
Cortland County Mental Health Clinic
Cortland County Personnel Department

ON MOTION OF PRICE

AGENDA ITEM NO. 12

Authorize 2023 Agreements (Several Agencies and Departments) - Department of Social Services

WHEREAS, Cortland County Department of Social Services must execute several contracts for various administrative and program services for the calendar year 2023, AND

WHEREAS, such contracts, costs, terms, functional areas and associated account numbers are listed in the attached chart, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review by the County Attorney or designee and subject to appropriation of funding by the Legislature, be and hereby is authorized to execute agreements between 12/31/22 and 12/31/23 for or with the following:

Access to Independence, Inc.
Catholic Charities
Cayuga Addictions Recovery Services
Cayuga Centers
Child Development Council
Children's Home of Wyoming Conference
Community Action Program (CAPCO)
Cortland County Area Agency on Aging
Cortland County Central Services
Cortland County District Attorney's Office
Cortland County Employment and Training
Cortland County Mental Health Department
Cortland County Probation Department
Cortland County Sheriff's Department
Cortland County Veteran's Services Office
Elmcrest Children's Services
Family Counseling Services
Hillside Children's Center
Jennifer Genovese, ACSW, LCSW
J.M. Murray Center
LabCorp
Language Line
L. Woerner, Inc d/b/a Home Care of Rochester
Lifeline Systems, Inc.
Salvation Army
Staffing Healthcare Systems, Inc.
Upstate Services Group

ON MOTION OF PRICE

AGENDA ITEM NO. 13

Authorize 2023 Agreements (Several Agencies, Departments, Etc.) - Area Agency on Aging

WHEREAS, Cortland County Area Agency on Aging and other departments must execute several contracts for various administrative and program services for the calendar year 2023, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee as to form and subject to any appropriation of funding by the Legislature, be and hereby is authorized to execute agreements through the end of 2023 for or with the following:

Classen Home Health Association
Cortland Chenango Rural Services, Inc.
Cortland Transit
Center 4 Arts
Comfort Keepers
Cortland Park Rehabilitation & Nursing Facility
Cortland Repertory Theatre
Crown Park Rehabilitation and Nursing
Guthrie Cortland Nursing & Rehabilitation Facility
Elder Choice
Elizabeth Brewster House
Family Health Network
Homemakers of Western New York (d/b/a Caregivers Home Care)
Integrity Home Care Services
J.M. Murray Center
KPH Healthcare Services/Kinney Drugs
Language Line
Language Services Associates
Resource Center for Independent Living
Rural Roots Nutrition
Scott United Methodist Church
SEPP Corporation
Seven Valley Health Coalition
SUNY Cortland
Syracuse University
The Scott Club, Inc.
TLC Medical Transportation Services, Inc.
Visiting Nurse Service of New York Choice
Town of Preble
Town of Willet
Town of Truxton
Truxton United Methodist Church
Virgil United Methodist Church
Walden Place
Walgreens Co.

ON MOTION OF PRICE

AGENDA ITEM NO. 14

Appoint Director of Area Agency on Aging

WHEREAS, due to the retirement of Elizabeth Haskins, the current Director of the Area Agency on Aging for Cortland County, there is a need to appoint a new Director of the Area Agency on Aging, AND

WHEREAS, an interview committee was established and conducted interviews and offered a recommendation for this appointment, AND

WHEREAS, the County Legislature has received the recommendation for appointment of _____ as Director of the Cortland County Area Agency on Aging, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby appoints _____ as Director of the Area Agency on Agency at an annual salary of \$_____ (Grade 7, Step _____, Management Compensation Plan, non-competitive class) effective November 29, 2022 at 12:01 a.m.

ON MOTION OF PRICE

AGENDA ITEM NO. 15

Renew Lease Agreement with 91-101 Main Street LLC - Grant Administration & Employment & Training

WHEREAS, Cortland County holds the lease for the Cortland Works Career Center (CWCC) at 91-101 Main Street LLC, Cortland, NY which ends November 30, 2022, AND

WHEREAS, Cortland County wishes to negotiate a lease into the future to meet the continued needs of the County and to meet the current financial concerns of the County, AND

WHEREAS, the Health and Human Services Committee recommends renewing said lease with 91-101 Main Street LLC, AND

WHEREAS, Cortland County intends to sub-lease portions of said rental space, NOW THEREFORE BE IT

RESOLVED, that the County Administrator upon review and approval by the County Attorney or designee, is hereby authorized to execute a contractual agreement with 91-101 Main Street, LLC, for a term of 24 months from December 1, 2022 to November 30, 2024, AND BE IT FURTHER

RESOLVED, that the lease amount for the period December 1, 2022 to November 30, 2023 shall be \$122,844 payable in monthly installments of \$10,237, AND BE IT FURTHER

RESOLVED, that rent for said space shall increase annually by 1.5% percent over the preceding year's rent, AND BE IT FURTHER

RESOLVED, that the County Administrator upon review and approval by the County Attorney or designee, is authorized to execute a sub-lease for portions of said rental space on such terms and conditions as deems appropriate by the County Attorney, AND BE IT FURTHER

RESOLVED, it is agreed and understood by all parties that this lease is contingent upon the receipt of Federal Workforce Innovation and Opportunity Act funds and that Cortland County nor any of its Departments will not be obligated for rental payments to the Landlord should these funds no longer be

available.

ON MOTION OF PRICE

AGENDA ITEM NO. 16

Appoint Community Services Board and Subcommittee Member

WHEREAS, the By-Laws for the Cortland County Community Services Board (CSB) state that there shall be fifteen (15) members of the Community Services Board and nine (9) members on its separate Subcommittees; Chemical Dependence, Developmental Disabilities and Mental Health, AND

WHEREAS, the membership of each Subcommittee will be made up of citizens appointed by the Cortland County Legislature, AND

WHEREAS, the term of each member of the CSB and Subcommittees shall be for four years, AND

WHEREAS, no person may serve as a member for more than two (2) terms consecutively, NOW THEREFORE BE IT

RESOLVED, that the following citizens be appointed to the following Board and Subcommittee to begin November, 2022:

Appoint to Community Services Board:

Janet L. Johnson, MD
(Physician)

2251 Greenwood Rd, Cortland NY 13045
Term: 11/1/2022 - 12/30/2025

Appoint to Chemical Dependence Subcommittee:

Michael Eastman
(Family/Consumer/Peer)

48 West Academy St., McGraw NY 13101
Term: 11/1/2022 - 12/30/2025

ON MOTION OF PRICE

AGENDA ITEM NO. 17

Amend 2022 Pre-K Budget- Health Department

WHEREAS, Cortland County's Pre-K Program is a mandatory program in which the County is required to pay for preschool services to children ages 3-5 with developmental disabilities, AND

WHEREAS, due to the doubling of contracted transportation costs, an increase in the New York State rate of tuition and an increase in children requiring higher needs and more services, the Pre-K program requires an increase to the 2022 budget for tuition and transportation services, AND

WHEREAS, this increase in expenses will be offset with an increase in revenues, AND

WHEREAS, the New York State Education Department (NYSED) will reimburse the County at a rate of 59.5% for the expenses of both transportation and tuition. In addition, the Cortland County Health Departments Medicaid Admin revenue has also increased exponentially with the increase in Medicaid children and services in our Early Intervention Department, NOW THEREFORE BE IT

RESOLVED, the 2022 budget be and hereby is amended as follows:

<u>Increase Revenue</u>		<u>Current</u>	<u>Increase</u>	<u>Balance</u>
A40595.41689.4052	MA Admin Revenue	\$195,000	\$202,500	\$397,500

A40465.43277.PREK	PREK State Revenue	\$1,088,850	<u>\$297,500</u>	\$1,386,350
			<u>\$500,000</u>	
<u>Increase Expenditures</u>				
A40465.54445.PREK	Tuition	\$1,675,000	\$395,000	\$2,070,000
A40465.54800.PREK	Transportation	\$99,921.40	<u>\$105,000</u>	\$204,921.40
			<u>\$500,000</u>	
Net County Cost			\$0	

ON MOTION OF PRICE

AGENDA ITEM NO. 18

Not approved by Finance & Administration Committee

Authorize Allocation to the Cortland County Mental Health Department for Youth Behavioral Health Treatment Support in Schools

WHEREAS, there is a great need for expanded youth behavioral health treatment services in Cortland County schools, AND

WHEREAS, it is the recommendation of the Health and Human Services Committee to amend the 2023 Tentative Budget and authorize the use of unappropriated fund balance in the amount of \$100,000 for expanded youth behavioral health treatment services in Cortland County schools through the Cortland County Mental Health Department, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, be and hereby is authorizes the Cortland County Mental Health Department to contract with the Cortland County provider community for expanded youth behavioral health treatment services in Cortland County schools, AND BE IT FURTHER

RESOLVED, that the 2023 tentative budget be amended to increase A43115.54815.4208 \$100,000 to provide expanded youth behavioral health treatment services in Cortland County schools.

Referred from Agriculture/Planning/Environment Committee

ON MOTION OF HARBIN

AGENDA ITEM NO. 19

Resolution Declaring Conveyance of 416 West Hill Road (Route 90) in the Town of Homer Consistent with the Terms of the Conservation Easement Dated August 25, 2006

WHEREAS, on August 25, 2006, Leslie and Lorraine Chace (Grantor) executed a Conservation Easement with the County of Cortland, AND

WHEREAS, said Conservation Easement was recorded in the Office of the Cortland County Clerk on August 28, 2006 as Instrument No.: 1052394-001, AND

WHEREAS, Section 8.1.A of said Conservation Easement permits the Grantor to convey parcels identified as Tax Map Parcel Numbers 65.00-07-04 (consisting of 2.15 acres) and 65.00-01-34.22 (consisting of 2.00 acres) as separate parcels provided that they shall remain in all other respects subject to said Conservation Easement, AND

WHEREAS, on May 16, 2007, Grantors conveyed Tax Map Parcel No. 65.00-01-34.22 by deed specifically stating the conveyance is subject to the terms of said Conservation Easement, which was recorded in the Office of the Cortland County Clerk on June 25, 2007 as Instrument No. 1062454-001, NOW THEREFORE BE IT

RESOLVED, that the conveyance of 416 West Hill Road (Route 90) in the Town of Homer, County of Cortland and State of New York by Deed dated May 16, 2007 and recorded in the Office of the Cortland County Clerk on June 25, 2007 as Instrument No. 1062454-001 is consistent with the terms of the Conservation Easement Dated August 25, 2006 and Recorded in the Cortland County Clerk's Office on August 28, 2006 as Instrument No. 1052394-001.

ON MOTION OF HARBIN

AGENDA ITEM NO. 20

Approve the Purchase of Four (4) Transit Buses from Oneida County - Planning Department

WHEREAS, the New York State Department of Transportation has indicated a need for Cortland County to increase the Federal Section 5311 Mass Capital Transit bus ratio, AND

WHEREAS, Oneida County has two (2) 2017 Ford E450 Cutaway Transit Buses and two (2) 2015 Ford E450 Cutaway Transit Buses available, all with less than 100,000 miles and still within the New York State useful life span guidelines, AND

WHEREAS, the current market value established by the County of Oneida is \$57,000, AND

WHEREAS, the cost of the four (4) vehicles to Cortland County would be 10% of the current market value, for a cost of \$5,700.00, NOW THEREFORE BE IT

RESOLVED, the County Administrator be and hereby is authorized, upon approval of the County Attorney or designee, to enter into an agreement with Oneida County for the purchase of (4) E450 Cutaway transit buses in the amount not to exceed \$5,700.

Referred from Judiciary & Public Safety Committee

ON MOTION OF FAIRCHILD-PRESTON

AGENDA ITEM NO. 21

Authorize/Accept Funds from New York State Office of Indigent Legal Services - Distribution 13 - Public Defender's Office

WHEREAS, the New York State Office of Indigent Legal Services has awarded the Cortland County Public Defender's Office \$150,522.00 for the multi-year period from January 1, 2023, to December 31, 2025, payable \$50,174.00 in year 1 (2023), \$50,174.00 in year 2 (2024) and \$50,174.00 in year 3 (2025) to improve the quality of mandated indigent legal representation, AND

WHEREAS, this grant money shall be used to continue to provide salary and fringe benefits funding for Paralegal services within the Public Defender's Office, AND

WHEREAS, as required by the County or NYS Office of Indigent Legal Services, the Public Defender shall collect and report data annually, in statistical and narrative form, to measure this project and shall continuously analyze and evaluate case outcomes to ensure effective use of the funds, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval of the County Attorney or designee, is hereby authorized and directed to sign an agreement with New York State Office of Indigent Legal Services.

ON MOTION OF FAIRCHILD-PRESTON

AGENDA ITEM NO. 22

Amend Resolution No. 188-22 for Jail Physician, Physician's Assistant and Registered Nursing Services - Sheriff's Office

WHEREAS, New York State Correction Law § 501 requires the County to appoint a reputable physician duly authorized to practice medicine as the physician to the jail of the County, AND

WHEREAS, Resolution No. 188-22 was approved August 25, 2022, which appointed Marshall M. Trabout, M.D. as the Cortland County Jail Physician to serve at the pleasure of the County Legislature, and authorized an agreement to pay the Jail Physician an additional monthly rate of \$11,109 for services rendered by a Registered Nurse(s) (RN(s)) at the Cortland County Jail from January 1, 2023 through December 31, 2025, AND

WHEREAS, the Physician has requested a higher rate as follows:

“Doctor Trabout, Jail Physician, has just informed the Sheriff’s Office that, due to the increase of RN salaries in our region, he will not be able to sign the contract as it is. He had based the rate at \$35.00 per hour and the current rate is \$45.00 an hour. Based on that the monthly RN rate would need to be \$15,600.00 for two RN positions.”

, NOW THEREFORE BE IT

RESOLVED, that the current Physician’s contract as approved by Resolution No. 188-22 be amended as follows:

“The County hereby agrees to pay the Physician an additional monthly rate of \$15,600 for services rendered by a RN(s) at the Cortland County Jail. Such RN(s) will be an employee of the physician and will work 80-hours per workweek at Cortland County jail. The Sheriff and the Physician will determine the work schedules for this position, including, but not limited to, scheduling of days off and the RN’s shift assignment. The physician agrees to provide RN(s) who will be acceptable to both him and the Sheriff. This Contract does not provide for compensation for relief coverage during the absence of an RN(s).”

ON MOTION OF FAIRCHILD-PRESTON

AGENDA ITEM NO. 23

Resolution in Opposition to New York State's Actions Restricting Second Amendment Rights

WHEREAS, the Supreme Court held in the *N.Y. State Rifle & Pistol Association, Inc. vs. Bruen, Superintendent of New York State Police, et al.*, that New York’s law requiring anyone seeking a concealed carry license demonstrate they had a special need for self-defense was subject to arbitrary interpretation and enforcement, and a violation of a **citizen’s constitutional rights**, AND

WHEREAS, the Supreme Court also held in *Bruen* that a state did have the authority to impose objective licensing requirements to include background checks, firearms training, a check of mental health records, and fingerprinting, requirements not necessarily prone to subjective interpretation, AND

WHEREAS, the Supreme Court also affirmed in *Bruen* Justice Antonin Scalia’s opinion for the court in *District of Columbia v. Heller*, (2008) which stated, “[N]othing in our opinion,” Scalia wrote, “should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms”, AND

WHEREAS, the subsequently passed New York *Concealed Carry Improvement Act* was recently temporarily blocked by NY Federal District Judge Suddaby because, in part, it imposed standards such as “good moral character” and “three years’ worth of social media accounts” no less subjective than the previous self-defense special need standard, and expanded the list of “sensitive areas” to include areas way beyond the scope likely to be inferred from the opinions in both *Heller* and *Bruen*, leaving in place

restrictions for those areas that do conform to those decisions such as schools, courts and polling places,
AND

WHEREAS, on July 1, 2022 Governor Hochul, in response to the Bruen Opinion, signed into law Senate Bill S.51001 (Assembly Bill A.41001) during an Extraordinary Session, AND

WHEREAS, these laws were drafted and passed by the New York State Legislature and signed by the Governor without input or conference with any of the parties who are commissioned with implementing these laws thereby producing laws that are unclear, conflicting, and in some instances, unenforceable, AND

WHEREAS, the new laws restrain and impede law-abiding citizens who wish to exercise their Second Amendment Rights, AND

WHEREAS, the newly enacted Concealed Carry Improvement Act presents procedural roadblocks in the form of privacy violations, subjective standards, financial burdens and overt restrictions on individuals seeking to exercise a fundamental right, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature demands that the New York State Legislature rewrite the NY *Concealed Carry Improvement Act* such that it is found to be in conformance with the Supreme Court decisions articulated in *District of Columbia v. Heller* and *N.Y. State Rifle & Pistol Association, Inc. vs. Bruen, Superintendent of New York State Police, et al.*

Referred from Government Operations Committee

Referred from Finance & Administration Committee

ON MOTION OF WAGNER

AGENDA ITEM NO. 24

Local Law "I" of 2022 - a Local Law Overriding Tax Levy Limit for Fiscal Year 2023

WHEREAS, the New York State Legislature enacted General Municipal Law §3-c which establishes a limit upon real property tax levies by local governments, AND

WHEREAS, pursuant to General Municipal Law §3-c (5), a local government may adopt a budget in excess of the tax levy limit only if the governing body of such local government first enacts a local law to override the tax levy limit for the coming fiscal year only, AND

WHEREAS, the Cortland County Legislature has not yet finalized the fiscal year 2023 budget, and may need the flexibility to exceed the property tax cap if it is deemed necessary;

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

Section 1

Legislative Intent

The Cortland County Legislature has determined that it is important to maintain flexibility in the process of finalizing the fiscal year 2023 budget, and it may be necessary to override the limit on the amount of real property taxes that may be levied by the County of Cortland for the coming fiscal year 2023.

Section 2

Override of Tax Levy Limit

Upon the adoption of this local law, the Cortland County Legislature is hereby authorized to override the tax levy limit for the coming fiscal year 2023, if the Legislature deems it necessary for the County of Cortland to adopt a budget for the fiscal year 2023 which may require a real property tax levy in excess of

the “tax levy limit” as defined by General Municipal Law §3-c.

Section 3

Legal Authority

The authority to override the tax levy limit is authorized by General Municipal Law §3-c (5), which expressly authorizes a local government to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the total voting power of its governing body, the Cortland County Legislature.

Section 4

Effective Date

This Local Law shall take effect immediately, in accordance with the provision of the Municipal Home Rule Law of the State of New York.

ON MOTION OF WAGNER

AGENDA ITEM NO. 25

Distribution of Third Quarter 2022 Sales Tax

WHEREAS, the Cortland County Legislature adopted Resolution No. 221-18, which provides for the distribution of sales tax from the County to local municipalities, AND

WHEREAS, the sales tax sharing agreement provides for the deduction directly from the gross sales tax distribution received from the State of New York a fixed sum of \$1,500,000 for County purposes, with the remaining balance of the revenues to be distributed for use by the County, City of Cortland, and the various municipalities within Cortland County, AND

WHEREAS, the gross deduction for County purposes will be provided for quarterly, AND

WHEREAS, the 2022 third quarter sales tax information has been provided by the New York State Comptroller's Office showing a total collection for third quarter 2022 to be \$10,242,650.37, AND

WHEREAS, the total amount available for distribution is \$9,867,650.37, after the direct deduction for County purposes, AND

WHEREAS, individual municipalities by resolution have opted to apply a portion of their sales tax dollars to off-set the property tax levy and that amount (\$670,000.00) is to be withheld from the quarterly distribution, AND

WHEREAS, Cortland County receives (54%), or \$5,328,531.20 of the total net quarterly distribution, AND

WHEREAS, respective payments are now ready for disbursement, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature authorizes the County Treasurer or designee to release sales tax payments for the third quarter of 2022 as so stated below from Account No. A19855.54101 in either the form of a county check or by direct bank transfer as per the request of the receiving municipality:

Municipality	Distribution Amount Pre-Tax Credit	Applied Tax Credits	Net Distribution After Tax Credit	Balance Owed Against Tax Credits

Cortland, City of	\$1,751,507.94	\$-0-	\$1,751,507.94	\$-0-
Cincinnati, Town of	\$81,821.08	\$-0-	\$81,821.08	\$-0-
Cortlandville, Town of	\$875,152.84	\$-0-	\$875,152.84	\$-0-
Cuyler, Town of	\$74,541.41	\$(28,750.00)	\$45,791.41	\$-0-
Freetown, Town of	\$56,042.37	\$-0-	\$56,042.37	\$-0-
Harford, Town of	\$88,615.66	\$-0-	\$88,615.66	\$-0-
Homer, Town of	\$298,457.02	\$-0-	\$298,457.02	\$-0-
Homer, Village of	\$212,278.90	\$-0-	\$212,278.90	\$-0-
Lapeer, Town of	\$115,539.27	\$(77,500.00)	\$38,039.27	\$-0-
Marathon, Town of	\$88,568.83	\$-0-	\$88,568.83	\$-0-
Marathon, Village of	\$44,761.98	\$-0-	\$44,761.98	\$-0-
McGraw, Village of	\$38,877.56	\$-0-	\$38,877.56	\$-0-
Preble, Town of	\$152,065.91	\$-0-	\$152,065.91	\$-0-
Scott, Town of	\$90,208.53	\$-0-	\$90,208.53	\$-0-
Solon, Town of	\$83,366.92	\$-0-	\$83,366.92	\$-0-
Taylor, Town of	\$48,913.36	\$-0-	\$48,913.36	\$-0-
Truxton, Town of	\$107,661.81	\$-0-	\$107,661.81	\$-0-
Virgil, Town of	\$258,237.63	\$(16,250.00)	\$241,987.63	\$-0-
Willet, Town of	\$72,500.15	\$-0-	\$72,500.15	\$-0-
Total	\$4,539,119.17	\$(122,500.00)	\$4,416,619.17	\$-0-

, AND BE IT FURTHER

RESOLVED, that the Cortland County Treasurer or designee is hereby directed to deposit the County's "off the top" sum of \$375,000 in the appropriate reserves and accounts as designated in Resolution No. 294-20.

ON MOTION OF WAGNER

AGENDA ITEM NO. 26

Set Deadline for Contract Submission for American Rescue Plan Funding Awards

WHEREAS, Cortland County has been awarded over \$9,000,000 through the Federal American Rescue Plan to support projects that will provide for economic resiliency and enhance communities that have been negatively affected by the COVID-19 pandemic, AND

WHEREAS, a community-wide ask for proposals was released on August 31, 2021 to allow community-based organizations the opportunity to request one-time funds to be used for the purpose of community and/or economic development, AND

WHEREAS, twenty-four (24) community-based organizations submitted proposals by the September 30, 2021, 4:30 PM deadline and subsequently presented their request to the Cortland County Federal Aid Allocation Citizen's Advisory Committee, AND

WHEREAS, the Cortland County Federal Aid Allocation Citizen's Advisory Committee reviewed all twenty-four (24) requests and presentations, AND

WHEREAS, the Cortland County Legislature authorized agreements for the requests that were approved by the Federal Aid Allocation Citizen's Advisory Committee and subsequently the Cortland County Legislature, AND

WHEREAS, to date there are still contracts for Federal American Rescue Plan fund allocations that have not been executed, AND

WHEREAS, the Finance and Administration Committee recommends that a deadline of December 1, 2022 be set for the contracts to be executed by the entities awarded Federal American Rescue Plan funding by the Cortland County Legislature, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby sets a December 1, 2022 deadline for the execution and submission of contracts to Cortland County from entities awarded Federal American Rescue Plan funding by the Cortland County Legislature, AND BE IT FURTHER

RESOLVED, that any contracts not executed and received by Cortland County by the December 1, 2022 deadline be and hereby are null and void, AND BE IT FURTHER

RESOLVED, that all resolutions previously approved by the Cortland County Legislature for the allocation of Federal American Rescue Plan funding to entities that did not execute and submit the contract by the December 1, 2022 deadline date be and hereby are rescinded effective December 2, 2022.

Announcements

Adjournment